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EN

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

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EN

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1099/2006

of 17 July 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 18 July 2006.

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

Done at Brussels, 17 July 2006.

For the Commission

Jean-Luc 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 17 July 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	096	42,0
	999	42,0
0707 00 05	052	115,6
	999	115,6
0709 90 70	052	84,3
	999	84,3
0805 50 10	052	61,1
	388	59,9
	524	54,3
	528	46,7
	999	55,5
0808 10 80	388	88,6
	400	101,4
	404	83,4
	508	88,1
	512	80,7
	524	45,3
	528	83,3
	720	68,8
	800	162,7
	804	99,4
	999	90,2
0808 20 50	388	90,4
	512	100,1
	528	93,9
	720	35,0
	999	79,9
0809 10 00	052	156,7
	999	156,7
0809 20 95	052	289,7
	400	373,1
	999	331,4
0809 30 10, 0809 30 90	052	124,8
	999	124,8
0809 40 05	052	60,3
	624	141,2
	999	100,8

(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 1100/2006

of 17 July 2006

laying down, for the marketing years 2006/07, 2007/08 and 2008/09, detailed rules for the opening and administration of tariff quotas for raw cane-sugar for refining, originating in least developed countries, as well as detailed rules applying to the importation of products of tariff heading 1701 originating in least developed countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences ([1]), and in particular Article 12(6) thereof,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ([2]), and in particular Articles 23(4) and 40(1) and 40(2)(f) thereof,

Whereas:

(1) Article 12(4) of Regulation (EC) No 980/2005 lays down that, for products of tariff heading 1701 originating in a country which according to Annex I to that regulation benefits from the special arrangement for least developed countries, the Common Customs Tariff duties are to be reduced by 20 % on 1 July 2006, by 50 % on 1 July 2007, by 80 % on 1 July 2008 and by 100 % on 1 July 2009.

(2) Pursuant to Article 27 of Regulation (EC) No 318/2006 and to Article 36 of Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ([3]), additional duties may be imposed on imports where certain conditions are met. Within the framework of the reform of the common market in the sugar sector, analyses have been made on quantities which are likely to be imported from least developed countries pursuant to Article 12(4) of Regulation (EC) No 980/2005. Within these quantitative limits, such imports are unlikely to disturb the Community market. Therefore, the full application of additional duties to such imports would be disproportionate, and any additional duties on such imports should be reduced commensurately with the reductions in Common Customs Tariff duties provided for in the same Article, particularly given the objective of providing duty-free and quota-free access for such imports in accordance with Regulation (EC) No 980/2005. Imports pursuant to Article 12(5) of Regulation (EC) No 980/2005 are not subject to additional duties.

(3) Article 12(5) of Regulation (EC) No 980/2005 lays down that, until those Common Customs Tariff duties are entirely suspended, a global tariff quota at zero duty is to be opened every marketing year for raw cane-sugar for refining of CN code 1701 11 10, originating in a least developed country. Such a tariff quota was made available by Commission Regulation (EC) No 1381/2002 of 29 July 2002 laying down detailed rules for the opening and administration of the tariff quotas for raw cane-sugar for refining, originating in least developed countries, for the marketing years 2002/03 to 2005/06 ([4]), and is to continue to be made available until 30 June 2009. The tariff quota for the marketing year 2006/07 is to be equal to 149 214 tonnes, expressed as 'white-sugar equivalent', for products of CN code 1701 11 10. For each of the following marketing years, the quota is to be increased by 15 % over the quota of the previous marketing year.

(4) The opening and administration of those tariff quotas should be implemented within the framework of the common trading system established by Regulation (EC) No 318/2006, in particular as regards the system of applications for import licences.

(5) The quantities of sugar for refining benefiting from the reduced Common Customs Tariff duties or from the global tariff quotas should be imported under conditions which meet the traditional supply needs for refining of the Member States, referred to in Article 29 of Regulation (EC) No 318/2006.

(6) To ensure an adequate price for the raw sugar exported by least developed countries to the Community, a minimum price to be paid by the refiners should be fixed. The purchase price paid should be at least equal to the guaranteed price referred to in Article 30(1) of Regulation (EC) No 318/2006.

([1]) OJ L 169, 30.6.2005, p. 1.
([2]) OJ L 58, 28.2.2006, p. 1.
([3]) OJ L 178, 1.7.2006, p. 24.
([4]) OJ L 200, 30.7.2002, p. 14.

(7) The general rules as regards import licences, provided in Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products [1], as well as the special detailed rules for the sugar sector, established by Regulation (EC) No 951/2006, apply. For the management of imports and in order to ensure that annual limits are respected, there is a need for detailed rules concerning the issue of import licences for raw sugar.

(8) Since the global tariff quotas do not provide for a margin to exceed those quantities, the Common Customs Tariff duty, reduced in accordance with Article 12(4) of Regulation (EC) No 980/2005, should apply to all quantities imported in excess of those figuring on the import licence. In order to avoid an excess of imported raw sugar in the Community from least developed countries, provisions are necessary to ensure that the imported quantities of sugar are effectively refined by the end of the marketing year or before a certain date set by the Member State.

(9) Because of the traditional supply need set per Member State in the sector for sugar refining and of the need to maintain strict control of the sharing out of quantities of sugar to be imported, it is desirable to provide that the issue, as well as the transfer, of import licences be restricted to full-time refiners.

(10) Since the marketing year for 2006/07 will last for 15 months and that the marketing years for 2007/08 and 2008/09 will run from October of the first year to September of the following year, the volumes of the annual tariff quotas provided for in Article 12(5) of Regulation (EC) No 980/2005 should be adjusted in consequence.

(11) In order to respect the annual quota quantity as set out by Regulation (EC) No 980/2005, Member States should communicate to the Commission the quantities of raw sugar expressed as 'white-sugar equivalent'.

(12) In order to manage the imports effectively, Member States should keep a record of the relevant data and notify them to the Commission.

(13) For control purposes, imports should be subject to the surveillance referred to in Article 308(d) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code [2].

(14) The provisions concerning the proof of origin, set out in Articles 67 to 97 of Commission Regulation (EEC) No 2454/93, establish the definition of the concept of originating products, to be used for the purposes of generalised tariff preferences.

(15) The Management Committee for Sugar has not delivered an opinion within the time-limit set by its chairman.

(16) The measures provided for in this Regulation are in accordance with the opinion of the Generalised Preferences Committee,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down, for the marketing years 2006/07, 2007/08 and 2008/09:

— the rules for the opening and administration of the global tariff quotas for raw cane-sugar for refining of CN code 1701 11 10, referred to in Article 12(5) of Regulation (EC) No 980/2005, and

— the rules applying to the importation of products of tariff heading 1701, for the purposes of Article 12(4) and (5) of Regulation (EC) No 980/2005.

Article 2

For the purposes of this Regulation:

— 'marketing year' means the marketing year referred to in Article 1(2) of Regulation (EC) No 318/2006, beginning on 1 October and ending on 30 September of the following year, except for the marketing year 2006/07 which shall begin on 1 July 2006 and end on 30 September 2007,

— 'full-time refiner' means a production unit:

  — the sole activity of which consists of refining imported raw cane-sugar,

  or

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

[2] OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 402/2006 (OJ L 70, 9.3.2006, p. 35).

— which, in the marketing year 2004/05, refined a quantity of at least 15 000 tonnes of imported raw cane-sugar,

— '*tel quel*' weight means the weight of the sugar in the natural state.

Article 3

1. The following global tariff quotas at zero duty, expressed as 'white-sugar equivalent', shall be opened for imports of raw cane-sugar for refining of CN code 1701 11 10, originating in a country which, according to Annex I to Regulation (EC) No 980/2005, benefits from the special arrangement for least developed countries:

— 192 113 tonnes for the marketing year from 1 July 2006 to 30 September 2007;

— 178 030,75 tonnes for the marketing year from 1 October 2007 to 30 September 2008;

— 148 001,25 tonnes for the marketing year from 1 October 2008 to 30 June 2009.

The quotas shall bear the order numbers 09.4360, 09.4361 and 09.4362, respectively.

Each quota shall be opened on the first day of the marketing year concerned and shall remain open until the last day of that marketing year.

All Common Customs Tariff duties, as well as any additional duties referred to in Article 27 of Regulation (EC) No 318/2006 and subject to Article 36 of Regulation (EC) No 951/2006, shall not apply to imports under these quotas.

2. For imports, other than those referred to in paragraph 1, of products of tariff heading 1701 originating in least developed countries, the Common Customs Tariff (CCT) duties, as well as the additional duties referred to in Article 27 of Regulation (EC) No 318/2006 and subject to Article 36 of Regulation (EC) No 951/2006, shall be reduced in accordance with Article 12(4) of Regulation (EC) No 980/2005, by 20 % on 1 July 2006, by 50 % on 1 July 2007 and by 80 % on 1 July 2008; they shall be suspended entirely as from 1 July 2009.

Such imports shall be ascribed a reference number in accordance with the import period and the rate of reduction that shall apply.

The reference numbers and the rates of CCT and additional duties that apply shall be as follows:

(a) for the import period from 1 July 2006 to 30 June 2007, the reference number shall be 09.4370 and the fraction of CCT and additional duties to be paid shall be 80 %;

(b) for the import period from 1 July 2007 to 30 June 2008, the reference number shall be 09.4371 and the fraction of CCT and additional duties to be paid shall be 50 %;

(c) for the import period from 1 July 2008 to 30 June 2009, the reference number shall be 09.4372 and the fraction of CCT and additional duties to be paid shall be 20 %;

(d) for the import period from 1 July 2009 to 30 September 2009, the reference number shall be 09.4373 and the fraction of CCT and additional duties to be paid shall be 0 %.

The reference numbers shall apply to a quantity not limited in volume.

Article 4

Imports referred to in Article 3(1) and (2) shall require an import licence issued in accordance with Regulation (EC) No 1291/2000 and Regulation (EC) No 951/2006, subject to the provisions of this Regulation.

Article 5

1. Applications for import licences shall be submitted to the competent body in the importing Member State concerned.

2. Within the limits referred to in Article 6(2), applications for import licences for sugar for refining within the framework of the traditional supply need referred to in Article 29(1) and (2) of Regulation (EC) No 318/2006, may be submitted, for the marketing year concerned, only to the competent bodies in the Member States, by:

— the full-time refiners of the Member State concerned, until 30 June of the marketing year,

— any full-time Community refiner, as from 30 June until the end of the marketing year.

3. In the case of the imports referred to in Article 3(1), applications for import licences may be submitted from the first day of the marketing year until the date of limiting the issue of import licences referred to in Article 6(2).

In the case of the imports referred to in Article 3(2), applications for import licences may be submitted from the first day of the import period to which they relate.

4. Applications for import licences shall be submitted to the competent body in the Member State in which the applicant is registered for VAT purposes.

5. Only one application for an import licence per order number per week per applicant shall be allowed. Where, in a particular week, more than one application is submitted by an applicant for a particular order number, all of the applicant's applications for that order number for that week shall be rejected and the securities lodged therefore shall accrue to the Member State concerned.

6. Applications for import licences shall indicate the marketing year to which they relate, and whether the sugar is for refining or for purposes other than refining.

7. Applications for import licences shall be accompanied by:

(a) proof that the applicant has lodged a security of EUR 20 per tonne of the quantity of sugar indicated in Box 17 of the application for an import licence;

(b) the original of the export licence (conforming to the specimen appearing in the Annex), issued by the authorities in the exporting beneficiary country, for an amount equal to that given in the application for an import licence;

(c) in the case of sugar for refining, a declaration by the operator approved in accordance with Article 17 of Regulation (EC) No 318/2006 that the quantity will be refined before the end of the three-month period following the end of the period of validity of the import licence;

(d) the approved operator's pledge to make sure that the purchase price paid is at least equal to the guaranteed price referred to in Article 30(1) of Regulation (EC) No 318/2006, as well as a copy of a binding document relating to the transaction and signed by both the buyer and the supplier.

A copy, certified by the competent authorities in the exporting beneficiary country, of the certificate of origin Form A provided for in Article 9(1) may be used in place of the export licence referred to in (b).

8. Applications for import licences, as well as the licences issued, shall include the following entries:

(a) in Box 8: the country or countries of origin (the country or countries included in the special arrangement for least developed countries, according to column D of Annex I to Regulation (EC) No 980/2005),

(b) in Boxes 17 and 18: the quantity of sugar, expressed as 'white-sugar equivalent',

(c) in Box 20:

— in the case of the imports referred to in Article 3(1):

'Raw cane-sugar for refining, imported pursuant to Article 12(5) of Regulation (EC) No 980/2005. Order No …'

(the order number indicated in Article 3(1) for the marketing year concerned)

(or at least one of the equivalent phrases in another official Community language).

— in the case of the imports referred to in Article 3(2):

'Sugar imported pursuant to Article 12(4) of Regulation (EC) No 980/2005. Reference No …'

(the reference number indicated in Article 3(2) for the import period concerned)

(or at least one of the equivalent phrases in another official Community language).

Article 6

1. Member States shall keep a record of the applications for import licences submitted for sugar for refining.

2. When a Member State for a particular marketing year has received applications for import licences for sugar for refining equal to or exceeding the limit referred to in Article 29(3) of Regulation (EC) No 318/2006, the Member State shall notify the Commission that the level of its traditional supply need has been reached. Where appropriate, the Member State shall specify the percentage allocation in proportion to the remaining balance to be given to each application for an import licence for sugar for refining.

3. Where applications for import licences for sugar for refining for a particular marketing year are equal to the total quantity referred to in Article 29(3) of Regulation (EC) No 318/2006, the Commission shall notify the Member States that the limit for the traditional supply need at the level of the Community has been reached.

From the date of notification referred to in the first subparagraph and until the end of the marketing year concerned, the restriction provided for in Article 5(2) shall no longer apply.

Article 7

1. Member States shall notify the Commission, no later than the first working day of the following week, of the quantities of raw or white-sugar (where necessary, expressed as 'white-sugar equivalent'), for which applications for import licences after applying the percentage allocation provided for in Article 6(2) have been submitted during the preceding week. Member States shall specify the marketing year concerned, the quantities by country of origin and by eight-digit CN code, and whether the sugar is for refining or for purposes other than refining. If no application for an import licence has been submitted, the Member States shall likewise notify the Commission.

2. The Commission shall draw up a weekly total of the quantities for which applications for import licences have been submitted.

3. In the case of the global tariff quotas referred to in Article 3(1), where applications for import licences exceed the quota quantity for the current marketing year, the Commission shall set a percentage allocation in proportion to the balance remaining for the Member States to apply to each application for an import licence, and shall notify the Member States that the maximum quantity of the quota concerned has been reached and no further application for an import licence is admissible.

4. Where the weekly total referred to in paragraph 2 reveals the existence of available quantities of sugar for which the maximum quantity had been reached previously, the Commission shall inform the Member States that the maximum quantity is no longer attained.

Article 8

1. The import licences shall be issued on the third working day following that of the notification referred to in Article 7(1). The quantities issued shall take account of the limitation imposed by the Commission in accordance with Article 7(3).

2. For imports referred to in Article 3(1), the import licences shall be valid until the end of the marketing year to which they relate.

For imports referred to in Article 3(2), the import licences shall be valid until the end of the import period to which they relate.

3. Member States shall notify the Commission of the quantities of sugar for which import licences were issued during the previous week, and shall specify the country of origin and whether the sugar is for refining or for purposes other than refining.

4. Where an import licence is transferred in accordance with Article 9 of Regulation (EC) No 1291/2000, the titular holder shall immediately inform the competent authorities in the Member State which issued the original certificate.

5. By way of derogation from Article 35(2) of Regulation (EC) No 1291/2000, if the import licence for sugar for purposes other than refining is returned to the issuing body:

(a) in the first 60 days of its validity, the security forfeit shall be reduced by 80 %;

(b) between the 61st day of its validity and the 15th day following the end of its validity in accordance with paragraph 2, the security forfeit shall be reduced by 50 %.

6. Member States shall simultaneously notify the Commission of the quantities for which import licences have been returned since the date of their previous notification to this effect. The quantities set out in the licences returned in accordance with paragraph 5 may be reallocated.

Article 9

1. Proof of the originating status of the imports referred to in Article 3(1) and (2) shall be furnished by means of a certificate of origin Form A issued in accordance with Articles 67 to 97 of Regulation (EEC) No 2454/93.

2. At import and in addition to the proof of origin referred to in paragraph 1, a supplementary document shall be presented to the customs authorities, bearing:

(a) the serial number of the certificate of origin Form A referred to in paragraph 1, and the beneficiary country in which it was issued;

(b) as appropriate:

the phrase 'Order No … — Regulation (EC) No 1100/2006'

(i.e., the order number indicated in Article 3(1) for the marketing year concerned),

or

the phrase 'Reference No … — Regulation (EC) No 1100/2006'

(i.e., the reference number indicated in Article 3(2) for the import period concerned)

(or at least one of the equivalent phrases in another official Community language);

(c) the date of loading of the sugar in the exporting beneficiary country, and the marketing year in respect of which the delivery is being made;

(d) the eight-digit CN code of the sugar.

3. The interested party shall provide the competent authority in the Member State of release for free circulation, for control purposes of at least the quantities, a copy of the supplementary document referred to in paragraph 2 containing information relating to the import operation, in particular the degree of polarisation indicated, and the '*tel quel*' quantities by weight actually imported.

4. Where import licences are transferred pursuant to Article 8(4), the Member State shall collect the completed certificates of origin Form A and send a copy of the certificates to the Member State which initially issued the import licence.

Article 10

1. Each Member State shall keep a record of the quantities of raw and white-sugar actually imported with the certificates of origin referred to in Article 9(1), where necessary converting the quantities of raw sugar into 'white-sugar equivalent' on the basis of the polarisation stated, applying the methods set out in Point III of Annex I to Regulation (EC) No 318/2006.

2. Pursuant to Article 50(1) of Regulation (EC) No 1291/2000, the Common Customs Tariff duties, reduced in accordance with Article 12(4) of Regulation (EC) No 980/2005 and applicable on the date of release for free circulation, shall apply to all quantities of white '*tel quel*' sugar by weight, or raw sugar converted into 'white-sugar equivalent', imported in excess of those shown on the import licence referred to in Article 5.

3. The undertaking which applied for the import licence for refining shall, within the three months following the end of the time-limit for refining according to Article 5(7)(c), show acceptable proof of refining to the Member State which issued the licence.

4. Except in the event of *force majeure*, if the sugar is not refined within the time limit, the undertaking which applied for the licence shall pay an amount of EUR 500 per tonne for the quantities concerned.

Article 11

The Member States referred to in Article 29 of Regulation (EC) No 318/2006 shall communicate to the Commission:

(a) before the end of each month, the quantities of sugar expressed by weight '*tel quel*' and as 'white-sugar equivalent', actually imported the third month before;

(b) before 1 March, for the previous marketing year:

(i) the total quantity actually imported for that marketing year:

— in the form of sugar for refining, expressed by weight '*tel quel*' and as 'white-sugar equivalent',

— in the form of sugar other than for refining, expressed by weight '*tel quel*' and as 'white-sugar equivalent'

(ii) the quantity of sugar, expressed by weight '*tel quel*' and as 'white-sugar equivalent', actually refined.

Article 12

1. The notifications referred to in Article 7(1), Article 8(6) and Article 11 shall be effected by electronic means in accordance with the format provided by the Commission to the Member States.

2. At the Commission's request, Member States shall provide details on the quantities of sugar released for free circulation under the preferential tariff arrangements during any particular months, pursuant to Article 308(d) of Regulation (EEC) No 2454/93.

Article 13

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

It shall apply from 1 July 2006.

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

Done at Brussels, 17 July 2006.

For the Commission
Peter MANDELSON
Member of the Commission

ANNEX

Specimen of the export licence referred to in Article 5(7)(b)

<table>
<tr><td rowspan="2">1. Exporter (name, full address, country)</td><td>ORIGINAL</td><td colspan="2">2. No</td></tr>
<tr><td>3. Marketing year or delivery period</td><td colspan="2"></td></tr>
<tr><td>4. Importer (name, full address, country) (optional)</td><td colspan="3">EXPORT LICENCE
SUGAR</td></tr>
<tr><td rowspan="2">5. Place and date of loading — means of transport (optional)</td><td>6. Country of origin</td><td colspan="2">7. Country of destination</td></tr>
<tr><td colspan="3">8. Additional details</td></tr>
<tr><td colspan="2">9. Description of goods</td><td>10. CN code (8-digit)</td><td>11. Quantity (kg)</td></tr>
<tr><td colspan="4">12. Certification by competent authority</td></tr>
<tr><td>13. Competent authority (name, full address, country)</td><td colspan="3">At: ..... on: .....
(signature) (stamp)</td></tr>
</table>

COMMISSION REGULATION (EC) No 1101/2006

of 17 July 2006

amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector [1],

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector [2], and in particular of the Article 36,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2006/2007 marketing year are fixed by Commission Regulation (EC) No 1002/2006 [3].

(2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 18 July 2006.

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

Done at Brussels, 17 July 2006.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

[1] OJ L 55, 28.2.2006, p. 1.
[2] OJ L 178, 1.7.2006, p. 24.
[3] OJ L 178, 1.7.2006, p. 36.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 18 July 2006

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 (1)	31,46	1,85
1701 11 90 (1)	31,46	5,80
1701 12 10 (1)	31,46	1,71
1701 12 90 (1)	31,46	5,37
1701 91 00 (2)	36,94	6,76
1701 99 10 (2)	36,94	3,26
1701 99 90 (2)	36,94	3,26
1702 90 99 (3)	0,37	0,30

(1) Fixed for the standard quality defined in Annex I.III to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).
(2) Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.
(3) Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 1102/2006

of 17 July 2006

determining to what extent import right applications submitted during the month of June 2006 for certain live bovine animals as part of a tariff quota provided for in Regulation (EC) No 1241/2005 may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal [1],

Having regard to Commission Regulation (EC) No 1241/2005 of 29 July 2005 laying down detailed rules for the application of a tariff quota for certain live bovine animals originating in Romania, provided for in Council Decision 2003/18/EC [2], and in particular Article 4 thereof,

Whereas:

(1) Article 1 of Regulation (EC) No 1241/2005 fixes at 46 000 the number of head of live bovine animals originating in Romania which may be imported under special conditions in the period 1 July 2006 to 30 June 2007.

(2) Article 4(2) of Regulation (EC) No 1241/2005 lays down that the quantities applied for may be reduced. The applications lodged relate to total quantities which exceed the quantities available. Under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is appropriate to reduce proportionally the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

All applications for import certificates lodged pursuant to Article 3(3) of Regulation (EC) No 1241/2005 shall be accepted at a rate of 7,664 % of the import rights applied for.

Article 2

This Regulation shall enter into force on 18 July 2006.

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

Done at Brussels, 17 July 2006.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[1] OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

[2] OJ L 200, 30.7.2005, p. 38.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 6 July 2006

on the signing, on behalf of the European Community, of the Southern Indian Ocean Fisheries Agreement

(2006/496/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Community is competent to adopt measures for the conservation and management of fisheries resources and to enter into agreements with third countries and international organisations.

(2) The Community is a Contracting party to the United Nations Convention on the Law of the Sea, which requires all members of the international community to cooperate in managing and conserving the sea's biological resources.

(3) The Community and its Member States have ratified the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, relating to the Conservation and Management of straddling Fish Stocks and Highly Migratory Fish Stocks.

(4) The Fifth intergovernmental conference of Parties interested in the future Southern Indian Ocean Fisheries Agreement presented a draft Agreement.

(5) The Community fishes stocks in the relevant Area and it is in the interest of the Community to play an effective role in the implementation of the Agreement. It is therefore necessary to sign the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Southern Indian Ocean Fisheries Agreement is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.

Done at Brussels, 6 July 2006.

For the Council
The President
P. LEHTOMÄKI

SOUTHERN INDIAN OCEAN FISHERIES AGREEMENT (SIOFA)

THE CONTRACTING PARTIES

HAVING A MUTUAL INTEREST in the proper management, long-term conservation and sustainable use of fishery resources in the Southern Indian Ocean, and desiring to further the attainment of their objectives through international cooperation,

TAKING INTO CONSIDERATION that the coastal States have waters under national jurisdiction in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982 and general principles of international law, within which they exercise their sovereign rights for the purpose of exploring and exploiting, conserving and managing fishery resources and conserving living marine resources upon which fishing has an impact,

RECALLING THE RELEVANT PROVISIONS of the United Nations Convention on the Law of the Sea of 10 December 1982, the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and taking into account the Code of Conduct for Responsible Fisheries adopted by the 28th Session of the Conference of the Food and Agriculture Organization of the United Nations on 31 October 1995,

RECALLING FURTHER article 17 of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks 1995, and the need for non-Contracting Parties to this Southern Indian Ocean Fisheries Agreement to apply the conservation and management measures adopted hereunder and not to authorise vessels flying their flag to engage in fishing activities inconsistent with the conservation and sustainable use of the fishery resources to which this Agreement applies,

RECOGNIZING economic and geographical considerations and the special requirements of developing States, in particular the least developed among them and small-island developing States and their coastal communities, for equitable benefit from fishery resources,

DESIRING cooperation between coastal States and all other States, organizations and fishing entities having an interest in the fishery resources of the Southern Indian Ocean to ensure compatible conservation and management measures,

BEARING IN MIND that the achievement of the above will contribute to the realization of a just and equitable economic order in the interests of all humankind, and in particular the special interests and needs of developing States, in particular the least developed among them and small-island developing States,

CONVINCED that the conclusion of a multilateral agreement for the long-term conservation and sustainable use of fishery resources in waters beyond national jurisdiction in the Southern Indian Ocean would best serve these objectives,

AGREE AS FOLLOWS:

Article 1

Definitions

For the purposes of this Agreement:

(a) '1982 Convention' means the United Nations Convention on the Law of the Sea of 10 December 1982;

(b) '1995 Agreement' means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995;

(c) 'Area' means the area to which this Agreement applies, as prescribed in article 3;

(d) 'Code of Conduct' means the Code of Conduct for Responsible Fisheries adopted by the 28th Session of the Conference of the Food and Agriculture Organization of the United Nations on 31 October 1995;

(e) 'Contracting Party' means any State or regional economic integration organization which has consented to be bound by this Agreement and for which the Agreement is in force;

(f) 'fishery resources' means resources of fish, molluscs, crustaceans and other sedentary species within the Area, but excluding:

(i) sedentary species subject to the fishery jurisdiction of coastal States pursuant to article 77(4) of the 1982 Convention; and

(ii) highly migratory species listed in Annex I of the 1982 Convention;

(g) 'fishing' means:

(i) the actual or attempted searching for, catching, taking or harvesting of fishery resources;

(ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fishery resources for any purpose including scientific research;

(iii) placing, searching for or recovering any aggregating device for fishery resources or associated equipment including radio beacons;

(iv) any operation at sea in support of, or in preparation for, any activity described in this definition, except for any operation in emergencies involving the health or safety of crew members or the safety of a vessel; or

(v) the use of an aircraft in relation to any activity described in this definition except for flights in emergencies involving the health or safety of crew members or the safety of a vessel;

(h) 'fishing entity' means a fishing entity as referred to in Article 1(3) of the 1995 Agreement;

(i) 'fishing vessel' means any vessel used or intended for fishing, including a mother-ship, any other vessel directly engaged in fishing operations, and any vessel engaged in transshipment;

(j) 'nationals' includes both natural and legal persons;

(k) 'regional economic integration organization' means a regional economic integration organization to which its member States have transferred competence over matters covered by this Agreement, including the authority to make decisions binding on its member States in respect of those matters;

(l) 'transshipment' means the unloading of all or any of the fishery resources on board a fishing vessel onto another vessel whether at sea or in port.

Article 2

Objectives

The objectives of this Agreement are to ensure the long-term conservation and sustainable use of the fishery resources in the Area through cooperation among the Contracting Parties, and to promote the sustainable development of fisheries in the Area, taking into account the needs of developing States bordering the Area that are Contracting Parties to this Agreement, and in particular the least developed among them and small-island developing States.

Article 3

Area of application

1. This Agreement applies to the Area bounded by a line joining the following points along parallels of latitude and meridians of longitude, excluding waters under national jurisdiction:

Commencing at the landfall on the continent of Africa of the parallel of 10° North; from there east along that parallel to its intersection with the meridian of 65° East; from there south along that meridian to its intersection with the equator; from there east along the equator to its intersection with the meridian of 80° East; from there south along that meridian to its intersection with the parallel of 20° South; from there east along that parallel to its landfall on the continent of Australia; from there south and then east along the coast of Australia to its intersection with the meridian of 120° East; from there south along that meridian to its intersection with the parallel of 55° South; from there west along that parallel to its intersection with the meridian of 80° East; from there north along that meridian to its intersection with the parallel of 45° South; from there west along that parallel to its intersection with the meridian of 30° East; from there north along that meridian to its landfall on the continent of Africa.

2. Where for the purpose of this Agreement it is necessary to determine the position on the surface of the Earth of a point, line or area, that position shall be determined by reference to the International Terrestrial Reference System maintained by the International Earth Rotation Service, which for most practical purposes is equivalent to the World Geodetic System 1984 (WGS84).

Article 4

General principles

In giving effect to the duty to cooperate in accordance with the 1982 Convention and international law, the Contracting Parties shall apply, in particular, the following principles:

(a) measures shall be adopted on the basis of the best scientific evidence available to ensure the long-term conservation of fishery resources, taking into account the sustainable use of such resources and implementing an ecosystem approach to their management;

(b) measures shall be taken to ensure that the level of fishing activity is commensurate with the sustainable use of the fishery resources;

(c) the precautionary approach shall be applied in accordance with the Code of Conduct and the 1995 Agreement, whereby the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures;

(d) the fishery resources shall be managed so that they are maintained at levels that are capable of producing the maximum sustainable yield, and depleted stocks of fishery resources are rebuilt to the said levels;

(e) fishing practices and management measures shall take due account of the need to minimize the harmful impact that fishing activities may have on the marine environment;

(f) biodiversity in the marine environment shall be protected; and

(g) the special requirements of developing States bordering the Area that are Contracting Parties to this Agreement, and in particular the least developed among them and small-island developing States, shall be given full recognition.

Article 5

Meeting of the parties

1. The Contracting Parties shall meet periodically to consider matters pertaining to the implementation of this Agreement and to make all decisions relevant thereto.

2. The ordinary Meeting of the Parties shall, unless the Meeting otherwise decides, take place at least once a year and, to the extent practicable, back-to-back with meetings of the South West Indian Ocean Fisheries Commission. The Contracting Parties may also hold extraordinary meetings when deemed necessary.

3. The Meeting of the Parties shall, by consensus, adopt and amend its own Rules of Procedure and those of its subsidiary bodies.

4. The Contracting Parties, at their first meeting, shall consider the adoption of a budget to fund the conduct of the Meeting of the Parties and the exercise of its functions and accompanying financial regulations. The financial regulations shall set out the criteria governing the determination of the amount of each Contracting Party's contribution to the budget, giving due consideration to the economic status of Contracting Parties which are developing States, and in particular the least developed among them and small-island developing States, and ensuring that an adequate share of the budget is borne by Contracting Parties that benefit from fishing in the Area.

Article 6

Functions of the meeting of the parties

1. The Meeting of the Parties shall:

(a) review the state of fishery resources, including their abundance and the level of their exploitation;

(b) promote and, as appropriate, coordinate research activities as required on the fishery resources and on straddling stocks occurring in waters under national jurisdiction adjacent to the Area, including discarded catch and the impact of fishing on the marine environment;

(c) evaluate the impact of fishing on the fishery resources and on the marine environment, taking into account the environmental and oceanographic characteristics of the Area, other human activities and environmental factors;

(d) formulate and adopt conservation and management measures necessary for ensuring the long-term sustainability of the fishery resources, taking into account the need to protect marine biodiversity, based on the best scientific evidence available;

(e) adopt generally recommended international minimum standards for the responsible conduct of fishing operations;

(f) develop rules for the collection and verification of scientific and statistical data, as well as for the submission, publication, dissemination and use of such data;

(g) promote cooperation and coordination among Contracting Parties to ensure that conservation and management measures for straddling stocks occurring in waters under national jurisdiction adjacent to the Area and measures adopted by the Meeting of the Parties for the fishery resources are compatible;

(h) develop rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with conservation and management measures adopted by the Meeting of the Parties including, where appropriate, a system of verification incorporating vessel monitoring and observation, and rules concerning the boarding and inspection of vessels operating in the Area;

(i) develop and monitor measures to prevent, deter and eliminate illegal, unreported and unregulated fishing;

(j) in accordance with international law and any applicable instruments, draw the attention of any non-Contracting Parties to any activities which undermine the attainment of the objectives of this Agreement;

(k) establish the criteria for and rules governing participation in fishing; and

(l) carry out any other tasks and functions necessary to achieve the objectives of this Agreement.

2. In determining criteria for participation in fishing, including allocation of total allowable catch or total level of fishing effort, the Contracting Parties shall take into account, *inter alia*, international principles such as those contained in the 1995 Agreement.

3. In applying the provisions of paragraph 2, the Contracting Parties may, *inter alia*:

(a) designate annual quota allocations or fishing effort limitations for Contracting Parties;

(b) allocate catch quantities for exploration and scientific research; and

(c) set aside fishing opportunities for non-Contracting Parties to this Agreement, if necessary.

4. The Meeting of Parties shall, subject to agreed rules, review quota allocations and fishing effort limitations of Contracting Parties and participation in fishing opportunities of non-Contracting Parties taking into account, *inter alia*, information on the implementation by Contracting and non-Contracting Parties of the conservation and management measures adopted by the Meeting of the Parties.

Article 7

Subsidiary bodies

1. The Meeting of the Parties shall establish a permanent Scientific Committee, which shall meet, unless the Meeting of the Parties otherwise decides, at least once a year, and preferably prior to the Meeting of the Parties, in accordance with the following provisions:

(a) the functions of the Scientific Committee shall be:

(i) to conduct the scientific assessment of the fishery resources and the impact of fishing on the marine environment, taking into account the environmental and oceanographic characteristics of the Area, and the results of relevant scientific research;

(ii) to encourage and promote cooperation in scientific research in order to improve knowledge of the state of the fishery resources;

(iii) to provide scientific advice and recommendations to the Meeting of the Parties for the formulation of the conservation and management measures referred to in Article 6(1)(d);

(iv) to provide scientific advice and recommendations to the Meeting of the Parties for the formulation of measures regarding the monitoring of fishing activities;

(v) to provide scientific advice and recommendations to the Meeting of the Parties on appropriate standards and format for fishery data collection and exchange; and

(vi) any other scientific function that the Meeting of the Parties may decide;

(b) in developing advice and recommendations the Scientific Committee shall take into consideration the work of the South West Indian Ocean Fisheries Commission as well as that of other relevant research organizations and regional fisheries management organizations.

2. Once the measures referred to in Article 6 are taken, the Meeting of the Parties shall establish a Compliance Committee, to verify the implementation of and compliance with such measures. The Compliance Committee shall meet, in conjunction with the Meeting of the Parties, as provided for in the Rules of Procedure and shall report, advise and make recommendations to the Meeting of the Parties.

3. The Meeting of the Parties may also establish such temporary, special or standing committees as may be required, to study and report on matters pertaining to the implementation of the objectives of this Agreement, and working groups to study, and submit recommendations on, specific technical problems.

Article 8

Decision making

1. Unless otherwise provided in this Agreement, decisions of the Meeting of the Parties and its subsidiary bodies on matters of substance shall be taken by the consensus of the Contracting Parties present, where consensus means the absence of any formal objection made at the time a decision is taken. The question of whether a matter is one of substance shall be treated as a matter of substance.

2. Decisions on matters other than those referred to in paragraph 1 shall be taken by a simple majority of the Contracting Parties present and voting.

3. Decisions adopted by the Meeting of the Parties shall be binding on all Contracting Parties.

Article 9

Secretariat

The Meeting of the Parties shall decide on arrangements for the carrying out of secretariat services, or the establishment of a Secretariat, to perform the following functions:

(a) implementing and coordinating the administrative provisions of this Agreement, including the compilation and distribution of the official report of the Meeting of the Parties;

(b) maintaining a complete record of the proceedings of the Meeting of the Parties and its subsidiary bodies, as well as a complete archive of any other official documents pertaining to the implementation of this Agreement; and

(c) any other function that the Meeting of the Parties may decide.

Article 10

Contracting party duties

1. Each Contracting Party shall, in respect of its activities within the Area:

(a) promptly implement this Agreement and any conservation, management and other measures or matters which may be agreed by the Meeting of the Parties;

(b) take appropriate measures in order to ensure the effectiveness of the measures adopted by the Meeting of the Parties;

(c) collect and exchange scientific, technical and statistical data with respect to the fishery resources and ensure that:

(i) data is collected in sufficient detail to facilitate effective stock assessment and are provided in a timely manner to fulfil the requirements set forth in the rules adopted by the Meeting of the Parties;

(ii) appropriate measures are taken to verify the accuracy of such data;

(iii) such statistical, biological and other data and information as the Meeting of the Parties may decide is provided annually; and

(iv) information on steps taken to implement the conservation and management measures adopted by the Meeting of the Parties is provided in a timely manner.

2. Each Contracting Party shall make available to the Meeting of the Parties a statement of implementing and compliance measures, including imposition of sanctions for any violations, it has taken in accordance with this Article and, in the case of coastal States that are Contracting Parties to this Agreement, as regards the conservation and management measures they have taken for straddling stocks occurring in waters under their jurisdiction adjacent to the Area.

3. Without prejudice to the primacy of the responsibility of the flag State, each Contracting Party shall, to the greatest extent possible, take measures, or cooperate, to ensure that its nationals and fishing vessels owned or operated by its nationals fishing in the Area comply with the provisions of this Agreement and with the conservation and management measures adopted by the Meeting of the Parties.

4. Each Contracting Party shall, to the greatest extent possible, at the request of any other Contracting Party, and when provided with the relevant information, investigate any alleged serious violation within the meaning of the 1995 Agreement by its nationals, or fishing vessels owned or operated by its nationals, of the provisions of this Agreement or any conservation and management measure adopted by the Meeting of the Parties. A reply, including details of any action taken or proposed to be taken in relation to the alleged violation, shall be provided to all Contracting Parties as soon as practicable and in any case within two (2) months of such request. A report on the outcome of the investigation shall be provided to the Meeting of the Parties when the investigation is completed.

Article 11

Flag state duties

1. Each Contracting Party shall take such measures as may be necessary to ensure that:

(a) fishing vessels flying its flag operating in the Area comply with the provisions of this Agreement and the conservation and management measures adopted by the Meeting of the Parties and that such vessels do not engage in any activity which undermines the effectiveness of such measures;

(b) fishing vessels flying its flag do not conduct unauthorized fishing within waters under national jurisdiction adjacent to the Area; and

(c) it develops and implements a satellite vessel monitoring system for fishing vessels flying its flag and fishing in the Area.

2. No Contracting Party shall allow any fishing vessel entitled to fly its flag to be used for fishing in the Area unless it has been authorised to do so by the appropriate authority or authorities of that Contracting Party.

3. Each Contracting Party shall:

(a) authorize the use of vessels flying its flag for fishing in waters beyond national jurisdiction only where it is able to exercise effectively its responsibilities in respect of such vessels under this Agreement and in accordance with international law;

(b) maintain a record of fishing vessels entitled to fly its flag and authorized to fish for the fishery resources, and ensure that, for all such vessels, such information as may be specified by the Meeting of the Parties is entered in that record. Contracting Parties shall exchange this information in accordance with such procedures as may be agreed by the Meeting of the Parties;

(c) in conformity with the rules determined by the Meeting of the Parties, make available to each annual Meeting of the Parties a report on its fishing activities in the Area;

(d) collect and share in a timely manner, complete and accurate data concerning fishing activities by vessels flying its flag operating in the Area, in particular on vessel position, retained catch, discarded catch and fishing effort, where appropriate maintaining confidentiality of data as it relates to the application of relevant national legislation; and

(e) to the greatest extent possible, at the request of any other Contracting Party, and when provided with the relevant information, investigate any alleged serious violation within the meaning of the 1995 Agreement by fishing vessels flying its flag of the provisions of this Agreement or any conservation and management measure adopted by the Meeting of the Parties. A reply, including details of any action taken or proposed to be taken in relation to such alleged violation, shall be provided to all Contracting Parties as soon as practicable and in any case within two (2) months of such request. A report on the outcome of the investigation shall be provided to the Meeting of the Parties when the investigation is completed.

Article 12

Port State duties

1. Measures taken by a port State Contracting Party in accordance with this Agreement shall take full account of the right and the duty of a port State to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures. When taking such measures, a port State Contracting Party shall not discriminate in form or in fact against the fishing vessels of any State.

2. Each port State Contracting Party shall:

(a) in accordance with the conservation and management measures adopted by the Meeting of the Parties, *inter alia*, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals;

(b) not permit landings, transshipment, or supply services in relation to fishing vessels unless they are satisfied that fish on board the vessel have been caught in a manner consistent with the conservation and management measures adopted by the Meeting of the Parties; and

(c) provide assistance to flag State Contracting Parties, as reasonably practical and in accordance with its national law and international law, when a fishing vessel is voluntarily in its ports or at its offshore terminals and the flag State of the vessel requests it to provide assistance in ensuring compliance with the provisions of this Agreement and with the conservation and management measures adopted by the Meeting of the Parties.

3. In the event that a port State Contracting Party considers that a vessel of another Contracting Party making use of its ports or offshore terminals has violated a provision of this Agreement or a conservation and management measure adopted by the Meeting of the Parties, it shall draw this to the attention of the flag State concerned and of the Meeting of the Parties. The port State Contracting Party shall provide the flag State and the Meeting of the Parties with full documentation of the matter, including any record of inspection.

4. Nothing in this article affects the exercise by Contracting Parties of their sovereignty over ports in their territory in accordance with international law.

Article 13

Special requirements of developing States

1. The Contracting Parties shall give full recognition to the special requirements of developing States bordering the Area, in particular the least developed among them and small-island developing States, in relation to the conservation and management of fishery resources and the sustainable development of such resources.

2. The Contracting Parties recognize, in particular:

(a) the vulnerability of developing States bordering the Area, in particular the least developed among them and small-island developing States, that are dependent on the exploitation of fishery resources, including for meeting the nutritional requirements of their populations or parts thereof;

(b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and fishworkers; and

(c) the need to ensure that conservation and management measures adopted by the Meeting of the Parties do not result in transferring, directly or indirectly, a disproportionate burden of conservation action on to developing States bordering the Area, in particular the least developed among them and small-island developing States.

3. Cooperation by the Contracting Parties under the provisions of this Agreement and through other subregional or regional organizations involved in the management of marine living resources should include action for the purposes of:

(a) enhancing the ability of developing States bordering the Area, in particular the least developed among them and small-island developing States, to conserve and manage fishery resources and to develop their own fisheries for such resources; and

(b) assisting developing States bordering the Area, in particular the least developed among them and small-island developing States, to enable them to participate in fisheries for such resources, including facilitating access in accordance with this Agreement.

4. Cooperation with developing States bordering the Area, in particular the least developed among them and small-island developing States, for the purposes set out in this article should include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, and activities directed specifically towards:

(a) improved conservation and management of the fishery resources and of straddling stocks occurring in waters under national jurisdiction adjacent to the Area, which can include the collection, reporting, verification, exchange and analysis of fisheries data and related information;

(b) improved information collection and management of the impact of fishing activities on the marine environment;

(c) stock assessment and scientific research;

(d) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology; and

(e) participation in the Meeting of the Parties and meetings of its subsidiary bodies as well as in the settlement of disputes.

Article 14

Transparency

1. The Contracting Parties shall promote transparency in decision making processes and other activities carried out under this Agreement.

2. Coastal States with waters under national jurisdiction adjacent to the Area that are not Contracting Parties to this Agreement shall be entitled to participate as observers in the Meeting of the Parties and meetings of its subsidiary bodies.

3. Non-Contracting Parties to this Agreement shall be entitled to participate as observers in the Meeting of the Parties and meetings of its subsidiary bodies.

4. Intergovernmental organizations concerned with matters relevant to the implementation of this Agreement, in particular the Food and Agriculture Organization of the United Nations, the South West Indian Ocean Fisheries Commission, and regional fisheries management organizations with competence over high seas waters adjacent to the Area, shall be entitled to participate as observers in the Meeting of the Parties and meetings of its subsidiary bodies.

5. Representatives from non-governmental organizations concerned with matters relevant to the implementation of this Agreement shall be afforded the opportunity to participate in the Meeting of the Parties and meetings of its subsidiary bodies as observers or otherwise as determined by the Meeting of the Parties. The Rules of Procedure of the Meeting of the Parties and its subsidiary bodies shall provide for such participation. The procedures shall not be unduly restrictive in this respect.

6. Observers shall be given timely access to pertinent information subject to the Rules of Procedure, including those concerning confidentiality requirements, which the Meeting of the Parties may adopt.

Article 15

Fishing entities

1. After the entry into force of this Agreement any fishing entity whose vessels have fished or intend to fish for fishery resources in the Area may, by a written instrument delivered to the Chairperson of the Meeting of the Parties, in accordance with such procedures as may be established by the Meeting of the Parties, express its firm commitment to be bound by the terms of this Agreement. Such commitment shall become effective thirty (30) days from the date of receipt of the instrument. Any such fishing entity may withdraw such commitment by written notification addressed to the Chairperson of the Meeting of the Parties. Notice of withdrawal shall become effective ninety (90) days from the date of its receipt by the Chairperson of the Meeting of the Parties.

2. A fishing entity which has expressed its commitment to be bound by the terms of this Agreement may participate in the Meeting of the Parties and its subsidiary bodies, and partake in decision making, in accordance with the Rules of Procedure adopted by the Meeting of the Parties. Articles 1 to 18 and 20.2 apply, *mutatis mutandis*, to such a fishing entity.

Article 16

Cooperation with other organizations

The Contracting Parties, acting jointly under this Agreement, shall cooperate closely with other international fisheries and related organizations in matters of mutual interest, in particular with the South West Indian Ocean Fisheries Commission and any other regional fisheries management organization with competence over high seas waters adjacent to the Area.

Article 17

Non-Contracting Parties

1. Contracting Parties shall take measures consistent with this Agreement, the 1995 Agreement and international law to deter the activities of vessels flying the flags of non-Contracting Parties to this Agreement which undermine the effectiveness of conservation and management measures adopted by the Meeting of the Parties or the attainment of the objectives of this Agreement.

2. Contracting Parties shall exchange information on the activities of fishing vessels flying the flags of non-Contracting Parties to this Agreement which are engaged in fishing operations in the Area.

3. Contracting Parties shall draw the attention of any non-Contracting Party to this Agreement to any activity undertaken by its nationals or vessels flying its flag which, in the opinion of the Contracting Party, undermines the effectiveness of conservation and management measures adopted by the Meeting of the Parties or the attainment of the objectives of this Agreement.

4. Contracting Parties shall, individually or jointly, request non-Contracting Parties to this Agreement whose vessels fish in the Area to cooperate fully in the implementation of conservation and management measures adopted by the Meeting of the Parties with a view to ensuring that such measures are applied to all fishing activities in the Area. Such cooperating non-Contracting Parties to this Agreement shall enjoy benefits from participation in the fishery commensurate with their commitment to comply with, and their record of compliance with, conservation and management measures in respect of the relevant stocks of fishery resources.

Article 18

Good faith and abuse of right

Each Contracting Party shall fulfil in good faith the obligations assumed under this Agreement and shall exercise the rights recognized in this Agreement in a manner which would not constitute an abuse of right.

Article 19

Relation to other agreements

Nothing in this Agreement shall prejudice the rights and obligations of States under the 1982 Convention or the 1995 Agreement.

Article 20

Interpretation and settlement of disputes

1. Contracting Parties shall use their best endeavours to resolve their disputes by amicable means. At the request of any Contracting Party a dispute may be submitted for binding decision in accordance with the procedures for the settlement of disputes provided in Section II of Part XV of the 1982 Convention or, where the dispute concerns one or more straddling stocks, the procedures set out in Part VIII of the 1995 Agreement. The relevant part of the 1982 Convention and the 1995 Agreement shall apply whether or not the parties to the dispute are also parties to either of these instruments.

2. If a dispute involves a fishing entity which has expressed its commitment to be bound by the terms of this Agreement and cannot be settled by amicable means, the dispute shall, at the request of any party to the dispute, be submitted to final and binding arbitration in accordance with the relevant rules of the Permanent Court of Arbitration.

Article 21

Amendments

1. Any Contracting Party may propose an amendment to the Agreement by providing to the Depositary the text of a proposed amendment at least sixty (60) days in advance of an ordinary Meeting of the Parties. The Depositary shall circulate a copy of this text to all other Contracting Parties promptly.

2. Amendments to the Agreement shall be adopted by consensus of all Contracting Parties.

3. Amendments to the Agreement shall enter into force ninety (90) days after all Contracting Parties which held this status at the time the amendments were approved have deposited their instruments of ratification, acceptance, or approval of such amendments with the Depositary.

Article 22

Signature ratification, acceptance and approval

1. This Agreement shall be open for signature by:

(a) the States and regional economic integration organization participating in the Intergovernmental Consultation on the Southern Indian Ocean Fisheries Agreement; and

(b) any other State having jurisdiction over waters adjacent to the Area;

and shall remain open for signature for twelve (12) months from the (date of opening for signature).

2. This Agreement is subject to ratification, acceptance or approval by the signatories.

3. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.

Article 23

Accession

1. This Agreement shall be open for accession, after its closure for signature, by any State or regional economic integration organization referred to in article 22(1), and by any other State or regional economic integration organization interested in fishing activities in relation to the fishery resources.

2. Instruments of accession shall be deposited with the Depositary.

Article 24

Entry into force

1. This Agreement shall enter into force ninety (90) days from the date of receipt by the Depositary of the fourth instrument of ratification, acceptance or approval, at least two of which have been deposited by coastal States bordering the Area.

2. For each signatory which ratifies, accepts or approves this Agreement after its entry into force, this Agreement shall enter into force for that signatory thirty (30) days after the deposit of its instrument of ratification, acceptance or approval.

3. For each State or regional economic integration organization which accedes to this Agreement after its entry into force, this Agreement shall enter into force for that State or regional economic integration organization thirty (30) days after the deposit of its instrument of accession.

Article 25

The Depositary

1. The Director-General of the Food and Agriculture Organization of the United Nations shall be the Depositary of this Agreement and of any amendments thereto. The Depositary shall transmit certified copies of this Agreement to all signatories and shall register this Agreement with the Secretary-General of the United Nations pursuant to Article 102 of the Charter of the United Nations.

2. The Depositary shall inform all signatories of this Agreement of signatures and of instruments of ratification, accession, acceptance or approval deposited under Articles 22 and 23 and of the date of entry into force of the Agreement under Article 24.

Article 26

Withdrawal

Any Contracting Party may withdraw from this Agreement at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Contracting Party, by giving written notice of such withdrawal to the Depositary who shall immediately inform all the Contracting Parties of such withdrawal. Notice of withdrawal shall become effective ninety (90) days from the date of its receipt by the Depositary.

Article 27

Termination

This Agreement shall be automatically terminated if and when, as the result of withdrawals, the number of Contracting Parties drops below three.

Article 28

Reservations

1. Ratification, acceptance or approval of this Agreement may be made subject to reservations which shall become effective only upon unanimous acceptance by all Contracting Parties to this Agreement. The Depositary shall notify forthwith all Contracting Parties of any reservation. Contracting Parties not having replied within three (3) months from the date of notification shall be deemed to have accepted the reservation. Failing such acceptance, the State or regional economic integration organization making the reservation shall not become a Contracting Party to this Agreement.

2. Nothing in paragraph 1 shall prevent a State or a regional economic integration organization on behalf of a State from making a reservation with regard to membership acquired through territories and surrounding maritime areas over which the State asserts its rights to exercise sovereignty or territorial and maritime jurisdiction.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having been duly authorized by their respective Governments, have signed this Agreement.

DONE at … on this … day of …, … in English and French, both texts being equally authentic.

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

POLITICAL AND SECURITY COMMITTEE DECISION BiH/9/2006

of 27 June 2006

on the appointment of an EU Force Commander for the European Union Military Operation in Bosnia and Herzegovina

(2006/497/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 25, third paragraph, thereof,

Having regard to the Council Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina [1], and in particular Article 6 thereof,

Whereas:

(1) Pursuant to Article 6 of Joint Action 2004/570/CFSP the Council authorised the Political and Security Committee (PSC) to take further decisions on the appointment of the EU Force Commander.

(2) According to PSC Decision BiH/6/2005, Major General Gian Marco CHIARINI was appointed EU Force Commander for the European Union military operation in Bosnia and Herzegovina.

(3) The EU Operation Commander has recommended the appointment of Rear Admiral Hans Jochen WITTHAUER as the new EU Force Commander for the European Union military operation in Bosnia and Herzegovina.

(4) The EU Military Committee has supported the nomination.

(5) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications.

(6) The Copenhagen European Council adopted on 12 and 13 December 2002 a Declaration stating that the 'Berlin plus' arrangements and the implementation thereof will apply only to those EU Member States which are also either NATO members or parties to the 'Partnership for Peace', and which have consequently concluded bilateral security agreements with NATO,

HAS DECIDED AS FOLLOWS:

Article 1

Rear Admiral Hans-Jochen WITTHAUER is hereby appointed EU Force Commander for the European Union military operation in Bosnia and Herzegovina.

Article 2

This Decision shall take effect on 5 December 2006.

Done at Brussels, 27 June 2006.

For the Political and Security Committee
The Chairperson
F.J. KUGLITSCH

[1] OJ L 252, 28.7.2004, p. 10.

CORRIGENDA

Corrigendum to Commission Decision of 5 July 2006 recognising certain third countries and certain areas of third countries as being free from Xanthomonas campestris (all strains pathogenic to Citrus), Cercospora angolensis Carv. et Mendes and Guignardia citricarpa Kiely (all strains pathogenic to Citrus)

(Official Journal of the European Union L 187 of 8 July 2006)

On page 35, in the title,

for: '(2006/000/EC)',

read: '(2006/473/EC)'.