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Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 655/2006 of 27 April 2006 extending the definitive anti-dumping duty imposed by Regulation (EC) No 964/2003 on imports of tube or pipe fittings, of iron or steel, originating in the People's Republic of China to imports of tube or pipe fittings, of iron or steel, consigned from the Philippines, whether declared as originating in the Philippines or not** 1
- Commission Regulation (EC) No 656/2006 of 28 April 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables 7
- ★ **Commission Regulation (EC) No 657/2006 of 10 April 2006 amending Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the United Kingdom and repealing Council Decision 98/256/EC and Decisions 98/351/EC and 1999/514/EC⁽¹⁾** 9
- ★ **Commission Regulation (EC) No 658/2006 of 27 April 2006 amending Regulation (EC) No 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No 1782/2003**..... 14
- ★ **Commission Regulation (EC) No 659/2006 of 27 April 2006 amending Regulation (EC) No 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers** 20
- ★ **Commission Regulation (EC) No 660/2006 of 27 April 2006 amending Regulation (EC) No 1973/2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials** 27
- ★ **Commission Regulation (EC) No 661/2006 of 28 April 2006 derogating from Commission Regulation (EC) No 312/2001 laying down detailed rules of application for the importation of olive oil originating in Tunisia, as regards the monthly limit for the period from 1 May to 31 October 2006** 36

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

Price: EUR 22



Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EC) No 662/2006 of 28 April 2006 fixing the minimum selling prices for butter for the 8th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005	37
Commission Regulation (EC) No 663/2006 of 28 April 2006 amending Regulation (EC) No 343/2006 opening the buying-in of butter in certain Member States for the period 1 March to 31 August 2006	39
Commission Regulation (EC) No 664/2006 of 28 April 2006 fixing the minimum selling price for skimmed-milk powder for the 39th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 214/2001	40
Commission Regulation (EC) No 665/2006 of 28 April 2006 fixing the import duties in the cereals sector applicable from 1 May 2006	41
Commission Regulation (EC) No 666/2006 of 28 April 2006 fixing the corrective amount applicable to the refund on cereals	44
Commission Regulation (EC) No 667/2006 of 28 April 2006 fixing the export refunds on malt ...	46
Commission Regulation (EC) No 668/2006 of 28 April 2006 fixing the corrective amount applicable to the refund on malt	48
Commission Regulation (EC) No 669/2006 of 28 April 2006 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid	50
Commission Regulation (EC) No 670/2006 of 28 April 2006 fixing the production refund on white sugar used in the chemical industry for the period from 1 to 31 May 2006	52
Commission Regulation (EC) No 671/2006 of 28 April 2006 correcting Regulation (EC) No 299/2006 on the issue of import licences for rice originating in the ACP States and the overseas countries and territories against applications submitted in the first five working days of February 2006 pursuant to Regulation (EC) No 638/2003	53
Commission Regulation (EC) No 672/2006 of 28 April 2006 fixing the maximum aid for cream, butter and concentrated butter for the 8th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005	55
Commission Regulation (EC) No 673/2006 of 28 April 2006 concerning the 8th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EC) No 1898/2005	57
★ Commission Regulation (EC) No 674/2006 of 28 April 2006 amending for the 65th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001	58

II Acts whose publication is not obligatory

Commission

2006/314/EC:

★ Commission Decision of 16 March 2006 approving the Member States' survey programmes for avian influenza in poultry and wild birds during 2006 (notified under document number C(2006) 780)	61
---	-----------



2006/315/EC:

- ★ **Commission Decision of 28 April 2006 on the eligibility of expenditure to be incurred by certain Member States in 2006 for the collection and management of the data needed to conduct the common fisheries policy** (*notified under document number C(2006) 1704*) 68

2006/316/EC:

- ★ **Commission Decision of 28 April 2006 on the allocation days present within an area to the United Kingdom, Denmark and Germany in accordance with point 8.1(h) of Annex IIA to Council Regulation (EC) No 51/2006** (*notified under document number C(2006) 1714*) 72

Acts adopted under Title V of the Treaty on European Union

- ★ **Council Decision 2006/317/CFSP of 10 April 2006 concerning the conclusion of the Agreement between the European Union and the Republic of Croatia on security procedures for the exchange of classified information** 73

Agreement between the Republic of Croatia and the European Union on security procedures for the exchange of classified information 74

- ★ **Council Common Position 2006/318/CFSP of 27 April 2006 renewing restrictive measures against Burma/Myanmar** 77

- ★ **Council Joint Action 2006/319/CFSP of 27 April 2006 on the European Union military operation in support of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) during the election process** 98

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 655/2006

of 27 April 2006

extending the definitive anti-dumping duty imposed by Regulation (EC) No 964/2003 on imports of tube or pipe fittings, of iron or steel, originating in the People's Republic of China to imports of tube or pipe fittings, of iron or steel, consigned from the Philippines, whether declared as originating in the Philippines or not

THE COUNCIL OF THE EUROPEAN UNION,

the same tube or pipe fittings consigned from Indonesia ⁽³⁾ and Sri Lanka ⁽⁴⁾ respectively.

Having regard to the Treaty establishing the European Community,

2. Request

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation) and in particular Article 13 thereof,

- (3) On 23 June 2005, the Commission received a request pursuant to Article 13(3) of the basic Regulation to investigate the alleged circumvention of the anti-dumping measures imposed on imports of tube or pipe fittings originating in the PRC by means of the transshipment and incorrect declaration of origin via the Philippines. The request was submitted by the Defence Committee of the Steel Butt-Welding Fittings Industry of the European Union on behalf of four Community producers, representing a major proportion of the Community production of certain tube and pipe fittings.

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

- (4) The request alleged and submitted sufficient prima facie evidence that there had been a change in the pattern of trade following the imposition of the anti-dumping measures on imports of tube or pipe fittings originating in the PRC, as shown by a significant increase in imports of the same product from the Philippines.

A. PROCEDURE

1. Existing measures

- (1) Following an expiry review, by Regulation (EC) No 964/2003 ⁽²⁾ (the original Regulation), the Council imposed definitive anti-dumping duties of 58,6 % on imports of tube or pipe fittings (other than cast fittings, flanges and threaded fittings) of iron or steel (not including stainless steel) with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes (tube or pipe fittings or the product concerned), originating, *inter alia*, in the People's Republic of China (the PRC) and extended the measures to imports of the same fittings consigned from Taiwan, with the exception of those produced by three specific Taiwanese companies.

- (5) This change in the pattern of trade was alleged to stem from the transshipment of tube or pipe fittings originating in the PRC via the Philippines. It was further alleged that there was insufficient due cause or economic justification for these practices other than the existence of the anti-dumping duties on tube or pipe fittings originating in the PRC.

- (2) In December 2004, by Regulations (EC) No 2052/2004 and No 2053/2004, the Council extended the above-mentioned definitive anti-dumping duties to imports of

- (6) Finally, the applicant alleged and submitted prima facie evidence showing that the remedial effects of the existing anti-dumping duties on tube or pipe fittings originating in the PRC were being undermined both in terms of quantities and prices and that dumping was taking place in relation to the normal values previously established for the tube or pipe fittings originating in the PRC.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ OJ L 139, 6.6.2003, p. 1.

⁽³⁾ OJ L 355, 1.12.2004, p. 4.

⁽⁴⁾ OJ L 355, 1.12.2004, p. 9.

3. Initiation

- (7) By Regulation (EC) No 1288/2005 ⁽¹⁾ (the initiating Regulation), the Commission initiated an investigation into the alleged circumvention of the anti-dumping measures imposed on imports of tube or pipe fittings originating in the PRC by imports of tube or pipe fittings consigned from the Philippines, whether declared as originating in the Philippines or not and, pursuant to Articles 13(3) and 14(5) of the basic Regulation, directed the customs authorities to register imports into the Community of tube or pipe fittings consigned from the Philippines, whether declared as originating in the Philippines or not, as from 6 August 2005.

4. Investigation

- (8) The Commission officially advised the authorities of the PRC and of the Philippines, the producers/exporters and the importers in the Community known to be concerned as well as the Community industry of the initiation of the investigation. Questionnaires were sent to producers/exporters in the PRC and in the Philippines as well as to importers in the Community named in the request or known to the Commission from the investigation which lead to the imposition of the existing measures on imports of tube or pipe fittings originating in the PRC (the original investigation). Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being made on the basis of facts available.
- (9) No questionnaire replies were received from exporters/producers in the Philippines, even though the authorities of the Philippines had contacted several companies possibly involved in producing tube or pipe fittings. Moreover, no questionnaire replies were received from exporters/producers in the PRC.
- (10) Two importers in the Community cooperated and submitted replies to the questionnaire.
- (11) Verification visits took place at the premises of the following companies:

Importers

- Valvorobica Industriale SpA, Italy,
- General Commercial & Industrial SA, Greece.

5. Investigation period

- (12) The investigation period covered the period from 1 July 2004 to 30 June 2005 (the IP). Data were collected from 2001 up to the end of the IP to investigate the alleged change in the pattern of trade.

B. RESULTS OF THE INVESTIGATION

1. General considerations/degree of cooperation

- (13) As mentioned in recital 9, no producer/exporter in the PRC or the Philippines cooperated in the investigation. Three Philippine companies came forward and stated that they did not produce nor export the tube or pipe fittings as defined in the original Regulation, but only stainless steel fittings, a product which is not covered by the current investigation. Accordingly, findings in respect of tube or pipe fittings consigned from the Philippines to the Community had partially to be based on facts available in accordance with Article 18 of the basic Regulation.

2. Product concerned and like product

- (14) The product concerned by the alleged circumvention is, as defined in the original investigation, tube or pipe fittings (other than cast fittings, flanges and threaded fittings) of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, currently classifiable within CN codes ex 7307 93 11 (TARIC code 7307 93 11 95), ex 7307 93 19 (TARIC code 7307 93 19 95), ex 7307 99 30 (TARIC code 7307 99 30 95) and ex 7307 99 90 (TARIC code 7307 99 90 95), originating in the PRC.
- (15) On the basis of the information available and the data supplied by the Philippine authorities and considering the change in the pattern of trade as described in the following section, it must be inferred, in the absence of any contrary evidence, that the tube or pipe fittings exported to the Community from the PRC and those consigned from the Philippines to the Community have the same basic physical and chemical characteristics and have the same uses. They are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

3. Change in the pattern of trade

- (16) Due to the non-cooperation of any Philippine company, the volume and the value of exports of the like product from the Philippines to the Community had to be established on the basis of the facts available pursuant to Article 18 of the basic Regulation. Eurostat data were the most appropriate information available and were therefore used to establish the export quantities and prices from the Philippines to the Community.

⁽¹⁾ OJ L 204, 5.8.2005, p. 3.

Imports into the Community

	<i>(in tonnes)</i>				
	2001	2002	2003	2004	IP
Philippines	0	3	700	2 445	2 941
The PRC	1 324	772	677	1 153	1 411
Indonesia	0	983	1 294	0	0
Sri Lanka	0	332	302	39	0
Total EU imports	17 422	15 111	16 085	16 050	18 900

Source: Eurostat.

(17) As this table shows, imports of tube or pipe fittings from the Philippines into the Community increased from 0 tonnes in 2001 to almost 3 000 tonnes during the IP. The imports from the Philippines commenced in 2002, at a time when the original investigation was ongoing. In 2003, however the imports from the Philippines increased significantly to 700 tonnes. In 2004, imports from the Philippines to the Community more than tripled to 2 445 tonnes. It should be noted that following the extension of the original anti-dumping measures to imports of the like product consigned from Indonesia and Sri Lanka in December 2004, imports from these countries came to a complete stop. This complete halt of imports from Indonesia and Sri Lanka to the Community in 2004 coincided with the most substantial increase of imports from the Philippines.

(18) At the same time, exports from the PRC to the Philippines remained at a low but stable level.

Exports from the PRC to the Philippines

	<i>(in tonnes)</i>				
	2001	2002	2003	2004	IP
Philippines	466	604	402	643	694

Source: Chinese export statistics.

(19) It must be noted, however, that the data used to establish the change in the pattern of trade, with special regard to those relating to exports from the PRC to the Philippines, should be seen in the light of the likelihood of false declarations of origin (see recital 22) and might therefore not give a complete picture of the situation.

(20) From the figures shown above, it is concluded that there has been a clear change in the pattern of trade which

started after the conclusion of the original investigation and became apparent after the extension of the measures to imports of the like product from Indonesia and Sri Lanka. The pattern consisted of a sharp increase of imports of tube or pipe fittings from the Philippines into the Community, especially in 2004 and the IP, coinciding with a stop of imports from the two countries to which the original measures were extended.

(21) It is clear from the above that due to the coincidence in time the Chinese exports transhipped via Indonesia and Sri Lanka have been redirected at least partly via the Philippines when the original anti-dumping measures were extended to imports from Indonesia and Sri Lanka. This was the case in particular during the year 2004 and during the IP.

4. Insufficient due cause or economic justification

(22) As already mentioned in recital 9, no Philippine producer/exporter cooperated in the investigation. Indeed, no evidence has been found during the investigation that any such producer would actually exist. Moreover, evidence collected during the investigation shows that tubes or pipe fittings have been in some cases declared as produced by Philippine companies that have submitted never having been involved in the manufacturing of the like product. This is corroborated by the information contained in the request for the initiation of anti-circumvention investigation, e.g. offers to potential importers containing the proposal of falsifying the documents of origin.

(23) From the information referred to in recitals 17 and 20, it can be concluded that exports of tubes or pipes fittings produced in the PRC and channelled to the Community through Indonesia and Sri Lanka during the years 2002 until 2004 have been redirected to a large extent via the Philippines, starting in the year 2003 and continuing until the end of IP.

(24) Moreover, although the volume of imports of the product concerned from the PRC to the Philippines did by far not reach the increase of imports consigned from the Philippines to the Community (see recital 18), the steep increase of exports from the Philippines to the Community also has to be seen in the light of the evidence found concerning false declarations or falsification of certificates of origin (see recital 22), the lack of genuine Philippine producers of tube or pipe fittings and the decrease of exports from Sri Lanka and Indonesia to the Community. It is the totality of these elements which explain the absence of an economic justification for the change in the pattern of trade observed.

- (25) In the absence of cooperation by any exporting producer in the Philippines and the PRC and of any contrary evidence, it is therefore concluded that, given the coincidence in time with the investigations which lead to the extension of the original measures to imports from Indonesia and Sri Lanka, the change in the pattern of trade stemmed from the existence of the anti-dumping duty rather than from any other sufficient due cause or economic justification within the meaning of Article 13(1), third sentence of the basic Regulation.

5. Undermining of the remedial effects of the duty in terms of the prices and/or the quantities of the like product

- (26) Based on the trade flow analysis made in recital 17, a clear quantitative change in the pattern of Community imports of tube or pipe fittings occurred. Imports declared as originating in the Philippines were negligible on the Community market until June 2003. After the said date imports declared as originating in the Philippines suddenly emerged and increased rapidly to 2 941 tonnes during the IP. This volume represents 3 % of the Community consumption calculated on production figures submitted by the applicants and imports based on Eurostat data. It is therefore clear that the marked change in trade flows undermined the remedial effects of the anti-dumping measures in terms of the quantities imported into the Community market.
- (27) With regard to prices of the products consigned from the Philippines and in the absence of cooperation and of any contrary evidence, Eurostat data show that average export prices of imports from the Philippines during the IP were lower than the average export prices established for the PRC in the original investigation. It has been established that prices of imports from the Philippines are around one third lower than those of imports originating in the PRC both during 2004 and the IP. Moreover, it was found that the average export prices of the Philippine exports to the Community were below the injury elimination level of Community prices as established in the original investigation. Hence, the remedial effects of the anti-dumping duty imposed are undermined in terms of prices. Detailed information can be found in the table below:

	(EUR/kg)	
	2004	IP
Philippines	0,97	1,07
PRC	1,57	1,50
Difference	- 38 %	- 29 %

- (28) On the basis of the above, it is concluded that the change in trade flows, together with the substantial increase in

imports made at very low prices from the Philippines have undermined the remedial effects of the anti-dumping measures in terms of both quantities and prices of the like product.

6. Evidence of dumping in relation to the normal values previously established for the like product

- (29) In order to determine whether evidence of dumping could be found with respect to the product concerned exported to the Community from the Philippines during the IP, export prices established on the basis of Eurostat data were used pursuant to Article 18 of the basic Regulation.
- (30) In accordance with Article 13(1) of the basic Regulation, these export prices were compared with the normal value previously established for the like product. In the original investigation, Thailand was found to be an appropriate market economy analogue country for the PRC for the purpose of establishing normal value.
- (31) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation in respect of transport costs, on the basis of the information contained in the request.
- (32) In accordance with Article 2(11) of the basic Regulation, the comparison of a weighted average normal value as established in the original investigation and the weighted average of export prices during this investigation's IP, expressed as a percentage of the cif price at the Community frontier, duty unpaid, showed dumping for the imports of tube or pipe fittings consigned from the Philippines. The dumping margin found, expressed as a percentage of the cif price at the Community frontier, duty unpaid, was in excess of 60 %.

C. MEASURES

- (33) In view of the above finding of circumvention within the meaning of Article 13(1), third sentence of the basic Regulation and in accordance with Article 13(1), first sentence of the basic Regulation, the existing anti-dumping measures on imports of the product concerned originating in the PRC should be extended to imports of the same product consigned from the Philippines, whether declared as originating in the Philippines or not.

(34) The duty extended should be the one established in Article 1(2) of the original Regulation.

(35) In accordance with Articles 13(3) and 14(5) of the basic Regulation, which provides that any extended measures shall be applied on registered imports from the date of registration, the anti-dumping duty should be collected on imports of tube or pipe fittings consigned from the Philippines which entered the Community under registration imposed by the initiating Regulation.

(36) Although during this investigation no genuine exporting producer of tube or pipe fittings was found to exist in the Philippines or made itself known to the Commission, new exporting producers which would consider lodging a request for an exemption from the extended anti-dumping duty pursuant to Article 13(4) of the basic Regulation will be required to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted. Such exemption may be granted after the assessment of, for instance, the market situation of the product concerned, production capacity and capacity utilisation, procurement and sales, the likelihood of continuation of practices for which there is insufficient due cause or economic justification and the evidence of dumping. The Commission would normally also carry out an on-the-spot verification visit. The request would have to be addressed to the Commission forthwith, with all relevant information, in particular any modification in the company's activities linked to production and sales.

(37) Importers could still benefit from exemption for registration or measures to the extent that their imports are from exporting producers, which are granted such an exemption, and in accordance with Article 13(4) of the basic Regulation.

(38) Where an exemption is warranted, the Commission will, after consultation of the Advisory Committee, propose the amendment of this Regulation accordingly. Subsequently, any exemptions granted will be monitored to ensure compliance with the conditions set therein.

D. PROCEDURE

(39) Interested parties were informed of the essential facts and considerations on the basis of which the Council intended to extend the definitive anti-dumping duty in force and were given the opportunity to comment. No comments which were of a nature to change the above-mentioned conclusions were received,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty imposed by Regulation (EC) No 964/2003 on imports of tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, falling within CN codes ex 7307 93 11 (TARIC code 7307 93 11 99), ex 7307 93 19 (TARIC code 7307 93 19 99), ex 7307 99 30 (TARIC code 7307 99 30 98) and ex 7307 99 90 (TARIC code 7307 99 90 98) and originating in the People's Republic of China is hereby extended to imports of tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes falling within CN codes ex 7307 93 11 (TARIC code 7307 93 11 95), ex 7307 93 19 (TARIC code 7307 93 19 95), ex 7307 99 30 (TARIC code 7307 99 30 95) and ex 7307 99 90 (TARIC code 7307 99 90 95) consigned from the Philippines, whether declared as originating in the Philippines or not.

2. The duty extended by paragraph 1 of this Article shall be collected on imports registered in accordance with Article 2 of Regulation (EC) No 1288/2005 and Articles 13(3) and 14(5) of Regulation (EC) No 384/96.

3. The provisions in force concerning customs duties shall apply.

Article 2

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the European Union must be signed by a person authorised to represent the applicant. The request shall be sent to the following address:

European Commission
Directorate-General for Trade
Directorate B
J-79 5/16
B-1049 Brussels
Fax (32 2) 295 65 05.

2. The Commission, after consulting the Advisory Committee, may authorise, by decision, the exemption of imports from companies which do not circumvent the anti-dumping measures imposed by Regulation (EC) No 964/2003 from the duty extended by Article 1, and propose the amendment of this Regulation accordingly.

Article 3

Customs authorities are hereby directed to discontinue the registration of imports established in accordance with Article 2 of Regulation (EC) No 1288/2005.

Article 4

This Regulation shall enter into force on the 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 Luxembourg, 27 April 2006.

For the Council
The President
L. PROKOP

COMMISSION REGULATION (EC) No 656/2006**of 28 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 29 April 2006.

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

Done at Brussels, 28 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 28 April 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	87,3
	204	100,2
	212	139,0
	999	108,8
0707 00 05	052	103,7
	999	103,7
0709 90 70	052	82,4
	204	43,9
	999	63,2
0805 10 20	052	37,7
	204	36,6
	212	51,7
	220	47,0
	624	56,4
	999	45,9
0805 50 10	508	30,4
	624	50,0
	999	40,2
0808 10 80	388	80,1
	400	125,1
	404	101,7
	508	81,0
	512	79,9
	524	68,2
	528	91,4
	720	93,1
	804	101,7
	999	91,4
0808 20 50	388	91,2
	512	78,6
	524	29,4
	528	75,4
	720	50,1
	804	134,0
	999	76,5

⁽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 657/2006

of 10 April 2006

amending Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the United Kingdom and repealing Council Decision 98/256/EC and Decisions 98/351/EC and 1999/514/EC

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾, and in particular Article 23 thereof,

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(4) thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽³⁾, and in particular Article 9(4) thereof,

Having regard to Council Decision 98/256/EC of 16 March 1998 concerning emergency measures to protect against bovine spongiform encephalopathy, amending Decision 94/474/EC and repealing Decision 96/239/EC ⁽⁴⁾, and in particular Article 6(5) thereof,

Whereas:

(1) Decision 98/256/EC is preserved as a transitional measure by Annex XI to Regulation (EC) No 999/2001.

(2) Decision 98/256/EC prohibits the export from the United Kingdom of live cattle and of products derived

from cattle slaughtered in the United Kingdom which are liable to enter the food or feed chain or which are destined for use in cosmetics or medical or pharmaceutical products. Some derogation is provided, notably for the export of beef and beef products under the date-based export scheme (DBES).

(3) The two conditions to be met before the possible lifting of the United Kingdom embargo could be envisaged, were an incidence of less than 200 BSE cases per million adult bovine animals and a positive conclusion from the Food and Veterinary Office (FVO) inspection as to the enforcement of BSE controls in the United Kingdom, and its state of preparedness to comply with Community legislation particularly in relation to identification and registration of bovine animals and testing.

(4) At its General Session in May 2003, the World Organisation for Animal Health (OIE) altered the criteria defining the limit between moderate risk (category 4) and high risk (category 5) countries. The limit was set at 200 BSE cases per million adult animals in the population, for countries carrying out active surveillance.

(5) In June 2003, on the basis that BSE incidence in the United Kingdom was now approaching the figure of 200, and that for this reason it should no longer be considered an OIE high risk country, the United Kingdom asked to be allowed to trade under the same rules as other Member States. In support of this claim, the United Kingdom submitted documentation including estimates of an absolute incidence based on the results of the partial testing regime in force in the United Kingdom.

(6) The opinion of the Scientific Panel on biological hazards of the European Food Safety Authority (EFSA) of 21 April 2004 on the scientific justification for proposing amendments to the United Kingdom date-based export scheme (DBES) and to the Over Thirty Months (OTM) rule concludes that cattle born or reared in the United Kingdom before 1 August 1996 should be kept out of the food and feed chains, because of the higher BSE incidence in that group. For cattle born after that date, the opinion concludes that the BSE risk to consumers is in a range comparable with that in other Member States. From 1 August 1996, all mammalian meat and bone meal was banned from feed to all farmed animals in the United Kingdom.

⁽¹⁾ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 339/2006 (OJ L 55, 25.2.2006, p. 5).

⁽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 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33).

⁽⁴⁾ OJ L 113, 15.4.1998, p. 32. Decision as last amended by Commission Decision 2002/670/EC (OJ L 228, 24.8.2002, p. 22).

- (7) On 12 May 2004, the EFSA published its opinion on the moderate risk status. That opinion indicates that the incidence in the United Kingdom should fall below 200 between July and December 2004. At its plenary meeting on 9 and 10 March 2005, the EFSA concluded that the surveillance data from the second half of 2004 confirmed the conclusions of its opinion of May 2004 and that according to the OIE classification the United Kingdom can be considered a country with a moderate risk status in terms of BSE for its whole cattle population.
- (8) On 19 July 2004, the FVO published the report of a mission to Great Britain and Northern Ireland from 26 April to 7 May 2004 concerning a general review as regards protective measures against BSE. The report concluded that the system in place in Northern Ireland was largely satisfactory but shortcomings were noted in various areas in Great Britain which would require further improvements.
- (9) On 28 September 2005, the FVO published the report of a mission to Great Britain from 6 to 15 June 2005 concerning protective measures against BSE. The follow-up mission concluded that satisfactory progress was noted in most areas.
- (10) On 7 November 2005, the United Kingdom replaced the OTM rule by the pre-1996 rule. Bovine animals born before 1 August 1996 will be permanently excluded from the food and feed chain. Since October 2004, the United Kingdom applies the same monitoring programme as the other Member States for the bovine population born after 31 July 1996. The current monitoring programme applicable to the animals under the previous destruction scheme provided for pursuant to Commission Regulation (EC) No 716/96 of 19 April 1996 adopting exceptional support measures for the beef market in the United Kingdom⁽¹⁾ should be amended.
- (11) In view of the moderate risk status of the cattle population and the favourable FVO mission reports, the BSE related restrictions on the trade of bovine animals and their products may be lifted.
- (12) The conditions for the lifting of the embargo were fully fulfilled on 15 June 2005, the date of the end of the FVO mission to Great Britain. Therefore the effect of this Regulation on meat and other products derived from slaughtered animals should be limited to meat and products derived from animals slaughtered after that date.
- (13) Decision 98/256/EC should, therefore, be repealed and the rules as laid down in Regulation (EC) No 999/2001 should become fully applicable.
- (14) Pursuant to Commission Decision 2005/598/EC⁽²⁾, the United Kingdom is prohibited from placing on the market products derived from bovine animals born or reared within the United Kingdom before 1 August 1996. Similarly, the United Kingdom should ensure that bovine animals born or reared in the United Kingdom before 1 August 1996 are not dispatched from its territory to other Member States or third countries.
- (15) Under Regulation (EC) No 999/2001, the vertebral column of bovine animals over the age of 24 months is considered as specified risk material. The United Kingdom benefits from a derogation allowing the use of vertebral column derived from bovine animals under the age of 30 months. In addition, that Regulation establishes for the United Kingdom an extended list of specified risk material.
- (16) Following the lifting of the current restrictions, the age limit for the removal of the vertebral column of bovine animals and the list of specified risk materials applicable in the other Member States should also apply in the United Kingdom. Regulation (EC) No 999/2001 should be amended accordingly.
- (17) In view of the current difference of the age limit for the removal of vertebral column as specified risk material in the United Kingdom and the other Member States, for control reasons the immediate effects of this Regulation should not apply to vertebral column from bovine animals born or reared in the United Kingdom after 31 July 1996 and slaughtered before the coming into force of this Regulation. Such vertebral column and products derived from such vertebral column should not be dispatched from the United Kingdom to other Member States or third countries.
- (18) In the interest of clarity and the coherence of Community legislation, Commission Decision 98/351/EC of 29 May 1998 setting the date on which dispatch from Northern Ireland of bovine products under the Export Certified Herds Scheme may commence by virtue of Article 6(5) of Council Decision 98/256/EC⁽³⁾ and Commission Decision 1999/514/EC of 23 July 1999 setting the date on which dispatch from the United Kingdom of bovine products under the date-based export scheme may commence by virtue of Article 6(5) of Council Decision 98/256/EC⁽⁴⁾ should be repealed.

⁽¹⁾ OJ L 99, 20.4.1996, p. 14. Regulation as last amended by Regulation (EC) No 2109/2005 (OJ L 337, 22.12.2005, p. 25).

⁽²⁾ OJ L 204, 5.8.2005, p. 22.

⁽³⁾ OJ L 157, 30.5.1998, p. 110.

⁽⁴⁾ OJ L 195, 28.7.1999, p. 42.

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

Article 2

Decisions 98/256/EC, 98/351/EC and 1999/514/EC are repealed.

HAS ADOPTED THIS REGULATION:

Article 1

Annexes III and XI to Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

Article 3

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

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

Done at Brussels, 10 April 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Annexes III and XI to Regulation (EC) No 999/2001 are amended as follows:

1. in Annex III, Chapter A, Section I, point 4 is replaced by the following:

'4. Monitoring in animals purchased for destruction pursuant to Regulation (EC) No 716/96

All animals born between 1 August 1995 and 1 August 1996 killed for destruction pursuant Regulation (EC) No 716/96 shall be tested for BSE.;

2. Annex XI is amended as follows:

(a) in Part A, points 1 and 2 are replaced by the following:

'1. The following tissues are designated as specified risk material:

- (i) the skull excluding the mandible and including the brain and eyes, and the spinal cord of bovine animals aged over 12 months, the vertebral column excluding the vertebrae of the tail, the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae and the median sacral crest and wings of the sacrum, but including the dorsal root ganglia of bovine animals aged over 24 months, and the tonsils, the intestines from the duodenum to the rectum and the mesentery of bovine animals of all ages;
- (ii) the skull including the brain and eyes, the tonsils and the spinal cord of ovine and caprine animals aged over 12 months or which have a permanent incisor erupted through the gum, and the spleen and ileum of ovine and caprine animals of all ages.

The age specified in (i) for the removal of the bovine vertebral column may be adjusted by amending this Regulation in the light of the statistical probability of the occurrence of BSE in the relevant age groups of the Community's bovine population, based on the results of BSE monitoring as established by Chapter A.I of Annex III.

2. By way of derogation from point 1 (i), a decision may be taken in accordance with the procedure referred to in Article 24(2) to allow the use of the vertebral column and dorsal root ganglia from bovine animals:

- (a) born, continuously reared and slaughtered in Member States for which a scientific evaluation established that the occurrence of BSE in native bovine animals is highly unlikely, or unlikely but not excluded; or
- (b) born after the date of effective enforcement of the prohibition on the feeding of mammalian protein to ruminants in Member States with reported BSE in native animals or for which a scientific evaluation established that the occurrence of BSE in native bovine animals is likely.

Sweden may benefit from this derogation on the basis of previously submitted and evaluated evidence. Other Member States may apply for this derogation by submitting conclusive supporting evidence to the Commission regarding point (a) or (b), as appropriate.

Member States benefiting from this derogation shall, in addition to the requirements laid down in Annex III, Chapter A, Section I, ensure that one of the approved rapid tests listed in Annex X, Chapter C, point 4, is applied to all bovine animals over 30 months of age which:

- (i) have died on the farm or in transport, but which have not been slaughtered for human consumption, with the exception of those dead animals in remote areas with a low animal density situated in Member States where the occurrence of BSE is unlikely;
- (ii) were subject to normal slaughter for human consumption.

Experts from the Commission may carry out on-the-spot checks to further verify the submitted evidence in accordance with Article 21.;

(b) part D is amended as follows:

(i) point 1 is deleted.

(ii) the following point 5 is added:

- ‘5. (a) Without prejudice to Commission Decision 2005/598/EC the United Kingdom shall ensure that bovine animals born or reared on its territory before 1 August 1996 are not dispatched from its territory to other Member States or third countries.
- (b) The United Kingdom shall ensure that no meat and products derived from bovine animals born or reared in the United Kingdom after 31 July 1996 and slaughtered before 15 June 2005 are dispatched from its territory to other Member States and third countries.
- (c) The United Kingdom shall ensure that vertebral column from bovine animals born or reared in the United Kingdom after 31 July 1996 and slaughtered before the coming into force of this Regulation and products derived from such vertebral column shall not be dispatched from its territory to other Member States or third countries.’
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COMMISSION REGULATION (EC) No 658/2006**of 27 April 2006****amending Regulation (EC) No 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No 1782/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽¹⁾, and in particular Article 60(2), Article 145(c), (d) and (d)(b) and Article 155 thereof,

Whereas:

- (1) Commission Regulation (EC) No 795/2004 of 21 April 2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers⁽²⁾ introduces the implementing rules for the single payment scheme as from 2005.
- (2) Experience of the administrative and operational implementation of that scheme at national level has shown that in certain respects further detailed rules are needed and in other respects the existing rules need to be clarified and adapted.
- (3) Regulation (EC) No 1782/2003 as amended by Regulation (EC) No 319/2006 defines the rules for the decoupled support and the integration of the support for sugar beet, cane and chicory into the single payment scheme. The related detailed rules should therefore be adopted. Those detailed rules should follow the same lines as those already laid down in Regulation (EC) No 795/2004 with regard to olive oil, tobacco, cotton and hops.
- (4) The application of Article 42 of Regulation (EC) No 1782/2003 to all sectors included in the single payment scheme after the first year of application may lead to the situation that the amounts that remain in the national reserve after allocation of reference amounts from that national reserve in the cases provided for in that Article are not needed anymore to cover any further

cases. In that case the Member States should be authorised to increase proportionally the unit value of all payment entitlements.

- (5) Article 21 of Regulation (EC) No 795/2004 provides for the detailed rules for farmers who made investments in production capacity or who leased parcels on a long-term basis. Those provisions need to be adapted in order to take into account the special situation of farmers in the sugar sector who made such investments or entered into such long-term lease-contracts before the entry into force of Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector⁽³⁾.
- (6) Experience shows that there is a need for clarification of the dates at which a farmer applying for aid under the single payment scheme has to hold the payment entitlements.
- (7) The rules in case of transfers of payment entitlements should be clarified in order to enable a transfer to take place on the date foreseen in the communication of the transfer to the competent authority, unless the competent authority objects to the transfer and notifies the transferor thereof within the time period established by the Member State.
- (8) Article 48c of Regulation (EC) No 795/2004 needs to be adapted in respect of Member States which already started to apply the single payment scheme in 2005.
- (9) The integration of the sugar reference amounts into the single payment scheme was decided by Council Regulation (EC) No 319/2006 of 20 February 2006 amending Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers. Member States therefore only have very short time-limits to take the necessary steps to comply with that integration. Measures should be taken to ensure a smooth transition from the old sugar-related schemes to the integration into the single payment scheme. In particular, it should be ensured that farmers may make use of their rights within reasonable time-limits. Where that possibility is at jeopardy, Member States should have to provide for a prolongation of the application time-limits fixed in Regulation (EC) No 1782/2003.

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

⁽²⁾ OJ L 141, 30.4.2004, p. 1. Regulation as last amended by Regulation (EC) No 2183/2005 (OJ L 347, 30.12.2005, p. 56).

⁽³⁾ OJ L 58, 28.2.2006, p. 1.

- (10) In order to avoid that the sugar sector is submitted to a second linear percentage reduction of the reference amounts in case of overshoot of the national ceilings referred to in Annex VIII to Regulation (EC) No 1782/2003, it is appropriate to clarify the application of Article 41(2) of that Regulation.
- (11) In accordance with Article 42(1) of Regulation (EC) No 1782/2003, the national reserve has to be replenished by a linear reduction of all the reference amounts. Rules need to be established to clarify how Member States who already applied the single payment scheme in 2005 have to proceed with regard to the integration of the reference amount for sugar beet, cane and chicory into the replenishment of the national reserve.
- (12) The specific rules provided for in Article 48d of Regulation (EC) No 795/2004 need to be extended to include sugar beet, cane and chicory support.
- (13) A further time-limit concerning the dates provided for in Article 49a of Regulation (EC) No 795/2004, by which Member States have to communicate certain information to the Commission, needs to be granted with regard to the integration of sugar beet, cane and chicory support.
- (14) Annex I to Regulation (EC) No 795/2004 fixes the date from which the growing of secondary crops may be temporarily allowed in regions where cereals are usually harvested sooner for climatic reasons as referred to in Article 51(b) of Regulation (EC) No 1782/2003. At the request of Greece, that date should be fixed for that Member State.
- (15) Annex II to Regulation (EC) No 795/2004 fixed the average number of hectares referred to in Article 60(2) of Regulation (EC) No 1782/2003 on the basis of the data communicated to the Commission by the Member States concerned. Finland has communicated the relevant data. It is therefore appropriate to fix also the number of hectares for that Member State.
- (16) Regulation (EC) No 795/2004 should therefore be amended accordingly.
- (17) Due to the fact that the transfer of entitlements may start as from 1 January 2006, it is appropriate to provide that this Regulation applies retroactively from that date.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 795/2004 is amended as follows:

1. in Article 4, the following paragraph is added:

‘3. In the case where the amounts contained in the national reserve show to be higher than what is needed to cover the cases referred to in Article 42 of Regulation (EC) No 1782/2003, the Member States may increase proportionally the unit value of all payment entitlements. The total amount used for this increase shall not be higher than the total amount resulting from the linear reduction applied in accordance with Article 42(1) and (7) of that Regulation.’;

2. Article 21 is amended as follows:

- (a) in paragraph 1, the following subparagraph is added:

‘For the investments in the sugar sector the date referred to in the first subparagraph shall be 3 March 2006.’;

- (b) in paragraph 2, the following subparagraph is added:

‘For the investments in the sugar sector the date referred to in the first subparagraph shall be 3 March 2006.’;

- (c) in paragraph 4, the following subparagraph is added:

‘For the investments in the sugar sector the date referred to in the first subparagraph shall be 3 March 2006.’;

3. in Article 24, paragraph 1 is replaced by the following:

‘1. Payment entitlements may only be declared for payment once per year by the farmer who holds them at the latest date for lodging the single application in accordance with Article 11 of Regulation (EC) No 796/2004.

However, where a farmer makes use of the possibility to amend the single application in accordance with Article 15 of that Regulation, he may also declare payment entitlements which he holds at the date of his notification of the amendments to the competent authority provided that the payment entitlements concerned are not declared by another farmer in respect of the same year.

Where the farmer acquires the payment entitlements concerned by way of a transfer from another farmer and where that other farmer had already declared those payment entitlements, the additional declaration of those payment entitlements shall only be admissible if the transferor has already informed the competent authority of the transfer in accordance with Article 25(2) of this Regulation and withdraws those payment entitlements from his own single application, within the time-limits set out in Article 15 of Regulation (EC) No 796/2004.;

4. in Article 25, paragraph 3 is replaced by the following:

'3. A Member State may require that the transferor shall communicate the transfer to the competent authority of the Member State where the transfer will operate, within a time period to be established by that Member State but not earlier than six weeks before the transfer takes place and taking into account the last date for lodging an application under the single payment scheme. The transfer shall take place as foreseen in the communication unless the competent authority objects to the transfer and notifies the transferor thereof within that time period. The competent authority may only object to a transfer where the latter is not in accordance with provisions of Regulation (EC) No 1782/2003 and of this Regulation.;

5. the title of Chapter 6b is replaced by the following:

'CHAPTER 6b

INTEGRATION OF TOBACCO, OLIVE OIL, COTTON, HOPS PAYMENTS AND SUGAR BEET, CANE AND CHICORY SUPPORT IN THE SINGLE PAYMENT SCHEME;

6. Article 48c is amended as follows:

- (a) in paragraph 1, the following subparagraph is added:

'However, the reduction referred to in Article 41(2) of Regulation (EC) No 1782/2003 shall not apply to the reference amount calculated for sugar beet, cane and chicory support in accordance with point K of Annex VII to Regulation (EC) No 1782/2003.;

- (b) paragraph 2 is replaced by the following:

'2. Where a Member State has applied the single payment scheme in 2005 and without prejudice to the third subparagraph of Article 71(1) of Regulation (EC) No 1782/2003, for the purposes of the establishment of the amount and the determination of payment entitlements in the framework of the integration of tobacco, olive oil and cotton payments as well as sugar beet, cane and chicory support in the single payment scheme, Articles 37 and 43 of that Regulation shall apply subject to the rules established in Article 48d of this Regulation and, in case the

Member State has made use of the option provided for in Article 59 of Regulation (EC) No 1782/2003, in Article 48e of this Regulation.;

- (c) paragraph 4 is replaced by the following:

'4. As the case may be, Article 41(2) of Regulation (EC) No 1782/2003 shall apply to the value of all the payment entitlements existing before the integration of tobacco, olive oil, cotton and/or dairy payments as well as sugar beet, cane and chicory support, and to the reference amounts calculated for tobacco, olive oil, cotton and/or dairy payments.;

- (d) paragraph 5 is replaced by the following:

'5. Where a Member State has applied the single payment scheme in 2005, the percentage of reduction fixed by the Member State in accordance with Article 42(1) of Regulation (EC) No 1782/2003 shall apply in 2006 to the tobacco, olive oil, cotton, sugar beet, cane and chicory reference amounts to be integrated in the single payment scheme.;

- (e) paragraph 7 is replaced by the following:

'7. Where a Member State has applied the single payment scheme in 2005, for the purpose of the establishment of the payment entitlements in relation to cotton, tobacco, olive oil, hops, sugar beet, cane and chicory, the first year of application of the single payment scheme referred to in Articles 7(1), 12 to 17 and 20 shall be 2006.

8. Where the inclusion of the sugar reference amounts calculated in accordance with point K of Annex VII to Regulation (EC) No 1782/2003 into the single payment scheme risks to make it impossible to respect the time-limits set out in Article 34 of Regulation (EC) No 1782/2003 and Article 12 of this Regulation, the Member States shall extend those time-limits by one month.;

7. Article 48d is amended as follows:

- (a) in paragraph 1, the first subparagraph is replaced by the following:

'If the farmer has not been allocated or has not bought payment entitlements by the last date for applying for the establishment of payment entitlements for 2006, he shall receive payment entitlements calculated in accordance with Articles 37 and 43 of Regulation (EC) No 1782/2003 for tobacco, olive oil and cotton payments as well as sugar beet, cane and chicory support.;

(b) in paragraph 2, points (a) and (b) are replaced by the following:

(a) the number of payment entitlements shall be equal to the number of payment entitlements he owns, increased by the number of hectares established in accordance with Article 43 of Regulation (EC) No 1782/2003 for tobacco, olive oil and cotton as well as for sugar beet, cane and chicory;

(b) the value shall be obtained by dividing the sum of the value of the payment entitlements he owns and the reference amount calculated in accordance with Article 37 of Regulation (EC) No 1782/2003 for sugar beet, cane and chicory used for the production of sugar or inuline syrup and for tobacco, olive oil and cotton by the number established in accordance with point (a) of this paragraph.;

8. Article 48e is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Where a Member State has made use of the option provided for in Article 59(1) of Regulation (EC) No 1782/2003, all payment entitlements shall be increased by a supplementary amount corresponding to the increase of the regional ceiling in the corresponding year, divided by the total number of payment entitlements established in the region at the date for lodging an application for the single payment scheme at the latest.;

(b) in paragraph 2, points (a) and (b) are replaced by the following:

(a) the corresponding part of the increase of the regional ceiling divided by the total number of payment entitlements established in the region at the date for lodging an application for the single payment scheme at the latest;

(b) the reference amount corresponding for each farmer to the remaining part of the increase of the regional ceiling divided by the number of payment entitlements that the farmer owns by the date for lodging an application for the single payment scheme in 2006 at the latest.;

9. Article 49a is amended as follows:

(a) The title is replaced by the following:

'Article 49a

Integration of tobacco, cotton, olive oil, hops, sugar beet, cane and chicory';

(b) the following subparagraph is added to paragraph 1:

'With regard to the integration of sugar beet, cane and chicory support, the communication provided for in the first subparagraph shall be sent to the Commission by 15 May 2006 at the latest.;

(c) in paragraph 2, the following subparagraph is added:

'By way of derogation from Article 48(6), with regard to the integration of sugar beet, cane and chicory support, the communication concerning the decision as regards the option provided for in Article 69 of Regulation (EC) No 1782/2003 shall be sent to the Commission by 30 April 2006 at the latest.;

10. Annexes I and II are replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2006.

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

Done at Brussels, 27 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

ANNEX I

Member State	Date
Belgium	15 July
Denmark	15 July
Germany	15 July
South Greece (Peloponese, Ionian Islands, western Greece, Attica, south Aegean and Crete)	20 June
Central and north Greece (Eastern Macedonia and Thrace, Central Macedonia, Western Macedonia, Epirus, Thessaly, Mainland (Sterea) Greece and North Aegean)	10 July
Italy	11 June
Austria	30 June
Portugal	1 March

ANNEX II

Number of hectares referred to in Article 60(2) of Regulation (EC) No 1782/2003

Member State and regions	Number of hectares
DENMARK	33 740
GERMANY	301 849
Baden-Württemberg	18 322
Bavaria	50 451
Brandenburg and Berlin	12 910
Hessen	12 200
Lower Saxony and Bremen	76 347
Mecklenburg-Western Pomerania	13 895
North Rhine-Westphalia	50 767
Rhineland-Palatinate	19 733
Saarland	369
Saxony	12 590
Saxony-Anhalt	14 893
Schleswig-Holstein and Hamburg	14 453
Thuringia	4 919
LUXEMBOURG	705
FINLAND	38 006
Region A	3 425
Region B-C1	23 152
Region C2-C4	11 429
SWEDEN	
Region 1	9 193
Region 2	8 375
Region 3	17 448
Region 4	4 155
Region 5	4 051
UNITED KINGDOM	
England (other)	241 000
England (moorland SDA)	10
England (upland SDA)	190
Northern Ireland	8 304'

COMMISSION REGULATION (EC) No 659/2006

of 27 April 2006

amending Regulation (EC) No 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽¹⁾, and in particular of Article 145 (c), (da), (k), (l), (m) and (p) thereof,

Whereas:

- (1) Following the introduction of the support scheme for sugar into the single payment scheme, Commission Regulation (EC) No 796/2004⁽²⁾ needs to be amended in several respects, in particular with regard to the application procedure and the control measures to be carried out with regard to that aid scheme. Moreover, the provisions of that Regulation need to be clarified with regard to certain aspects.
- (2) The application of certain provisions of the detailed rules of the integrated system set out in Regulation (EC) No 796/2004 to the schemes established in Article 143b and Article 143c of Regulation (EC) No 1782/2003 is provided for in Articles 136 and 140(1) respectively of Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials⁽³⁾. Regulation (EC) No 796/2004 should be clarified to that extent.

- (3) A number of references to other Regulations are obsolete and should be updated with the relevant reference.

- (4) Any specific information relating to the production of sugar should be requested as part of the single application.

- (5) In accordance with Article 14(2) of Regulation (EC) No 796/2004 the Member States may derogate from certain provisions concerning the single application during the first year of application of the single payment scheme or when a new element is introduced to the single application scheme. That derogation should also include the possibility to change the use or aid scheme in respect of individual parcels.

- (6) The integration of the sugar reference amounts into the single payment scheme following the reform in the sugar sector, as provided for by Council Regulation (EC) No 319/2006 of 20 February 2006 amending Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers⁽⁴⁾, requires flexibility concerning possible additions and amendments to the single application in the case where a Member State applies Article 48c(8) of Commission Regulation (EC) No 795/2004 of 21 April 2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers⁽⁵⁾ during the year 2006. Such additions and amendments should therefore be allowed until 15 June 2006. However, the dates for the submission of the single application as provided for in Article 11 of Regulation (EC) No 796/2004 should be maintained in order to allow the Member States to organise their respective control programmes in due time.

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

⁽²⁾ OJ L 141, 30.4.2004, p. 18. Regulation as last amended by Regulation (EC) No 489/2006 (OJ L 88, 25.3.2006, p. 7).

⁽³⁾ OJ L 345, 20.11.2004, p. 1. Regulation as last amended by Regulation (EC) No 263/2006 (OJ L 46, 16.2.2006, p. 24).

⁽⁴⁾ OJ L 58, 28.2.2006, p. 32.

⁽⁵⁾ OJ L 141, 30.4.2004, p. 1. Regulation as last amended by Regulation (EC) No 658/2006 (see page 14 of this Official Journal).

- (7) Chapter 10e of Regulation (EC) No 1782/2003 provides for a transitional sugar payment in the Member States applying Article 71 of that Regulation. Article 143ba of that Regulation provides for a separate sugar payment in Member States applying the single area payment scheme provided for in Article 143b of that Regulation. Both the transitional sugar payment and the separate sugar payment are, due to their nature, not related to agricultural area, which is why the provisions concerning the single application pursuant to Regulation (EC) No 796/2004 do not apply to these payment schemes. Provision should therefore be made for an appropriate application procedure.
- (8) In the case where new sectors are being included in the single payment scheme, it should be provided for that the rules in Article 21a of Regulation (EC) No 796/2004 concerning late submissions of applications to the single payment scheme should also apply in the case of applications of farmers concerning such new sectors.
- (9) The cross-checks to be carried out on the single application should be extended to certain particular checks with regard to various conditions concerning the information provided by the sugar manufacturers.
- (10) Given the particularities of the aid scheme for sugar provided for in Chapters 10f of Title IV of Regulation (EC) No 1782/2003, special control provisions should be established.
- (11) In the case where the competent authority increases the number of on-the-spot checks, it should also be possible to increase the percentage of farmers randomly selected for those checks.
- (12) In the case where a farmer declared more area than payment entitlements, Article 50(2) of Regulation (EC) No 796/2004 provides that the basis for the calculation for the aid is the amount of hectares accompanied by payment entitlements. In cases where the area declared fulfils all other eligibility requirements, there is no need for the application of reductions or exclusions in accordance with Articles 51 or 53 of that Regulation. These provisions should therefore be clarified to that extent.
- (13) The rules concerning reductions to be applied by way of off-setting against payments the following three years are only possible, in the case of livestock payments, within the same aid scheme as where the irregularity has occurred. This is contrary to the area-related schemes where the off-set can be made to any payment covered by Titles III and IV of Regulation (EC) No 1782/2003. The rules for the different aid schemes should be harmonised.
- (14) Transitional rules concerning cases where reductions to be applied by way of off-setting against payments the following three years do only cover decisions taken concerning applications for the year 2004. Given that the livestock payments, after the introduction of the single payment scheme, are incorporated in that scheme, an off-set should be possible against that aid scheme.
- (15) The introduction of new aid schemes into the single payment scheme requires an updating of the references to the budgetary ceilings referred to in Article 71a of Regulation (EC) No 796/2004.
- (16) When the single payment scheme and the single application were introduced, the latest date for area-based payments and animal-based payments was harmonised. Therefore it is appropriate to also harmonise the latest date for the Member States to communicate information concerning those payments.
- (17) Regulation (EC) No 796/2004 should therefore be amended accordingly.
- (18) The amendments provided for in this Regulation concern aid applications relating to years or premium periods starting as of 1 January 2006. This Regulation should therefore apply as of 1 January 2006.
- (19) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 796/2004 is amended as follows:

1. Article 2 is amended as follows:

(a) point 12 is replaced by the following:

'12. "Area-related aid schemes": shall mean the single payment scheme, the hops payment to recognised producer groups referred to in the second paragraph of Article 68a of Regulation (EC) No 1782/2003 and all aid schemes established under Titles IV and IVa of Regulation (EC) No 1782/2003, except those established under Chapters 7, 10e, 11 and 12 of that Title IV and except the separate sugar payment established in Article 143b(a) of that Regulation;'

(b) point 20 is replaced by the following:

'20. "Retention period": shall mean the period during which an animal for which aid has been claimed has to be kept on the holding, as provided for in the following provisions:

- (a) Articles 90 and 94 of Regulation (EC) No 1973/2004, in relation to the special premium for male bovines;
- (b) Article 101 of Regulation (EC) No 1973/2004, in relation to the suckler cow premium;
- (c) Article 123 of Regulation (EC) No 1973/2004, in relation to the slaughter premium;
- (d) Article 70(3) of Regulation (EC) No 1973/2004, in relation to aid paid for ovines and caprines;'

2. Article 13 is amended as follows:

(a) paragraph 6 is replaced by the following:

'6. In the case of an application for energy crops provided for in Chapter 5 of Title IV of Regulation (EC) No 1782/2003, the single application shall contain a copy of the contract the applicant has concluded with a collector or a first processor pursuant to Article 26 of Regulation (EC) No 1973/2004;'

(b) the following paragraph is added:

'13. In the case of an application for the aid to sugar beet and cane producers provided for in Chapter 10f of

Title IV of Regulation (EC) No 1782/2003, the single application shall contain a copy of the delivery contract referred to in Article 110r of that Regulation;'

3. Article 14 is amended as follows:

(a) in paragraph 1, the third subparagraph is replaced by the following:

'Uses of area neither for the purposes of the aid schemes provided for in Titles III, IV and IVa of Regulation (EC) No 1782/2003 nor listed in Annex V to that Regulation shall be declared under one or more "other uses" headings;'

(b) in paragraph 2, the second subparagraph replaced by the following:

'Member States may, under the same conditions, also allow changes regarding the use or aid scheme in respect of individual agricultural parcels already declared in the single application.'

The derogations provided for in the first and second subparagraphs shall also apply with regard to the first year when new sectors are introduced into the single payment scheme and the payment entitlements are not yet definitively established for the farmers concerned by this introduction;'

4. Article 15 is amended as follows:

(a) in paragraph 1, the second and third subparagraphs are replaced by the following:

'Changes regarding the use or aid scheme in respect of individual agricultural parcels or in respect of payment entitlements already declared in the single application may be made under the same conditions.'

In respect of the year 2006, the application for the aid for sugar beet and cane producers provided for in Chapter 10f of Title IV of Regulation (EC) No 1782/2003 may be added to the single application under the conditions referred to in the first subparagraph of this paragraph.'

Where the amendments referred to in the first, second and third subparagraphs have a bearing on any supporting documents or contracts to be submitted, the related amendments to such documents or contracts shall also be allowed;'

(b) in paragraph 2, the following subparagraph is added:

‘However, in respect of the year 2006, the amendments made in accordance with paragraph 1 of this Article shall be notified to the competent authority by 15 June at the latest in those Member States which apply Article 48c(8) of Regulation (EC) No 795/2004.’;

5. in Article 16(1), point (f) is replaced by the following:

‘(f) where applicable, the individual milk reference quantity available to the farmer on 31 March or, if the Member State concerned decides to make use of the derogation provided for in Article 130 of Regulation (EC) No 1973/2004, on 1 April of the calendar year concerned; where this quantity is unknown on the date on which the application is submitted, it shall be notified to the competent authority at the earliest opportunity.’;

6. the following Chapter is inserted after Article 17:

‘CHAPTER IIIA

SUGAR PAYMENT AND SEPARATE SUGAR PAYMENT

Article 17a

Requirements pertaining to aid applications for the sugar payment and the separate sugar payment

1. Farmers applying for the sugar payment provided for in Chapter 10e of Regulation (EC) No 1782/2003 and farmers applying for the separate sugar payment provided for in Article 143ba of that Regulation shall submit an aid application containing all information necessary to establish eligibility for the aid, and in particular:

(a) the identity of the farmer;

(b) a statement by the farmer that he is aware of the conditions pertaining to the aid in question.

2. The aid application for the sugar payment or the separate sugar payment respectively shall be submitted by

a date to be determined by the Member States which shall not be later than 15 May and, in the case of Estonia, Latvia and Lithuania, 15 June.

However, in respect of the year 2006, the date referred to in the first subparagraph shall not be later than 30 June 2006 for the submission of aid applications for the separate sugar payment in accordance with Article 143ba of Regulation (EC) No 1782/2003.’;

7. in Article 21a, the following paragraph is added:

‘3. Paragraphs 1 and 2 shall also apply in the first year of the inclusion of new sectors into the single payment scheme in respect of applications of farmers concerning their participation in such sectors.’;

8. in Article 24(1), the following point is added:

‘(k) between the information provided in the delivery contract referred to in Article 110r of Regulation (EC) No 1782/2003 and the information on deliveries provided by the sugar manufacturer.’;

9. Article 26 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the following point is added to the second subparagraph:

‘(e) 5 % of all farmers applying for the aid for sugar beet and cane producers provided for in Chapter 10f of Title IV of Regulation (EC) No 1782/2003.’;

(ii) the third subparagraph is replaced by the following:

‘Where the control sample drawn under the first subparagraph already contains applicants for the aids referred to in points (a) to (e) of the second subparagraph, those applicants may be counted towards the control rates stipulated therein.’;

(b) in paragraph 2 the following point is added:

'(h) as regards applications for the aid for sugar beet and cane producers provided for in Chapter 10f of Title IV of Regulation (EC) No 1782/2003, concerning controls at the sugar manufacturers on the quantity quota sugar obtained from sugar beets and cane delivered in accordance with Article 110r of that Regulation, at least 5 % of the applicants delivering to the manufacturer concerned.;

10. in Article 27(1) the following subparagraph is added:

'However, if the number of farmers to be subjected to on-the-spot checks exceeds the minimum number of farmers to be subjected to on-the-spot checks as provided for in Article 26(1) and (2), the percentage of randomly selected farmers in the additional sample should not exceed 25 %;

11. the following Article is inserted after Article 31a:

'Article 31b

On-the-spot checks on sugar manufacturers

On-the-spot checks on sugar manufacturers in the framework of applications for sugar beet aid for sugar beet and cane producers provided for in Chapter 10f of Title IV of Regulation (EC) No 1782/2003 shall verify:

- (a) the information in the delivery contracts provided by the farmer;
- (b) the correctness of the information on deliveries provided to the competent authority;
- (c) the certification of the weighting scales used for deliveries;
- (d) the results of the official laboratory analyses performed to determine the percentage of sucrose of the sugar beets and cane delivered.;

12. Article 32 is amended as follows:

(a) in paragraph 3, point (a) is replaced by the following:

'(a) all aid applications having at least 80 % of the area for which aid is requested under schemes established in Titles III, IV and IVa of Regulation (EC) No 1782/2003 within the respective zone;

(b) paragraph 4 is replaced by the following:

'4. Once a farmer has been selected for an on-the-spot check in accordance with paragraph 3, at least 80 % of the area for which he requests aid under aid schemes established in Titles III, IV and IVa of Regulation (EC) No 1782/2003 shall be subject to the on-the-spot check by remote sensing.;

13. in Article 36(1), the second subparagraph is replaced by the following:

'The on-the-spot checks in slaughterhouses shall comprise a posteriori scrutiny of documents, a comparison with the entries in the computerised database for bovine animals and checks of summaries relating to the slaughter certificates or information in place thereof, which were sent to other Member States in accordance with Article 121(3) of Regulation (EC) No 1973/2004.;

14. in Article 45(3), the first subparagraph is replaced by the following:

'By way of derogation from paragraph 2, the competent authority may, with regard to the requirements or standards for which it is responsible, select a control sample of 1 % of all farmers submitting aid applications under support schemes established in Titles III, IV and IVa of Regulation (EC) No 1782/2003 and who are under the obligation to respect at least one of the requirements or standards.;

15. in Article 50, paragraph 2 is replaced by the following:

'(2) With regard to an application for aid under the single payment scheme, if there is a discrepancy between the payment entitlements declared and the area declared, the calculation of the payment shall be based on the lower size.;

16. Article 51 is amended as follows:

(a) in the second subparagraph of paragraph 2, the second sentence is replaced by the following:

'That amount shall be off-set against aid payments under any of the aid schemes referred to in Titles III, IV and IVa of Regulation (EC) No 1782/2003 to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding.;

- (b) the following paragraph 2a is inserted after paragraph 2:

'2a. If a farmer declares more area than payment entitlements and the area declared fulfils all other eligibility requirements, the reductions or exclusions provided for in paragraphs 1 and 2 shall not apply.

If a farmer declares more area than payment entitlements and the area declared does not fulfil all other eligibility requirements, the difference referred to in paragraphs 1 and 2 shall be the difference between the area fulfilling all other eligibility requirements and the amount of payment entitlements declared.;

17. Article 53 is amended as follows:

- (a) in the second paragraph the second sentence is replaced by the following:

'That amount shall be off-set against aid payments under any of the aid schemes referred to in Titles III, IV and IVa of Regulation (EC) No 1782/2003 to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding.'

- (b) the following paragraphs are added:

'If a farmer declares more area than payment entitlements and the area declared fulfils all other eligibility requirements, the reductions or exclusions provided for in the first and second paragraphs shall not apply.

If a farmer declares more area than payment entitlements and the area declared does not fulfil all other eligibility requirements, the difference referred to in the first and second paragraphs shall be the difference between the area fulfilling all other eligibility requirements and the amount of payment entitlements declared.;

18. Article 59 is amended as follows:

- (a) in the third subparagraph of paragraph 2, the second sentence is replaced by the following:

'That amount shall be off-set against aid payments under any of the aid schemes referred to in Titles III, IV and IVa of Regulation (EC) No 1782/2003 to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding.;

- (b) in the second subparagraph of paragraph 4, the second sentence is replaced by the following:

'That amount shall be off-set against aid payments under any of the aid schemes referred to in Titles III, IV and IVa of Regulation (EC) No 1782/2003 to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding.;

19. Article 60 is amended as follows:

- (a) paragraph 4 is replaced by the following:

'4. Where it is determined that the percentage of the area of the holding used for agriculture located in areas listed in Annex X to Regulation (EC) No 1973/2004 is below 50 %, the goat premium shall not be paid.;

- (b) in the second subparagraph of paragraph 6, the second sentence is replaced by the following:

'That amount shall be off-set against aid payments under any of the aid schemes referred to in Titles III, IV and IVa of Regulation (EC) No 1782/2003 to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding.;

20. in Article 62, the first sentence is replaced by the following:

'As regards the declarations or certificates issued by slaughterhouses in connection with the slaughter premium provided for in Article 121 of Regulation (EC) No 1973/2004, if it is found that the slaughterhouse made a false certification or declaration as a result of serious negligence or intentionally, the Member State concerned shall apply appropriate national sanctions.;

21. in the second paragraph of Article 64, the third sentence is replaced by the following:

‘An amount equal to the amount covered by the refused application shall be off-set against aid payments under any of the aid schemes established in Titles III, IV and IVa of Regulation (EC) No 1782/2003 to which the person is entitled in the context of applications he lodges in the course of the calendar year following the calendar year of the finding.’;

22. in Article 71a(2)(d), the first subparagraph is replaced by the following:

‘With regard to aid schemes listed in Annex I to Regulation (EC) No 1782/2003 for which a budgetary ceiling is fixed in accordance with Articles 64(2), 70(2), 71(2), 110p(1), 143b(7) and 143ba(2) of that Regulation, the Member State shall sum up the amounts resulting from the application of points (a), (b) and (c).’;

23. in Article 73(2), the first sentence is replaced by the following:

‘Member States may decide that recovery of an undue payment is to be made by deduction of the corresponding amount from any advances or payments under aid schemes referred to in Titles III, IV and IVa of Regulation (EC) No 1782/2003 made to the farmer concerned following the date of the decision to recover.’;

24. Article 76(1) is amended as follows:

- (a) in the first subparagraph, the introductory terms are replaced by the following:

‘Member States shall send the Commission by 15 July each year at the latest, for the single payment and other area-related aid schemes as for animal premiums and

the separate sugar payment established in Article 143ba of Regulation (EC) No 1782/2003, a report covering the previous calendar year and, in particular, relating to the following points:’;

- (b) the second subparagraph is replaced by the following:

‘At the same time as the report referred to in the first subparagraph is sent to the Commission, Member States shall notify the total number of beneficiaries who received aid under aid schemes falling within the scope of the integrated system and the results of the checks relating to cross-compliance in accordance with Chapter III of Title III.’;

25. in Article 80(1), the following subparagraph is added:

‘When a Member State introduces the single payment scheme after 2005, in cases where reductions to be applied by way of off-setting in accordance with the third subparagraph of Article 59(2) and the second subparagraph of Article 59(4) could not yet fully be off-set before the date of application of the single payment scheme, the outstanding balance shall be off-set against payments under any of the aid schemes falling under this Regulation, provided the time-limits for the off-setting stipulated in those provisions have not yet expired.’

Article 2

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

It shall apply to aid applications relating to years or premium periods starting as of 1 January 2006.

However, points (16)(b) and (17)(b) of Article 1 shall apply to aid applications relating to years or premium periods starting as of 1 January 2005.

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

Done at Brussels, 27 April 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 660/2006**of 27 April 2006****amending Regulation (EC) No 1973/2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽¹⁾, and in particular Articles 113(2), 145(c), (d), (da) and (f) and Article 155 thereof,

Whereas:

- (1) Member States should provide the Commission with the available data related to the application of the aid for starch potato provided for in Article 93 of Regulation (EC) No 1782/2003 and the aid for sugar beet and cane producers provided for in Chapter 10f of Title IV of Regulation (EC) No 1782/2003. Article 3(c) of Commission Regulation (EC) No 1973/2004⁽²⁾ should be amended accordingly.
- (2) Article 90 of Regulation (EC) No 1782/2003 as amended by Regulation (EC) No 319/2006, provides for the possibility to grant aid for energy crops in respect of areas whose production is covered by a contract between the farmer and the collector. Implementing rules on the aid for energy crops set out in Regulation (EC) No 1973/2004 should be adapted accordingly.
- (3) Article 33 of Regulation (EC) No 1973/2004 provides that energy products have to be obtained at the most by

a second successive processor. However, as far as the non-food on the set-aside scheme is concerned, Article 156 of that Regulation provides that non-food products shall be produced at the most by a third successive processor. Experience after two years of implementation of the energy crops scheme shows that it is appropriate to align the two schemes introducing the third successive processor also in the energy crops scheme. Articles 33, 37 and 38 of Regulation (EC) No 1973/2004 should, therefore, be adapted accordingly.

- (4) Provision should be made to determine the detailed rules of the integrated administration and control system set out in Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in of Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers⁽³⁾ to be applied as regards the separate sugar payment scheme established under Article 143ba of Regulation (EC) No 1782/2003.
- (5) One of the aims of the reform in the sugar sector, as provided for in Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector⁽⁴⁾, is to enhance the market-orientation of the Community sugar sector. Therefore, in order to increase the outlets for the products in this sector, it is appropriate to consider sugar beet, Jerusalem artichokes and chicory roots eligible for the aid for energy crops scheme and to accept the cultivation of those crops, for purposes other than sugar production, on land eligible to receive set-aside entitlements.
- (6) Article 171cm(5) of Regulation (EC) No 1973/2004 prevents the farmers from lodging an application for an advance on tobacco aid once they have begun making deliveries. That provision does not allow for applications to be lodged in the case of producers of early tobacco varieties. It is therefore appropriate to remove that provision.

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

⁽²⁾ OJ L 345, 20.11.2004, p. 1. Regulation last amended by Regulation (EC) No 263/2006 (OJ L 46, 16.2.2006, p. 24).

⁽³⁾ OJ L 141, 30.4.2004, p. 18. Regulation as last amended by Regulation (EC) No 659/2006 (see page 20 of this Official Journal).

⁽⁴⁾ OJ L 58, 28.2.2006, p. 1.

- (7) In application of Article 71(1) of Regulation (EC) No 1782/2003, Slovenia decided to apply the single payment scheme in 2007. The third subparagraph of Article 71(1) of that Regulation provides that the transitional period shall apply only until 31 December 2005 in respect of hops. Slovenia would therefore be obliged to implement the single payment scheme only for that sector and integrate all the other sectors in 2007. In order to facilitate the transition towards the single payment scheme, Article 48a(11) of Commission Regulation (EC) No 795/2004 of 21 April 2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers⁽¹⁾, provides for the continuation of the applicability of the previous hops regime in Slovenia until 31 December 2006 and therefore to proceed to the implementation of the single payment scheme for all sectors concerned in 2007. It is, therefore, appropriate to align the provisions of Regulation (EC) No 1973/2004 with those contained in Regulation (EC) No 795/2004 and, thus, to provide for the applicability, in Slovenia until 31 December 2006, of the implementing rules provided for in Commission Regulation (EC) No 609/1999 of 19 March 1999 laying down detailed rules for granting aid to hop producers⁽²⁾.
- (8) Pursuant to the second paragraph of Article 71 of Regulation (EC) No 1973/2004, Spain has proposed an amendment of Annex X to that Regulation with a view to adding the less-favoured areas in the provinces of Coruña and Lugo situated in the Autonomous Region of Galicia and provided the Commission with a detailed justification of this proposal which indicates that the criteria referred to in Article 113(2) of Regulation (EC) No 1782/2003 are fulfilled. Taking account of this justification, Annex X to Regulation (EC) No 1973/2004 should be amended in order to insert the areas in question.
- (9) Annex II to Commission Decision C(2004) 1439/3 of 29 April 2004 concerning the minimum size of eligible area per holding, the agricultural area under the single area payment scheme and the annual financial envelope in respect of the year 2004 for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Poland and Slovakia, sets out the agricultural area under the single area payment scheme referred to in Article 143b(4) of Regulation (EC) No 1782/2003. The respective figure concerning Poland has been amended by Commission Decision C(2005) 4553 of 25 November 2005. That amount should also be reflected in Annex XXI to Regulation (EC) No 1973/2004.
- (10) Annex XXI to Regulation (EC) No 1973/2004 sets the agricultural area under the single area payment scheme for Slovakia at 1 976 thousand hectares. However, the correct area to be taken into account amounts to 1 955 thousand hectares as it has been established in Annex II to Decision C(2004) 1439/3. That amount needs to be reflected in Annex XXI to Regulation (EC) No 1973/2004.
- (11) Following a further review in Lithuania of the estimation of the agricultural area under the single area payment scheme in accordance with Article 143b(4) of Regulation (EC) No 1782/2003, Commission Decision C(2006) 1691 of 26 April 2006 increased the overall agricultural area from currently 2 288 thousand hectares to 2 574 thousand hectares. Annex XXI to Regulation (EC) No 1973/2004 should be adapted accordingly.
- (12) New tobacco varieties have been introduced to the Community market, which should be included in Annex XXV to Regulation (EC) No 1973/2004.
- (13) Regulation (EC) No 1973/2004 should therefore be amended accordingly.
- (14) Since the amendments provided for in this Regulation relate to the marketing years starting as from the year 2006, this Regulation should apply as of 1 January 2006. However, as regards the amendment of the agricultural area under the single area payment scheme in relation to Poland, this Regulation should take effect as from the year 2005 as it leads to higher payments to the applicants under that scheme.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1973/2004 is amended as follows:

⁽¹⁾ OJ L 141, 30.4.2004, p. 1. Regulation as last amended by Regulation (EC) No 658/2006 (see page 14 of this Official Journal).

⁽²⁾ OJ L 75, 20.3.1999, p. 20.

1. Article 3(c) is replaced by the following:

(c) by 31 July of the following year at the latest, after, where applicable, the deduction of the reductions in area provided for in Chapter I of Title IV of Regulation (EC) No 796/2004, the final data corresponding to the following:

- (i) the areas or quantities referred to in point (a) for which the aid has actually been paid for the year concerned;
- (ii) the quantities expressed in starch equivalent in the case of the aid for starch potato provided for in Article 93 of Regulation (EC) No 1782/2003 for which the aid has actually been paid for the year concerned;
- (iii) the quantities of sugar under quota obtained from sugar beet or cane delivered under contract in the case of aid for sugar beet and cane producers provided for in Chapter 10f of Title IV of Regulation (EC) No 1782/2003, for which aid has actually been paid for the year concerned.;

2. in Article 23, the following point is added:

(c) "collector" means any person concluding a contract with an applicant as referred to in Article 26, who purchases on his own account raw materials referred to in Article 24 and intended for the uses provided for in the second paragraph of Article 88 of Regulation (EC) No 1782/2003.;

3. Article 24 is amended as follows:

(a) in paragraph 1, the first subparagraph is replaced by the following:

'Any agricultural raw material may be grown on the areas covered by the aid provided for in Article 88 of Regulation (EC) No 1782/2003 provided that they are intended primarily for use in the production of the energy products referred to in the second paragraph of that Article.;

(b) paragraph 3 is amended as follows:

(i) the first subparagraph is replaced by the following:

'Applicants shall deliver all raw materials harvested to a collector or first processor who shall take delivery of them and ensure that an equivalent quantity of such raw materials is used within the Community for the manufacture of one or more energy products as referred to in the second paragraph of Article 88 of Regulation (EC) No 1782/2003.;

(ii) the third subparagraph is replaced by the following:

'In the case referred to in the second subparagraph, or where the collector sells an equivalent quantity of the raw material harvested, the first processor or the collector shall so inform the competent authority with whom the security is lodged. Where such equivalent quantity is used in a Member State other than that in which the raw material is harvested, the competent authorities of the Member States concerned shall inform each other of the details of such transaction.;

(c) paragraph 4 is replaced by the following:

'4. In accordance with the national provisions governing contractual relations, the first processor may delegate to a third party the collection of the raw material from the farmer applying for the aid. The processor remains solely responsible with regard to the obligations laid down by this Chapter.;

4. Article 26 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. In support of their aid applications, applicants shall submit to their competent authorities the contracts they have concluded with a collector or first processor.

However, Member States may decide that the contract may only be concluded between an applicant and a first processor.;

(b) paragraph 3 is replaced by the following:

'3. Applicants shall ensure that the contracts are concluded in time to allow collectors or first processors to deposit a copy with their competent authorities within the time-limits laid down in Article 34(1).;

5. Article 29 is amended as follows:

(a) the first paragraph is replaced by the following:

‘Without prejudice to Article 27, collectors or first processors may alter the intended primary end uses of raw materials, as referred to in Article 26(2)(f), once the raw materials under contract have been delivered to them and once the conditions laid down in Article 31(1) and in the first subparagraph of Article 34(3) have been fulfilled.’;

(b) the third paragraph is replaced by the following:

‘The collectors or first processors shall give prior notice to their competent authorities with a view to the requisite controls.’;

6. in Article 31(2), the first subparagraph is replaced by the following:

‘The actual quantities to be delivered by the applicants to the collectors or first processors shall at least correspond to the representative yield.’;

7. in Article 32, paragraph 1 is amended as follows:

(a) the introductory terms are replaced by the following:

‘The aid may be paid to applicants before the raw material is processed. However, such payments shall be made only where the requisite quantities of raw materials pursuant to this Chapter have been delivered to the collector or first processor and where:’;

(b) point (b) is replaced by the following:

‘(b) a copy of the contract has been deposited with the collector’s or first processor’s competent authority in accordance with Article 34(1) and the conditions provided for in Article 24(1) have been fulfilled.’;

8. in Chapter 8, the heading of Section 6 is replaced by the following:

SECTION 6

Obligations on applicants, collectors and first processors

9. Article 33 is replaced by the following:

‘Article 33

Number of processors

Energy products shall be obtained at the most by a third successive processor’;

10. Article 34 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Collectors or first processors shall deposit a copy of the contract with their competent authorities under a timetable to be established by the Member State concerned and no later than the closing date for the submission of aid applications for the year in question in the Member State concerned.

Where applicants and collectors or first processors amend or terminate contracts prior to the date referred to in Article 27 in a given year, the collectors or first processors shall deposit with their competent authorities a copy of the amended or terminated contract, no later than that date.’

(b) paragraph 3 is replaced by the following:

‘3. Collectors or first processors who have taken over the raw materials from applicants shall inform their competent authorities of the quantities of raw materials received, specifying the species, the name and address of the party to the contract who delivered the raw materials, the place of delivery and the contract reference, within a time-limit to be set by the Member States that allows the payments to be made within the period specified in Article 28 of Regulation (EC) No 1782/2003.

Where the Member State of the collector or first processor is not the same Member State in which the raw materials have been grown, the competent authorities concerned shall inform the competent authority of the applicant of the total quantities of raw materials delivered, within 40 working days of receipt of the information referred to in the first subparagraph.’;

11. Article 35 is amended as follows:

(a) the title is replaced by the following:

‘Article 35

Collectors and first processors’;

(b) paragraphs 1 and 2 are replaced by the following:

'1. Collectors or first processors shall lodge a full security as provided for in paragraph 2 with their competent authorities by the closing date for submission of payment applications for the year in question in the Member State concerned.

2. The securities to be lodged in respect of each raw material shall be calculated by multiplying the sum of all areas covered by a contract signed by the collector or first processor concerned and used to produce that raw material, by the rate of EUR 60 per hectare.;

(c) paragraph 4 is replaced by the following:

'4. A percentage of the security shall be released for each raw material on condition that the competent authority of the collector or first processor concerned is in possession of proof that the quantity of raw material in question has been processed in compliance with the requirement laid down in Article 26(2)(f), account being taken, where necessary, of any changes pursuant to the Article 29.;

(d) the following paragraph is added:

'5. Without prejudice to paragraph 4, where the security has been lodged by the collector, it shall be released once the raw material in question has been delivered to the first processor, provided that the collector's competent authority has proof that the first processor has lodged an equivalent security with their competent authority.;

12. in Article 36(2), the introductory terms are replaced by the following:

'The following obligations, incumbent on collectors or first processors, shall constitute subordinate requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85.;

13. in Article 37, the first paragraph is replaced by the following:

'Where first processors sell or transfer to second or third processors in other Member States intermediate products covered by contracts as provided for in Article 26, the

products shall be accompanied by T5 control copies issued in accordance with Regulation (EEC) No 2454/93.

Where collectors sell or transfer to first processors established in other Member States raw materials covered by contracts, the first paragraph shall apply.;

14. Article 38 is amended as follows:

(a) the introductory terms are replaced by the following:

'If the T5 control copy is not returned to the office of departure of the body responsible for control in the Member State in which the collector or first processor is established two months after expiry of the deadline for the processing of raw materials provided for in Article 36(1)(a), as a result of circumstances for which the first processor is not responsible, the following documents may be accepted as alternatives to the T5 control copy.;

(b) points (b) and (c) are replaced by the following:

'(b) statements by the second and third processors verifying the final processing of the raw materials into energy products as referred to in Article 88 of Regulation (EC) No 1782/2003;

(c) certified photocopies from the second and third processors of accounting documents providing that processing has been carried out.;

15. Article 39 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the first subparagraph is replaced by the following:

'The competent authority of the Member State shall specify the records to be kept by collectors or processors and the frequency thereof, which shall be at least monthly.;

(ii) in the second subparagraph, the introductory sentence is replaced by the following:

'In the case of processors, such records shall comprise at least the following information.;

(iii) the following subparagraph is added:

'In the case of collectors, such records shall comprise at least the following information:

- (a) the quantities of all raw materials purchased and sold for processing under this scheme;
- (b) the names and addresses of the first processors.;

(b) paragraph 2 is replaced by the following:

'2. The competent authority of the collector or first processor shall check that the contract submitted complies with the conditions laid down in Article 24(1). Where those conditions are not met, the applicants' competent authorities shall be notified.;

16. Article 40(1) is replaced by the following:

'1. The competent authorities of the Member States in which collectors are located shall carry out checks on the premises of at least 25 % of the collectors established in their territory, selected on the basis of a risk analysis. Such checks shall comprise physical checks and inspections of commercial documents, with a view to verifying consistency between the purchases of raw materials and the corresponding deliveries.

1a. The competent authorities of the Member States in which processing takes place shall check compliance with Article 24(1) at the premises of at least 25 % of the processors located in their territory, selected on the basis of a risk analysis. Such checks shall involve at least:

- (a) a comparison of the sum of the values of all the energy products with the sum of the values of all other products intended for other uses and obtained from the same processing operation;
- (b) analysis of the processor's production system, comprising physical checks and inspections of commercial documents, with a view to verifying, in the case of processors, that deliveries of raw materials, end products, co-products and by-products tally.

For the purpose of the checks referred to in point (b) of the first subparagraph, the competent authorities shall base themselves in particular on the technical processing coefficients for the raw materials concerned. Where such coeffi-

cients exist for exports in Community legislation, they shall be applied. Where they do not, but other coefficients do exist in Community legislation, they shall be applied. In all other cases, inspection shall rely mainly on the coefficients generally accepted by the processing industry.;

17. the following Chapter is inserted after Article 142:

'CHAPTER 15a

SEPARATE SUGAR PAYMENT

Article 142a

Application of Regulation (EC) No 796/2004

As regards the separate sugar payment established in Article 143ba of Regulation (EC) No 1782/2003, Articles 5, 10, 18 to 22, 65, 66, 67, 70, 71a, 72 and 73 of Regulation (EC) No 796/2004 shall apply.;

18. in Article 143, paragraph 2 is replaced by the following:

'2. Sugarbeet, Jerusalem artichokes or chicory roots may be grown on set-aside land provided that:

- (a) the sugarbeet does not serve for the production of sugar, as defined by Commission Regulation (EC) No 314/2002 (*), either as an intermediate product, co-product or by-product;
- (b) the chicory roots and Jerusalem artichokes do not undergo the process of hydrolysis as referred to in Regulation (EC) No 314/2002, either in their natural state or as an intermediate product such as inuline, or as a co-product such as oligofructose, or as any by-products.

(*) OJ L 50, 21.2.2002, p. 40.;

19. in Article 171cm(5), the last sentence is deleted;

20. in Article 172(3), the following sentence is added:

'It shall also continue to apply in Slovenia to applications for payments in respect of the 2006 harvest with regard to Regulation (EEC) No 1696/71 and until 31 December 2006 with regard to Council Regulation (EC) No 1098/98 (*).

(*) OJ L 157, 30.5.1998, p. 7.'

21. Annex IX is amended as follows:

- (a) the paragraph relating to line 23 is deleted;
- (b) in the table, line 23 is deleted.

22. in Annex X, point 3 is replaced by the following text:

‘3. Spain: the autonomous regions of Andalusia, Aragon, Balearic Islands, Castile-La-Mancha, Castile-Leon, Catalonia, Extremadura, Galicia (excluding those areas in the provinces of A Coruña and Lugo that are not considered as less-favoured areas pursuant to Regulation (EC) No 1257/1999), Madrid, Murcia, La Rioja and Comunidad Valenciana and the Canary Islands (*), and all mountain areas within the meaning of Article 18 of Regulation (EC) No 1257/1999 situated outside these regions.

(*) The French overseas departments, Madeira, the Canary and Aegean Islands shall be considered as excluded from this Annex in the event of application of the optional exclusion provided for in Article 70(1)(b) of Regulation (EC) No 1782/2003 by the interested Member State.’;

23. Annex XXI is amended as follows:

- (a) the figure for Lithuania is replaced by ‘2 574’;

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

Done at Brussels, 27 April 2006.

(b) the figure for Poland is replaced by ‘14 337’;

(c) the figure for Slovakia is replaced by ‘1 955’.

24. in Annex XXIII, the last indent is replaced by the following text:

‘— all products referred to in Council Regulation (EC) No 318/2006 (*) on condition that they are not obtained from sugar beet cultivated on land set aside, and that they do not contain products derived from sugar beet cultivated on land set aside.

(*) OJ L 58, 28.2.2006, p. 1.’

25. Annex XXV is replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply to aid applications relating to marketing years starting from 1 January 2006. However, Article 1(23)(b) and (c) shall apply to aid applications relating to marketing years starting from 1 January 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

‘ANNEX XXV

CLASSIFICATION OF TOBACCO VARIETIES

as referred to in Article 171ca

I. FLUE-CURED

Virginia	Wilia
Virginia D and hybrids thereof	Waleria
Bright	Watra
Wiślica	Wanda
Virginia SCR IUN	Weneda
Wiktoria	Wenus
Wiecha	DH 16
Wika	DH 17
Wala	Winta
Wisła	Weronika

II. LIGHT AIR-CURED

Burley	Baca
Badischer Burley and hybrids thereof	Bocheński
Maryland	Bonus
Bursan	NC 3
Bachus	Tennessee 86
Bożek	Tennessee 97
Boruta	Bazyl
Tennessee 90	Bms 3

III. DARK AIR-CURED

Badischer Geudertheimer, Pereg, Korso	Goyano
Paraguay and hybrids thereof	Hybrids of Geudertheimer
Dragon Vert and hybrids thereof	Beneventano
Philippin	Brasile Selvaggio and similar varieties
Petit Grammont (Flobecq)	Fermented Burley
Semois	Havana
Appelterre	Prezydent
Nijkerk	Mieszko
Misionero and hybrids thereof	Milenium
Rio Grande and hybrids thereof	Małopolanin
Forchheimer Havana Ilc	Makar
Nostrano del Brenta	Mega
Resistente 142	

IV. FIRE-CURED

Kentucky and hybrids
Moro di Cori
Salento
Kosmos

V. SUN-CURED

Xanthi-Yaka
Perustitza
Samsun
Erzegovina and similar varieties
Myrodata Smyrnis, Trapezous and Phi I
Kaba Koulak (non-classic)
Tsebelia
Mavra

VI. BASMAS

VII. KATERINI AND SIMILAR VARIETIES

VIII. KABA KOULAK (CLASSIC)

Elassona
Myrodata Agrinion
Zichnomyrodata'

COMMISSION REGULATION (EC) No 661/2006**of 28 April 2006****derogating from Commission Regulation (EC) No 312/2001 laying down detailed rules of application for the importation of olive oil originating in Tunisia, as regards the monthly limit for the period from 1 May to 31 October 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2000/822/EC of 22 December 2000 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Tunisia concerning reciprocal liberalisation measures and amendment of the Agricultural Protocols to the EC/Tunisia Association Agreement ⁽¹⁾,Having regard to Council Regulation (EC) No 865/2004 of 29 April 2004 on the common organisation of the market in olive oil and table olives and amending Regulation (EEC) No 827/68 ⁽²⁾,

Whereas:

- (1) Article 1(2) of Commission Regulation (EC) No 312/2001 ⁽³⁾ lays down a monthly limit for the quantity of olive oil for which import licences may be issued under the quota provided for in paragraph 1 of that Article.
- (2) The 2005/06 marketing year in the Community is marked by a low level of olive oil production, which is causing supply problems. In order to facilitate supply to

the Community olive oil market, authorisation should be granted, by way of derogation from Regulation (EC) No 312/2001, for licences to be issued without a monthly limit from 1 May 2006.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Olive Oil and Table Olives,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the fourth indent of the first subparagraph of Article 1(2) of Regulation (EC) No 312/2001, the issue of licences without a monthly limit is hereby authorised for the period from 1 May 2006 to 31 October 2006.

*Article 2*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 May 2006.

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

Done at Brussels, 28 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission⁽¹⁾ OJ L 336, 30.12.2000, p. 92.⁽²⁾ OJ L 161, 30.4.2004, p. 97. Corrected by OJ L 206, 9.6.2004, p. 37.⁽³⁾ OJ L 46, 16.2.2001, p. 3. Regulation as last amended by Regulation (EC) No 1721/2005 (OJ L 276, 21.10.2005, p. 3).

COMMISSION REGULATION (EC) No 662/2006**of 28 April 2006****fixing the minimum selling prices for butter for the 8th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies may sell by standing invitation to tender certain quantities of butter from intervention stocks that they hold and may grant aid for cream, butter and concentrated butter. Article 25 of that Regulation lays down that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further laid down

that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure. The amount of the processing security as referred to in Article 28 of Regulation (EC) No 1898/2005 should be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 8th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the minimum selling prices for butter from intervention stocks and the amount of the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 April 2006.

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

Done at Brussels, 28 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

ANNEX

Minimum selling prices for butter and processing security for the 8th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005*(EUR/100 kg)*

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter $\geq 82\%$	Unaltered	—	210	—
		Concentrated	—	—	—
Processing security		Unaltered	—	79	—
		Concentrated	—	—	—

COMMISSION REGULATION (EC) No 663/2006**of 28 April 2006****amending Regulation (EC) No 343/2006 opening the buying-in of butter in certain Member States for the period 1 March to 31 August 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾,Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, and in particular Article 2 thereof,

Whereas:

- (1) Commission Regulation (EC) No 343/2006 ⁽³⁾ establishes the list of Member States in which buying-in for butter is open, as provided for in Article 6(1) of Regulation (EC) No 1255/1999.
- (2) On the basis of most recent communications by Latvia, pursuant to Article 8 of Regulation (EC) No 2771/1999, the Commission has observed that butter market prices have been below 92 % of the intervention price for two consecutive weeks. Intervention buying-in should therefore be opened in those Member States. Latvia should therefore be added to the list established in Regulation (EC) No 343/2006.
- (3) Regulation (EC) No 343/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 343/2006 is replaced by the following text:

'Article 1

Buying-in of butter as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby open in the following Member States:

- Czech Republic
- Germany
- Estonia
- Spain
- France
- Italy
- Ireland
- Latvia
- Netherlands
- Poland
- Portugal
- Finland
- Sweden
- United Kingdom.'

Article 2

This Regulation shall enter into force on 29 April 2006.

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

Done at Brussels, 28 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

⁽³⁾ OJ L 55, 25.2.2006, p. 17. Regulation as last amended by Regulation (EC) No 541/2006 (OJ L 94, 1.4.2006, p. 21).

COMMISSION REGULATION (EC) No 664/2006**of 28 April 2006****fixing the minimum selling price for skimmed-milk powder for the 39th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 214/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10(c) thereof,

Whereas:

- (1) Pursuant to Article 21 of Commission Regulation (EC) No 214/2001 of 12 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed milk ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.
- (2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price

shall be fixed or a decision shall be taken to make no award, in accordance with Article 24a of Regulation (EC) No 214/2001.

- (3) In the light of the tenders received, a minimum selling price should be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 39th individual invitation to tender pursuant to Regulation (EC) No 214/2001, in respect of which the time limit for the submission of tenders expired on 25 April 2006, the minimum selling price for skimmed milk is fixed at 155,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 April 2006.

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

Done at Brussels, 28 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 37, 7.2.2001, p. 100. Regulation as last amended by Regulation (EC) No 1195/2005 (OJ L 194, 26.7.2005, p. 8).

COMMISSION REGULATION (EC) No 665/2006
of 28 April 2006
fixing the import duties in the cereals sector applicable from 1 May 2006

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 May 2006.

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

Done at Brussels, 28 April 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

ANNEX I

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

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	3,15
	low quality	23,15
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	54,48
1005 10 90	Maize seed other than hybrid	57,64
1005 90 00	Maize other than seed ⁽²⁾	57,64
1007 00 90	Grain sorghum other than hybrids for sowing	54,48

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

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

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

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

ANNEX II

Factors for calculating duties

period from 17.4.2006-27.4.2006

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	138,64 (***)	74,97	148,46	138,46	118,46	87,13
Gulf premium (EUR/t)	—	12,74	—			—
Great Lakes premium (EUR/t)	26,30	—	—			—

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 16,67 EUR/t; Great Lakes–Rotterdam: 20,41 EUR/t.

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

COMMISSION REGULATION (EC) No 666/2006
of 28 April 2006
fixing the corrective amount applicable to the refund on cereals

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 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) 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 cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾, allows for the fixing of a corrective amount for the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) 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 corrective amount referred to in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 2006.

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

Done at Brussels, 28 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 28 April 2006 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10	6th period 11
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	0	- 15,00	- 15,00	- 15,00	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	C02	0	0	- 15,00	- 15,00	- 15,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	C03	0	0	- 15,00	- 15,00	- 15,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0	- 20,00	- 20,00	- 20,00	—	—
1101 00 15 9130	C01	0	0	- 19,00	- 19,00	- 19,00	—	—
1101 00 15 9150	C01	0	0	- 18,00	- 18,00	- 18,00	—	—
1101 00 15 9170	C01	0	0	- 17,00	- 17,00	- 17,00	—	—
1101 00 15 9180	C01	0	0	- 15,00	- 15,00	- 15,00	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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 Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

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.

C02: Algeria, Saudi Arabia, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Lybia, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.

C03: All third countries with the exception of Bulgaria, Norway, Romania, Switzerland and Lichtenstein.

COMMISSION REGULATION (EC) No 667/2006
of 28 April 2006
fixing the export refunds on malt

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 within 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) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down 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 these rules to the present situation on markets 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 malt listed in Article 1(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 2006.

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

Done at Brussels, 28 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 28 April 2006 fixing the export refunds on malt

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	EUR/t	0,00

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).

COMMISSION REGULATION (EC) No 668/2006
of 28 April 2006
fixing the corrective amount applicable to the refund on malt

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 organization of the market in cereals ⁽¹⁾, and in particular Article 15(2),

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) 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⁾ allows for the fixing of a corrective amount for the malt referred

to in Article 1(1)(c) of Regulation (EC) No 1784/2003. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (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

The corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 2006.

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

Done at Brussels, 28 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 28 April 2006 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 11	7th period 12	8th period 1	9th period 2	10th period 3	11th period 4
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

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).

COMMISSION REGULATION (EC) No 669/2006**of 28 April 2006****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽²⁾ and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽³⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.
- (3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 May 2006.

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

Done at Brussels, 28 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 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽³⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 28 April 2006 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	6,85
1101 00 15 9130	6,40
1102 10 00 9500	0,00
1102 20 10 9200	52,60
1102 20 10 9400	45,08
1103 11 10 9200	0,00
1103 13 10 9100	67,63
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 670/2006**of 28 April 2006****fixing the production refund on white sugar used in the chemical industry for the period from 1 to 31 May 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 markets in the sugar sector ⁽¹⁾, and in particular the fifth indent of Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) 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 ⁽²⁾ provides that these refunds shall be determined according to the refund fixed for white sugar.

- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of each month.
- (4) 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 production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 21,902 EUR/100 kg net for the period from 1 to 31 May 2006.

Article 2

This Regulation shall enter into force on 1 May 2006.

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

Done at Brussels, 28 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 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 671/2006**of 28 April 2006****correcting Regulation (EC) No 299/2006 on the issue of import licences for rice originating in the ACP States and the overseas countries and territories against applications submitted in the first five working days of February 2006 pursuant to Regulation (EC) No 638/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽¹⁾,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community (Overseas Association Decision) ⁽²⁾,

Having regard to Commission Regulation (EC) No 638/2003 of 9 April 2003 laying down detailed rules for applying Council Regulation (EC) No 2286/2002 and Council Decision 2001/822/EC as regards the arrangements applicable to imports of rice originating in the African, Caribbean and Pacific States (ACP States) and the overseas countries and territories (OCT) ⁽³⁾, and in particular Article 17(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 299/2006 ⁽⁴⁾ lays down the quantities carried over to the tranche for May 2006, indicating the ACP quota only.

- (2) The first paragraph of Article 13 of Regulation (EC) No 638/2003 provides that applications for a licence to import rice originating in the ACP States falling within CN codes 1006 10 21, 1006 10 23, 1006 10 25, 1006 10 27, 1006 10 92, 1006 10 94, 1006 10 96, 1006 10 98, 1006 20 and 1006 30 and rice originating in the OCTs falling within CN code 1006 may be lodged for quantities carried over as referred to in Article 3(2) of that Regulation.

- (3) Allocating the quantities carried over to the ACP quota only was therefore not correct. As a result, the Annex to Regulation (EC) No 299/2006 should be corrected to specify the conditions for placing the quantities available at the disposal of traders,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 299/2006 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 April 2006.

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

Done at Brussels, 28 April 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture
and Rural Development*

⁽¹⁾ OJ L 348, 21.12.2002, p. 5.

⁽²⁾ OJ L 314, 30.11.2001, p. 1.

⁽³⁾ OJ L 93, 10.4.2003, p. 3. Regulation as last amended by Regulation (EC) No 2120/2005 (OJ L 340, 23.12.2005, p. 22).

⁽⁴⁾ OJ L 48, 18.2.2006, p. 14.

ANNEX

'ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for February 2006 and quantities carried over to the subsequent tranche

Origin/product	Reduction percentage		Quantity carried over to the tranche for May 2006 (t)		Total quantities available for the tranche for May 2006 (t)	
	Netherlands Antilles and Aruba	Least-developed OCTs	Netherlands Antilles and Aruba	Least-developed OCTs	Netherlands Antilles and Aruba	Least-developed OCTs
OCTs (Article 10(1)(a) and (b) of Regulation (EC) No 638/2003) — CN code 1006	0 (*)	0 (*)	5 839,936	3 334	14 172,936	6 667

Origin/product	Reduction percentage	Quantity carried over to the tranche for May 2006 (t)	Total quantities available for the tranche for May 2006 (t)
ACP (Article 3(1) of Regulation (EC) No 638/2003) — CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30	0 (*)	4 767,115	41 666
ACP (Article 5(1) of Regulation (EC) No 638/2003) — CN code 1006 40 00	0 (*)	9 164	19 164
ACP/OCTs (first paragraph of Article 13 of Regulation (EC) No 638/2003) — CN code 1006 (OCTs) — CN codes 1006 10 21, 1006 10 23, 1006 10 25, 1006 10 27, 1006 10 92, 1006 10 94, 1006 10 96, 1006 10 98, 1006 20 and 1006 30			4 767,115 (**)

(*) Issue for the quantity applied for.

(**) Quantity carried over to the tranche for May 2006 in accordance with the first paragraph of Article 13 of Regulation (EC) No 638/2003.

COMMISSION REGULATION (EC) No 672/2006**of 28 April 2006****fixing the maximum aid for cream, butter and concentrated butter for the 8th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies may sell by standing invitation to tender certain quantities of butter of intervention stocks that they hold and may grant aid for cream, butter and concentrated butter. Article 25 of that Regulation lays down that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further laid down

that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure. The amount of the processing security as referred to in Article 28 of Regulation (EC) No 1898/2005 should be fixed accordingly.

- (2) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the 8th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the amount of the maximum aid for cream, butter and concentrated butter and the amount the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 April 2006.

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

Done at Brussels, 28 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

ANNEX

Maximum aid for cream, butter and concentrated butter and processing security for the 8th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005*(EUR/100 kg)*

Formula		A		B	
		With tracers	Without tracers	With tracers	Without tracers
Incorporation procedure					
Maximum aid	Butter ≥ 82 %	—	25	—	25
	Butter < 82 %	—	24,4	—	—
	Concentrated butter	34	—	34	30,5
	Cream	—	—	14	10,6
Processing security	Butter	—	—	—	—
	Concentrated butter	37	—	37	—
	Cream	—	—	15	—

COMMISSION REGULATION (EC) No 673/2006**of 28 April 2006****concerning the 8th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Article 47 of Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 54 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 %.

- (2) An end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is to be lodged to ensure the taking over of the concentrated butter by the retail trade.
- (3) On the basis of the examination of the offers received, the tendering procedure should not be proceeded with.
- (4) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the 8th tender under the standing invitation to tender opened by Regulation (EEC) No 1898/2005 no award shall be made.

Article 2

This Regulation shall enter into force on 29 April 2006.

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

Done at Brussels, 28 April 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

COMMISSION REGULATION (EC) No 674/2006**of 28 April 2006****amending for the 65th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

(1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

(2) On 21 March 2006 and on 12, 19 and 21 April 2006, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.

(3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 28 April 2006.

For the Commission
Eneko LANDÁBURU
Director-General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 357/2006 (OJ L 59, 1.3.2006, p. 35).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

1. The following entries shall be added under the heading 'Natural persons':
 - (a) Abdullah Anshori (*alias* (a) Abu Fatih, (b) Thoyib, Ibnu, (c) Toyib, Ibnu, (d) Abu Fathi). Date of birth: 1958. Place of birth: Pacitan, East Java, Indonesia. Nationality: Indonesian.
 - (b) Abu Bakar Ba'asyir (*alias* (a) Baasyir, Abu Bakar, (b) Bashir, Abu Bakar, (c) Abdus Samad, (d) Abdus Somad). Date of birth: 17.8.1938. Place of birth: Jombang, East Java, Indonesia. Nationality: Indonesian.
 - (c) Gun Gun Rusman Gunawan (*alias* (a) Gunawan Rusman, (b) Abd Al-Hadi, (c) Abdul Hadi, (d) Abdul Karim, (e) Bukhori, (f) Bukhory). Date of birth: 6.7.1977. Place of birth: Cianjur, West Java, Indonesia. Nationality: Indonesian.
 - (d) Taufik Rifki (*alias* (a) Refke Taufek, (b) Rifqi Taufik, (c) Rifqi Tawfiq, (d) Ami Iraq, (e) Ami Irza, (f) Amy Erja, (g) Ammy Erza, (h) Ammy Izza, (i) Ami Kusoman, (j) Abu Obaida, (k) Abu Obaidah, (l) Abu Obeida, (m) Abu Ubaidah, (n) Obaidah, (o) Abu Obayda, (p) Izza Kusoman, (q) Yacub, Eric). Date of birth: (a) 29.8.1974, (b) 9.8.1974, (c) 19.8.1974, (d) 19.8.1980. Place of birth: Dacusuman Surakarta, Central Java, Indonesia. Nationality: Indonesian.
2. The entry 'Islamic Jihad Group (*alias* (a) Jama'at al-Jihad, (b) Libyan Society, (c) Kazakh Jama'at, (d) Jamaat Mojahedin, (e) Jamiyat, (f) Jamiat al-Jihad al-Islami, (g) Dzhamaat Modzhakhedov, (h) Islamic Jihad Group of Uzbekistan, (i) al-Djihad al-Islami)' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

'Islamic Jihad Group (*alias* (a) Jama'at al-Jihad, (b) Libyan Society, (c) Kazakh Jama'at, (d) Jamaat Mojahedin, (e) Jamiyat, (f) Jamiat al-Jihad al-Islami, (g) Dzhamaat Modzhakhedov, (h) Islamic Jihad Group of Uzbekistan, (i) al-Djihad al-Islami, (j) Zamaat Modzhakhedov Tsentralnoy Asii).'
3. The entry 'Youcef Abbes (*alias* Giuseppe). Address: (a) Via Padova, 82 Milan, Italy, (b) Via Manzoni, 33 Cinisello Balsamo (MI), Italy (domicile). Date of birth: 5.1.1965. Place of birth: Bab El Aoued, Algeria.' under the heading 'Natural persons' shall be replaced by the following:

'Youcef Abbes (*alias* Giuseppe). Address: (a) Via Padova 82, Milan, Italy, (b) Via Manzoni 33, Cinisello Balsamo (MI), Italy. Date of birth: 5.1.1965. Place of birth: Bab el Oued, Algeria.'
4. The entry 'Mohamed Amine AKLI (*alias* (a) Mohamed Amine Akli, (b) Killech Shamir, (c) Kali Sami, (d) Elias). Place of birth: Abordj El Kiffani (Algeria). Date of birth: 30 March 1972.' under the heading 'Natural persons' shall be replaced by the following:

'Mohamed Amine Akli (*alias* (a) Akli Amine Mohamed, (b) Killech Shamir, (c) Kali Sami, (d) Elias). Place of birth: Bordj el Kiffane, Algeria. Date of birth: 30.3.1972.'
5. The entry 'Hacene Allane (*alias* (a) Hassan the Old, (b) Al Sheikh Abdelhay, (c) Boulahia, (d) Abu al-Foutouh, (e) Cheib Ahcéne). Date of birth: 17 January 1941. Place of birth: El Ménéa, Algeria. Nationality: probably Algerian.' under the heading 'Natural persons' shall be replaced by the following:

'Hacene Allane (*alias* (a) Hassan the Old, (b) Al Sheikh Abdelhay, (c) Boulahia, (d) Abu al-Foutouh, (e) Cheib Ahcéne). Date of birth: 17.1.1941. Place of birth: Médéa, Algeria. Nationality: probably Algerian.'
6. The entry 'Mokhtar BELMOKHTAR. Place of birth: Ghardaia. Date of birth: 1 June 1972. Other information: Son of Mohamed and Zohra Chemkha.' under the heading 'Natural persons' shall be replaced by the following:

'Mokhtar Belmokhtar. Place of birth: Ghardaia, Algeria. Date of birth: 1.6.1972. Other information: Son of Mohamed and Zohra Chemkha.'
7. The entry 'Dhou El-Aich (*alias* Abdel Hak). Date of birth: 5 August 1964. Place of birth: Debila, Algeria. Nationality: probably Algerian.' under the heading 'Natural persons' shall be replaced by the following:

'Dhou El-Aich (*alias* Abdel Hak). Date of birth: 5.8.1964. Place of birth: Blida, Algeria. Nationality: probably Algerian.'
8. The entry 'Ali El Heit (*alias* (a) Kamel Mohamed, (b) Ali Di Roma). Address: (a) via D. Fringuello, 20 Rome, Italy, (b) Milan, Italy (domicile). Date of birth: (a) 20.3.1970, (b) 30.1.1971 (Kamel Mohamed). Place of birth: Rouba, Algeria.' under the heading 'Natural persons' shall be replaced by the following:

'Ali El Heit (*alias* (a) Kamel Mohamed, (b) Ali Di Roma). Address: (a) via D. Fringuello 20, Rome, Italy, (b) Milan, Italy (domicile). Date of birth: (a) 20.3.1970, (b) 30.1.1971. Place of birth: Rouiba, Algeria.'

9. The entry 'Ibrahim Dawood (*alias* (a) Ebrahim Dawood; (b) Sheikh Dawood Hassan). Date of birth: 1955. Place of birth: Ratnagiri, India. Nationality: Indian. Passport No: A-333602, issued in Bombay, India, on 6 April 1985.' under the heading 'Natural persons' shall be replaced by the following:

'Dawood Ibrahim Kaskar (*alias* (a) Dawood Ebrahim, (b) Sheikh Dawood Hassan). Date of birth: 1955. Place of birth: Ratnagiri, India. Nationality: Indian. Passport No: A-333602, issued in Bombay, India, on 6 April 1985.'

10. The entry 'Abdelhalim Remadna, date of birth: 2 April 1966; place of birth: Bistra, Algeria' under the heading 'Natural persons' shall be replaced by the following:

'Abdelhalim Remadna. Date of birth: 2.4.1966. Place of birth: Biskra, Algeria.'

11. The entry 'Ahmad Zerfaoui (*alias* (a) Abdullah, (b) Abdalla, (c) Smail, (d) Abu Khaoula, (e) Abu Cholder, (f) Nuhr). Date of birth: 15 July 1963. Place of birth: Chrea, Algeria. Nationality: probably Algerian.' under the heading 'Natural persons' shall be replaced by the following:

'Ahmad Zerfaoui (*alias* (a) Abdullah, (b) Abdalla, (c) Smail, (d) Abu Khaoula, (e) Abu Cholder, (f) Nuhr). Date of birth: 15.7.1963. Place of birth: Chr ea, Algeria. Nationality: probably Algerian.'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 March 2006

approving the Member States' survey programmes for avian influenza in poultry and wild birds during 2006

(notified under document number C(2006) 780)

(2006/314/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 20 thereof,

Whereas:

(1) Council Decision 90/424/EEC provides for a Community financial contribution for the undertaking of technical and scientific measures necessary for the development of Community veterinary legislation and for veterinary education or training.

(2) Commission Decision 2006/101/EC on the implementation of survey programmes for avian influenza in poultry and wild birds to be carried out in the Member States in 2006 ⁽²⁾ provides for the implementation in the period from February to December 2006 of such surveys subject to those survey programmes being approved by the Commission. Those surveys are to investigate the presence of infections in poultry, which could lead to a review of current Community legislation and contribute to the knowledge of the possible threats for animals and humans from the wildlife.

(3) The survey programmes submitted by Member States have been examined by the Commission in accordance with that Decision.

(4) The Commission has found that the survey programmes submitted by the Member States comply with Decision 2006/101/EC. Those survey programmes should therefore be approved.

(5) In the light of the importance of those survey programmes for the achievement of Community objectives in the field of animal and public health, it is appropriate to fix the Community financial contribution at 50 % of the costs to be incurred by the Member States concerned for the measures referred to in this Decision up to a maximum amount for each survey programme.

(6) Expenditures in relation to the survey programmes approved by this Decision that have been incurred since 1 February 2006 should also be considered eligible for co-financing by the Community.

(7) Furthermore, it is appropriate to lay down rules for reporting the results of the surveys and for the eligibility of the costs contained in the financial claim for a Community financial contribution for the costs incurred by Member States for the implementation of the survey programmes.

(8) 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. 19. Decision as last amended by Council Decision 2006/53/EC of 23 January 2006 (OJ L 29, 2.2.2006, p. 37).

⁽²⁾ OJ L 46, 16.2.2006, p. 40.

HAS ADOPTED THIS DECISION:

Article 1

The Member States' programmes for avian influenza in poultry and wild birds listed in Annex I are approved for the period set out in that Annex ('the programmes').

Article 2

The Member States shall carry out surveys for avian influenza in poultry and wild birds in accordance with the programmes.

Article 3

The Community financial contribution to the costs for analysing samples shall be granted to each Member State at the rate of 50 % of the costs incurred and up to the maximum amount for co-financing set out in Annex I.

That Community financial contribution shall be granted provided that the Member State concerned complies with the following:

- (a) brings into force the laws, regulations or administrative provisions necessary for implementing its programme;
- (b) submits a final report to the Commission and to the Community Reference Laboratory for avian influenza as referred to in Article 51(1) of Council Directive 2005/94/EC ⁽¹⁾ by 31 March 2007 at the latest, on the technical execution of the programme and the results attained, in accordance with the reporting models set out in Annexes II to V to this Decision;

(c) submits appropriate evidence to the Commission as to the costs incurred for analysing samples during the period for which the programme is approved;

(d) implements the programme efficiently, in particular the competent authority must ensure that appropriate sampling is performed.

Article 4

The maximum amounts of the costs to be reimbursed to the Member States for the tests covered by the programmes shall not exceed the following:

- (a) ELISA test: EUR 1 per test;
- (b) agar gel immune diffusion test: EUR 1,2 per test;
- (c) HI test for H5/H7: EUR 12 per test;
- (d) virus isolation test: EUR 30 per test;
- (e) PCR test: EUR 15 per test.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 16 March 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 10, 14.1.2006, p. 16.

ANNEX I

Member States' programmes for avian influenza surveys in poultry and wild birds

Code	Member State	Period	Maximum amount for co-financing of samples (EUR)
BE	Belgium	1 February 2006 to 31 December 2006	38 400,00
CZ	Czech Republic	1 February 2006 to 31 December 2006	33 400,00
DK	Denmark	1 February 2006 to 31 December 2006	168 500,00
DE	Germany	1 February 2006 to 31 December 2006	268 000,00
EE	Estonia	1 February 2006 to 31 December 2006	1 450,00
EL	Greece	1 February 2006 to 31 December 2006	39 300,00
ES	Spain	1 February 2006 to 31 December 2006	88 100,00
FR	France	1 February 2006 to 31 December 2006	204 800,00
IE	Ireland	1 February 2006 to 31 December 2006	42 500,00
IT	Italy	1 February 2006 to 31 December 2006	427 300,00
CY	Cyprus	1 February 2006 to 31 December 2006	20 700,00
LV	Latvia	1 February 2006 to 31 December 2006	11 600,00
LT	Lithuania	1 February 2006 to 31 December 2006	15 400,00
LU	Luxembourg	1 February 2006 to 31 December 2006	4 400,00
HU	Hungary	1 February 2006 to 31 December 2006	109 500,00
MT	Malta	1 February 2006 to 31 December 2006	3 700,00
NL	The Netherlands	1 February 2006 to 31 December 2006	54 500,00
AT	Austria	1 February 2006 to 31 December 2006	28 550,00
PL	Poland	1 February 2006 to 31 December 2006	94 500,00
PT	Portugal	1 February 2006 to 31 December 2006	71 600,00
SI	Slovenia	1 February 2006 to 31 December 2006	23 500,00
SK	Slovakia	1 February 2006 to 31 December 2006	11 600,00
FI	Finland	1 February 2006 to 31 December 2006	32 600,00
SE	Sweden	1 February 2006 to 31 December 2006	77 200,00
UK	United Kingdom	1 February 2006 to 31 December 2006	93 700,00
Total			1 964 800,00

ANNEX II

FINAL REPORT ON SAMPLED POULTRY HOLDINGS ^(a)

(except ducks and geese)

Serological investigation according to point B to the Annex to Commission Decision 2006/101/EC on holdings of broilers (only when at risk)/fattening turkeys/chicken breeders/turkey breeders/laying hens/free range laying hens/ratites/farmed feathered game (pheasants, partridges, quails and others)/non-commercial holdings* (as defined in Article 2 of Council Directive 2005/94/EC{others [delete as appropriate]}

PLEASE USE ONE FORM PER POULTRY CATEGORY!

Member State: Date: Reporting period from: to:

Region ^(b)	Total number of holdings ^(c)	Total number of holdings sampled	Total number of positive holdings	Number of positive holdings for subtype H 5	Number of positive holdings for subtype H 7
Total					

^(a) Holdings equals herds, flocks or establishments as appropriate.

^(b) Region as defined in the approved programme of the Member State.

^(c) Total number of holdings of one category of poultry in a region.

ANNEX V

FINAL FINANCIAL REPORT AND PAYMENT APPLICATION

One table per survey in poultry/wild birds ^(a)

Member State: Date: Reporting period from: to:

Measures eligible for co-financing ^(b)		Costs
Methods of laboratory analysis	Number tests performed per method	
Serological pre-screening ^(c)		
Haemagglutination-inhibition-test (HI) for H5/H7		
Virus isolation test		
PCR test		
Other measures to be covered	Specify activities	
Sampling		
Others		
Total		

Herewith I certify that the data given above are correct and that no other Community contribution was asked for these measures.

^(a) Strike through as appropriate.

^(b) Data to be given in national currency, VAT excluded (Place, Date)

^(c) Please indicate test used. (Signature)

COMMISSION DECISION

of 28 April 2006

on the eligibility of expenditure to be incurred by certain Member States in 2006 for the collection and management of the data needed to conduct the common fisheries policy*(notified under document number C(2006) 1704)***(Only the Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovenian, Spanish and Swedish texts are authentic)**

(2006/315/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2000/439/EC of 29 June 2000 on a financial contribution from the Community towards the expenditure incurred by Member States in collecting data and for financing studies and pilot projects for carrying out the common fisheries policy ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Decision 2000/439/EC lays down the conditions whereby the Member States may receive a contribution from the Community for expenditure incurred in their national programmes as provided for in Council Regulation (EC) No 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy ⁽²⁾. Under that decision the Commission, on the basis of the information provided by the Member States, decides each year on the eligibility of the expenditure forecast by the Member States and on the amount of the financial assistance from the Community.
- (2) The Commission has received the annual submissions of the national programmes from Belgium, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Slovenia, Finland, Sweden and the United Kingdom that describe the data they intend to collect between 1 January 2006 and 31 December 2006 pursuant to Regulation (EC) No 1543/2000. They have also submitted applications for a financial contribution for the expenditure referred to in Article 4 of Decision 2000/439/EC.
- (3) Pursuant to Article 6 of Commission Regulation (EC) No 1639/2001 of 25 July 2001 establishing the minimum and extended Community programmes for the collection of data in the fisheries sector and laying down detailed rules for the application of Council Regulation (EC) No 1543/2000 ⁽³⁾, the Commission has examined Member

States' national programmes for 2006 and has assessed the eligibility of the expenditures on the basis of those programmes. A first instalment should be delivered to the Member States concerned in accordance with Article 6(1)(a) of Decision 2000/439/EC on the basis of that assessment.

- (4) A second instalment is to be forwarded, in 2007, following the transmission and acceptance by the Commission of a financial and technical report of activity detailing the state of completion of the aims set at the time of drawing-up the minimum and extended programmes, in accordance with Article 6(1)(b) of Decision 2000/439/EC and Article 6(2) of Regulation 1639/2001.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

This Decision establishes for 2006 the amount of the eligible expenditure for each Member State and the rates of the Community financial contribution for the collection and management of the data needed to conduct the common fisheries policy.

Article 2

Expenditure incurred in collecting and managing of the data needed to conduct the common fisheries policy, as set out in Annex I, shall qualify for a financial contribution from the Community not exceeding 50 % of the eligible expenditure for the minimum programme as provided for in Article 5 of Regulation (EC) No 1543/2000.

Article 3

Expenditure incurred in collecting and managing of the data needed to conduct the common fisheries policy, as set out in Annex II, shall qualify for a financial contribution from the Community not exceeding 35 % of the eligible expenditure for the extended programme as provided for in Article 5 of Regulation (EC) No 1543/2000.

⁽¹⁾ OJ L 176, 15.7.2000, p. 42. Decision as amended by Decision 2005/703/EC (OJ L 267, 12.10.2005, p. 26).

⁽²⁾ OJ L 176, 15.7.2000, p. 1.

⁽³⁾ OJ L 222, 17.8.2001, p. 53. Regulation as amended by Regulation (EC) No 1581/2004 (OJ L 289, 10.9.2004, p. 6).

Article 4

1. The Community shall pay a first instalment of 50 % of the financial contribution from the Community set out in Annexes I and II.

2. A second instalment shall be delivered in 2007, after the reception and approval of a financial and a technical report as provided for in Article 6(1)(b) of Decision 2000/439/EC.

Article 5

1. The euro exchange rate used to calculate the amounts eligible under this Decision shall be the rate in force in May 2005.

2. The expenditure declarations and applications for advances in national currency received from the Member States not participating in the third stage of economic and monetary union shall be converted into euro at the rate in force for the month in which those declarations and applications are received by the Commission.

Article 6

This Decision is addressed to the Kingdom of Belgium, 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 Republic of Malta, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 28 April 2006.

For the Commission

Joe BORG

Member of the Commission

ANNEX I

Minimum programme

Member State	Eligible expenditure (EUR)	Max. Community contribution (EUR)
BELGIUM	1 014 257	507 129
DENMARK	4 299 000	2 149 500
GERMANY	2 444 531	1 222 265
ESTONIA	475 988	237 994
GREECE	1 620 845	810 423
SPAIN	6 510 667	3 255 334
FRANCE	6 613 877	3 306 939
IRELAND	4 524 442	2 262 221
ITALY	3 954 825	1 977 413
CYPRUS	589 866	294 933
LATVIA	317 073	158 536
LITHUANIA	122 691	61 346
MALTA	551 845	275 923
NETHERLANDS	3 026 346	1 513 173
POLAND	571 660	285 830
PORTUGAL	2 550 422	1 275 211
SLOVENIA	373 060	186 530
FINLAND	1 247 350	623 675
SWEDEN	2 709 795	1 354 898
UNITED KINGDOM	6 222 481	3 111 241
Total	49 741 021	24 870 511

ANNEX II

Extended programme

Member State	Eligible expenditure (EUR)	Max. Community contribution (EUR)
BELGIUM		
DENMARK		
GERMANY	544 246	190 486
ESTONIA	26 208	9 173
GREECE	215 350	75 373
SPAIN	1 842 106	644 737
FRANCE	339 500	118 825
IRELAND	371 426	129 999
ITALY	560 554	196 194
CYPRUS		
LATVIA	5 364	1 878
LITHUANIA		
MALTA		
NETHERLANDS	435 762	152 517
POLAND	1 316	461
PORTUGAL	443 832	155 241
SLOVENIA		
FINLAND	257 434	90 102
SWEDEN	81 518	28 531
UNITED KINGDOM	2 134 804	747 181
Total	7 259 420	2 540 798

COMMISSION DECISION

of 28 April 2006

on the allocation days present within an area to the United Kingdom, Denmark and Germany in accordance with point 8.1(h) of Annex IIA to Council Regulation (EC) No 51/2006

(notified under document number C(2006) 1714)

(Only the English, Danish and German texts are authentic)

(2006/316/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 51/2006 of 22 December 2005 fixing for 2006 the fishing opportunities and associated conditions for certain fish stocks and groups of stocks, applicable in Community waters and for Community vessels in waters where catch limitations are required⁽¹⁾, and in particular point 8.1(h) of Annex IIA,

Whereas:

- (1) Point 8.1(h) of Annex IIA to Regulation (EC) No 51/2006 specifies a special condition which invites the Member State to develop systems of automatic suspensions of fishing licences in respect of infringements.
- (2) On the basis of requests from Member States, appliance of this special condition enables the allocation from 1 February 2006 to 31 January 2007 of a specific number of days present within an area to a Community fishing vessel while carrying on board trawls, Danish seines or similar gears, except beam trawls, of mesh sizes equal to or greater than 120 mm as referred to in point 4.a.v. of Annex IIA.
- (3) The United Kingdom, Denmark and Germany have submitted a request and provided information on a system of automatic suspensions of fishing licences in respect of infringements for fishing vessels carrying on board such fishing gears.
- (4) In view of the information submitted, allocation of days present within an area on special condition laid down in point 8.1(h) should be authorised to the United Kingdom, Denmark and Germany for fishing vessels

carrying on board fishing gears referred to in point 4.a.v of Annex IIA to Regulation (EC) No 51/2006,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to points 4.a.v and 8.1(h) of Annex IIA to Regulation (EC) No 51/2006, vessels flying the flag from the United Kingdom, Denmark or Germany and carrying on board trawls, Danish seines or similar gears, except beam trawls, of mesh size equal to or greater than 120 mm shall benefit from the allocation of days laid down in point 8.1.(h) and the corresponding line of Table I in point 13 of Annex IIA.

Article 2

A vessel to which is allocated a number of days pursuant to Article 1 may not transfer these days to any other vessel unless:

- (a) the recipient vessel uses at all times a fishing gear of mesh size greater than 120 mm;
- (b) the conditions set out in point 14 and 15 of Annex IIA to Regulation (EC) No 51/2006 are fulfilled.

Article 3

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland, the Kingdom of Denmark and to the Federal Republic of Germany.

Done at Brussels, 28 April 2006.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 16, 20.1.2006, p. 1.

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

COUNCIL DECISION 2006/317/CFSP

of 10 April 2006

concerning the conclusion of the Agreement between the European Union and the Republic of Croatia on security procedures for the exchange of classified information

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 24 and 38 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (1) At its meeting on 27 and 28 November 2003, the Council decided to authorise the Presidency, assisted by the Secretary-General/High Representative (SG/HR), to open negotiations in accordance with Articles 24 and 38 of the Treaty on European Union with certain third States, in order for the European Union to conclude an Agreement with each of them on security procedures for the exchange of classified information.
- (2) Following this authorisation to open negotiations, the Presidency, assisted by the SG/HR, negotiated an Agreement with the Republic of Croatia on security procedures for the exchange of classified information.
- (3) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and the Republic of Croatia on security procedures for the exchange of classified

information is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the European Union.

Article 3

This Decision shall take effect on the date of its adoption.

Article 4

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

Done at Luxembourg, 10 April 2006.

For the Council

The President

U. PLASSNIK

AGREEMENT**between the Republic of Croatia and the European Union on security procedures for the exchange of classified information**

THE REPUBLIC OF CROATIA,

of the one part, and

THE EUROPEAN UNION, hereinafter referred to as the 'EU', represented by the Presidency of the Council of the European Union,

of the other part,

hereinafter referred to as 'the Parties',

CONSIDERING THAT the Parties share the objectives of strengthening their own security in all ways and of providing their citizens with a high level of safety within an area of security;

CONSIDERING THAT the Parties agree that consultations and cooperation should be developed between them on questions of common interest relating to security;

CONSIDERING THAT, in this context, a permanent need therefore exists to exchange classified information between the Parties;

RECOGNISING THAT full and effective consultation and cooperation may require access to the Parties' classified information and material, as well as the exchange of classified information and related material between the Parties;

CONSCIOUS THAT such access to, and exchange of, classified information and related material require appropriate security measures,

HAVE AGREED AS FOLLOWS:

Article 1

In order to fulfil the objectives of strengthening the security of each of the Parties in all ways, this Agreement shall apply to classified information or material in any form either provided or exchanged between the Parties.

Article 2

For the purposes of this Agreement, classified information shall mean any information (namely, knowledge that can be communicated in any form) or material recognised as requiring protection against unauthorised disclosure and which has been so designated by a security classification (hereinafter 'classified information').

Article 3

For the purposes of this Agreement, 'EU' shall mean the Council of the European Union (hereinafter 'Council'), the Secretary-General/High Representative and the General Secretariat of the Council, and the Commission of the European Communities (hereinafter 'European Commission').

Article 4

Each Party shall:

- (a) protect and safeguard classified information subject to this Agreement provided or exchanged by the other Party;
- (b) ensure that classified information subject to this Agreement provided or exchanged keeps the security classification given to it by the providing Party. The receiving Party shall protect and safeguard the classified information according to the provisions set out in its own security regulations for information or material holding an equivalent security classification, as specified in the security arrangements to be established pursuant to Articles 11 and 12;
- (c) not use such classified information for purposes other than those established by the originator and those for which the information is provided or exchanged;

(d) not disclose such classified information to third parties, or to any EU institution or entity not mentioned in Article 3, without the prior consent of the originator.

Article 5

1. Classified information may be disclosed or released, in accordance with the principle of originator control, by one Party, 'the providing Party', to the other Party, 'the receiving Party'.

2. For release to recipients other than the Parties, a decision on disclosure or release of classified information shall be made by the receiving Party following the consent of the providing Party, in accordance with the principle of originator control as defined in its security regulations.

3. In implementing paragraphs 1 and 2, no generic release shall be possible unless procedures are established and agreed between the Parties regarding certain categories of information, relevant to their operational requirements.

Article 6

The Republic of Croatia and the EU, and the entities of the latter as defined in Article 3, shall have a security organisation and security programmes, based upon such basic principles and minimum standards of security which shall be implemented in the security systems of the Parties to be established pursuant to Articles 11 and 12, to ensure that an equivalent level of protection is applied to classified information subject to this Agreement.

Article 7

1. The Parties shall ensure that all persons who, in the conduct of their official duties, require access, or whose duties or functions may afford access, to classified information provided or exchanged under this Agreement are appropriately security cleared before they are granted access to such information.

2. The security clearance procedures shall be designed to determine whether an individual may, taking into account his or her loyalty, trustworthiness and reliability, have access to classified information.

Article 8

The Parties shall provide mutual assistance with regard to security of classified information subject to this Agreement and matters of common security interest. Reciprocal security consultations and inspections shall be conducted by the authorities as defined in Article 11 to assess the effectiveness of the security arrangements within their respective responsibility to be established pursuant to Articles 11 and 12.

Article 9

1. For the purpose of this Agreement

(a) As regards the EU:

all correspondence shall be sent to the Council at the following address:

Council of the European Union
Chief Registry Officer
Rue de la Loi/Wetstraat, 175
B-1048 Brussels.

All correspondence shall be forwarded by the Chief Registry Officer of the Council to the Member States and to the European Commission, subject to paragraph 2.

(b) As regards the Republic of Croatia:

all correspondence shall be addressed to

Republic of Croatia
Office of the National Security Council
Central Registry
Jurjevska 34
10000 Zagreb

via the Mission of the Republic of Croatia to the European Communities, at the following address:

Mission of the Republic of Croatia to the European Communities
Sub-Registry Officer
Avenue des Arts 50
B-1000 Brussels.

2. Exceptionally, correspondence from one Party which is accessible only to specific competent officials, organs or services of that Party may, for operational reasons, be addressed and be accessible only to specific competent officials, organs or services of the other Party specifically designated as recipients, taking into account their competencies and according to the need to know principle. As far as the EU is concerned, this correspondence shall be transmitted through the Chief Registry Officer of the Council.

Article 10

The Minister of Foreign Affairs and European Integration of the Republic of Croatia, and the Secretaries-General of the Council and of the European Commission shall oversee the implementation of this Agreement.

Article 11

In order to implement this Agreement:

1. The Office of the National Security Council as the national security authority of the Republic of Croatia, acting in the name of the Government of the Republic of Croatia and under its authority, shall be responsible for developing security arrangements for the protection and safeguarding of classified information provided to the Republic of Croatia under this Agreement.
2. The Security Office of the General Secretariat of the Council, under the direction and on behalf of the Secretary-General of the Council, acting in the name of the Council and under its authority, shall be responsible for developing security arrangements for the protection and safeguarding of classified information provided to the EU under this Agreement.
3. The European Commission Security Directorate, acting in the name of the European Commission and under its authority, shall be responsible for developing security arrangements for the protection of classified information provided or exchanged under this Agreement within the European Commission and its premises.

Article 12

The security arrangements to be established pursuant to Article 11 in agreement between the three Offices concerned shall lay down the standards of the reciprocal security protection for classified information subject to this Agreement. For the EU, these standards shall be subject to approval by the Council Security Committee.

Article 13

The authorities defined in Article 11 shall establish procedures to be followed in the case of proven or suspected compromise of classified information subject to this Agreement.

Article 14

Prior to the provision of classified information subject to this Agreement between the Parties, the responsible security authorities defined in Article 11 shall agree that the receiving Party is able to protect and safeguard the information subject to this Agreement in a way consistent with the arrangements to be established pursuant to Articles 11 and 12.

Article 15

This Agreement shall in no way prevent the Parties from concluding other Agreements relating to the provision or exchange of classified information subject to this Agreement

provided that they do not conflict with the provisions of this Agreement.

Article 16

All differences between the Parties arising out of the interpretation or application of this Agreement shall be dealt with by negotiation between them.

Article 17

1. This Agreement shall enter into force on the first day of the first month following notification by the Parties to each other in writing of the completion of the internal procedures necessary for its entry into force.
2. This Agreement may be reviewed for consideration of possible amendment at the request of either Party.
3. Any amendment to this Agreement shall be made only in writing and by common agreement of the Parties. It shall enter into force upon mutual written notification as provided under paragraph 1.

Article 18

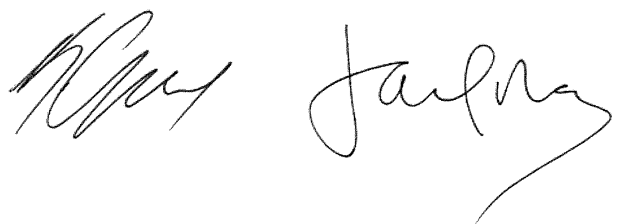
This Agreement may be denounced by either Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party, but shall not affect obligations already contracted under the provisions of this Agreement. In particular, all classified information provided or exchanged pursuant to this Agreement shall continue to be protected in accordance with the provisions set forth herein.

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

Done at Luxembourg, this tenth day of April in the year two thousand and six, in two originals each in the English language.

For the Republic of Croatia

For the European Union



COUNCIL COMMON POSITION 2006/318/CFSP

of 27 April 2006

renewing restrictive measures against Burma/Myanmar

THE COUNCIL OF THE EUROPEAN UNION,

— the continued harassment of the NLD and other organised political movements,

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

— the continuing serious violations of human rights, including the failure to take action to eradicate the use of forced labour in accordance with the recommendations of the International Labour Organisation's High-Level Team report of 2001 and recommendations and proposals of subsequent ILO Missions; and

Whereas:

(1) On 26 April 2004, the Council adopted Common Position 2004/423/CFSP renewing restrictive measures against Burma/Myanmar ⁽¹⁾. These measures replaced the measures imposed by Common Position 2003/297/CFSP ⁽²⁾, which had replaced the restrictive measures initially adopted in 1996 ⁽³⁾.

— recent developments such as increasing restrictions on the operation of international organisations and non-governmental organisations,

(2) On 25 April 2005, the Council adopted Common Position 2005/340/CFSP extending restrictive measures against Burma/Myanmar ⁽⁴⁾. These measures expire on 25 April 2006.

the Council considers it fully justified to maintain the restrictive measures against the military regime in Burma/Myanmar, those who benefit most from its misrule, and those who actively frustrate the process of national reconciliation, respect for human rights and democracy.

(3) In view of the current political situation in Burma/Myanmar, as witnessed by:

— the failure of the military authorities to enter into substantive discussions with the democratic movement concerning a process leading to national reconciliation, respect for human rights and democracy,

(4) Accordingly the scope of the visa ban and assets freeze should be maintained to include members of the military regime, the military and security forces, the military regime's economic interests and other individuals, groups, undertakings or entities associated with the military regime who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and their families and associates.

— the failure to allow a genuine and open National Convention,

(5) The scope of these measures should also continue to include a prohibition on making financial loans or credits available to, and on acquiring or extending a participation in, Burmese state-owned enterprises.

— the continuing detention of Daw Aung San Suu Kyi, other members of the National League for Democracy (NLD) and other political detainees,

⁽¹⁾ OJ L 125, 28.4.2004, p. 61. Common Position as last amended by Common Position 2005/340/CFSP (OJ L 108, 29.4.2005, p. 88).

⁽²⁾ OJ L 106, 29.4.2003, p. 36. Common Position as last amended by Council Decision 2003/907/CFSP (OJ L 340, 24.12.2003, p. 81).

⁽³⁾ Common Position 96/635/CFSP (OJ L 287, 8.11.1996, p. 1). Common Position as last amended by Common Position 2002/831/CFSP (OJ L 285, 23.10.2002, p. 7).

⁽⁴⁾ OJ L 108, 29.4.2005, p. 88.

(6) The Council considers that, although certain measures imposed by this Common Position are directed at persons associated with the Burmese/Myanmar regime and members of their families, children under 18 should not, in principle, be targeted.

- (7) The implementation of the ban on high level visits at the level of Political Director and above should be maintained without prejudice to cases where the European Union decides that the visit is directly in pursuit of national reconciliation, respect for human rights and democracy in Burma/Myanmar.
- (8) In the event of a substantial improvement in the overall political situation in Burma/Myanmar, the suspension of these restrictive measures and a gradual resumption of cooperation with Burma/Myanmar will be considered, after the Council has assessed developments.
- (9) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, as well as equipment which might be used for internal repression, to Burma/Myanmar by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft shall be prohibited whether originating or not in their territories.
2. It shall be prohibited:
- (a) to provide technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, as well as equipment which might be used for internal repression, directly or indirectly to any natural or legal person, entity or body in, or for use in Burma/Myanmar;
- (b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance for any sale, supply, transfer or export of arms and related materiel, as well as equipment which might be used for internal repression, or for the provision of related technical assistance, brokering and other services directly or indirectly to any person, entity or body in, or for use in Burma/Myanmar;
- (c) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a) or (b).

Article 2

1. Article 1 shall not apply to:
- (a) the sale, supply, transfer or export of non-lethal military equipment, or of equipment which might be used for internal repression, intended solely for humanitarian or protective use, or for institution-building programmes of the UN, the EU and the Community, or of materiel intended for EU and UN crisis management operations;
- (b) the sale, supply, transfer or export of demining equipment and materiel for use in demining operations;
- (c) the provision of financing and financial assistance related to such equipment or to such programmes and operations;
- (d) the provision of technical assistance related to such equipment or to such programmes and operations,
- on condition that such exports have been approved in advance by the relevant competent authority.

2. Article 1 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Burma/Myanmar by UN personnel, personnel of the EU, the Community or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 3

Non-humanitarian aid or development programmes shall be suspended. Exceptions shall be made for projects and programmes in support of:

- (a) human rights, democracy, good governance, conflict prevention and building the capacity of civil society;
- (b) health and education, poverty alleviation and in particular the provision of basic needs and livelihoods for the poorest and most vulnerable populations;
- (c) environmental protection and, in particular, programmes addressing the problem of non-sustainable, excessive logging resulting in deforestation.

The projects and programmes should be implemented through UN agencies, non-governmental organisations, and through decentralised cooperation with local civilian administrations. In this context, the European Union will continue to engage with the government of Burma over its responsibility to make greater efforts to attain the UN Millennium Development Goals.

Projects and programmes should, as far as possible, be defined, monitored, run and evaluated in consultation with civil society and all democratic groups, including the National League for Democracy.

Article 4

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:

- (a) senior members of the State Peace and Development Council (SPDC), Burmese authorities in the tourism sector, senior members of the military, the Government or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and members of their families, being the natural persons listed in Annex I;
- (b) serving members of the Burmese military of the rank of Brigadier-General and above and members of their families, being the natural persons listed in Annex I.

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

3. Paragraph 1 shall be without prejudice to cases where a Member State is bound by an obligation of international law, namely:

- (a) as a host country of an international intergovernmental organisation;
- (b) as a host country to an international conference convened by, or under the auspices of, the United Nations; or
- (c) under a multilateral agreement conferring privileges and immunities; or
- (d) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraphs 3 or 4.

6. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending inter-governmental meetings, including those promoted by the European Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Burma/Myanmar.

7. A Member State wishing to grant exemptions referred to in paragraph 6 shall notify the Council in writing. The exemption will be deemed to be granted unless one or more of the Council Members raises an objection in writing within two working days of receiving notification of the proposed exemption. In the event that one or more of the Council members raise an objection, the Council, acting by qualified majority, may decide to grant the proposed exemption.

8. In cases where pursuant to paragraphs 3, 4, 6 and 7, a Member State authorises the entry into, or transit through, its territory of persons listed in Annex I, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 5

1. All funds and economic resources belonging to, owned, held or controlled by the individual members of the Government of Burma/Myanmar and belonging to, owned, held or controlled by the natural or legal persons, entities or bodies associated with them as listed in Annex I shall be frozen.

2. No funds or economic resources shall be made available directly or indirectly to or for the benefit of natural or legal persons, entities or bodies listed in Annex I.

3. The competent authority may authorise the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of persons listed in Annex I and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the competent authority has notified the grounds on which it considers that a specific authorisation should be granted, to the other competent authorities and the Commission at least two weeks prior to the authorisation.

The competent authority shall inform the competent authorities of the other Member States and the Commission of any authorisation granted under this Article.

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

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to restrictive measures,

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

5. The following shall be prohibited:

- (a) the granting of any financial loan or credit to Burmese state-owned enterprises as listed in Annex II, or the acquisition of bonds, certificates of deposit, warrants or debentures, issued by these enterprises;
- (b) the acquisition or extension of a participation in Burmese state-owned enterprises as listed in Annex II, including the acquisition in full of such enterprises and the acquisition of shares and securities of a participating nature.

6. The provisions of paragraph 5(a) shall be without prejudice to the execution of an obligation arising from contracts or agreements concluded before 25 October 2004.

7. The prohibition in paragraph 5(b) shall not prevent the extension of a participation in Burmese state-owned enterprises as listed in Annex II, if such extension is compulsory under an agreement concluded with the Burmese State-owned enterprise concerned before 25 October 2004.

Article 6

High-level bilateral governmental (Ministers and Officials at the level of Political Director and above) visits to Burma/Myanmar shall remain suspended. The Council may, in exceptional circumstances, decide to grant exceptions to this rule.

Article 7

Member States shall not permit the attachment of military personnel to the diplomatic representations of Burma/Myanmar in Member States. All military personnel attached to diplomatic representations of the Member States in Burma/Myanmar shall remain withdrawn.

Article 8

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications to the list set out in Annex I as required.

Article 9

This Common Position shall be kept under constant review. It shall be renewed, or amended as appropriate, in particular as regards the Burmese state-owned enterprises listed in Annex II, if the Council deems that its objectives have not been met.

Article 10

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

It shall apply for a 12-month period as from 30 April 2006.

Article 11

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

Done at Luxembourg, 27 April 2006.

For the Council
The President
U. PLASSNIK

ANNEX I

List referred to in Articles 4, 5 and 8

Table Notes:

1. Aliases or variations in spelling are denoted by 'a.k.a.'

A. STATE PEACE AND DEVELOPMENT COUNCIL (SPDC)

	Name (first name, last name, gender, possible aliases)	Identifying information (function/title, date of birth and place of birth (d.o.b. & p.o.b), passport/ID number, spouse or son/daughter of...)
A1a	Senior General Than Shwe	Chairman, d.o.b. 2.2.1933
A1b	Kyaing Kyaing	Wife of Senior General Than Shwe
A1c	Thandar Shwe	Daughter of Senior General Than Shwe
A1d	Khin Pyone Shwe	Daughter of Senior General Than Shwe
A1e	Aye Aye Thit Shwe	Daughter of Senior General Than Shwe
A1f	Tun Naing Shwe a.k.a. Tun Tun Naing	Son of Senior General Than Shwe
A1g	Khin Thanda	Wife of Tun Naing Shwe
A1h	Kyaing San Shwe	Son of Senior General Than Shwe
A1i	Dr Khin Win Sein	Wife of Kyaing San Shwe
A1j	Thant Zaw Shwe a.k.a. Maung Maung	Son of Senior General Than Shwe
A1k	Dewar Shwe	Daughter of Senior General Than Shwe
A1l	Kyi Kyi Shwe	Daughter of Senior General Than Shwe
A2a	Vice-Senior General Maung Aye	Vice-Chairman, d.o.b. 25.12.1937
A2b	Mya Mya San	Wife of Vice-Senior General Maung Aye
A2c	Nandar Aye	Daughter of Vice-Senior General Maung Aye, spouse of Major Pye Aung (D17d)
A3a	General Thura Shwe Mann	Chief of Staff, Coordinator of Special Operations (Army, Navy and Air), d.o.b. 11.7.1947
A3b	Khin Lay Thet	Wife of General Thura Shwe Mann, d.o.b. 19.6.47
A3c	Aung Thet Mann	Son of General Thura Shwe Mann, Ayeya Shwe War Company, d.o.b. 19.6.1977, passport no — CM102233
A3d	Toe Naing Mann	Son of Shwe Mann, d.o.b. 29.6.1978
A3e	Zay Zin Latt	Wife of Toe Naing Mann; daughter of Khin Shwe (J5a), d.o.b. 24.3.1981
A4a	Gen Soe Win	Prime Minister since 19.10.2004, born 1946
A4b	Than Than Nwe	Wife of -Gen Soe Win
A5a	Lt-Gen Thein Sein	Secretary 1 (since 19.10.2004) & Adjutant General
A5b	Khin Khin Win	Wife of Lt-Gen Thein Sein
A6a	Lt-Gen (Thiha Thura) Tin Aung Myint Oo	(Thiha Thura is a title) Quartermaster-General
A6b	Khin Saw Hnin	Wife of Lt-Gen Thiha Thura Tin Aung Myint Oo
A7a	Lt-Gen Kyaw Win	Chief of Bureau of Special Operations 2 (Kayah State)

	Name (first name, last name, gender, possible aliases)	Identifying information (function/title, date of birth and place of birth (d.o.b. & p.o.b), passport/ID number, spouse or son/daughter of...)
A7b	San San Yee aka San San Yi	Wife of Lt-Gen Kyaw Win
A7c	Nyi Nyi Aung	Son of Lt-Gen Kyaw Win
A7d	San Thida Win	Wife of Nyi Nyi Aung
A7e	Min Nay Kyaw Win	Son of Lt-Gen Kyaw Win
A7f	Dr Phone Myint Htun	Son of Lt-Gen Kyaw Win
A7g	San Sabai Win	Wife of Dr Phone Myint Htun
A8a	Lt-Gen Tin Aye	Chief of Military Ordnance, Head of UMEH
A8b	Kyi Kyi Ohn	Wife of Lt-Gen Tin Aye
A8c	Zaw Min Aye	Son of Lt-Gen Tin Aye
A9a	Lt-Gen Ye Myint	Chief of Bureau of Special Operations 1 (Kachin, Chin, Sagaing, Magwe, Mandalay)
A9b	Tin Lin Myint	Wife of Lt-Gen Ye Myint, d.o.b. 25.1.1947
A9c	Theingi Ye Myint	Daughter of Lt-Gen Ye Myint
A9d	Aung Zaw Ye Myint	Son of Lt-Gen Ye Myint, Yetagun Construction Co
A9e	Kay Khaing Ye Myint	Daughter of Lt-Gen Ye Myint
A10a	Lt-Gen Aung Htwe	Chief of Armed Forces Training
A10b	Khin Hnin Wai	Wife of Lt-Gen Aung Htwe
A11a	Lt-Gen Khin Maung Than	Chief of Bureau of Special Operations 3 (Pegu, Rangoon, Irrawaddy, Arakan)
A11b	Marlar Tint	Wife of Lt-Gen Khin Maung Than
A12a	Lt-Gen Maung Bo	Chief of Bureau of Special Operations 4 (Karen, Mon, Tenasserim)
A12b	Khin Lay Myint	Wife of Lt-Gen Maung Bo
A12c	Kyaw Swa Myint	Son of Lt-Gen Maung Bo. Businessman
A13a	Lt-Gen Myint Swe	Chief of Military Affairs Security
A13b	Khin Thet Htay	Wife of Lt-Gen Myint Swe

B. REGIONAL COMMANDERS

	Name	Identifying information (including command)
B1a	Brig-Gen Hla Htay Win	Rangoon
B1b	Mar Mar Wai	Wife Brig-Gen Hla Htay Win
B2a	Maj-Gen Ye Myint	Eastern (Shan State (South))
B2b	Myat Ngwe	Wife of Maj-Gen Ye Myint
B3a	Maj-Gen Thar Aye a.k.a. Tha Aye	North Western (Sagaing Division)
B3b	Wai Wai Khaing a.k.a. Wei Wei Khaing	Wife of Maj-Gen Thar Aye

	Name	Identifying information (including command)
B4a	Maj-Gen Maung Maung Swe	Coastal (Tanintharyi Division)
B4b	Tin Tin New	Wife of Maj-Gen Maung Maung Swe
B4c	Ei Thet Thet Swe	Daughter of Maj-Gen Maung Maung Swe
B4d	Kaung Kyaw Swe	Son of Maj-Gen Maung Maung Swe
B5a	Maj-Gen Myint Hlaing	North Eastern (Shan State (North))
B5b	Khin Thant Sin	Wife of Maj-Gen Myint Hlaing
B5c	Hnin Nandar Hlaing	Daughter of Maj-Gen Myint Hlaing
B5d	Cadet Thant Sin Hlaing	Son of Maj-Gen Myint Hlaing
B6a	Maj-Gen Khin Zaw	Central (Mandalay Division)
B6b	Khin Pyone Win	Wife of Maj-Gen Khin Zaw
B6c	Kyi Tha Khin Zaw	Son of Maj-Gen Khin Zaw
B6d	Su Khin Zaw	Daughter of Maj-Gen Khin Zaw
B7a	Maj-Gen Khin Maung Myint	Western (Rakhine State)
B7b	Win Win Nu	Wife of Maj-Gen Khin Maung Myint
B8a	Maj-Gen Thura Myint Aung	South Western (Irrawaddy Division)
B8b	Than Than New	Wife of Maj-Gen Thura Myint Aung
B9a	Maj-Gen Ohn Myint	North (Kachin State)
B9b	Nu Nu Swe	Wife of Maj-Gen Ohn Myint
B10a	Maj-Gen Ko Ko	South (Pegu Division)
B10b	Sao Nwan Khun Sum	Wife of Maj-Gen Ko Ko
B11a	Maj-Gen Soe Naing	South Eastern (Mon State)
B11b	Tin Tin Latt	Wife of Maj-Gen Soe Naing
B11c	Wut Yi Oo	Daughter of Maj-Gen Soe Naing
B11d	Captain Htun Zaw Win	Husband of Wut Yi Oo (B11c)
B11e	Yin Thu Aye	Daughter of Maj-Gen Soe Naing
B11f	Yi Phone Zaw	Son of Maj-Gen Soe Naing
B12a	Maj Gen Min Aung Hlaing	Triangle (Shan State (East))

C. DEPUTY REGIONAL COMMANDERS

	Name	Identifying information (including command)
C1a	Brig-Gen Wai Lwin	Yangon
C1b	Swe Swe Oo	Wife of Brig-Gen Wai Lwin
C1c	Wai Phyoo	Son of Brig-Gen Wai Lwin
C1d	Lwin Yamin	Daughter of Brig-Gen Wai Lwin
C2a	Brig-Gen Nay Win	Central
C2b	Nan Aye Mya	Wife of Brig-Gen Nay Win

	Name	Identifying information (including command)
C3a	Brig-Gen Tin Maung Ohn	North-Western
C4a	Brig-Gen San Tun	Northern
C4b	Tin Sein	Wife of Brig-Gen San Tun
C5a	Brig-Gen Hla Myint	North-Eastern
C5b	Su Su Hlaing	Wife of Brig-Gen Hla Myint
C6	Brig Gen Wai Lin	Triangle
C7a	Brig Gen Win Myint	Eastern
C8a	Col Zaw Min	South-Eastern
C9a	Brig-Gen Hone Ngaing/Hon Ngai	Coastal
C10a	Brig-Gen Thura Maung Ni	Southern
C10b	Nan Myint Sein	Wife of Brig-Gen Thura Maung Ni
C11a	Brig-Gen Tint Swe	South-Western
C11b	Khin Thaug	Wife of Brig-Gen Tint Swe
C11c	Ye Min a.k.a. Ye Kyaw Swar Swe	Son of Brig-Gen Tint Swe
C11d	Su Mon Swe	Wife of Ye Min
C12a	Brig Gen Tin Hlaing	Western

D. MINISTERS

	Name	Identifying information (including Ministry)
D3a	Maj-Gen Htay Oo	Agriculture and Irrigation since 18.9.2004 (previously Cooperatives since 25.8.2003)
D3b	Ni Ni Win	Wife of Maj-Gen Htay Oo
D3c	Thein Zaw Nyo	Cadet. Son of Maj-Gen Htay Oo
D4a	Brig-Gen Tin Naing Thein	Commerce (since 18.9.2004), previously Deputy Minister of Forestry
D4b	Aye Aye	Wife of Brig-Gen Tin Naing Thein
D5a	Maj-Gen Saw Tun	Construction, d.o.b. 8.5.1935
D5b	Myint Myint Ko	Wife of Maj-Gen Saw Tun, d.o.b. 11.1.1945
D5c	Me Me Tun	Daughter of Maj-Gen Saw Tun, d.o.b. 26.10.1967, passport no 415194
D5d	Maung Maung Lwin	Husband of Me Me Tun, d.o.b. 2.1.1969
D6a	Col Zaw Min	Cooperatives since 18.9.2004, previously Chairman Magwe PDC
D6b	Khin Mi Mi	Wife of Col Zaw Min
D7a	Maj-Gen Kyi Aung	Culture
D7b	Khin Khin Lay	Wife of Maj-Gen Kyi Aung

	Name	Identifying information (including Ministry)
D8a	Dr Chan Nyein	Education. Previously E29a Deputy Minister of Science & Technology
D8b	Sandar Aung	Wife of Dr Chan Nyein (previously E29b)
D9a	Maj-Gen Tin Htut	Electric Power
D9b	Tin Tin Nyunt	Wife of Maj-Gen Tin Htut
D10a	Brig-Gen Lun Thi	Energy
D10b	Khin Mar Aye	Wife of Brig-Gen Lun Thi
D10c	Mya Sein Aye	Daughter of Brig-Gen Lun Thi
D10d	Zin Maung Lun	Son of Brig-Gen Lun Thi
D10e	Zar Chi Ko	Wife of Zin Maung Lun
D11a	Maj-Gen Hla Tun	Finance & Revenue
D11b	Khin Than Win	Wife of Maj-Gen Hla Tun
D12a	Nyan Win	Foreign Affairs since 18.9.2004, formerly Deputy Chief of Armed Forces Training, d.o.b. 22.1.1953
D12b	Myint Myint Soe	Wife of Nyan Win
D13a	Brig-Gen Thein Aung	Forestry
D13b	Khin Htay Myint	Wife of Brig-Gen Thein Aung
D14a	Prof. Dr Kyaw Myint	Health
D14b	Nilar Thaw	Wife of Prof. Dr Kyaw Myint
D15a	Maj-Gen Maung Oo	Home Affairs
D15b	Nyunt Nyunt Oo	Wife of Maj-Gen Maung Oo
D16a	Maj-Gen Sein Htwa	Ministry of Immigration & Population, as well as Ministry of Social Welfare, Relief & Resettlement
D16b	Khin Aye	Wife of Maj-Gen Sein Htwa
D17a	Aung Thaug	Industry 1
D17b	Khin Khin Yi	Wife of Aung Thaug
D17c	Major Moe Aung	Son of Aung Thaug
D17d	Dr Aye Khaing Nyunt	Wife of Major Moe Aung
D17e	Nay Aung	Son of Aung Thaug, businessman, Managing Director, Aung Yee Phyoe Co. Ltd
D17f	Khin Moe Nyunt	Wife of Nay Aung
D17g	Captain Pyi Aung a.k.a Pye Aung	Son of Aung Thaug (married to A2c)
D17h	Khin Ngu Yi Phyoe	Daughter of Aung Thaug
D17i	Dr Thu Nanda Aung	Daughter of Aung Thaug
D17j	Aye Myat Po Aung	Daughter of Aung Thaug
D18a	Maj-Gen Saw Lwin	Industry 2

	Name	Identifying information (including Ministry)
D18b	Moe Moe Myint	Wife of Maj-Gen Saw Lwin
D19a	Brig-Gen Kyaw Hsan	Information
D19b	Kyi Kyi Win	Wife of Brig-Gen Kyaw Hsan
D20a	Brig-Gen Maung Maung Thein	Livestock & Fisheries
D20b	Myint Myint Aye	Wife of Brig-Gen Maung Maung Thein
D20c	Min Thein	Son of Brig-Gen Maung Maung Thein
D21a	Brig-Gen Ohn Myint	Mines
D21b	San San	Wife of Brig-Gen Ohn Myint
D21c	Thet Naing Oo	Son of Brig-Gen Ohn Myint
D21d	Min Thet Oo	Son of Brig-Gen Ohn Myint
D22a	Soe Tha	National Planning & Economic Development
D22b	Kyu Kyu Win	Wife of Soe Tha
D22c	Kyaw Myat Soe	Son of Soe Tha;
D22d	Wei Wei Lay	Wife of Kyaw Myat Soe
D23a	Col Thein Nyunt	Progress of Border Areas & National Races & Development Affairs, possibly Mayor of Naypyidaw (Pyinmana)
D23b	Kyin Khaing	Wife of Col Thein Nyunt
D24a	Maj-Gen Aung Min	Rail Transportation
D24b	Wai Wai Thar aka Wai Wai Tha	Wife of Maj-Gen Aung Min
D25a	Brig-Gen Thura Myint Maung	Religious Affairs
D25b	Aung Kyaw Soe	Son of Brig-Gen Thura Myint Maung
D25c	Su Su Sandi	Wife of Aung Kyaw Soe
D25d	Zin Myint Maung	Daughter of Brig-Gen Thura Myint Maung
D26a	Thaung	Science & Technology Concurrently Labour (since 5.11.2004)
D26b	May Kyi Sein	Wife of Thaung
D27a	Brig-Gen Thura Aye Myint	Sports
D27b	Aye Aye	Wife of Brig-Gen Thura Aye Myint
D27c	Nay Linn	Son of Brig-Gen Thura Aye Myint
D28a	Brig-Gen Thein Zaw	Minister of Telecommunications, Post & Telegraphs and Minister of Hotels & Tourism
D28b	Mu Mu Win	Wife of Brig-Gen Thein Zaw
D29a	Maj-Gen Thein Swe	Transport, since 18.9.2004 (previously PM's Office since 25.8.2003)
D29b	Mya Theingi	Wife of Maj-Gen Thein Swe

E. DEPUTY MINISTERS

	Name	Identifying information (including Ministry)
E1a	Ohn Myint	Agriculture & Irrigation
E1b	Thet War	Wife of Ohn Myint
E2a	Brig-Gen Aung Tun	Commerce
E3a	Brig-Gen Myint Thein	Construction
E3b	Mya Than	Wife of Brig-Gen Myint Thein
E4a	Brig-Gen Soe Win Maung	Culture
E4b	Myint Myint Wai a.k.a. Khin Myint Wai	Wife of Brig-Gen Soe Win Maung
E5a	Brig-Gen Khin Maung Win	Defence
E7a	Myo Nyunt	Education
E7b	Marlar Thein	Wife of Myo Nyunt
E8a	Brig-Gen Aung Myo Min	Education
E8b	Thazin Nwe	Wife of Brig-Gen Aung Myo Min
E9a	Myo Myint	Electric Power
E9b	Tin Tin Myint	Wife of Myo Myint
E10a	Brig-Gen Than Htay	Energy (since 25.8.2003)
E10b	Soe Wut Yi	Wife of Brig-Gen Than Htay
E11a	Col Hla Thein Swe	Finance & Revenue
E11b	Thida Win	Wife of Col Hla Thein Swe
E12a	Kyaw Thu	Foreign Affairs, d.o.b. 15.8.1949
E12b	Lei Lei Kyi	Wife of Kyaw Thu
E13a	Maung Myint	Foreign Affairs since 18.9.2004
E13b	Dr Khin Mya Win	Wife of Maung Myint
E14a	Prof. Dr Mya Oo	Health, d.o.b. 25.1.1940
E14b	Tin Tin Mya	Wife of Prof. Dr Mya Oo
E14c	Dr Tun Tun Oo	Son of Prof. Dr Mya Oo, d.o.b. 26.7.1965
E14d	Dr Mya Thuzar	Daughter of Prof. Dr Mya Oo, d.o.b. 23.9.1971
E14e	Mya Thidar	Daughter of Prof. Dr Mya Oo, d.o.b. 10.6.1973
E14f	Mya Nandar	Daughter of Prof. Dr Mya Oo, d.o.b. 29.5.1976
E15a	Brig-Gen Phone Swe	Home Affairs (since 25.8.2003)
E15b	San San Wai	Wife of Brig-Gen Phone Swe
E16a	Brig-Gen Aye Myint Kyu	Hotels & Tourism
E16b	Khin Swe Myint	Wife of Brig-Gen Aye Myint Kyu

	Name	Identifying information (including Ministry)
E17a	Maung Aung	Immigration & Population
E17b	Hmwe Hmwe	Wife of Maung Aung
E18a	Brig-Gen Thein Tun	Industry 1
E19a	Lt-Col Khin Maung Kyaw	Industry 2
E19b	Mi Mi Wai	Wife of Lt-Col Khin Maung Kyaw
E20a	Brig-Gen Aung Thein	Information
E20b	Tin Tin New	Wife of Brig-Gen Aung Thein
E21a	Thein Sein	Information, USDA CEC member
E21b	Khin Khin Wai	Wife of Thein Sein
E21c	Thein Aung Thaw	Son of Thein Sein
E21d	Su Su Cho	Wife of Thein Aung Thaw
E22a	Brig-Gen Win Sein	Labour
E22b	Wai Wai Linn	Wife of Brig-Gen Win Sein
E23a	Myint Thein	Mines
E23b	Khin May San	Wife of Myint Thein
E24a	Col Tin Ngwe	Progress of Border Areas & National Races & Development Affairs
E24b	Khin Mya Chit	Wife of Col Tin Ngwe
E25a	Brig-Gen Than Tun	Progress of Border Areas & National Races & Development Affairs
E25b	May Than Tun	Daughter of Brig-Gen Than Tun, d.o.b. 25.6.1970
E25c	Ye Htun Myat	Wife of May Than Tun
E26a	Thura Thaug Lwin	(Thura is a title), Rail Transportation
E26b	Dr Yi Yi Htwe	Wife of Thura Thaug Lwin
E27a	Brig-Gen Thura Aung Ko	(Thura is a title), Religious Affairs, USDA CEC member
E27b	Myint Myint Yee a.k.a. Yi Yi Myint	Wife of Brig-Gen Thura Aung Ko
E28a	Kyaw Soe	Science and Technology
E29a	Col Thurein Zaw	National Planning and Economic Development
E30a	Brig-Gen Kyaw Myint	Social Welfare, Relief & Resettlement
E30b	Khin Nwe Nwe	Wife of Brig-Gen Kyaw Myint
E31a	Pe Than	Both Minister of Transport and Minister of Rail Transportation
E31b	Cho Cho Tun	Wife of Pe Than
E32a	Col Nyan Tun Aung	Transport

F. OTHER TOURISM RELATED APPOINTMENTS

	Name	Identifying information (including post held)
F1a	Capt. (Retired) Htay Aung	Director General at Hotels & Tourism Directorate (Managing Director, Myanmar Hotels and Tourism Services until August 2004)
F2	Tin Maung Shwe	Deputy Director General, Hotels and Tourism Directorate
F3	Soe Thein	Managing Director, Myanmar Hotels and Tourism Services since October 2004 (previously General Manager)
F4	Khin Maung Soe	General Manager
F5	Tint Swe	General Manager
F6	Lt-Col Yan Naing	General Manager, Ministry of Hotels & Tourism
F7	Nyunt Nyunt Than	Director for Tourism Promotion, Ministry of Hotels & Tourism

G. SENIOR MILITARY OFFICERS (Brigadier-General and above)

	Name	Identifying information (including function)
G1a	Maj-Gen Hla Shwe	Deputy Adjutant General
G3a	Maj-Gen Soe Maung	Judge Advocate General
G4a	Brig-Gen Thein Htaik a.k.a. Hteik	Inspector General
G5a	Maj-Gen Saw Hla	Provost Marshal
G6a	Maj-Gen Khin Maung Tun	Vice Quarter Master General
G7a	Maj-Gen Lun Maung	Auditor General
G8a	Maj-Gen Nay Win	Military Assistant to the SPDC Chairman
G9a	Maj-Gen Hsan Hsint	Military Appointments General, born 1951
G9b	Khin Ma Lay	Wife of Maj-Gen Hsan Hsint
G9c	Okkar San Sint	Son of Maj-Gen Hsan Hsint
G10a	Maj-Gen Hla Aung Thein	Camp Commandant, Rangoon
G10b	Amy Khaing	Wife of Hla Aung Thein
G11a	Maj-Gen Win Myint	Deputy Chief of Armed Forces Training
G12a	Maj-Gen Aung Kyi	Deputy Chief of Armed Forces Training
G12b	Thet Thet Swe	Wife of Maj-Gen Aung Kyi
G13a	Maj-Gen Moe Hein	Commandant, National Defence College
G14a	Maj-Gen Khin Aung Myint	Director of Public Relations & Psychological Warfare, Board Member UMEHL
G15a	Maj-Gen Thein Tun	Director of Signals; member of National Convention Convening Management Committee
G16a	Maj-Gen Than Htay	Director of Supply & Transport

	Name	Identifying information (including function)
G17a	Maj-Gen Khin Maung Tint	Director of Security Printing Works
G18a	Maj-Gen Sein Lin	Director, MOD (precise job not known. Formerly Director Ordnance)
G19a	Maj-Gen Kyi Win	Director of Artillery & Armour, Board member UMEHL
G20a	Maj-Gen Tin Tun	Director Military Engineers
G21a	Maj-Gen Aung Thein	Director Resettlement
G22a	Maj-Gen Aye Myint	MOD
G23a	Brig-Gen Myo Myint	Commandant Defence Services Records Office
G24a	Brig-Gen Than Maung	Deputy Commandant of National Defence College
G25a	Brig-Gen Win Myint	Rector DSTA
G26a	Brig-Gen Than Sein	Commandant, Defence Services Hospital, Mingaladon, d.o.b. 1.2.1946, p.o.b. Bago
G26b	Rosy Mya Than	Wife of Brig-Gen Than Sein
G27a	Brig-Gen Win Than	Director of Procurement and Managing Director Union of Myanmar Economic Holdings (previously Maj-Gen Win Hlaing, K1a)
G28a	Brig-Gen Than Maung	Director of Peoples' Militia & Frontier Forces
G29a	Brig-Gen Khin Naing Win	Director Defense Industries
G30a	Brig-Gen Zaw Win	Commandant of Bahtoo Station (Shan State) and Principle of Combat Training School of Defence Services (Army)

Navy

G31a	Vice-Admiral Soe Thein	Commander-in-Chief (Navy)
G31b	Khin Aye Kyin	Wife of Vice Admiral Soe Thein
G31c	Yimon Aye	Daughter of Vice-Admiral Soe Thein, d.o.b. 12.7.1980
G31d	Aye Chan	Son of Vice-Admiral Soe Thein, d.o.b. 23.9.1973
G31e	Thida Aye	Daughter of Vice-Admiral Soe Thein, d.o.b. 23.3.1979
G32a	Commodore Nyan Tun	Chief of Staff (Navy), Board member UMEHL
G32b	Khin Aye Myint	Wife of Nyan Tun

Airforce

G33a	Lt-Gen Myat Hein	Commander-in-Chief (Air)
G33b	Htwe Htwe Nyunt	Wife of Lt-Gen Myat Hein
G34a	Brig-Gen Ye Chit Pe	Staff of Commander in Chief Air, Mingaladon
G35a	Brig-Gen Khin Maung Tin	Commandant of Shande Air Training School, Meiktila
G36a	Brig-Gen Zin Yaw	Chief of Staff (Air), Member of UMEHL Board

	Name	Identifying information (including function)
<i>Light Infantry Divisions (LID) (those of Brigadier-General rank)</i>		
G39a	Brig-Gen Tin Tun Aung	33 LID, Sagaing
G41a	Brig-Gen Thet Oo	55 LID, Kalaw/Aungban
G42a	Brig-Gen Khin Zaw Oo	66 LID, Pyay/Inma
G43a	Brig-Gen Win Myint	77 LID, Bago
G44a	Brig-Gen Aung Than Htut	88 LID, Magwe
G45a	Brig-Gen Tin Oo Lwin	99 LID, Meiktila
<i>Other Brigadier-Generals</i>		
G47a	Brig-Gen Htein Win	Taikkyi Station
G48a	Brig-Gen Khin Maung Aye	Meiktila Station Commander
G49a	Brig-Gen Khin Maung Aye	Regional Operations Command-Kale, Sagaing Division
G50a	Brig-Gen Khin Zaw Win	Khamaukyi Station
G51a	Brig-Gen Kyaw Aung,	Southern MR, Toungoo Station Commander
G52a	Brig-Gen Kyaw Aung	Military Operations Command-8, Dawei/Tavoy Station
G53a	Brig-Gen Kyaw Oo Lwin	Regional Operations Command-Tanai
G54a	N/K Successor to Brig-Gen Kyaw Thu	Phugyi Station
G55a	Brig-Gen Maung Maung Shein	Kawkareik
G56a	Brig-Gen Myint Hein	Military Operations Command -3, Mogaung Station,
G57a	Brig-Gen Mya Win	Military Operations Command -10, Kyigone Station
G58a	Brig-Gen Mya Win	Kalaw
G59a	Brig-Gen Myo Lwin	Military Operations Command -7, Pekon Station
G60a	Brig-Gen Myint Soe	Military Operations Command -5, Taungup Station
G61a	Brig-Gen Myint Aye	Military Operations Command -9, Kyauktaw Station
G62a	Brig-Gen Nyunt Hlaing	Military Operations Command -17, Mong Pan Station
G63a	Brig-Gen Ohn Myint	Mon State USDA CEC member
G64a	Brig-Gen Soe New	Military Operations Command -21 Bhamo Station
G65a	Brig-Gen Soe Oo	Military Operations Command -16, Hsenwi Station
G66a	Brig-Gen Than Tun	Kyaukpadaung Station
G67a	Brig-Gen Than Win	Regional Operations Command-Laukkai
G68a	Brig-Gen Than Tun Aung	Regional Operations Command-Sittwe
G69a	Brig-Gen Thaug Aye	Mongnaung Station
G70a	Brig-Gen Thaug Htaik	Aungban Station
G71a	Brig-Gen Thein Hteik	Military Operations Command -13, Bokpyin Station
G72a	Brig-Gen Thura Myint Thein	Namhsan Tactical Operations Command

	Name	Identifying information (including function)
G73a	Brig-Gen Win Aung	Mong Hsat
G74a	Brig-Gen Myo Tint	Officer on Special Duty Ministry of Transport
G75a	Brig-Gen Thura Sein Thaug	Officer on Special Duty Ministry for Social Welfare
G76a	Brig-Gen Phone Zaw Han	Mayor of Mandalay since February 2005, formerly commander of Kyaukme
G77a	Brig-Gen Hla Min	Pegu West Division PDC chairman
G78a	Brig-Gen Win Myint	Pyinmana Station

H. MILITARY OFFICERS RUNNING PRISONS AND POLICE

	Name	Identifying information (including function)
H1a	Maj-Gen Khin Yi	DG Myanmar Police Force
H1b	Khin May Soe	Wife of Maj-Gen Khin Yi
H2a	Zaw Win	Director General of the Prisons Department (Ministry of Home Affairs) since August 2004, previously Deputy DG Myanmar Police Force, and former Brig-Gen. Former military.
H3a	Aung Saw Win	Director General, Bureau of Special Investigation

I. UNION SOLIDARITY AND DEVELOPMENT ASSOCIATION (USDA) (senior USDA office-holders who have not been included elsewhere)

	Name	Identifying information (including function)
I1a	Brig-Gen Aung Thein Lin	Mayor & Chairman of the Yangon City Development Committee (Secretary)
I1b	Khin San New	Wife of Brig-Gen Aung Thein Lin
I1b	Thidar Myo	Daughter of Brig-Gen Aung Thein Lin
I2a	Col Maung Par	Vice Mayor of YCDC (CEC Member)
I2b	Khin Nyunt Myaing	Wife of Col Maung Par
I2c	Naing Win Par	Son of Col Maung Par

J. PERSONS WHO BENEFIT FROM GOVERNMENT ECONOMIC POLICIES

	Name	Identifying information (inc. company)
J1a	Tay Za	Managing Director, Htoo Trading Co, d.o.b. 18.7.1964, passport no 306869, ID card no MYGN 006415. Father U Myint Swe (d.o.b. 6.11.1924), mother Daw Ohn (d.o.b. 12.8.1934)
J1b	Thidar Zaw	Wife of Tay Za, d.o.b. 24.2.1964, passport no 275107, ID card no KMYT 006865. Parents Zaw Nyunt (deceased), Htoo (deceased)
J1c	Pye Phyo Tay Za	Son of Tay Za (J1a), d.o.b. 29.1.1987
J2a	Thiha	Brother of Tay Za (J1a), d.o.b. 24.6.1960 Director Htoo Trading. Distributor of London cigarettes (Myawadi Trading)

	Name	Identifying information (inc. company)
J3a	Aung Ko Win a.k.a. Saya Kyaung	Kanbawza Bank
J3b	Nan Than Htwe	Wife of Aung Ko Win
J4a	Tun Myint Naing a.k.a. Steven Law	Asia World Co.
J4b	(Ng) Seng Hong	Wife of Tun Myint Naing
J5a	Khin Shwe	Zaykabar Co, d.o.b. 21.1.1952. See also A3e
J5b	San San Kywe	Wife of Khin Shwe
J5c	Zay Thiha	Son of Khin Shwe, d.o.b. 1.1.1977
J6a	Htay Myint	Yuzana Co., d.o.b. 6.2.1955
J6b	Aye Aye Maw	Wife of Htay Myint, d.o.b. 17.11.1957
J7a	Kyaw Win	Shwe Thanlwin Trading Co.
J7b	Nan Mauk Loung Sai a.k.a. Nang Mauk Lao Hsai	Wife of Kyaw Win
J8a	Ko Lay	Minister at the PM's Office until February 2004, Mayor of Rangoon until August 2003
J8b	Khin Khin	Wife of Ko Lay
J8c	San Min	Son of Ko Lay
J8d	Than Han	Son of Ko Lay
J8e	Khin Thida	Daughter of Ko Lay
J9a	Aung Phone	Former Minister for Forestry, d.o.b. 20.11.1939, retired July 2003
J9b	Khin Sitt Aye	Wife of Aung Phone, d.o.b. 14.9.1943
J9c	Sitt Thwe Aung a.k.a. Sit Thway Aung	Son of Aung Phone, d.o.b. 10.7.1977
J9d	Thin Zar Tun	Wife of Sitt Thwe Aung, d.o.b. 14.4.1978
J9e	Sitt Thaung Aung a.k.a. Sit Taing Aung	Son of Aung Phone, d.o.b. 13.11.1971
J10a	Maj-Gen (retired) Nyunt Tin	Former Minister of Agriculture & Irrigation retired September 2004
J10b	Khin Myo Oo	Wife of Maj-Gen (retired) Nyunt Tin
J10c	Kyaw Myo Nyunt	Son of Maj-Gen (retired) Nyunt Tin
J10d	Thu Thu Ei Han	Daughter of Maj-Gen (retired)Nyunt Tin
J11a	Khin Maung Thein	Former Minister for Finance & Revenue retired 1.2.2003
J11b	Su Su Thein	Wife of Khin Maung Thein
J11c	Daywar Thein	Son of Khin Maung Thein, d.o.b. 25.12.1960
J11d	Thawdar Thein	Daughter of Khin Maung Thein, d.o.b. 6.3.1958
J11e	Maung Maung Thein	Son of Khin Maung Thein, d.o.b. 23.10.1963
J11f	Khin Yadana Thein	Daughter of Khin Maung Thein, d.o.b. 6.5.1968
J11g	Marlar Thein	Daughter of Khin Maung Thein, d.o.b. 25.2.1965
J11h	Hnwe Thida Thein	Daughter of Khin Maung Thein, d.o.b. 28.7.1966

K. MILITARY OWNED ENTERPRISES

	Name	Identifying information (including company)
K1a	Maj-Gen (retired) Win Hlaing	Formerly MD, Union of Myanmar Economic Holdings, Myawaddy Bank
K1b	Ma Ngeh	Daughter of Maj-Gen (retired) Win Hlaing
K1c	Zaw Win Naing	Managing Director of Kambawza Bank. Husband of Ma Ngeh (K1b), and nephew of Aung Ko Win (J3a)
K1d	Win Htway Hlaing	Son of Maj-Gen (retired) Win Hlaing, representative for KESCO company
K2	Col Ye Htut	Myanmar Economic Corporation
K3	Col Myint Aung	MD at Myawaddy Trading Co.
K4	Col Myo Myint	MD Bandoola Transportation Co.
K5	Col (retired) Thant Zin	MD at Myanmar Land and Development
K6	Lt-Col (retired) Maung Maung Aye	UMEHL, Chairman Myanmar Breweries
K7	Col Aung San	MD at Hsinmin Cement Plant Construction Project

ANNEX II

List of Burmese state-owned enterprises referred to in Articles 5 and 9

Name	Address	Name of Director
I. UNION OF MYANMAR ECONOMIC HOLDING LTD.		
UNION OF MYANMAR ECONOMIC HOLDING LTD	189/191 MAHABANDoola ROAD CORNER OF 50th STREET YANGON	MAJ-GEN WIN HLAING, MANAGING DIRECTOR
A. MANUFACTURING		
1. MYANMAR RUBY ENTERPRISE	24/26, 2nd FL, SULE PAGODA ROAD, YANGON (MIDWAY BANK BUILDING)	
2. MYANMAR IMPERIAL JADE CO. LTD	24/26, 2nd FL, SULE PAGODA ROAD, YANGON (MIDWAY BANK BUILDING)	
3. MYANMAR RUBBER WOOD CO. LTD		
4. MYANMAR PINEAPPLE JUICE PRODUCTION		
5. MYAWADDY CLEAN DRINKING WATER SERVICE	4/A, No 3 MAIN ROAD, MINGALARDON TSP YANGON	
6. SIN MIN (KING ELEPHANTS) CEMENT FACTORY (KYAUKSE)	189/191 MAHABANDoola ROAD CORNER OF 50th STREET YANGON	COL MAUNG MAUNG AYE, MANAGING DIRECTOR
7. TAILORING SHOP SERVICE		
8. NGWE PIN LE (SILVER SEA) LIVESTOCK BREEDING AND FISHERY CO.	1093, SHWE TAUNG GYAR ST. INDUSTRIAL ZONE II, WARD 63, SOUTH DAGON TSP, YANGON	
9. GRANITE TILE FACTORY (KYAIKTO)	189/191 MAHABANDoola ROAD, CORNER OF 50th STREET YANGON	
10. SOAP FACTORY (PAUNG)	189/191 MAHABANDoola ROAD, CORNER OF 50th STREET YANGON	
B. TRADING		
1. MYAWADDY TRADING LTD	189/191 MAHABANDoola ROAD, CORNER OF 50th STREET YANGON	COL MYINT AUNG MANAGING DIRECTOR
C. SERVICES		
1. MYAWADDY BANK LTD	24-26 SULE PAGODA ROAD, YANGON	BRIG-GEN WIN HLAING AND U TUN KYI, MANAGING DIRECTORS
2. BANDoola TRANSPORTATION CO. LTD	399, THIRI MINGALAR ROAD, INSEIN TSP. YANGON AND/OR PARAMI ROAD, SOUTH OKKALAPA, YANGON	COL. MYO MYINT, MANAGING DIRECTOR

Name	Address	Name of Director
3. MYAWADDY TRAVEL SERVICES	24-26 SULE PAGODA ROAD, YANGON	
4. NAWADAY HOTEL AND TRAVEL SERVICES	335/357, BOGYOKE AUNG SAN ROAD, PABEDAN TSP. YANGON	COL. (RETIRED) MAUNG THAUNG, MANAGING DIRECTOR
5. MYAWADDY AGRICULTURE SERVICES	189/191 MAHABANDoola ROAD, CORNER OF 50th STREET, YANGON	
6. MYANMAR AR (POWER) CONSTRUCTION SERVICES	189/191 MAHABANDoola ROAD, CORNER OF 50th STREET, YANGON	

JOINT VENTURES

A. MANUFACTURING

1. MYANMAR SEGAL INTERNATIONAL LTD	PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP YANGON	U BE AUNG, MANAGER
2. MYANMAR DAEWOO INTERNATIONAL	PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP YANGON	
3. ROTHMAN OF PALL MALL MYANMAR PRIVATE LTD	NO. 38, VIRGINIA PARK, NO. 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, YANGON	
4. MYANMAR BREWERY LTD	NO 45, NO 3, TRUNK ROAD PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP YANGON	LT-COL (RETIRED) MAUNG MAUNG AYE, CHAIRMAN
5. MYANMAR POSCO STEEL CO. LTD	PLOT 22, NO. 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP YANGON	
6. MYANMAR NOUVEAU STEEL CO. LTD	NO. 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP YANGON	
7. BERGER PAINT MANUFACTURING CO. LTD	PLOT NO. 34/A, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP YANGON	
8. THE FIRST AUTOMOTIVE CO. LTD	PLOT NO. 47, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U AYE CHO AND/OR LT-COL TUN MYINT, MANAGING DIRECTOR

Name	Address	Name of Director
B. SERVICES		
1. NATIONAL DEVELOPMENT CORP.	3/A, THAMTHUMAR STREET, 7 MILE, MAYANGONE TSP, YANGON	DR KHIN SHWE, CHAIRMAN
2. HANTHA WADDY GOLF RESORT AND MYODAW (CITY) CLUB LTD	NO 1, KONEMYINTTHA STREET, 7 MILE, MAYANGONE TSP, YANGON AND THIRI MINGALAR ROAD, INSEIN TSP, YANGON	
II. MYANMAR ECONOMIC CORPORATION (MEC)		
MYANMA ECONOMIC CORPORATION (MEC)	SHWEDAGON PAGODA ROAD DAGON TSP, YANGON	COL YE HTUT OR BRIG GEN KYAW WIN, MANAGING DIRECTOR
1. INNWA BANK	554-556, MERCHANT STREET, CORNER OF 35th STREET, KYAUKTADA TSP, YANGON	U YIN SEIN, GENERAL MANAGER
2. MYAING GALAY (RHINO BRAND) CEMENT FACTORY	FACTORIES DEPT. MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	COL KHIN MAUNG SOE
3. DAGON BREWERY	555/B, NO 4, HIGHWAY ROAD, HLAW GAR WARD, SHWE PYI THAR TSP, YANGON	
4. MEC STEEL MILLS (HMAW BI/PYI/YWAMA)	FACTORIES DEPT. MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	COL KHIN MAUNG SOE
5. MEC SUGAR MILL	KANT BALU	
6. MEC OXYGEN AND GASES FACTORY	MINDAMA ROAD, MINGALARDON TSP, YANGON	
7. MEC MARBLE MINE	PYINMANAR	
8. MEC MARBLE TILES FACTORY	LOIKAW	
9. MEC MYANMAR CABLE WIRE FACTORY	NO 48, BAMAW A TWIN WUN ROAD, ZONE (4), HLAING THAR YAR INDUSTRIAL ZONE, YANGON	
10. MEC SHIP BREAKING SERVICE	THILAWAR, THAN NYIN TSP	
11. MEC DISPOSABLE SYRINGE FACTORY	FACTORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	
12. GYPSUM MINE	THIBAW	

COUNCIL JOINT ACTION 2006/319/CFSP

of 27 April 2006

on the European Union military operation in support of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) during the election process

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14, the third subparagraph of Article 25 and Article 28(3) thereof,

Whereas:

- (1) On 28 October 2005, the United Nations Security Council adopted Resolution 1635 (2005) on the situation concerning the Democratic Republic of the Congo (DRC), in which it *inter alia* reaffirmed its support for the process of the Global and All Inclusive Agreement on the Transition in DRC, signed on 17 December 2002, and underlined the importance of elections as the foundation for the longer term restoration of peace and stability, national reconciliation and establishment of the rule of law in DRC. In that Resolution the mandate of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) was extended until 30 September 2006.
- (2) The European Union is committed to supporting the transition process in the DRC, and the Council has to that effect *inter alia* adopted Joint Actions on two current missions: Joint Action 2004/847/CFSP of 9 December 2004 on the European Union Police Mission in Kinshasa (DRC) regarding the Integrated Police Unit (EUPOL Kinshasa)⁽¹⁾ and Joint Action 2005/355/CFSP of 2 May 2005 on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (DRC)⁽²⁾ (hereinafter referred to as EUSEC RD Congo). In 2003, the European Union, under Joint Action 2003/423/CFSP⁽³⁾, conducted a military operation in the DRC (Operation Artemis) in accordance with United Nations Security Council Resolution 1484 (2003).
- (3) On 20 February 2006 the Council adopted Joint Action 2006/122/CFSP⁽⁴⁾ extending the mandate of Mr Aldo Ajello as the European Union Special Representative (EUSR) for the African Great Lakes Region.
- (4) By letter dated 27 December 2005, the United Nations Under-Secretary-General for Peace-keeping Operations invited the European Union to consider the possibility of deploying a military force to the Democratic Republic of the Congo to assist MONUC during the electoral process.
- (5) On 23 March 2006 the Council approved an option paper for possible EU support to MONUC.
- (6) The Presidency has confirmed the principles for the EU military support to MONUC in a letter of 28 March 2006.
- (7) United Nations Security Council Resolution 1671 (2006) of 25 April 2006 authorised the EU to deploy forces in the DRC in support of MONUC during the election process; it also contains provisions regarding the application of the Agreement between the United Nations and the DRC on the status of MONUC, signed on 4 May 2000, to the EU-led forces.
- (8) The DRC authorities have welcomed a possible EU military support to MONUC during the electoral process.
- (9) The Political and Security Committee (PSC) should exercise political control of the EU military operation in the DRC in support of MONUC, provide it with strategic direction and take the relevant decisions in accordance with third subparagraph of Article 25 of the EU Treaty.
- (10) In accordance with Article 28(3) of the EU Treaty, the operational expenditure arising from this Joint Action, having military or defence implications, should be charged to the Member States in accordance with Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications⁽⁵⁾ (hereinafter referred to as ATHENA).

⁽¹⁾ OJ L 367, 14.12.2004, p. 30. Joint Action as amended by Joint Action 2005/822/CFSP (OJ L 305, 24.11.2005, p. 44).

⁽²⁾ OJ L 112, 3.5.2005, p. 20. Joint Action as amended by Joint Action 2005/868/CFSP (OJ L 318, 6.12.2005, p. 29).

⁽³⁾ OJ L 143, 11.6.2003, p. 50.

⁽⁴⁾ OJ L 49, 21.2.2006, p. 17.

⁽⁵⁾ OJ L 63, 28.2.2004, p. 68. Decision as last amended by Decision 2005/68/CFSP (OJ L 27, 29.1.2005, p. 59).

(11) Article 14(1) of the EU Treaty calls for the indication in Joint Actions of the means to be made available to the European Union. The financial reference amount for the common costs of the EU military operation constitutes the best current estimate and is without prejudice to the final figures that are to be included in a budget to be approved in accordance with the rules laid down in ATHENA.

(12) In accordance with Article 6 of the Protocol on the position of Denmark annexed to the EU Treaty and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications. Denmark does not participate in the implementation of this Joint Action and therefore does not participate in the financing of the operation,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. The European Union shall conduct a military operation in the DRC in support of MONUC during the election process, named Operation EUFOR RD Congo, in accordance with the mandate set out in United Nations Security Council Resolution 1671 (2006).

2. The forces deployed to that effect shall operate in accordance with the objectives for possible EU support to MONUC as approved by the Council on 23 March 2006.

Article 2

Appointment of the EU Operation Commander

Lieutenant General Karlheinz VIERECK is hereby appointed EU Operation Commander.

Article 3

Designation of the EU Operational Headquarters

The EU Operational Headquarters shall be located at Armed Forces Operations Command (Einsatzführungskommando der Bundeswehr (EinsFüKdo Bw)) in Potsdam.

Article 4

Designation of the EU Force Commander

Major General Christian DAMAY is hereby appointed EU Force Commander.

Article 5

Planning and launching of the operation

The Decision on the launching of the EU military operation shall be adopted by the Council following the approval of the Operation Plan and the Rules of Engagement and in the light of the electoral calendar in the DRC.

Article 6

Political control and strategic direction

1. Under the responsibility of the Council, the PSC shall exercise the political control and strategic direction of the EU military operation. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the EU Treaty. This authorisation shall include the powers to amend the planning documents, including the Operation Plan, the Chain of Command and the Rules of Engagement. It shall also include the powers to take further decisions on the appointment of the EU Operation Commander and/or EU Force Commander. The powers of decision with respect to the objectives and termination of the EU military operation shall remain vested in the Council, assisted by the Secretary-General/High Representative (SG/HR).

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive reports from the Chairman of the European Union Military Committee (CEUMC) regarding the conduct of the EU military operation, at regular intervals. The PSC may invite the EU Operation Commander and/or EU Force Commander to its meetings, as appropriate.

Article 7

Military direction

1. The EU Military Committee (EUMC) shall monitor the proper execution of the EU military operation conducted under the responsibility of the EU Operation Commander.

2. The EUMC shall receive reports from the EU Operation Commander at regular intervals. It may invite the EU Operation Commander and/or EU Force Commander to its meetings as necessary.

3. The CEUMC shall act as the primary point of contact with the EU Operation Commander.

Article 8

Coherence of EU response

The Presidency, the SG/HR, the EUSR, the EU Operation Commander and the EU Force Commander, and the Heads of Mission for EUPOL Kinshasa and EUSEC RD Congo respectively shall ensure close coordination of their respective activities with respect to the implementation of this Joint Action.

*Article 9***Relations with the United Nations, DRC and other actors**

1. The SG/HR, assisted by the EUSR shall, in close coordination with the Presidency, act as a primary point of contact with the United Nations, the authorities of the DRC and neighbouring countries, as well as with other relevant actors.
2. The EU Operation Commander shall, in close coordination with the SG/HR, liaise with the Department of Peace-keeping Operations (DPKO) in the United Nations and MONUC on issues relevant to his mission.
3. The EU Force Commander in coordination with the EUSR and the Heads of Mission for EUPOL Kinshasa and EUSEC RD Congo respectively shall, on issues relevant to his mission, maintain close contacts with MONUC and local authorities, as well as with other international actors, as appropriate.

*Article 10***Participation of third States**

1. Without prejudice to the decision-making autonomy of the European Union and to the single institutional framework, and in accordance with the relevant guidelines of the European Council:
 - the non-EU European NATO members shall be invited to participate in the EU military operation,
 - countries which are candidates for accession to the European Union and other potential partners may be invited to participate in the EU military operation in accordance with the agreed modalities.
2. The Council hereby authorises the PSC to take, upon the recommendation of the EU Operation Commander and the EUMC, the relevant decisions on acceptance of the proposed contributions.
3. Detailed arrangements regarding the participation of third States shall be the subject of agreements to be concluded in accordance with the procedure laid down in Article 24 of the EU Treaty. The SG/HR, assisting the Presidency, may negotiate such agreements on its behalf. Where the EU and a third State have concluded an agreement establishing a framework for the latter's participation in the EU crisis management operations, the provisions of such an agreement shall apply in the context of this operation.

4. Third States making significant military contributions to the EU military operation shall have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation.

5. The Council hereby authorises the PSC to take relevant decisions on the setting-up of a Committee of Contributors, should third States provide significant military contributions.

*Article 11***Community action**

The Council and the Commission shall ensure, each in accordance with its respective powers, consistency between the implementation of this Joint Action and external activities of the Community in accordance with Article 3 of the EU Treaty. The Council and the Commission shall cooperate to this end.

*Article 12***Status of the EU-led forces**

The status of the EU-led forces and their personnel, including the privileges, immunities and further guarantees necessary for the fulfilment of their mission, will be determined in accordance with the relevant provisions of United Nations Security Council Resolution 1671 (2006).

*Article 13***Financial arrangements**

1. The common costs of the EU military operation shall be administered by ATHENA.
2. For the purposes of this EU military operation:
 - barracks and lodging for the forces as a whole shall not be eligible for payment as common costs,
 - expenditure related to transportation for the forces as a whole shall not be eligible for payment as common costs.
3. The financial reference amount for the common costs of the EU military operation for a four-month period shall be EUR 16 700 000. The percentage of the reference amount referred to in Article 31(3) of Decision 2004/197/CFSP shall be 70 %.

*Article 14***Release of information to United Nations, MONUC and other third parties**

1. The SG/HR is hereby authorised to release to the United Nations, MONUC and to other third parties, associated with this Joint Action, EU classified information and documents generated for the purposes of the EU military operation up to the level of classification relevant respectively for each of them and in accordance with the Council Security Regulations.

2. The SG/HR is hereby authorised to release to the United Nations, MONUC and to other third parties, associated with this Joint Action, EU non-classified documents related to the deliberations of the Council with regard to the operation, covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council Rules of Procedure ⁽¹⁾.

*Article 15***Entry into force and termination**

1. This Joint Action shall enter into force on the date of its adoption.

2. The EU military operation shall end four months after the date of the first round of elections in the DRC.

3. This Joint Action shall be repealed following the redeployment of all EU forces, in accordance with approved termination planning of the EU military operation.

*Article 16***Publication**

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

Done at Luxembourg, 27 April 2006.

For the Council
The President
L. PROKOP

⁽¹⁾ Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure (OJ L 106, 15.4.2004, p. 22). Decision as last amended by Decision 2006/34/EC, Euratom (OJ L 22, 26.1.2006, p. 32).