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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 834/2006
of 6 June 2006
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

(1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

(2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 June 2006.

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

Done at Brussels, 6 June 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 6 June 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	51,0
	204	42,5
	999	46,8
0707 00 05	052	79,7
	999	79,7
0709 90 70	052	89,9
	999	89,9
0805 50 10	388	59,0
	508	56,7
	528	41,1
	999	52,3
0808 10 80	388	86,1
	400	113,6
	404	107,1
	508	80,4
	512	86,2
	528	94,1
	720	83,5
	804	103,3
	999	94,3
0809 10 00	052	194,4
	999	194,4
0809 20 95	068	115,5
	999	115,5

⁽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 835/2006**of 6 June 2006****opening a standing invitation to tender for the resale on the Community market of common wheat held by the Polish intervention agency**

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 6 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾ provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

(2) Poland has intervention stocks of common wheat, which should be used up.

(3) In view of market conditions, in particular price pressures, the stocks of common wheat held by the Polish intervention agency should be made available on the internal market.

(4) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(5) It is also important for the Polish intervention agency's notification to the Commission to maintain the anonymity of the tenderers.

(6) With a view to modernising the management of the system, provision should be made for the electronic transmission of the information required by the Commission.

(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 Polish intervention agency shall open a standing invitation to tender for the sale on the Community market of 150 000 tonnes of common wheat held by it.

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

(a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;

(b) the minimum selling price shall be set at a level which does not disturb the cereals market; it may not in any event be lower than the intervention price in force for the month in question, including any monthly increases.

Article 3

Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93 the tender security is set at EUR 10 per tonne.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 7 June 2006.

The subsequent partial invitations to tender shall expire each Wednesday at 15.00 (Brussels time).

The last partial invitation to tender shall expire at 15.00 (Brussels time) on 28 June 2006.

⁽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 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

2. Tenders must be lodged with the Polish intervention agency:

Agencja Rynku Rolnego
Biuro Produktów Roślinnych
Dział Zbóż
ul. Nowy Świat 6/12
PL-00-400 Warszawa
Tel. (48) 22 661 78 10
Fax (48) 22 661 78 26.

Article 5

Within two hours of the expiry of the time limit for the submission of tenders, the Polish intervention agency shall notify the Commission of tenders received. This notification shall be made by e-mail, using the form in Annex III.

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003, the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

Article 7

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, 6 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Standing invitation to tender for the resale of 150 000 tonnes of common wheat held by the Polish intervention agency

Form (*)

(Regulation (EC) No 835/2006)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price (EUR/t)
1			
2			
3			
etc.			

(*) To be sent to DG AGRI (D.2).

COMMISSION REGULATION (EC) No 836/2006**of 6 June 2006****opening a standing invitation to tender for the resale on the Community market of common wheat held by the German intervention agency**

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 6 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾ provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

(2) Germany has intervention stocks of common wheat, which should be used up.

(3) In view of market conditions, in particular the pressure on prices, the stocks of common wheat held by the German intervention agency should be made available on the internal market.

(4) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(5) It is also important for the German intervention agency's notification to the Commission to maintain the anonymity of the tenderers.

(6) With a view to modernising the management of the system, provision should be made for the electronic transmission of the information required by the Commission.

(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 German intervention agency shall open a standing invitation to tender for the sale on the Community market of 100 000 tonnes of common wheat held by it.

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

(a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;

(b) the minimum selling price shall be set at a level which does not disturb the cereals market; it may not in any event be lower than the intervention price in force for the month in question, including any monthly increases.

Article 3

Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93 the tender security is set at EUR 10 per tonne.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 7 June 2006.

The subsequent partial invitations to tender shall expire each Wednesday at 15.00 (Brussels time).

The last partial invitation to tender shall expire at 15.00 (Brussels time) on 28 June 2006.

⁽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 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

2. Tenders must be lodged with the German intervention agency:

Bundesanstalt für Landwirtschaft und Ernährung (BLE),
Deichmannsaue 29
D-53179 Bonn
Fax 1 (49-228) 6845 3985
Fax 2 (49-228) 6845 3276

Article 5

Within two hours of the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. This notification shall be made by e-mail, using the form in the Annex.

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003, the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

Article 7

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, 6 June 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Standing invitation to tender for the resale of 100 000 tonnes of common wheat held by the German intervention agency

Form (*)

(Regulation (EC) No 000/2006)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price (EUR/t)
1			
2			
3			
etc.			

(*) To be sent to DG AGRI (D.2).

COMMISSION REGULATION (EC) No 837/2006**of 6 June 2006****establishing a prohibition of fishing for Greenland halibut in ICES zone of II a (EC waters) IV, VI
(EC and International waters) by vessels flying the flag of Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries' resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) 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 fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2006.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2006.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transshipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2006 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

*Article 3***Entry into force**

This Regulation shall enter into force on the 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, 6 June 2006.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

⁽³⁾ OJ L 16, 20.1.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 742/2006 (OJ L 130, 18.5.2006, p. 7).

ANNEX

No	06
Member State	SPAIN
Stock	GLH/2A-C46
Species	Greenland Halibut (<i>Reinhardtius hippoglossoides</i>)
Zone	Ila (EC waters) IV, VI (EC and International waters)
Date	3 May 2006

COMMISSION DIRECTIVE 2006/51/EC**of 6 June 2006****amending for the purposes of adapting to technical progress Annex I to Directive 2005/55/EC of the European Parliament and of the Council and Annexes IV and V to Directive 2005/78/EC as regards requirements for the emission control monitoring system for use in vehicles and exemptions for gas engines****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers ⁽¹⁾, and in particular the second indent of Article 13(2) thereof,Having regard to Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005, on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles ⁽²⁾, and in particular Article 7 thereof,

Whereas:

(1) Directive 2005/55/EC is one of the separate directives in the context of the Community type approval procedure laid down by Directive 70/156/EEC.

(2) Commission Directive 2005/78/EC of 14 November 2005 implementing Directive 2005/55/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines

for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Annexes I, II, III, IV and VI thereto introduced amending and implementing measures in relation to the durability of emission control systems, in-use conformity over a defined useful period and on-board diagnostic (OBD) systems for new heavy duty vehicles and engines.

(3) In view of the technical progress it is now appropriate to introduce improved requirements relating to the verification of the operational conditions, failures and demonstration of the emission control monitoring system at the moment of the type approval.

(4) It is necessary to ensure that the functioning of the emission control monitoring system is not impaired by a defeat strategy.

(5) Gas engines do not use the exhaust gas recirculation or selective catalytic reduction technologies in order to fulfil the current standards for NO_x emissions. Therefore, it is considered that, at this stage, gas engines and vehicles fuelled with gas should be exempted from the requirements to ensure correct operation of NO_x control measures. The exemption might be revoked when taking into consideration further emission stages.

(6) It is appropriate to adjust the date of application of sections 6.5.3, 6.5.4 and 6.5.5 of Annex I to Directive 2005/55/EC in case of new type approvals.

(7) The Commission intends to review the OBD threshold limit values in order to adapt them to the technological progress.

(8) Directives 2005/55/EC and 2005/78/EC should therefore be amended accordingly.

⁽¹⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Commission 2006/28/EC (OJ L 65, 7.3.2006, p. 27).

⁽²⁾ OJ L 275, 20.10.2005, p. 1. Directive as amended by Commission Directive 2005/78/EC (OJ L 313, 29.11.2005, p. 1).

- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Adaptation to Technical Progress established by Article 13(1) of Directive 70/156/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 2005/55/EC is amended in accordance with Annex I to this Directive.

Article 2

Annex IV to Directive 2005/78/EC is amended in accordance with Annex II to this Directive.

Article 3

1. Member States shall adopt and publish, by 8 November 2006 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 9 November 2006. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 6 June 2006.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX I

AMENDMENTS TO DIRECTIVE 2005/55/EC

Annex I is amended as follows:

1. section 2.1 is amended as follows:

(a) the definition of 'defeat strategy' is replaced by the following:

' "defeat strategy" means:

- an AECS that reduces the effectiveness of the emission control relative to the BECS under conditions that may reasonably be expected to be encountered in normal vehicle operation and use,
- a BECS that discriminates between operation on a standardised type-approval test and other operations and provides a lesser level of emission control under conditions not substantially included in the applicable type-approval test procedures, or
- an OBD or an emission control monitoring strategy that discriminates between operation on a standardised type-approval test and other operations and provides a lower level of monitoring capability (timely and accurately) under conditions not substantially included in the applicable type-approval test procedures;

(b) in the definition of 'permanent emission default mode' 'permanent emission default mode' is replaced by 'emission default mode';

(c) the following definition is added:

' "emission control monitoring system" means the system that ensures correct operation of the NO_x control measures implemented in the engine system according to the requirements of section 6.5 of Annex I.;

2. in the second indent of section 6.1.5.6 'permanent emission default modes' is replaced by 'emission default modes'.

3. section 6.5 is replaced by the following:

6.5. Requirements to ensure correct operation of NO_x control measures

6.5.1. General

6.5.1.1. This section is applicable to compression-ignition engine systems irrespective of the technology used to comply with the emission limit values provided in the tables in section 6.2.1.

6.5.1.2. Application dates

The requirements of sections 6.5.3, 6.5.4 and 6.5.5 shall apply from 9 November 2006 for new type approvals and from 1 October 2007 for all registrations of new vehicles.

6.5.1.3. Any engine system covered by this section shall be designed, constructed and installed so as to be capable of meeting these requirements over the useful life of the engine.

6.5.1.4. Information that fully describes the functional operational characteristics of an engine system covered by this section shall be provided by the manufacturer in Annex II.

6.5.1.5. In its application for type-approval, if the engine system requires a reagent, the manufacturer shall specify the characteristics of all reagent(s) consumed by any exhaust aftertreatment system, e.g. type and concentrations, operational temperature conditions, reference to international standards etc.

- 6.5.1.6. Subject to requirements set out in section 6.1, any engine system covered by this section shall retain its emission control function during all conditions regularly pertaining in the territory of the Community, especially at low ambient temperatures.
- 6.5.1.7. For the purpose of type-approval, the manufacturer shall demonstrate to the Technical Service that for engine systems that require a reagent, any emission of ammonia does not exceed, over the applicable emissions test cycle, a mean value of 25 ppm.
- 6.5.1.8. For engine systems requiring a reagent, each separate reagent tank installed on a vehicle shall include means for taking a sample of any fluid inside the tank. The sampling point shall be easily accessible without the use of any specialised tool or device.
- 6.5.2. *Maintenance requirements*
- 6.5.2.1. The manufacturer shall furnish or cause to be furnished to all owners of new heavy-duty vehicles or new heavy-duty engines written instructions that shall state that if the vehicle emission control system is not functioning correctly, the driver shall be informed of a problem by the malfunction indicator (MI) and the engine shall consequentially operate with a reduced performance.
- 6.5.2.2. The instructions will indicate requirements for the proper use and maintenance of vehicles, including where relevant the use of consumable reagents.
- 6.5.2.3. The instructions shall be written in clear and non-technical language and in the language of the country in which a new heavy-duty vehicle or new heavy-duty engine is sold or registered.
- 6.5.2.4. The instructions shall specify if consumable reagents have to be refilled by the vehicle operator between normal maintenance intervals and shall indicate a likely rate of reagent consumption according to the type of new heavy-duty vehicle.
- 6.5.2.5. The instructions shall specify that use of and refilling of a required reagent of the correct specifications when indicated is mandatory for the vehicle to comply with the certificate of conformity issued for that vehicle or engine type.
- 6.5.2.6. The instructions shall state that it may be a criminal offence to use a vehicle that does not consume any reagent if it is required for the reduction of pollutant emissions and that, in consequence, any favourable conditions for the purchase or operation of the vehicle obtained in the country of registration or other country in which the vehicle is used may become invalid.
- 6.5.3. *Engine system NO_x control*
- 6.5.3.1. Incorrect operation of the engine system with respect to NO_x emissions control (for example due to lack of any required reagent, incorrect EGR flow or deactivation of EGR) shall be determined through monitoring of the NO_x level by sensors positioned in the exhaust stream.
- 6.5.3.2. Any deviation in NO_x level more than 1,5 g/kWh above the applicable limit value given in table 1 of section 6.2.1 of Annex I, shall result in the driver being informed by activation of the MI as referred to in section 3.6.5 of Annex IV to Directive 2005/78/EC.
- 6.5.3.3. In addition, a non-erasable fault code identifying the reason why NO_x exceeds the levels specified in section 6.5.3.2 shall be stored in accordance with section 3.9.2 of Annex IV to Directive 2005/78/EC for at least 400 days or 9 600 hours of engine operation.

The reasons for the NO_x exceedance shall, at a minimum, and where applicable, be identified in the cases of empty reagent tank, interruption of reagent dosing activity, insufficient reagent quality, too low reagent consumption, incorrect EGR flow or deactivation of the EGR. In all other cases, the manufacturer is permitted to refer to a non-erasable fault code "high NO_x — root cause unknown".

- 6.5.3.4. If the NO_x level exceeds the OBD threshold limit values given in the table in Article 4(3), a torque limiter shall reduce the performance of the engine according to the requirements of section 6.5.5 in a manner that is clearly perceived by the driver of the vehicle. When the torque limiter is activated the driver shall continue to be alerted according to the requirements of section 6.5.3.2 and a non-erasable fault code shall be stored in accordance with section 6.5.3.3.
- 6.5.3.5. In the case of engine systems that rely on the use of EGR and no other aftertreatment system for NO_x emissions control, the manufacturer may utilise an alternative method to the requirements of section 6.5.3.1 for the determination of the NO_x level. At the time of type approval the manufacturer shall demonstrate that the alternative method is equally timely and accurate in determining the NO_x level compared to the requirements of section 6.5.3.1 and that it triggers the same consequences as those referred to in sections 6.5.3.2, 6.5.3.3 and 6.5.3.4.
- 6.5.4. *Reagent control*
- 6.5.4.1. For vehicles that require the use of a reagent to fulfil the requirements of this section, the driver shall be informed of the level of reagent in the on-vehicle reagent storage tank through a specific mechanical or electronic indication on the vehicle's dashboard. This shall include a warning when the level of reagent goes:
- below 10 % of the tank or a higher percentage at the choice of the manufacturer, or
 - below the level corresponding to the driving distance possible with the fuel reserve level specified by the manufacturer.
- The reagent indicator shall be placed in close proximity to the fuel level indicator.
- 6.5.4.2. The driver shall be informed, according to the requirements of section 3.6.5 of Annex IV to Directive 2005/78/EC, if the reagent tank becomes empty.
- 6.5.4.3. As soon as the reagent tank becomes empty, the requirements of section 6.5.5 shall apply in addition to the requirements of section 6.5.4.2.
- 6.5.4.4. A manufacturer may choose to comply with the sections 6.5.4.5 to 6.5.4.12 as an alternative to complying with the requirements of section 6.5.3.
- 6.5.4.5. Engine systems shall include a means of determining that a fluid corresponding to the reagent characteristics declared by the manufacturer and recorded in Annex II to this Directive is present on the vehicle.
- 6.5.4.6. If the fluid in the reagent tank does not correspond to the minimum requirements declared by the manufacturer as recorded in Annex II to this Directive the additional requirements of section 6.5.4.12 shall apply.
- 6.5.4.7. Engine systems shall include a means for determining reagent consumption and providing off-board access to consumption information.
- 6.5.4.8. Average reagent consumption and average demanded reagent consumption by the engine system either over the previous complete 48 hour period of engine operation or the period needed for a demanded reagent consumption of at least 15 litres, whichever is longer, shall be available via the serial port of the standard diagnostic connector as referred to in section 6.8.3 of Annex IV to Directive 2005/78/EC.
- 6.5.4.9. In order to monitor reagent consumption, at least the following parameters within the engine shall be monitored:
- level of reagent in on-vehicle storage tank,
 - flow of reagent or injection of reagent as close as technically possible to the point of injection into an exhaust aftertreatment system.
- 6.5.4.10. Any deviation more than 50 % in average reagent consumption and average demanded reagent consumption by the engine system over the period defined in section 6.5.4.8 shall result in application of the measures laid down in section 6.5.4.12.

- 6.5.4.11. In the case of interruption in reagent dosing activity the measures laid down in section 6.5.4.12 shall apply. This is not required where such interruption is demanded by the engine ECU because engine operating conditions are such that the engine's emission performance does not require reagent dosing, provided that the manufacturer has clearly informed the approval authority when such operating conditions apply.
- 6.5.4.12. Any failure detected with respect to sections 6.5.4.6, 6.5.4.10 or 6.5.4.11 shall trigger the same consequences in the same order as those referred to in sections 6.5.3.2, 6.5.3.3 or 6.5.3.4.
- 6.5.5. *Measures to discourage tampering of exhaust aftertreatment systems*
- 6.5.5.1. Any engine system covered by this section shall include a torque limiter that will alert the driver that the engine system is operating incorrectly or the vehicle is being operated in an incorrect manner and thereby encourage the prompt rectification of any fault(s).
- 6.5.5.2. The torque limiter shall be activated when the vehicle becomes stationary for the first time after the conditions of either sections 6.5.3.4, 6.5.4.3, 6.5.4.6, 6.5.4.10 or 6.5.4.11 have occurred.
- 6.5.5.3. Where the torque limiter comes into effect, the engine torque shall not, in any case, exceed a constant value of:
- 60 % of the engine maximum torque for vehicles of category N3 > 16 tonnes, M1 > 7,5 tonnes, M3/III and M3/B > 7,5 tonnes,
 - 75 % of the engine maximum torque for vehicles of category N1, N2, N3 ≤ 16 tons, 3,5 < M1 ≤ 7,5 tonnes, M2, M3/I, M3/II, M3/A and M3/B ≤ 7,5 tonnes.
- 6.5.5.4. Requirements for documentation and the torque limiter are set out in sections 6.5.5.5 to 6.5.5.8.
- 6.5.5.5. Detailed written information fully describing the functional operation characteristics of the emission control monitoring system and the torque limiter shall be specified according to the documentation requirements of section 6.1.7.1.(b). Specifically, the manufacturer shall provide information on the algorithms used by the ECU for relating the NO_x concentration to the specific NO_x emission (in g/kWh) on the ETC in accordance with section 6.5.6.5.
- 6.5.5.6. The torque limiter shall be deactivated when the engine speed is at idle if the conditions for its activation have ceased to exist. The torque limiter shall not be automatically deactivated without the reason for its activation being remedied.
- 6.5.5.7. Deactivation of the torque limiter shall not be feasible by means of a switch or a maintenance tool.
- 6.5.5.8. The torque limiter shall not apply to engines or vehicles for use by the armed services, by rescue services and by fire-services and ambulances. Permanent deactivation shall only be done by the engine or vehicle manufacturer, and a special engine type within the engine family shall be designated for proper identification.
- 6.5.6. *Operating conditions of the emission control monitoring system*
- 6.5.6.1. The emission control monitoring system shall be operational,
- at all ambient temperatures between 266 K and 308 K (−7 °C and 35 °C),
 - at all altitudes below 1 600 m,
 - at engine coolant temperatures above 343 K (70 °C).

This section does not apply in the case of monitoring for reagent level in the storage tank where monitoring shall be conducted under all conditions of use.

- 6.5.6.2. The emission control monitoring system may be deactivated when a limp-home strategy is active and which results in a torque reduction greater than the levels indicated in section 6.5.5.3 for the appropriate vehicle category.
- 6.5.6.3. If an emission default mode is active, the emission control monitoring system shall remain operational and comply with the provisions of section 6.5.
- 6.5.6.4. The incorrect operation of NO_x control measures shall be detected within four OBD test cycles as referred to in the definition given in section 6.1 of Appendix 1 of Annex IV to Directive 2005/78/EC.
- 6.5.6.5. Algorithms used by the ECU for relating the actual NO_x concentration to the specific NO_x emission (in g/kWh) on the ETC shall not be considered to be a defeat strategy.
- 6.5.6.6. If an AECS that has been approved by the type-approval authority in accordance with section 6.1.5. becomes operational, any increase in NO_x due to the operation of the AECS may be applied to the appropriate NO_x level referred to in section 6.5.3.2. In all such cases, the influence of the AECS on the NO_x threshold shall be described in accordance with section 6.5.5.5.

6.5.7. *Failure of the emission control monitoring system*

- 6.5.7.1. The emission control monitoring system shall be monitored for electrical failures and for removal or deactivation of any sensor that prevents it from diagnosing an emission increase as required by sections 6.5.3.2 and 6.5.3.4.

Examples of sensors that affect the diagnostic capability are those directly measuring NO_x concentration, urea quality sensors, and sensors used for monitoring reagent dosing activity, reagent level, reagent consumption or EGR rate.

- 6.5.7.2. If a failure of the emission control monitoring system is confirmed, the driver shall be immediately alerted by the activation of the warning signal according to section 3.6.5 of Annex IV to Directive 2005/78/EC.
- 6.5.7.3. The torque limiter shall be activated in accordance with section 6.5.5 if the failure is not remedied within 50 hours of engine operation.

The period laid down in the first subparagraph shall be reduced to 36 hours from the dates specified in Article 2(7) and 2(8).

- 6.5.7.4. When the emission control monitoring system has determined the failure has ceased to exist, the fault code(s) associated with that failure may be cleared from the system memory, except in the cases referred to in section 6.5.7.5, and the torque limiter, if applicable, shall be deactivated according to section 6.5.5.6.

Fault code(s) associated with a failure of the emission control monitoring system shall not be capable of being cleared from the system memory by any scan tool.

- 6.5.7.5. In the case of the removal or deactivation of elements of the emission control monitoring system, in accordance with section 6.5.7.1, a non-erasable fault code shall be stored in accordance with section 3.9.2 of Annex IV to Directive 2005/78/EC for a minimum of 400 days or 9 600 hours of engine operation.

6.5.8. *Demonstration of the emission control monitoring system*

- 6.5.8.1. As part of the application for type-approval provided for in section 3, the manufacturer shall demonstrate the conformity of the provisions of this section by tests on an engine dynamometer in accordance with sections 6.5.8.2 to 6.5.8.7.
- 6.5.8.2. The compliance of an engine family or an OBD engine family to the requirements of this section may be demonstrated by testing the emission control monitoring system of one of the members of the family (the parent engine), provided the manufacturer demonstrates to the type approval authority that the emission control monitoring systems are similar within the family.

This demonstration may be performed by presenting to the type-approval authorities such elements as algorithms, functional analyses, etc.

The parent engine is selected by the manufacturer in agreement with the type approval authority.

6.5.8.3. The testing of the emission control monitoring system consists of the following three phases:

S e l e c t i o n :

An incorrect operation of the NO_x control measures or a failure of the emission control monitoring system is selected by the authority within a list of incorrect operations provided by the manufacturer.

Q u a l i f i c a t i o n :

The influence of the incorrect operation is validated by measuring the NO_x level over the ETC on an engine test bed.

D e m o n s t r a t i o n :

The reaction of the system (torque reduction, warning signal, etc.) shall be demonstrated by running the engine on four OBD test cycles.

6.5.8.3.1. For the selection phase, the manufacturer shall provide the type approval authority with a description of the monitoring strategies used to determine potential incorrect operation of any NO_x control measure and potential failures in the emission control monitoring system that would lead either to activation of the torque limiter or to activation of the warning signal only.

Typical examples of incorrect operations for this list are an empty reagent tank, an incorrect operation leading to an interruption of reagent dosing activity, an insufficient reagent quality, an incorrect operation leading to low reagent consumption, an incorrect EGR flow or a deactivation of the EGR.

A minimum of two and a maximum of three incorrect operations of the NO_x control system or failures of the emission control monitoring system shall be selected by the type approval authority from this list.

6.5.8.3.2. For the qualification phase, the NO_x emissions shall be measured over the ETC test cycle, according to the provisions of Appendix 2 to Annex III. The result of the ETC test shall be used to determine in which way the NO_x control monitoring system is expected to react during the demonstration process (torque reduction and/or warning signal). The failure shall be simulated in a way that the NO_x level does not exceed by more than 1 g/kWh any of the threshold levels given in sections 6.5.3.2 or 6.5.3.4.

Emissions qualification is not required in case of an empty reagent tank or for demonstrating a failure of the emission control monitoring system.

The torque limiter shall be deactivated during the qualification phase.

6.5.8.3.3. For the demonstration phase, the engine shall be run over a maximum of four OBD test cycles.

No failure other than the ones which are being considered for demonstration purposes shall be present.

6.5.8.3.4. Prior to starting the test sequence of section 6.5.8.3.3, the emission control monitoring system shall be set to a "no failure" status.

6.5.8.3.5. Depending on the NO_x level selected, the system shall activate a warning signal and in addition, if applicable, the torque limiter at any time before the end of the detection sequence. The detection sequence may be stopped once the NO_x control monitoring system has properly reacted.

- 6.5.8.4. In the case of an emission control monitoring system principally based on monitoring the NO_x level by sensors positioned in the exhaust stream, the manufacturer may choose to directly monitor certain system functionalities (e.g. interruption of dosing activity, closed EGR valve) for the determination of compliance. In that case, the selected system functionality shall be demonstrated.
- 6.5.8.5. The level of torque reduction required in section 6.5.5.3 by the torque limiter shall be approved together with the general engine performance approval in accordance with Directive 80/1269/EC. For the demonstration process, the manufacturer shall demonstrate to the type-approval authority the inclusion of the correct torque limiter into the engine ECU. Separate torque measurement during the demonstration is not required.
- 6.5.8.6. As an alternative to sections 6.5.8.3.3 to 6.5.8.3.5, the demonstration of the emission control monitoring system and the torque limiter may be performed by testing a vehicle. The vehicle shall be driven on the road or on a test track with the selected incorrect operations or failures of the emission control monitoring system to demonstrate that the warning signal and activation of the torque limiter will operate in accordance with the requirements of section 6.5, and, in particular, those in sections 6.5.5.2. and 6.5.5.3.
- 6.5.8.7. If the storage in the computer memory of a non-erasable fault code is required for complying with the requirements of section 6.5, the following three conditions shall be met by the end of demonstration sequence:
- that it is possible to confirm via the OBD scan tool the presence in the OBD computer memory of the appropriate non-erasable fault code described in section 6.5.3.3 and that it can be shown to the satisfaction of the type approval authority that the scan tool cannot erase it, and,
 - that it is possible to confirm the time spent during the detection sequence with the warning signal activated by reading the non-erasable counter referred to in section 3.9.2 of Annex IV to Directive 2005/78/EC, and that it can be shown to the satisfaction of the type approval authority that the scan tool cannot erase it, and,
 - that the type-approval authority has approved the elements of design showing that this non-erasable information is stored in accordance with section 3.9.2 of Annex IV to Directive 2005/78/EC for a minimum of 400 days or 9 600 hours of engine operation.'
-

ANNEX II

AMENDMENTS TO DIRECTIVE 2005/78/EC

1. Annex IV is amended as follows:

- (a) in section 3.6.4 'permanent emission default mode' is replaced by 'emission default mode';
- (b) in the second paragraph of section 3.7 'permanent emission default mode' is replaced by 'emission default mode';
- (c) section 3.8.3. is replaced by the following:

'3.8.3. In the case of MI activation due to incorrect operation of the engine system with respect to NO_x control measures, or incorrect reagent consumption and dosing activity, the MI may be switched back to the previous state of activation if the conditions given in section 6.5.3., 6.5.4 and 6.5.7. of Annex I to Directive 2005/55/EC no longer apply.;

(d) section 3.9.2. is replaced by the following:

'3.9.2. From 9 November 2006 for new type approvals and from 1 October 2007 for all registrations, in the case of a non-erasable fault code being generated according to sections 6.5.3 or 6.5.4 of Annex I to Directive 2005/55/EC, the OBD system shall retain a record of the fault code and the hours run by the engine during the MI activation for at least 400 days or 9 600 hours of engine operation.

Any such fault code and the corresponding hours run by the engine during MI activation shall not be erased through use of any external diagnostic or other tool as referred to in section 6.8.3 of this Annex.'

2. Annex V is amended as follows:

(a) point 2 is replaced by the following:

'2. Example of applying requirements set out in this Directive and Directive 2005/55/EC for the third approval (with, as yet, no extension) corresponding to application date B1 with OBD stage I, issued by the United Kingdom:

e11*2005/55*2005/78B*0003*00';

(b) point 3 is replaced by the following:

'3. Example of applying requirements set out in Directives 2005/55/EC and amending Directive 2006/51/EC for the second extension to the fourth approval corresponding to application date B2, with OBD stage II, issued by Germany:

e1*2005/55*2006/51F*0004*02';

(c) the following point 4 is added:

'4. Table showing the characters to be used in accordance with the different implementation dates set out in Directive 2005/55/EC:

Character	Row (*)	OBD Stage I (**)	OBD Stage II	Durability and in-use	NO _x control (***)
A	A	—	—	—	—
B	B1(2005)	YES	—	YES	—
C	B1(2005)	YES	—	YES	YES
D	B2(2008)	YES	—	YES	—
E	B2(2008)	YES	—	YES	YES
F	B2(2008)	—	YES	YES	—
G	B2(2008)	—	YES	YES	YES
H	C	YES	—	YES	—
I	C	YES	—	YES	YES
J	C	—	YES	YES	—
K	C	—	YES	YES	YES

(*) In accordance with table I, section 6 of Annex I to Directive 2005/55/EC.

(**) In accordance with Article 4 of Directive 2005/55/EC, gas engines are excluded from OBD stage I.

(***) In accordance with section 6.5 of Annex I to Directive 2005/55/EC.'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 May 2006

on a Community financial contribution towards Member States' fisheries control, inspection and surveillance programmes for 2006

(notified under document number C(2006) 2062)

(2006/392/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2004/465/EC of 29 April 2004 on a Community financial contribution towards Member States fisheries control programmes ⁽¹⁾, as amended by Council Decision 2006/2/EC of 21 December 2005 ⁽²⁾, and in particular Article 6(1) thereof,

Whereas:

(1) Member States have forwarded to the Commission their fisheries control programme for 2006 together with the applications for a Community financial contribution towards the expenditure to be incurred in carrying out the projects contained in such programme.

(2) Applications concerning actions listed in Article 4 of Council Decision 2004/465/EC may qualify for Community funding.

(3) It is appropriate to fix the maximum amounts and the rate of the Community financial contribution and to lay down the conditions under which such contribution may be granted.

(4) In order to qualify for the contribution, automatic localisation devices should satisfy the requirements fixed by Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems ⁽³⁾.

(5) Member States must in accordance with Article 8 of Council Decision 2004/465/EC commit their expenditure within a period of 12 months from the end of the year in which the present Decision is notified to them. They must also comply with the provisions of Decision 2004/465/EC as regards starting their projects and submitting applications for reimbursement.

(6) 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

Subject matter

This Decision provides for a Community financial contribution for 2006 towards actions referred to in Article 4 of Decision 2004/465/CE. It establishes the amount of the Community financial contribution for each Member State, the rate of the Community financial contribution and the conditions on which such contribution may be granted.

⁽¹⁾ OJ L 157, 30.4.2004, p. 114; corrected in OJ L 195, 2.6.2004, p. 36.

⁽²⁾ OJ L 2, 5.1.2006, p. 4.

⁽³⁾ OJ L 333, 20.12.2003, p. 17.

*Article 2***New technologies and IT networks**

Expenditure incurred on the purchase of, installation and technical assistance for, computer technology and setting up of IT networks in order to allow efficient and secure data exchange in connection with monitoring, control and surveillance of fisheries activities, shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex I.

*Article 3***Automatic localisation devices**

1. Expenditure incurred in the purchase and fitting on board of fishing vessels of automatic localisation devices enabling vessels to be monitored at a distance by a fisheries monitoring centre through a vessel monitoring system (VMS) shall qualify for a maximum financial contribution of EUR 4 500 per vessel within the limits established in Annex II.

2. Within the EUR 4 500 limit provided for in paragraph 1, the financial contribution for the first EUR 1 500 of eligible expenditure shall be at a rate of 100 %.

3. The financial contribution for eligible expenditure comprised between EUR 1 500 and EUR 4 500 per vessel shall amount to a maximum of 50 % of such expenditure.

4. In order to qualify, automatic localisation devices shall satisfy the requirements fixed by Regulation (EC) No 2244/2003.

*Article 4***Pilot projects on new technologies**

Expenditure incurred in pilot projects relating to the implementation of new technologies to improve the monitoring of fisheries activities shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex III.

*Article 5***Training**

Expenditure incurred on training and exchange programmes of civil servants responsible for monitoring control and surveillance tasks in the fisheries area shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex IV.

*Article 6***Assessment of expenditure**

Expenditure incurred in implementing a system to assess expenditure incurred in controlling the Common fisheries policy shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex V.

*Article 7***Seminars and media tools**

Expenditure incurred in initiatives including seminar and media tools aimed at enhancing awareness among fishermen and other players such as inspectors, public prosecutors and judges, as well as among the general public on the need to fight irresponsible and illegal fishing and on the implementation of Common fisheries policy rules, shall qualify for a financial contribution of 75 % of the eligible expenditure within the limits laid down in Annex VI.

*Article 8***Fisheries patrol vessels and aircraft**

Expenditure related to the purchase and modernisation of vessels and aircraft used for inspection and surveillance of fishing activities by the competent authorities of the Member States shall qualify, within the limits laid down in Annex VII, for a financial contribution not exceeding:

- 50 % of the eligible expenditure incurred by Member States which acceded to the European Union on 1 May 2004;
- 25 % of the eligible expenditure incurred by other Member States.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 30 May 2006.

For the Commission

Joe BORG

Member of the Commission

ANNEX I

NEW TECHNOLOGIES AND IT-NETWORKS

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium		
Czech Republic		
Denmark	1 333 334	666 667
Germany	210 000	105 000
Estonia	229 217	114 609
Greece	2 250 000	1 125 000
Spain		
France	935 000	467 500
Ireland	250 000	125 000
Italy	4 000 000	2 000 000
Cyprus	83 000	41 500
Latvia		
Lithuania	30 000	15 000
Luxembourg		
Hungary		
Malta		
Netherlands	470 505	235 253
Austria		
Poland		
Portugal	735 230	333 895
Slovenia	250 354	125 177
Slovakia		
Finland	402 000	201 000
Sweden	120 000	60 000
United Kingdom	838 148	419 074
Total	12 136 788	6 034 675

ANNEX II

AUTOMATIC LOCALISATION DEVICES

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium		
Czech Republic		
Denmark		
Germany		
Estonia		
Greece		
Spain		
France		
Ireland		
Italy		
Cyprus		
Latvia		
Lithuania		
Luxembourg		
Hungary		
Malta	190 944	132 972
Netherlands		
Austria		
Poland		
Portugal		
Slovenia	25 760	18 880
Slovakia		
Finland	33 000	22 820
Sweden		
United Kingdom		
Total	249 704	174 672

ANNEX III

PILOT PROJECTS ON NEW TECHNOLOGIES

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium		
Czech Republic		
Denmark	275 000	137 500
Germany		
Estonia		
Greece		
Spain		
France		
Ireland		
Italy		
Cyprus		
Latvia		
Lithuania		
Luxembourg		
Hungary		
Malta		
Netherlands		
Austria		
Poland	150 000	75 000
Portugal	249 700	124 850
Slovenia		
Slovakia		
Finland		
Sweden	130 000	65 000
United Kingdom		
Total	804 700	402 350

ANNEX IV

TRAINING

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium	10 000	5 000
Czech Republic		
Denmark	523 199	261 600
Germany	64 000	32 000
Estonia	13 195	6 598
Greece		
Spain	86 640	43 320
France	58 350	29 175
Ireland	200 000	100 000
Italy	1 000 000	500 000
Cyprus	15 000	7 500
Latvia	23 300	11 650
Lithuania	11 000	5 500
Luxembourg		
Hungary		
Malta	8 196	4 098
Netherlands	144 093	72 047
Austria		
Poland		
Portugal	25 600	12 800
Slovenia	35 808	17 904
Slovakia		
Finland	24 200	12 100
Sweden	22 000	11 000
United Kingdom	160 305	80 153
Total	2 424 886	1 212 445

ANNEX V

ANALYSIS AND ASSESSMENT OF EXPENDITURE

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium		
Czech Republic		
Denmark	93 333	46 667
Germany		
Estonia		
Greece		
Spain		
France		
Ireland		
Italy		
Cyprus		
Latvia		
Lithuania		
Luxembourg		
Hungary		
Malta		
Netherlands		
Austria		
Poland		
Portugal		
Slovenia		
Slovakia		
Finland		
Sweden		
United Kingdom		
Total	93 333	46 667

ANNEX VI

SEMINARS AND MEDIA TOOLS

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium	5 000	3 750
Czech Republic		
Denmark		
Germany		
Estonia		
Greece	660 860	495 645
Spain		
France		
Ireland		
Italy		
Cyprus		
Latvia		
Lithuania	9 000	6 750
Luxembourg		
Hungary		
Malta		
Netherlands		
Austria		
Poland	200 000	150 000
Portugal	68 750	51 563
Slovenia	6 008	4 506
Slovakia		
Finland		
Sweden	210 000	157 500
United Kingdom	37 299	27 974
Total	1 196 917	897 688

ANNEX VII

PATROL VESSELS AND AIRCRAFT

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium		
Czech Republic		
Denmark		
Germany	1 200 000	225 000
Estonia	751 761	150 352
Greece	2 789 140	575 328
Spain	24 683 674	6 170 918
France		
Ireland		
Italy		
Cyprus	2 300 000	1 150 000
Latvia		
Lithuania	500 000	250 000
Luxembourg		
Hungary		
Malta		
Netherlands	565 000	141 250
Austria		
Poland		
Portugal	23 234 908	4 110 537
Slovenia	50 792	25 396
Slovakia		
Finland		
Sweden	72 000 000	4 500 000
United Kingdom	17 611 065	4 402 766
Total	145 686 340	21 701 547

COMMISSION DECISION
of 31 May 2006
concerning the designation of the Community reference laboratory for foot-and-mouth disease

(notified under document number C(2006) 2069)

(Text with EEA relevance)

(2006/393/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC ⁽¹⁾, and in particular Article 69(1) thereof,

Whereas:

- (1) Directive 2003/85/EC provides for the designation of the Community reference laboratory for foot-and-mouth disease. The Commission, in close collaboration with the Member States, has carried out a tender for the selection of that Community reference laboratory, taking into account the criteria of technical and scientific competence and staff expertise.
- (2) Account was also taken of additional requirements for the designation of official laboratories laid down in Article 12(2) of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽²⁾.
- (3) Following completion of the selection procedure, the successful laboratory, the Institute for Animal Health, Pirbright Laboratory sponsored by the Biotechnology and Biological Sciences Research Council (BBSRC),

should be designated as the Community reference laboratory for foot-and-mouth disease for a period of five years.

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Institute for Animal Health, Pirbright Laboratory, of the Biotechnology and Biological Sciences Research Council (BBSRC) in the United Kingdom, is designated as the Community reference laboratory for foot-and-mouth disease for a period of five years following the date of publication of this Decision in the *Official Journal of the European Union*.
2. The rules setting out the functions and duties of the Community reference laboratory referred to in paragraph 1 are laid down in Annex XVI to Directive 2003/85/EC.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 31 May 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 306, 22.11.2003, p. 1. Directive as amended by Commission Decision 2005/615/EC (OJ L 213, 18.8.2005, p. 14).

⁽²⁾ OJ L 165, 30.4.2004, p. 1, corrected by OJ L 191, 28.5.2004, p. 1. Regulation as amended by Commission Regulation (EC) No 776/2006 (OJ L 136, 24.5.2006, p. 3).

COMMISSION DECISION**of 31 May 2006****amending the Appendix to Annex XIV to the 2003 Act of Accession as regards certain establishments in the meat and fish sectors in Slovakia***(notified under document number C(2006) 2073)***(Text with EEA relevance)****(2006/394/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Annex XIV, Chapter 5, Section B, paragraph (d) thereto,

Whereas:

- (1) Slovakia has been granted transitional periods for certain establishments listed in the Appendix ⁽¹⁾ to Annex XIV to the 2003 Act of Accession.
- (2) The Appendix to Annex XIV to the 2003 Act of Accession has been amended by Commission Decisions 2004/463/EC ⁽²⁾, 2005/189/EC ⁽³⁾ and 2005/661/EC ⁽⁴⁾.
- (3) According to an official declaration from the Slovak competent authority one meat establishment has completed its upgrading process and is now in full compliance with Community legislation. One meat establishment on the list of establishments in transition has partially ceased its activities. One fish establishment has been closed. Those establishments should therefore be deleted from the list of establishments in transition.

(4) The Appendix to Annex XIV to the 2003 Act of Accession should therefore be amended accordingly. For the sake of clarity, it should be replaced.

(5) The Standing Committee on the Food Chain and Animal Health has been informed of the measures provided for in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The Appendix to Annex XIV to the 2003 Act of Accession is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 31 May 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ C 227 E, 23.9.2003, p. 1654.

⁽²⁾ OJ L 156, 30.4.2004, p. 138, corrected by OJ L 202, 7.6.2004, p. 95.

⁽³⁾ OJ L 62, 9.3.2005, p. 34.

⁽⁴⁾ OJ L 245, 21.9.2005, p. 18.

ANNEX

'Appendix

referred to in Chapter 5, Section B to Annex XIV (*)

List of establishments, including shortcomings and deadlines for the correction of these shortcomings

Veterinary approval number	Name of the establishment	Shortcomings	Date of full compliance
GA 6-2	Sered'ský MP a.s., Bratislavská 385, Sered'	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(a), (b) and (g) Annex I, Chapter I, point 11 Annex I, Chapter II, point 14(a)	31.12.2006

(*) For the text of Annex XIV see OJ L 236, 23.9.2003, p. 915.'

COMMISSION DECISION**of 1 June 2006****amending Decision 92/452/EEC as regards certain embryo collection and production teams in the United States of America***(notified under document number C(2006) 2097)***(Text with EEA relevance)**

(2006/395/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS DECISION:

Article 1

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

*Article 2*This Decision shall apply from the third day following that of its publication in the *Official Journal of the European Union*.*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 1 June 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

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

⁽²⁾ OJ L 250, 29.8.1992, p. 40. Decision as last amended by Decision 2006/270/EC (OJ L 99, 7.4.2006, p. 27).

ANNEX

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

(a) the following rows for United States of America are inserted:

'US		06UT122 E870		Canyon Breeze Genetics 327 W 800 N Minersville, UT 84752	Dr John M Conrad
US		06OH121 E1612		Nathan Steiner 10369 Fulton Road Marshalville, OH 44645	Dr Nathan Steiner
US		06MT122 E608		Trans Ova Genetics 9033 Walker Rd Belgrade, MT 59714	Dr Jon Schmidt
US		03FL101 E948		Sacramento Farms 104 Crandon Blvd, Suite 420 Key Biscayne, FL 33149	Dr Richard Castleberry'

(b) the row for United States of America embryo collection team No 91KS028 is replaced by the following:

'US		91KS028 E726		Sun Valley Embryo Transfer, PA 3104 West Pleasant Hill Rd Salina, KS 67401	Dr Glenn Engelland'
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(c) the row for United States of America embryo collection team No 94OH071 is replaced by the following:

'US		94OH071 E563		Moulton Embryos 14318 Moulton-Ft. Amanda Rd Wapakoneta, OH	Dr Virgil J Brown'
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COMMISSION DECISION

of 2 June 2006

amending Decision 2005/710/EC as regards certain protection measures in relation to highly pathogenic avian influenza in poultry in Romania*(notified under document number C(2006) 2137)***(Text with EEA relevance)**

(2006/396/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular Article 18(7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 22(6) thereof,

Whereas:

(1) Following the outbreak of avian influenza, caused by a highly pathogenic H5N1 virus strain, in south-east Asia starting in December 2003, the Commission adopted several protection measures in relation to that disease, in particular Commission Decision 2005/710/EC of 13 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in Romania ⁽³⁾.

(2) Decision 2005/710/EC provides for the suspension of imports into the Community from certain parts of Romania, affected by that disease, of live poultry, ratites, farmed and wild feathered game and live birds other than poultry, including pet birds, hatching eggs of those species and certain other products of birds.

(3) Romania has now notified the Commission of several confirmed cases and several more suspicions of highly pathogenic avian influenza in poultry flocks in Brasov county, which is outside the parts of Romania currently regionalised by Decision 2005/710/EC. Romania has transmitted information that eradication and control measures are being applied in the affected county. Supplementary biosecurity measures are in force in all 42 Romanian counties.

(4) In light of the current disease situation in Romania, it is necessary to extend the parts of Romania from where the relevant imports into the Community are suspended.

(5) Decision 2005/710/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2005/710/EC is replaced by the text in the Annex to this Decision.

Article 2

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

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

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

⁽³⁾ OJ L 269, 14.10.2005, p. 42. Decision as last amended by Decision 2006/321/EC (OJ L 118, 3.5.2006, p. 18).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 2 June 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX

Parts of the territory of Romania referred to in Article 1(a) and (b)

PART A

ISO country code	Name of country	Description of part of territory
RO	Romania	— Whole of the territory of Romania

PART B

ISO country code	Name of country	Description of part of territory
RO	Romania	In Romania, the counties of: — Arges — Bacau — Botosani — Braila — Brasov — Bucuresti — Buzau — Calarasi — Constanta — Covasna — Dimbovita — Dolj — Galati — Giurgiu — Gorj — Harghita — Ialomita — Iasi — Ilfov — Mehedinti — Mures — Neamt — Olt — Prahova — Sibiu — Suceava — Teleorman — Tulcea — Vaslui — Vilcea — Vrancea'