

Official Journal

of the European Union

L 174

Volume 49

28 June 2006

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 948/2006 of 27 June 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 949/2006 of 27 June 2006 amending Annex I to Council Regulation (EEC) No 2658/87 on the Tariff and Statistical Nomenclature and on the Common Customs Tariff** 3

★ **Council Directive 2006/58/EC of 27 June 2006 amending Council Directive 2002/38/EC as regards the period of application of the value added tax arrangements applicable to radio and television broadcasting services and certain electronically supplied services** 5

II Acts whose publication is not obligatory

Commission

2006/438/EC:

★ **Commission Decision of 27 June 2006 amending Decision 2006/148/EC on introducing preventive vaccination against highly pathogenic avian influenza H5N1 and related provisions for movements in France (notified under document number C(2006) 2875)** 7

Acts adopted under Title V of the Treaty on European Union

★ **Council Joint Action 2006/439/CFSP of 27 June 2006 regarding a further contribution of the European Union to the conflict settlement process in Georgia/South Ossetia** 9

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 948/2006
of 27 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 28 June 2006.

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

Done at Brussels, 27 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 27 June 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	70,3
	096	65,4
	204	33,1
	999	56,3
0707 00 05	052	124,8
	096	30,2
	999	77,5
0709 90 70	052	96,5
	999	96,5
0805 50 10	388	53,1
	528	40,5
	999	46,8
0808 10 80	388	88,4
	400	107,8
	404	105,7
	508	92,7
	512	81,0
	524	47,0
	528	76,6
	720	107,5
	800	180,6
	804	105,4
999	99,3	
0809 10 00	052	220,6
	999	220,6
0809 20 95	052	324,1
	068	111,4
	999	217,8
0809 40 05	624	193,2
	999	193,2

⁽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 949/2006**of 27 June 2006****amending Annex I to Council Regulation (EEC) No 2658/87 on the Tariff and Statistical Nomenclature and on the Common Customs Tariff**

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) By Commission Regulation (EC) No 535/94 of 9 March 1994 amending Annex I to Council Regulation (EEC) No 2658/87 on the Tariff and Statistical Nomenclature and on the Common Customs Tariff⁽²⁾ Additional Note 8 was inserted in Chapter 2 of the Combined Nomenclature in order to clarify the classification of salted meat and edible meat offal falling under CN Code 0210 (meats and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat and meat offal). In 1995 this Additional Note was renumbered Additional Note 7.

(2) Additional Note 7 was amended by Commission Regulation (EC) No 1871/2003 of 23 October 2003 amending Annex I to Council Regulation (EEC) No 2658/87 on the Tariff and Statistical Nomenclature and on the Common Customs Tariff⁽³⁾ to clarify, in the light of case-law of the European Court of Justice, that the salting in the meaning of heading 0210 is to ensure the long-term preservation.

(3) The Commission adopted in 2002 Regulation (EC) No 1223/2002 of 8 July 2002 concerning the classification of certain goods in the Combined Nomenclature⁽⁴⁾ pursuant to which boneless chicken cuts, frozen and impregnated with salt in all parts, having a salt content by weight of 1,2 to 1,9 %, are to be classified under CN code 0207 14 10.

(4) Further to a challenge brought in the WTO by certain exporting countries to Regulation (EC) No 1223/2002, a WTO Panel and the WTO Appellate Body concluded that

frozen boneless chicken cuts with a salt content of 1,2 to 3 % are covered by the tariff commitment under heading 0210 of the EC schedule.

(5) The general matter of the interpretation of heading 0210 and the classification of these goods has been raised by the European Community in the appropriate bodies of the World Customs Organisation.

(6) In order to bring Community law into conformity with the Community's international obligations as they currently stand, as interpreted by the competent organs of the WTO, Additional Note 7 to Chapter 2 needs to be amended in respect of meat and meat offal falling under subheading 0210 99. This is without prejudice to the eventual result of any decision taken in this respect by the appropriate bodies of the World Customs Organisation.

(7) Annex I to Regulation (EEC) No 2658/87 should therefore be amended accordingly.

(8) It is appropriate that Regulation (EC) No 1223/2002, classifying boneless chicken cuts, frozen and impregnated with salt in all parts, having a salt content by weight of 1,2 to 1,9 %, in CN code 0207 14 10, ceases to be valid as from the entry into force of the present regulation and should therefore be repealed.

(9) This regulation should enter into force on 27 June 2006 at the end of the reasonable period of time granted by the WTO for the Community to bring itself into conformity. Recourse to the DSU is not subject to time limits. The recommendations in reports adopted by the DSB only have prospective effect. Consequently, this regulation cannot have retroactive effects nor provide interpretative guidance on a retroactive basis. Since it cannot operate to provide interpretative guidance for classification of goods which have been released for free circulation prior to 27 June 2006 it cannot serve as a basis for the reimbursement of any duties paid prior to that date.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 838/2006 (OJ L 154, 8.6.2006, p. 1).

⁽²⁾ OJ L 68, 11.3.1994, p. 15.

⁽³⁾ OJ L 275, 25.10.2003, p. 5.

⁽⁴⁾ OJ L 179, 9.7.2002, p. 8.

(10) The Customs Code Committee has not issued an opinion within the time-limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Additional Note 7 to Chapter 2 of the Combined Nomenclature set out in Annex I to Regulation (EC) No 2658/87 is replaced by the following:

‘For the purposes of subheadings 0210 11 to 0210 93, the terms “meat and edible meat offal, salted, in brine”, means meat and edible meat offal deeply and homogeneously impregnated with salt in all parts and having a total salt content by weight of 1,2 % or more, provided that it is the salting which ensures the long-term preservation. For the purposes of subheading 0210 99 the terms “meat and

edible meat offal, salted, in brine” mean meat and edible meat offal deeply and homogeneously impregnated with salt in all parts and having a total salt content by weight of 1,2 % or more.’

Article 2

Regulation (EC) No 1223/2002 is repealed with effect from the date of entry into force of this Regulation.

Article 3

This Regulation shall enter into force on 27 June 2006. It shall have neither retroactive effect nor provide interpretative guidance on a retroactive basis.

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

Done at Brussels, 27 June 2006.

For the Commission
László KOVÁCS
Member of the Commission

COUNCIL DIRECTIVE 2006/58/EC

of 27 June 2006

amending Council Directive 2002/38/EC as regards the period of application of the value added tax arrangements applicable to radio and television broadcasting services and certain electronically supplied services

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/38/EC of 7 May 2002 amending and amending temporarily Directive 77/388/EEC as regards the value added tax arrangements applicable to radio and television broadcasting services and certain electronically supplied services ⁽¹⁾, and in particular Article 5 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The review provided for in Article 5 of Council Directive 2002/38/EC has been carried out.

(2) It appears from that review that the provisions of Article 1 of Directive 2002/38/EC have operated in a satisfactory manner and have achieved their objective.

(3) On 29 December 2003 the Commission presented a proposal for a Directive on the place of supply between taxable persons, which was amended by its proposal of 22 July 2005 in order to include supplies by taxable persons to non-taxable customers. Under the amended proposal all broadcasting and electronically supplied services will be taxed at the place of consumption.

(4) On 4 November 2004 the Commission presented a proposal for a Directive on the simplification of VAT obligations which will provide for a more general electronic mechanism than that provided for in Council Directive 2002/38/EC in order to facilitate compliance with fiscal obligations with respect to cross-border services.

(5) Although significant progress has been made with a view to the adoption, on the basis of the said legislative

proposals, of the necessary broader measures which will replace the measures contained in Article 1 of Directive 2002/38/EC, it has not been possible to adopt the former before the expiry of the latter on 30 June 2006.

(6) In the light of the adoption of such broadened measures in the short or medium term, and of the findings of the abovementioned review procedure, it is appropriate that, in the interests of the proper functioning of the internal market and in order to ensure the continued elimination of distortion, the provisions applicable to radio and television broadcasting services and certain electronically supplied services as provided for in Article 1 of Directive 2002/38/EC should continue to apply until 31 December 2006.

(7) Article 5 of Directive 2002/38/EC provides for such extension for practical reasons by the Council, acting unanimously on the basis of a proposal from the Commission.

(8) Directive 2002/38/EC should therefore be amended accordingly.

(9) Given the urgency of the matter, in order to avoid a legal gap, it is imperative to grant an exception to the six-week period mentioned in point I(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 4 of Directive 2002/38/EC shall be replaced by the following:

'Article 4

Article 1 shall apply until 31 December 2006'.

⁽¹⁾ OJ L 128, 15.5.2002, p. 41.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive with effect from 1 July 2006. They shall forthwith communicate to the Commission the text of those provisions.

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. The methods of making such reference shall be laid down by Member States.

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 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 27 June 2006.

For the Council
The President
J. PRÖLL

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 June 2006

amending Decision 2006/148/EC on introducing preventive vaccination against highly pathogenic avian influenza H5N1 and related provisions for movements in France

(notified under document number C(2006) 2875)

(Only the French text is authentic)

(2006/438/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

highly pathogenic avian influenza H5N1, which is considered as a pilot project since there is limited experience with preventive vaccination in these species.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC⁽¹⁾, and in particular Article 57(2) thereof,

Whereas:

(1) By Commission Decision 2006/148/EC of 24 February 2006 on introducing preventive vaccination against highly pathogenic avian influenza H5N1 and related provisions for movements in France⁽²⁾, the plan for preventive vaccination against highly pathogenic avian influenza H5N1, submitted by France to the Commission on 21 February 2006 (the preventive vaccination plan), has been approved and certain measures to be applied in France have been laid down where preventive vaccination is carried out.

(2) According to the preventive vaccination plan, France has undertaken the vaccination of ducks and geese against

(3) According to the preventive vaccination plan, such as approved by Decision 2006/148/EC, vaccination had to be completed by 1 April 2006.

(4) On 20 April 2006 France presented its first comprehensive report on the use of vaccination. Furthermore, France has requested a prolongation of the use of preventive vaccination under the same conditions until 30 June 2006 in order to gain further experience and epidemiological insight and has correspondingly submitted an amendment to the preventive vaccination plan.

(5) On the basis of the information contained in the report presented by France, the Commission is of the view that further field experience is needed with respect to the use of vaccination against the spread of highly pathogenic avian influenza H5N1 in ducks and geese. Therefore it is appropriate to approve the prolongation of preventive vaccination submitted by France until 30 June 2006.

(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,

⁽¹⁾ OJ L 10, 14.1.2006, p. 16.

⁽²⁾ OJ L 55, 25.2.2006, p. 51.

HAS ADOPTED THIS DECISION:

Article 2

Addressee

Article 1

This Decision is addressed to the French Republic.

The first subparagraph of Article 2(1) of Decision 2006/148/EC shall be replaced by the following:

Done at Brussels, 27 June 2006.

'1. The plan for preventive vaccination, providing for vaccination until 30 June 2006, against highly pathogenic avian influenza H5N1, submitted by France to the Commission on 21 February 2006, and its amendment of 20 April 2006, is approved (the preventive vaccination plan).'

For the Commission
Markos KYPRIANOU
Member of the Commission

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

COUNCIL JOINT ACTION 2006/439/CFSP

of 27 June 2006

regarding a further contribution of the European Union to the conflict settlement process in Georgia/South Ossetia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 14 thereof,

Whereas:

(1) On 18 July 2005, the Council adopted Joint Action 2005/561/CFSP⁽¹⁾ regarding a further contribution of the European Union to the conflict settlement process in Georgia/South Ossetia, which expires on 30 June 2006.

(2) The EU contribution under that Joint Action to the OSCE Mission to Georgia has been effective in ensuring the functioning of permanent Secretariats for the Georgian and the South Ossetian sides, under the aegis of the OSCE, and in facilitating meetings within the framework of the Joint Control Commission (JCC) which is the main forum of the conflict settlement process.

(3) The OSCE and the co-Chairs of the JCC have appealed for follow-up assistance from the EU, and the EU has agreed to offer further financial assistance to the conflict settlement process.

(4) The EU considers that its assistance has reinforced the effectiveness of its role, as well as that of the OSCE, in the settlement of the conflict and that it should be continued.

(5) The EU recalls its support for the initiatives taken towards peaceful resolution of the conflict and expects the JCC to play a positive role in this respect.

(6) The EU notes that the JCC has a role in the activities related to the OSCE-Led Needs Assessment Study in the zone of the Georgian-Ossetian conflict and adjacent areas.

(7) Adequate visibility of the EU contribution to the project should be ensured.

(8) On 20 February 2006, the Council adopted Joint Action 2006/121/CFSP⁽²⁾ appointing the European Union Special Representative for the South Caucasus. Pursuant to this Joint Action, the mandate of the EUSR for the South Caucasus should be, *inter alia*, to contribute to the prevention of conflicts, to assist in conflict resolution and to intensify the European Union's dialogue with the main interested actors concerning the region,

HAS ADOPTED THIS JOINT ACTION:

Article 1

1. The European Union shall contribute to strengthening the conflict settlement process in South Ossetia.

2. For this purpose, the European Union shall provide a contribution to the OSCE to finance meetings of the JCC and other mechanisms within the JCC framework, to provide for organisation of conferences under the aegis of the JCC as well as to provide for certain costs for the running of the two Secretariats for one year.

Article 2

The Presidency, assisted by the Secretary-General of the Council/High Representative for the CFSP, shall be responsible for the implementation of this Joint Action, with a view to the fulfilment of its objectives as set out in Article 1.

Article 3

1. Disbursement of financial aid provided under this Joint Action shall be conditional upon the holding of regular meetings of the JCC and the other mechanisms in the JCC framework within 12 months of the starting date of the financing agreement to be concluded between the Commission and the OSCE Mission to Georgia. Both the Georgian and South Ossetian sides should make demonstrable efforts to achieve real political progress towards a lasting and peaceful settlement of their differences.

⁽¹⁾ OJ L 189, 21.7.2005, p. 69.

⁽²⁾ OJ L 49, 21.2.2006, p. 14.

2. The Commission shall be entrusted with the task of controlling and evaluating the implementation of the EU's financial contribution, in particular with regard to the conditions set out in paragraph 1. To that end, the Commission shall conclude a financing agreement with the OSCE Mission to Georgia on the use of the EU contribution, which shall take the form of a grant. The Commission shall also ensure the correct use of the grant for the purposes set out in Article 1(2).

3. The OSCE Mission to Georgia shall be responsible for reimbursing mission expenses, for the organisation of conferences under the aegis of the JCC, and for the correct purchase and handing over of the equipment. The financing agreement will stipulate that the OSCE Mission to Georgia shall ensure visibility of the EU contribution to the project and shall provide the Commission with regular reports on its implementation.

4. The Commission, in close cooperation with the EUSR for South Caucasus, shall liaise closely with the OSCE Mission to Georgia in order to monitor and evaluate the impact of the EU contribution.

5. The Commission shall report in writing on the implementation of this Joint Action to the Council, under the responsibility of the Presidency, assisted by the Secretary General of the Council/High Representative for the CFSP. This report will in particular be based on regular reports to be provided by the OSCE Mission to Georgia, as stipulated in paragraph 3.

Article 4

1. The financial reference amount for the EU contribution referred to in Article 1(2) shall be EUR 140 000.

2. The management of the expenditure financed by the amount specified in paragraph 1 shall be subject to the European Community procedures and rules applicable to the general budget of the European Union, with the exception that any pre-financing shall not remain the property of the European Community.

3. Expenditure shall be eligible as of 1 July 2006.

Article 5

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

It shall apply from 1 July 2006 to 30 June 2007.

2. This Joint Action shall be reviewed 10 months after entering into force. To that end, the EUSR for the South Caucasus, in association with the Commission, shall assess the need for further support to the settlement process in Georgia/South Ossetia and make recommendations to the Council, as appropriate.

Article 6

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

Done at Luxembourg, 27 June 2006.

For the Council
The President
J. PRÖLL