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Legislation

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 778/2006
of 24 May 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 25 May 2006.

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

Done at Brussels, 24 May 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 24 May 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	79,4
	204	36,2
	212	113,4
	999	76,3
0707 00 05	052	85,5
	628	151,2
	999	118,4
0709 90 70	052	116,5
	999	116,5
0805 10 20	052	36,5
	204	39,4
	220	38,6
	388	77,6
	624	52,2
	999	48,9
0805 50 10	052	42,5
	508	59,9
	528	56,4
	999	52,9
0808 10 80	388	88,6
	400	122,8
	404	110,3
	508	78,9
	512	82,4
	524	88,5
	528	86,0
	720	95,6
	804	104,9
	999	95,3

⁽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 779/2006
of 24 May 2006
amending Regulation (EC) No 488/2005 on the fees and charges levied by the European Aviation Safety Agency
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EC) No 488/2005 is hereby amended as follows:

Having regard to Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency ⁽¹⁾, and in particular Article 53(1) thereof,

1. Article 2, point (g) is amended as follows:

'(g) "indirect costs" means the share of the Agency's general infrastructure, organisation and management costs attributable to the performance of certification tasks, other than direct and specific costs, including those resulting from development of part of the regulatory material;'

Having regard to Commission Regulation (EC) No 488/2005 of 21 March 2005 on the fees and charges levied by the European Aviation Safety Agency ⁽²⁾, and in particular Article 6(5) thereof,

2. Article 12 is replaced by the following:

After consulting the Management Board of the European Aviation Safety Agency,

'Article 12

1. The fee shall be payable by the applicant. It shall be payable in euro.

Whereas:

(1) To ensure the balance between overall expenditure incurred by the European Aviation Safety Agency in carrying out certification tasks and overall income from the fees it levies, the levels of these fees should be reviewed on the basis of the Agency's financial results and forecasts.

2. The issue, maintenance or amendment of a certificate or an approval shall be subject to prior payment of the full amount of the fee due, unless agreed differently by the Agency and the applicant. In the event of non-payment, the Agency may revoke the relevant certificate or approval after having given formal warning to the applicant.

(2) Administrative processes related to the payment of the fees and implemented by the European Aviation Safety Agency and by the applicants should not slow down certification processes.

3. The scale of fees applied by the Agency, and the terms of payment, shall be communicated to applicants when they submit their applications.

(3) It is therefore necessary to amend Regulation (EC) No 488/2005 accordingly.

4. For all certification tasks which give rise to the payment of a variable part, the Agency may, on request, provide the applicant with an estimate. The estimate shall be amended by the Agency if it appears that the task is simpler or can be carried out faster than initially foreseen or, on the contrary, if it is more complex and takes longer to carry out than the Agency could reasonably have foreseen.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 54(1) of Regulation (EC) No 1592/2002,

5. Fees for the maintenance of existing certificates and approvals shall be payable in accordance with a timetable decided by the Agency and communicated to the holders of such certificates and approvals. The timetable shall be based on the inspections carried out by the Agency to check that such certificates and approvals are still valid.

⁽¹⁾ OJ L 240, 7.9.2002, p. 1. Regulation as last amended by Regulation (EC) No 1643/2003 (OJ L 245, 29.9.2003, p. 7).

⁽²⁾ OJ L 81, 30.3.2005, p. 7.

6. If, after a first check, the Agency decides not to accept an application, any fees already paid shall be returned to the applicant, with the exception of an amount to cover the administrative costs of handling the application. That amount shall be equivalent to the fixed fee D set out in the Annex.

7. If a certification task has to be interrupted by the Agency because the applicant has insufficient resources or fails to comply with the applicable requirements, the balance of any fees due shall be payable in full at the time the Agency stops working.'

3. Points (i), (ii), (v), (vi), (x), (xii) and (xiii) of the Annex are amended in accordance with the Annex to this Regulation.

Article 2

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

Annual fees referred to in the table set out in point 3 and surveillance fees referred to in the tables set out in points 4, 5 and 7 of the Annex shall apply as from the first annual instalment due after the entry into force of this Regulation.

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

Done at Brussels, 24 May 2006.

For the Commission

Jacques BARROT

Vice-President

ANNEX

The Annex to Regulation (EC) No 488/2005 is amended as follows:

1. In the introductory part of point (i), the following fourth indent is added:

- Any service related to activities carried out by the Agency, directly or indirectly, for the purpose of issuing, maintaining or amending the certificates and approvals referred to in Article 15 of Regulation (EC) No 1592/2002 shall be charged in accordance with the provisions of Chapter II of this Regulation.’;

2. The table set out in point (ii) is replaced by the following:

Product type	Comments	Fixed fee coefficient
CS-25	Large aeroplanes	—
	significant	5
	non-significant	4
CS-23.A	non-significant of simple design	2
	Aircraft defined in CS-23 Article 1.a.2 (commuter aircraft)	—
	significant	5
CS-23.B	non-significant	4
	Aircraft defined in CS-23 Article 1.a.1 with MTOW of between 2 000 kg and 5 670 kg	—
	significant	3
CS-29	non-significant	2
	Large rotorcraft	—
	significant	4
CS-27	non-significant	4
	Small rotorcraft	0,5
	CS-E.T.A	Turbine engines with take-off thrust equal to or greater than 25 000 N or power output equal or greater than 2 000 kW
CS-E.T.B	significant	1
	non-significant	1
CS-E.T.B	Turbine engines with take-off thrust of less than 25 000 N or power output of less than 2 000 kW	0,5
CS-E.NT	Non-turbine engines	0,2
CS-23.C	Aircraft defined in CS-23 Article 1.a.1 with MTOW of less than 2 000 kg	1
CS-22	Sailplanes and powered sailplanes	0,2
CS-VLA	Very light aircraft	0,2
CS-VLR	Very light rotorcraft	0,2
CS-APU	Auxiliary power unit	0,25
CS-P.A	For use on aircraft certified to CS-25 (or equivalent)	0,25
CS-P.B	For use on aircraft certified to CS-23, CS-VLA and CS-22 (or equivalent)	0,15
CS-22.J	For use on aircraft certified to CS-22	0,15
CS-22.H	Non-turbine engines	0,15
CS-balloons	Not yet available	0,2
CS-airships	Not yet available	0,5

3. Point (v) is amended as follows:

(a) in the introductory part, the first indent is replaced by the following:

‘— The annual fee is levied on all current holders of Agency Type Certificates, Restricted Type Certificates and ETSO Authorisations.’

(b) The first table is replaced by the following:

Product type ⁽¹⁾	Type Certificate for design products originating in an EU Member State (EUR)	Type Certificate for design products originating in a third country (EUR)	Restricted Type Certificate for design products originating in an EU Member State (EUR)	Restricted Type Certificate for design products originating in a third country (EUR)
CS-25 (large aeroplanes with MTOW greater than 50 tonnes)	480 000	160 000	30 000	10 000
CS-25 (large aeroplanes with MTOW between 22 tonnes and 50 tonnes)	200 000	66 000	12 500	4 167
CS-25 (large aeroplanes with MTOW of less than 22 tonnes)	100 000	33 000	6 250	2 083
CS-23.A	12 000	4 000	3 000	1 000
CS-23.B	2 000	667	500	167
CS-23.C	1 000	333	250	100
CS-22	450	150	112,50	100
CS-VLA	450	150	112,50	100
CS-29	75 000	25 000	6 250	2 083
CS-27	20 000	6 667	5 000	1 667
CS-VLR	1 000	333	250	100
CS-APU	800	267	200	100
CS-P.A	1 500	500	375	125
CS-P.B	400	133	100	100
CS-22.J	150	100	100	100
CS-E.T.A	90 000	30 000	7 500	2 500
CS-E.T.B	15 000	5 000	3 750	1 250
CS-E.NT	1 000	333	250	100
CS-22.H	200	100	100	100
CS-balloons	300	100	100	100
CS-airships	500	167	125	100
CS-34	0	0	0	0
CS-36	0	0	0	0
CS-AWO	0	0	0	0

⁽¹⁾ For freighter versions of an aircraft, a coefficient of 0,85 is applied to the fee for the equivalent passenger version.

Type of equipment	Authorisation for EU Member State of design parts and appliances (EUR)	Authorisation for third country of design parts and appliances (EUR)
CS-ETSO.A (Value of equipment above EUR 20 000)	2 000	666
CS-ETSO.B (Value of equipment between EUR 2 000 and 20 000)	1 000	333
CS-ETSO.C (Value of equipment below EUR 2 000)	500	200'

4. The table set out in point (vi) is replaced by the following:

Fee category according to the value of activities subject to approval (EUR)	Coefficient
Less than 500 001	0,1
Between 500 001 and 700 000	0,2
Between 700 001 and 1 200 000	0,5
Between 1 200 001 and 2 800 000	1
Between 2 800 001 and 4 200 000	1,5
Between 4 200 001 and 5 000 000	2,5
Between 5 000 001 and 7 000 000	3
Between 7 000 001 and 9 800 000	3,5
Between 9 800 001 and 14 000 000	4,8
Between 14 000 001 and 50 000 000	7
Between 50 000 001 and 140 000 000	12,8
Between 140 000 001 and 250 000 000	18
Between 250 000 001 and 500 000 000	50
Between 500 000 001 and 750 000 000	200
Over 750 000 000	600'

5. The table set out in point (x) is replaced by the following:

Fee category according to the value of activities subject to approval (EUR)	Coefficient
Less than 500 001	0,5
Between 500 001 and 700 000	0,75
Between 700 001 and 1 400 000	1
Between 1 400 001 and 2 800 000	1,75
Between 2 800 001 and 5 000 000	2,5
Between 5 000 001 and 7 000 000	4
Between 7 000 001 and 14 000 000	6
Between 14 000 001 and 21 000 000	8
Between 21 000 001 and 42 000 000	8,5
Between 42 000 001 and 70 000 000	9
Between 70 000 001 and 84 000 000	9,5
Between 84 000 001 and 105 000 000	10
Over 105 000 000	10,5'

6. The title of point (xii) is amended as follows:

(xii) Fees for acceptance of approvals equivalent to “Part 145” and “Part 147” approvals in accordance with applicable bilateral agreements;

7. The table set out in point (xiii) is replaced by the following:

Fee category according to the value of activities subject to approval (EUR)	Coefficient
Less than 500 001	0,5
Between 500 001 and 700 000	0,75
Between 700 001 and 1 400 000	1
Between 1 400 001 and 2 800 000	1,75
Between 2 800 001 and 5 000 000	2,5
Between 5 000 001 and 7 000 000	4
Between 7 000 001 and 14 000 000	6
Between 14 000 001 and 21 000 000	8
Between 21 000 001 and 42 000 000	9,5
Between 42 000 001 and 84 000 000	10
Over 84 000 000	10,5

COMMISSION REGULATION (EC) No 780/2006**of 24 May 2006****amending Annex VI to Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽¹⁾, and in particular the second indent of Article 13 thereof,

Whereas:

(1) Pursuant to Article 5(8) of Regulation (EEC) No 2092/91, limitative lists of the ingredients and substances referred to in paragraph 3(c) and (d) and paragraph 5a(d) and (e) of that Article shall be established in Sections A and B of Annex VI to that Regulation. The conditions of use of these ingredients and substances may be specified.

(2) Further to the introduction of rules for organic production of livestock and livestock products in Regulation (EEC) No 2092/91, it is necessary to adapt those lists in order to include substances used in the processing of products intended for human consumption which contain ingredients from animal origin.

(3) It is also necessary to define additives that may be used for the preparation of fruit wines other than wines covered by Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽²⁾.

(4) Regulation (EEC) No 2092/91 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up in accordance with Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VI to Regulation (EEC) No 2092/91 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 December 2007.

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

Done at Brussels, 24 May 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Regulation (EC) No 699/2006 (OJ L 121, 6.5.2006, p. 36).

⁽²⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 2165/2005 (OJ L 345, 28.12.2005, p. 1).

ANNEX

Annex VI to Regulation (EEC) No 2092/91 is amended as follows:

1. The text under the heading 'GENERAL PRINCIPLES' is amended as follows:

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

'Sections A, B and C cover the ingredients and processing aids which may be used in the preparation of foodstuffs composed essentially of one or more ingredients of plant and/or animal origin, referred to in Article 1(1)(b) of this Regulation, with the exception of wines covered by Council Regulation (EC) No 1493/1999 (*).

Products of animal origin bearing an indication referring to the organic production method, which have been lawfully produced before the date of application of Commission Regulation (EC) No 780/2006 (**), may be marketed until stocks are exhausted.

(*) OJ L 179, 14.7.1999, p. 1.

(**) OJ L 137, 25.5.2006, p. 9.'

(b) The second paragraph is replaced by the following:

'When a foodstuff is composed of ingredients of plant and animal origin, the rules established in Article 3 of Directive 95/2/EC of the European Parliament and of the Council (*) shall apply.

The inclusion in Sub-section A.1 of sodium nitrite and potassium nitrate shall be re-examined before 31 December 2007, with a view to limiting or withdrawing the use of these additives.

(*) OJ L 61, 18.3.1995, p. 1.'

2. Section A is amended as follows:

(a) Subsection A.1 is replaced by the following:

'A.1. Food additives, including carriers

Code	Name	Preparation of foodstuffs of plant origin	Preparation of foodstuffs of animal origin	Specific conditions
E 153	Vegetable carbon		X	Ashy goat cheese Morbier cheese
E 160b	Annatto, Bixin, Norbixin		X	Red Leicester cheese Double Gloucester cheese Scottish cheddar Mimolette cheese
E 170	Calcium carbonate	X	X	Shall not be used for colouring or calcium enrichment of products

Code	Name	Preparation of foodstuffs of plant origin	Preparation of foodstuffs of animal origin	Specific conditions
E 220 Or E 224	Sulphur dioxide Potassium metabisulphite	X X	X X	In fruit wines (*) without added sugar (including cider and perry) or in mead: 50 mg ⁽⁴⁾ For cider and perry prepared with addition of sugars or juice concentrate after fermentation: 100 mg ⁽⁴⁾ ⁽⁴⁾ Maximum levels available from all sources, expressed as SO ₂ in mg/l. ^(*) In this context, "fruit wine" is defined as wine made from fruits other than grapes.
E 250 Or E 252	Sodium nitrite Potassium nitrate		X X	Meat products ⁽²⁾ For E 250: indicative ingoing amount expressed as NaNO ₂ : 80 mg/kg For E 252: indicative ingoing amount expressed as NaNO ₃ : 80 mg/kg For E 250: maximum residual amount expressed as NaNO ₂ : 50 mg/kg For E 252: maximum residual amount expressed as NaNO ₃ : 50 mg/kg
E 270	Lactic acid	X	X	
E 290	Carbon dioxide	X	X	
E 296	Malic acid	X		
E 300	Ascorbic acid	X	X	Meat products ⁽¹⁾
E 301	Sodium ascorbate		X	Meat products in connection with nitrites or nitrates ⁽¹⁾
E 306	Tocopherol-rich extract	X	X	Anti-oxidant for fats and oils
E 322	Lecithins	X	X	Milk products ⁽¹⁾
E 325	Sodium lactate		X	Milk-based and meat products
E 330	Citric acid	X		
E 331	Sodium citrates		X	
E 333	Calcium citrates	X		
E 334	Tartaric acid (L(+)-)	X		
E 335	Sodium tartrates	X		
E 336	Potassium tartrates	X		

Code	Name	Preparation of foodstuffs of plant origin	Preparation of foodstuffs of animal origin	Specific conditions
E 341 (i)	Monocalcium-phosphate	X		Raising agent for self raising flour
E 400	Alginic acid	X	X	Milk-based products ⁽¹⁾
E 401	Sodium alginate	X	X	Milk-based products ⁽¹⁾
E 402	Potassium alginate	X	X	Milk-based products ⁽¹⁾
E 406	Agar	X	X	Milk-based and meat products ⁽¹⁾
E 407	Carrageenan	X	X	Milk-based products ⁽¹⁾
E 410	Locust bean gum	X	X	
E 412	Guar gum	X	X	
E 414	Arabic gum	X	X	
E 415	Xanthan gum	X	X	
E 422	Glycerol	X		For plant extracts
E 440 (i)	Pectin	X	X	Milk-based products ⁽¹⁾
E 464	Hydroxypropyl methyl cellulose	X	X	Encapsulation material for capsules
E 500	Sodium carbonates	X	X	"Dulce de leche" (*) and soured-cream butter ⁽¹⁾ (*) "Dulce de leche" or "Confiture de lait" refers to a soft, luscious, brown cream, made of sweetened, thickened milk
E 501	Potassium carbonates	X		
E 503	Ammonium carbonates	X		
E 504	Magnesium carbonates	X		
E 509	Calcium chloride		X	Milk coagulation
E 516	Calcium sulphate	X		Carrier
E 524	Sodium hydroxide	X		Surface treatment of "Laugengebäck"
E 551	Silicon dioxide	X		Anti-caking agent for herbs and spices
E 553b	Talc	X	X	Coating agent for meat products
E 938	Argon	X	X	
E 939	Helium	X	X	
E 941	Nitrogen	X	X	
E 948	Oxygen	X	X	

⁽¹⁾ The restriction concerns only animal products.

⁽²⁾ This additive can only be used if it has been demonstrated to the satisfaction of the competent authority that no technological alternative giving the same sanitary guarantees and/or allowing to maintain the specific features of the product, is available.

(b) Subsection A.4, is replaced by the following:

'A.4. Micro-organism preparations

Any preparations of micro-organisms normally used in food processing, with the exception of genetically modified micro-organisms within the meaning of Directive 2001/18/EC of the European Parliament and of the Council (*).

(*) OJ L 106, 17.4.2001, p. 1'.

(c) The following Sub-section A.6. is added:

'A.6. Use of certain colours for stamping products

In the case where colours are used for stamping eggshells, Article 2(9) of Directive 94/36/EC of the European Parliament and of the Council (*) shall apply.

(*) OJ L 237, 10.9.1994, p. 13.'

3. Section B is replaced by the following:

'SECTION B — PROCESSING AIDS AND OTHER PRODUCTS, WHICH MAY BE USED FOR PROCESSING OF INGREDIENTS OF AGRICULTURAL ORIGIN FROM ORGANIC PRODUCTION REFERRED TO IN ARTICLE 5(3)(D) AND ARTICLE 5(5A)(E) OF REGULATION (EEC) No 2092/91

Name	Preparation of foodstuffs of plant origin	Preparation of foodstuffs of animal origin	Specific conditions
Water	X	X	Drinking water within the meaning of Council Directive 98/83/EC (*)
Calcium chloride	X		Coagulation agent
Calcium carbonate	X		
Calcium hydroxide	X		
Calcium sulphate	X		Coagulation agent
Magnesium chloride (or nigari)	X		Coagulation agent
Potassium carbonate	X		Drying of grapes
Sodium carbonate	X		Sugar(s) production
Citric acid	X		Oil production and hydrolysis of starch
Sodium hydroxide	X		Sugar(s) production Oil production from rape seed (<i>Brassica spp</i>)
Sulphuric acid	X		Sugar(s) production
Isopropanol (propanol-2-ol)	X		In the crystallisation process in sugar preparation; in due respect of the provisions of Council Directive 88/344/EEC, for a period expiring on 31/12/2006
Carbon dioxide	X	X	
Nitrogen	X	X	
Ethanol	X	X	Solvent

Name	Preparation of foodstuffs of plant origin	Preparation of foodstuffs of animal origin	Specific conditions
Tannic acid	X		Filtration aid
Egg white albumen	X		
Casein	X		
Gelatin	X		
Isinglass	X		
Vegetal oils	X	X	Greasing, releasing or anti-foaming agent
Silicon dioxide gel or colloidal solution	X		
Activated carbon	X		
Talc	X		
Bentonite	X	X	Sticking agent for mead ⁽¹⁾
Kaolin	X	X	Propolis ⁽¹⁾
Diatomaceous earth	X		
Perlite	X		
Hazelnut shells	X		
Rice meal	X		
Beeswax	X		Releasing agent
Carnauba wax	X		Releasing agent

⁽¹⁾ The restriction concerns only animal products.

Preparations of micro-organisms and enzymes:

Any preparations of micro-organisms and enzymes normally used as processing aids in food processing, with the exception of genetically modified micro-organisms and with the exception of enzymes derived from "genetically modified organisms" within the meaning of Directive 2001/18/EC.

^(*) OJ L 330, 5.12.1998, p. 32.'

COMMISSION REGULATION (EC) No 781/2006
of 24 May 2006
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3.

(4) It is appropriate to provide that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which is not in accordance with this Regulation, can continue to be invoked by the holder for a period of three months, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2.

Article 2

Binding tariff information issued by the customs authorities of Member States which is not in accordance with this Regulation can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 24 May 2006.

For the Commission

László KOVÁCS

Member of the Commission

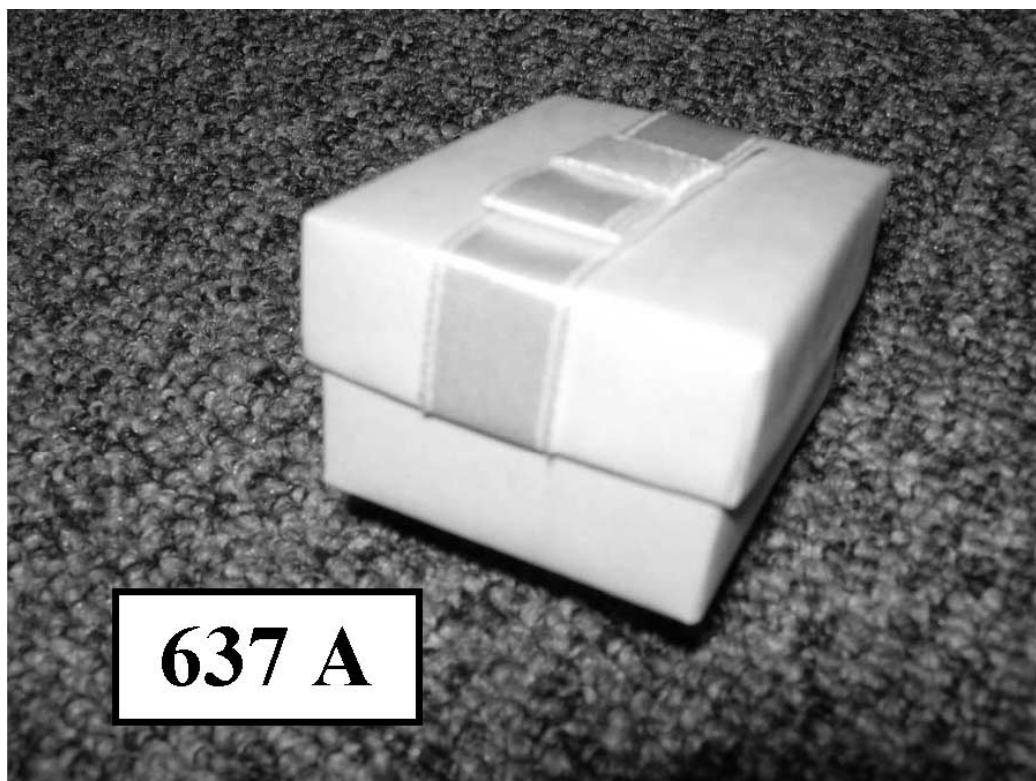
⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 486/2006 (OJ L 88, 25.3.2006, p. 1).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).

ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
<p>Solid paperboard box with separate lid (without hinges or fasteners), both components with an outer surface of paper. The box measures 5,5 cm (length) × 4,5 cm (width) × 3 cm (height). There is a decorative textile ribbon on the lid.</p> <p>There is a 1 cm thick removable synthetic sponge fitted in the box. The sponge is of cellular plastic the upper surface of which is covered with a layer of textile material covered with textile flock imitation pile. In the centre, there is a semi-circular incision, cut right through the sponge, which is designed to hold an article of jewellery, e.g. a ring.</p> <p>(jewellery box)</p> <p>(See photographs No 637 A + B + C) (*)</p>	4202 99 00	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, note 2(h) to Chapter 48 and the wording of CN code 4202 and 4202 99 00.</p> <p>The solidity of the paperboard indicates that the article is suitable for long-term use. Moreover, the measurements of the sponge (fit to the box, its thickness), its visual appearance (resembling pile fabric) and, most of all, the design of the incision makes the article a lidded container similar to 'jewellery boxes' fitted to contain one piece of jewellery. See the HS Explanatory Notes to heading 4202, seventh paragraph.</p> <p>Furthermore, the article is covered with paper which meets the requirement for containers mentioned in the second part of the wording of heading 4202.</p> <p>Considering its objective characteristics (solid paperboard, specific features of the sponge) the article is designed to store a specific merchandise, that is jewellery. It is, therefore, an article mentioned in the second part of the wording of heading 4202 and, as such, excluded from Chapter 48 according to note 2(h) to Chapter 48. See also the first phrase of the first paragraph of the HS Explanatory Notes to heading 4819, (A).</p>

(*) The photographs are purely for information.





II

(Acts whose publication is not obligatory)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY

No 59/05/COL

of 5 April 2005

on the co-ordinated inspection programme in the field of animal nutrition for 2005

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, and in particular Article 109 and Protocol 1 thereof,

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5(2)(b) and Protocol 1 thereof,

Having regard to the Act referred to at point 31a of Chapter II of Annex I to the EEA Agreement (*Council Directive 95/53/EC of 25 October 1995 fixing the principles governing the organization of inspections in the field of animal nutrition*⁽¹⁾), as amended, and as adapted to the EEA Agreement by Protocol 1 thereto, and in particular Article 22(3) thereof,

Whereas:

- (1) In 2004 the EFTA States identified certain issues as worthy of a co-ordinated inspection programme to be carried out in 2005.
- (2) Although the Act referred to at Point 33 of Chapter II of Annex I to the EEA Agreement (*Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed*⁽²⁾), as amended, establishes maximum contents of aflatoxin B₁ in feeding-stuffs, there are no EEA rules for other mycotoxins, such as ochratoxin A, zearalenone, deoxynivalenol and fumonisins. Gathering information on the presence of those

mycotoxins through random sampling could provide useful data for an assessment of the situation with a view to the development of the legislation. Furthermore, certain feed materials such as cereals and oil seeds are particularly exposed to mycotoxin contamination because of harvesting, storage and transport conditions. As mycotoxin concentration varies from year to year, it is appropriate to collect data from consecutive years for all mycotoxins mentioned.

- (3) Antibiotics, other than coccidiostats and histomonostats, may be marketed and used as feed additives only until 31 December 2005. Previous checks for the presence of antibiotics and coccidiostats in certain feedingstuffs where some of those substances are not authorised indicate that this type of infringement still occurs. The frequency of such findings and the sensitivity of this matter justify the continuation of checks. It is important to ensure that the restrictions on the use of feed materials of animal origin in feedingstuffs, as laid down in the relevant EEA legislation, are effectively enforced.
- (4) The participation of Norway and Iceland in the programmes within the scope of Annex II of this Recommendation concerning substances not authorised as feed additives will have to be evaluated with respect to their exemptions from Chapter II of Annex I to the EEA Agreement and, in particular, from the Act referred to at Point 1a of Chapter II of Annex I to the EEA Agreement, *Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition*.
- (5) The participation of Iceland in the programmes within the scope of Annex III of this Recommendation concerning restrictions on the production and use of feed materials of animal origin will have to be evaluated with respect to its exemptions from Chapter I of Annex I to the EEA Agreement.

⁽¹⁾ OJ L 265, 8.11.1995, p. 17. Directive as last amended by Directive 2001/46/EC of the European Parliament and of the Council (OJ L 234, 1.9.2001, p. 55).

⁽²⁾ OJ L 140, 30.5.2002, p. 10. Directive as last amended by Commission Directive 2003/100/EC (OJ L 285, 1.11.2003, p. 33).

- (6) It is appropriate to ensure that the levels of the trace elements copper and zinc in compound feedingstuffs for pigs do not exceed the maximum content laid down by the Act referred to at Point 1zq of Chapter II of Annex I to the EEA Agreement (*Commission Regulation (EC) No 1334/2003 of 25 July 2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group of trace elements ⁽¹⁾*), as amended. The participation of Norway in the programmes within the scope of Annex IV will have to be evaluated with respect to its exemptions from Chapter II of Annex I to the EEA Agreement.
- (7) The measures provided for in this Recommendation are in accordance with the opinion of the EFTA Plants and Animal Feedingstuffs Committee assisting the EFTA Surveillance Authority,
- (b) antibiotics, coccidiostats and/or histomonostats, whether or not authorised as feed additives for certain animal species and categories, that occur frequently in non-medicated pre-mixtures and compound feedingstuffs in which these medicinal substances are not authorised; the checks should target those medicinal substances in pre-mixtures and compound feedingstuffs if the competent authority considers that there is a greater probability of finding irregularities; the results of the checks should be reported using the model set out in Annex II;
- (c) the implementation of restrictions on the production and use of feed materials of animal origin, as set out in Annex III;
- (d) the levels of copper and zinc in compound feedingstuffs for pigs, as set out in Annex IV.

HEREBY RECOMMENDS:

1. It is recommended that the EFTA States carry out during 2005 a co-ordinated inspection programme aimed to check:
- (a) the concentration of mycotoxins (aflatoxin B₁, ochratoxin A, zearalenone, deoxynivalenol and fumonisins) in feedingstuffs, indicating the methods of analysis; the method of sampling should comprise both random and targeted sampling; in the case of targeted sampling, the samples should be feed materials suspected of containing higher concentrations of mycotoxins, such as cereal grains, oil seeds, oil fruits, their products and by-products, and feed materials stored for a long time or transported by sea over a long distance; in the case of aflatoxin B₁, particular attention should also be paid to compound feedingstuffs for dairy animals other than dairy cattle; the results of the checks should be reported using the model set out in Annex I;
2. It is recommended that EFTA States include the results of the co-ordinated inspection programme provided for in paragraph 1 in a separate Chapter in the annual report on inspection activities to be transmitted to the EFTA Surveillance Authority by 1 April 2006 in accordance with Article 22(2) of Act referred to at Point 31a of Chapter II of Annex I to the EEA Agreement (*Council Directive 95/53/EC of 25 October 1995 fixing the principles governing the organization of inspections in the field of animal nutrition*) and the latest version of the harmonised reporting model.

Done at Brussels, 5 April 2005.

For the EFTA Surveillance Authority

Niels FENGER
Director

Bernd HAMMERMANN
College Member

⁽¹⁾ OJ L 187, 26.7.2003, p. 11.

ANNEX I

Concentration of certain mycotoxins (aflatoxin B₁, ochratoxin A, zearalenone, deoxynivalenol, fumonisins) in feedingstuffs**Individual results of all tested samples; model for reports as referred to in paragraph 1(a)**

Feedingstuffs		Sampling (random or targeted)	Type and concentration of mycotoxins (µg/kg relative to a feedingstuff with a moisture content of 12 %)				
Type	Country of origin		Aflatoxin B ₁	Ochratoxin A	Zearalenone	Deoxynivalenol	Fumonisin ^(*)

(*) The concentration of fumonisins comprises the total of fumonisins B₁, B₂ and B₃.

The competent authority should also indicate:

- the action taken when maximum levels for aflatoxin B₁ are exceeded;
- the methods of analysis used;
- the limits of detection.

ANNEX II

Presence of certain medicinal substances not authorised as feed additives

Certain antibiotics, coccidiostats and other medicinal substances may be legally present as additives in pre-mixtures and compound feedingstuffs for certain species and categories of animals, when fulfilling the requirements of Article 10 of the Act referred to at Point 1a of Chapter II of Annex I to the EEA Agreement, (*Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition* ⁽¹⁾).

The presence of unauthorised medicinal substances in feedingstuffs constitutes an infringement.

The medicinal substances to be controlled should be chosen from the following:

1. Medicinal substances authorised as feed additives for certain animal species or categories only:

avilamycin	monensin sodium
decoquinate	narasin
diclazuril	narasin — nicarbazin
flavophospholipol	robenidine hydrochloride
halofuginone hydrobromide	salinomycin sodium
lasalocid A sodium	semduramicin sodium
maduramicin ammonium alpha	

2. Medicinal substances no longer authorised as feed additives:

amprolium	nicarbazin
amprolium/ethopabate	nifursol
arprinocid	olaquinox
avoparcin	ronidazol
carbadox	spiramycin
dimetridazole	tetracyclines
dinitolmid	tylosin phosphate
ipronidazol	virginiamycin
meticlorpindol	zinc bacitracin
meticlorpindol/methylbenzoate	other antimicrobial substances

3. Medicinal substances never authorised as feed additives:

other substances

Individual results of all non-compliant samples; model for reports as referred to in paragraph 1(b)

Type of feedingstuff (animal species and category)	Substance detected	Level found	Reason for the infringement ^(*)	Action taken

^(*) Reason leading to the presence of the unauthorised substance in the feedingstuff, as concluded after an investigation carried out by the competent authority.

The competent authority should also indicate:

- the total number of samples tested;
- the names of the substances which have been investigated;
- the methods of analysis used;
- the limits of detection.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

ANNEX III

Restrictions on the production and use of feed materials of animal origin

Without prejudice to Articles 3 to 13 and 15 of Directive 95/53/EC, EFTA States should during 2005 undertake a co-ordinated inspection programme to determine whether restrictions on the production and use of feed materials of animal origin have been complied with.

In particular, in order to ensure that the ban on feeding processed animal protein to certain animals, as laid down in Annex IV of the Act referred to at Point 7.1.12 of Chapter I of Annex I to the EEA Agreement (*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⁾), are effectively applied, EFTA States should implement a specific control programme based on targeted controls. In accordance with Article 4 of Directive 95/53/EC, that control programme should be based on a risk-based strategy where all stages of production and all types of premises where feed is produced, handled and administered are included. The EFTA States should pay special attention to the definition of criteria that can be related to a risk. The weighting given to each criterion should be proportional to the risk. The inspection frequency and the number of samples analysed in the premises should be in correlation to the sum of weightings allocated to those premises.

The following indicative premises and criteria should be considered when drawing up a control programme:

Premises	Criteria	Weighting
Feed mills	<ul style="list-style-type: none"> — Double-stream feed mills producing ruminant compound feed and non-ruminant compound feed containing derogated processed animal proteins — Feed mills with previous history, or suspicion, of non-compliance — Feed mills with a large amount of imported feedingstuffs with high protein content such as fishmeal, soybean meal, corn gluten meal and protein concentrates — Feed mills with a high production of compound feed — Risk of cross-contamination resulting from internal operational procedures (dedication of silos, control of the effective separation of lines, control of ingredients, internal laboratory, sampling procedures) 	
Border Inspection Posts and other points of entry into the Community	<ul style="list-style-type: none"> — Large/small amount of imports of feedingstuffs — Feedingstuffs with high protein content 	
Farms	<ul style="list-style-type: none"> — Home mixers using derogated processed animal proteins — Farms keeping ruminants and other species (risk of cross feeding) — Farms purchasing feedingstuffs in bulk 	
Dealers	<ul style="list-style-type: none"> — Warehouses and intermediate storage of feedingstuffs with high protein content — High volume of bulk feedingstuffs traded — Dealers in compound feedingstuffs produced abroad 	
Mobile mixers	<ul style="list-style-type: none"> — Mixers producing for both ruminants and non-ruminants — Mixers with previous history, or suspicion, of non-compliance — Mixers incorporating feedingstuffs with high protein content — Mixers with high production of feedingstuffs — Large number of farms served including farms which keep ruminants 	
Means of transportation	<ul style="list-style-type: none"> — Vehicles used for the transportation of processed animal proteins and feedingstuffs — Vehicles with previous history, or suspicion, of non-compliance 	

⁽¹⁾ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1993/2004 (OJ L 344, 20.11.2004, p. 12).

As an alternative to these indicative premises and criteria, the EFTA States may forward their own risk assessment to the EFTA Surveillance Authority before 31 March 2005.

Sampling should be targeted on batches or events where cross-contamination with prohibited processed proteins is most likely (first batch after the transport of feedingstuffs containing animal protein prohibited in this batch, technical problems or changes in production lines, changes in storage bunkers or silos for bulk material).

In 2005, the EFTA States should focus on the analysis of sugar beet pulp and imported feed materials.

The minimum number of inspections per year in an EFTA State should be 10 per 100 000 tonnes of compound feed produced. The minimum number of official samples per year in an EFTA State should be 20 per 100 000 tonnes of compound feed produced. Pending the approval of alternative methods, microscopic identification and estimation as described in the Act referred to at Point 31i of Chapter II of Annex I to the EEA Agreement (Commission Directive 2003/126/EC on the analytical method for the determination of constituents of animal origin for the official control of feedingstuffs ⁽¹⁾) should be used for analysing samples. Any presence of prohibited constituents of animal origin in feedingstuffs should be considered as a breach of the feed ban.

The results of the inspection programmes should be communicated to the EFTA Surveillance Authority using the following formats.

Summary of checks concerning feeding restrictions for feed of animal origin (feeding of prohibited processed animal proteins)

A. Documented inspections

Stage	Number of inspections comprising checks on the presence of processed animal proteins	Number of breaches based on documentary checks etc. rather than laboratory testing
Import of feed materials		
Storage of feed materials		
Feed mills		
Home mixers/mobile mixers		
Intermediaries of feedingstuffs		
Means of transport		
Farms keeping non-ruminants		
Farms keeping ruminants		
Others:		

⁽¹⁾ OJ L 339, 24.12.2003, p. 78.

B. Sampling and testing of feed materials and compound feedingstuffs for processed animal proteins

Premises	Number of official samples tested for processed animal proteins			Number of non-compliant samples					
				Presence of processed animal protein from terrestrial animals			Presence of processed animal protein from fish		
	Feed materials	Compound feedingstuffs		Feed materials	Compound feedingstuffs		Feed materials	Compound feedingstuffs	
		for ruminants	for non-ruminants		for ruminants	for non-ruminants		for ruminants	for non-ruminants
At import									
Feed mills									
Intermediaries/storage									
Means of transport									
Home mixers/mobile mixers									
On farm									
Others:									

C. Summary of prohibited processed animal proteins found in samples of feedingstuffs intended for ruminants

	Month of sampling	Type degree and origin of contamination	Sanctions (or other measures) applied
1			
2			
3			
4			
5			
...			

ANNEX IV

Individual results of all samples (both compliant and non-compliant) concerning the content of copper and zinc in compound feedingstuffs for pigs

Type of compound feedingstuff (animal category)	Trace element (copper or zinc)	Level found (mg/kg of complete feedingstuff)	Reason for exceeding the maximum content ⁽⁴⁾	Action taken

⁽⁴⁾ As concluded after an investigation carried out by the competent authority.