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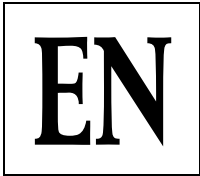
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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1532/2006
of 12 October 2006
on the conditions for certain import quotas of high quality beef**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) It is advisable to adopt measures that would ensure compliance with the conditions for certain tariff quotas for imports of high quality beef into the Community.
- (2) Discussions with the countries exporting high quality beef within the EC-WTO tariff quotas of 11 000 t, 5 000 t and 4 000 t respectively have revealed the need to better adapt the import conditions for these quotas.
- (3) To clarify the situation, it is appropriate to allocate the relevant tariff quotas for which Argentina, Brazil and Uruguay are the sole suppliers to the respective country.

- (4) The Commission should subsequently adopt definitions which are more easily auditable and verifiable in accordance with the procedure foreseen in Article 32(1) of Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾ so as to allow for an ex post verification and audit of the definition compliance, without changing the basic import conditions,

HAS ADOPTED THIS REGULATION:

Article 1

The conditions for the EC-WTO tariff quotas of 11 000 t, 5 000 t and 4 000 t respectively for imports of high quality beef of CN codes 0201 30 00, 0202 30 90, 0206 10 95 and 0206 29 91 into the Community shall apply as specified in the Annex to this regulation.

Article 2

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

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

Done at Luxembourg, 12 October 2006.

For the Council
The President
S. HUOVINEN

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

ANNEX

Description of product	Tariff item numbers	Quota and in-quota tariff rate	Other terms and conditions
Boneless high quality meat of bovine animals, fresh or chilled	ex 0201 30 00	11 000 t 20 %	'High quality' meat of bovine animals, fresh or chilled, supplying country: Argentina
Edible offal of bovine animals: thick skirt and thin skirt, fresh or chilled	ex 0206 10 95		Qualification for the quota is subject to conditions laid down in the relevant Community provisions
Boneless high quality meat of bovine animals, fresh or chilled	ex 0201 30 00	5 000 t 20 %	'High quality' meat of bovine animals, fresh, chilled or frozen, supplying country: Brazil
Boneless high quality meat of bovine animals, frozen:			Qualification for the quota is subject to conditions laid down in the relevant Community provisions
— Other	ex 0202 30 90		
Edible offal of bovine animals:			
— Thick skirt and thin skirt, fresh or chilled	ex 0206 10 95		
— Thick skirt and thin skirt, frozen	ex 0206 29 91		
Boneless high quality meat of bovine animals, fresh or chilled	ex 0201 30 00	4 000 t 20 %	'High quality' meat of bovine animals, fresh, chilled or frozen, supplying country: Uruguay
Boneless high quality meat of bovine animals, frozen:			Qualification for the quota is subject to conditions laid down in the relevant Community provisions
— Other	ex 0202 30 90		
Edible offal of bovine animals:			
— Thick skirt and thin skirt, fresh or chilled	ex 0206 10 95		
— Thick skirt and thin skirt, frozen	ex 0206 29 91		

COMMISSION REGULATION (EC) No 1533/2006**of 13 October 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 14 October 2006.

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

Done at Brussels, 13 October 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 13 October 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	74,4
	096	36,2
	204	40,9
	999	50,5
0707 00 05	052	66,6
	096	18,4
	999	42,5
0709 90 70	052	88,9
	999	88,9
0805 50 10	052	65,0
	388	57,2
	524	57,6
	528	55,7
	999	58,9
0806 10 10	052	85,0
	066	59,1
	092	44,8
	096	48,4
	400	191,3
	999	85,7
0808 10 80	388	86,2
	400	100,5
	512	82,4
	800	180,1
	804	98,7
	999	109,6
0808 20 50	052	113,9
	999	113,9

⁽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 1534/2006**of 13 October 2006****fixing the minimum selling prices for butter for the 18th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 18th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the minimum selling prices for butter from intervention stocks and the amount of the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 14 October 2006.

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

Done at Brussels, 13 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

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

ANNEX

Minimum selling prices for butter and processing security for the 18th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005*(EUR/100 kg)*

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	206	210	—	210
		Concentrated	204,1	—	—	—
Processing security		Unaltered	45	45	—	45
		Concentrated	45	—	—	—

COMMISSION REGULATION (EC) No 1535/2006**of 13 October 2006****fixing the maximum aid for cream, butter and concentrated butter for the 18th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 18th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the amount of the maximum aid for cream, butter and concentrated butter and the amount the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 14 October 2006.

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

Done at Brussels, 13 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

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

ANNEX

Maximum aid for cream, butter and concentrated butter and processing security for the 18th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005

(EUR/100 kg)

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Maximum aid	Butter $\geq 82\%$	18,5	15	—	15
	Butter $< 82\%$	—	14,63	—	14,6
	Concentrated butter	22	18,5	22	18,5
	Cream	—	—	10	6,3
Processing security	Butter	20	—	—	—
	Concentrated butter	24	—	24	—
	Cream	—	—	11	—

COMMISSION REGULATION (EC) No 1536/2006**of 13 October 2006****fixing the maximum aid for concentrated butter for the 18th individual invitation to tender opened under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In accordance with Article 47 of Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 54 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 %.
- (2) An end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is to be lodged to

ensure the taking over of the concentrated butter by the retail trade.

- (3) In the light of the tenders received, the maximum aid should be fixed at the appropriate level and the end-use security should be determined accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 18th individual tender under the standing invitation to tender opened in accordance with Regulation (EC) No 1898/2005 the maximum amount of the aid for concentrated butter with a minimum fat content of 96 %, as referred to in Article 47(1) of that Regulation, is fixed at 19,8 EUR/100 kg,

The end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is fixed at 22 EUR/100 kg.

Article 2

This Regulation shall enter into force on 14 October 2006.

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

Done at Brussels, 13 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

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

COMMISSION REGULATION (EC) No 1537/2006**of 13 October 2006****fixing the minimum selling price for butter for the 50th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Pursuant to Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them.

(2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no

award, in accordance with Article 24a of Regulation (EC) No 2771/1999.

(3) In the light of the tenders received, a minimum selling price should be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 50th individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 10 October 2006, the minimum selling price for butter is fixed at 233,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 14 October 2006.

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

Done at Brussels, 13 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1802/2005 (OJ L 290, 4.11.2005, p. 3).

COMMISSION REGULATION (EC) No 1538/2006**of 13 October 2006****fixing the import duties in the cereals sector applicable from 16 October 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 October 2006.

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

Done at Brussels, 13 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 16 October 2006

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	0,00
1005 10 90	Maize seed other than hybrid	28,02
1005 90 00	Maize other than seed ⁽²⁾	28,02
1007 00 90	Grain sorghum other than hybrids for sowing	0,00

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

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

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

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

ANNEX II

Factors for calculating duties

(29.9.2006-12.10.2006)

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	157,11 (***)	85,96	168,07	158,07	138,07	127,60
Gulf premium (EUR/t)	—	18,88	—			—
Great Lakes premium (EUR/t)	12,63	—	—			—

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 24,18 EUR/t; Great Lakes–Rotterdam: 32,81 EUR/t.

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

COMMISSION REGULATION (EC) No 1539/2006**of 13 October 2006****adopting a plan allocating resources to the Member States to be charged against 2007 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organisations for distribution to the most deprived persons in the Community ⁽¹⁾ and in particular Article 6 thereof,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽²⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) In accordance with Article 2 of Commission Regulation (EEC) No 3149/92 of 29 October 1992 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community ⁽³⁾, the Commission has to adopt a distribution plan to be financed from resources available in the 2007 budget year. The plan should lay down in particular, for each of the Member States applying the measure, the maximum financial resources available to carry out its part of the plan, and the quantity of each type of product to be withdrawn from the stocks held by the intervention agencies.
- (2) The Member States involved in the plan for 2007 have supplied the information required in accordance with Article 1 of Regulation (EEC) No 3149/92.
- (3) For the purposes of resource allocation, account must be taken of experience and of the degree to which the Member States have used the resources allocated to them in previous years.

(4) Article 2(3)(1)(c) of Regulation (EEC) No 3149/92 provides for the making of grants for the purchase on the market of products temporarily unavailable in intervention stocks. Since stocks of skimmed-milk powder and rice currently held by intervention agencies are very low and arrangements have already been made for their sale on the market and their distribution in the framework of Regulation (EEC) 3149/92, and since no purchases of these products are foreseen in 2006, it is necessary to fix the grant in order to allow skimmed-milk powder and rice required for the 2007 plan to be purchased on the market. Furthermore, specific provisions need to be introduced to ensure that the supply contract is properly carried out.

(5) To take into account the specific necessities of certain Member States, the withdrawal of cereals in payment for rice and rice based products should be authorised, in accordance with the third subparagraph of Article 4(1)(b) of Regulation (EEC) No 3149/92.

(6) Article 7(1) of Regulation (EEC) No 3149/92 provides for the transfer between Member States of products unavailable in intervention stocks of the Member State where such products are required for the implementation of an annual plan. The intra-Community transfers necessary to carry through the 2007 plan should therefore be authorised subject to the conditions provided for in Article 7 of Regulation (EEC) No 3149/92.

(7) To implement the plan, the operative event within the meaning of Article 3 of Regulation (EC) No 2799/98 should be the date on which the financial year for administration of stocks in public storage starts.

(8) In accordance with Article 2(2) of Regulation (EEC) No 3149/92 the Commission has consulted the major organisations familiar with the problems of the most deprived persons in the Community when drawing up the plan.

(9) The measures provided for in this Regulation are in accordance with the opinions of all the relevant management committees,

⁽¹⁾ OJ L 352, 15.12.1987, p. 1. Regulation as amended by Regulation (EC) No 2535/95 (OJ L 260, 31.10.1995, p. 3).

⁽²⁾ OJ L 349, 24.12.1998, p. 1.

⁽³⁾ OJ L 313, 30.10.1992, p. 50. Regulation as last amended by Regulation (EC) No 133/2006 (OJ L 23, 27.1.2006, p. 11).

HAS ADOPTED THIS REGULATION:

Article 1

For 2007, the distribution of foodstuffs for the benefit of the most deprived persons in the Community under Regulation (EEC) No 3730/87 shall be supplied in accordance with the distribution plan set out in Annex I to this Regulation.

Article 2

1. The grants to Member States for the purchase on the market of skimmed-milk powder and rice required for the plan referred to in Article 1 are fixed in Annex II.

2. The award to the successful tenderer of the contract for the supply of the skimmed-milk powder and rice referred to in paragraph 1 is subject to the provision by the tenderer of a

security equivalent to the offer price, made out in the name of the intervention agency.

Article 3

The intra-Community transfer of products listed in Annex III to this Regulation are hereby authorised subject to the conditions provided for in Article 7 of Regulation (EEC) No 3149/92.

Article 4

In order to implement the plan referred to in Article 1 of this Regulation, the date of the operative event referred to in Article 3 of Regulation (EC) No 2799/98 shall be 1 October 2006.

Article 5

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

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

Done at Brussels, 13 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agricultural and
Rural Development*

ANNEX I

ANNUAL DISTRIBUTION PLAN FOR 2007

(a) Financial resources made available to implement the plan in each Member State:

(in euro)

Member State	Allocation
Belgique/België	5 817 428
Česká republika	144 453
Eesti	324 813
Elláda	6 267 329
España	54 836 559
France	48 890 266
Ireland	217 997
Italia	70 764 888
Latvija	348 962
Lietuva	3 273 261
Luxembourg	80 707
Magyarország	7 476 638
Malta	384 792
Polska	41 343 047
Portugal	14 086 552
Slovenija	1 272 606
Suomi/Finland	3 383 074
Total	258 913 372

(b) Quantity of each product to be withdrawn from the Community intervention stocks for distribution in each Member State subject to the maximum amounts laid down in (a):

(tonnes)

Member State	Cereals	Rice (paddy rice)	Butter	Sugar
Belgique/België	12 000			2 000
Česká republika	270		26	50
Eesti	3 000			
Elláda	11 760	3 900		
España	110 000		13 650	6 443
France	82 641	23 641	6 500	3 338
Ireland			80	
Italia	122 465	20 000	3 570	6 847
Latvija	3 280			
Lietuva	12 000			2 760
Magyarország	52 000			900
Malta	1 550			
Polska	120 230		2 400	8 298
Portugal	20 000	14 000	3 300	1 435
Slovenija	2 610			653
Suomi/Finland	16 500		500	500
Total	570 306	61 541	30 026	33 224

- (c) Quantities of cereals authorised for removal from intervention stocks to pay for the supply of rice or rice based products mobilised on the market, subject to the maximum amounts laid down in (a):

Member State	Tonnes
Belgique/België	4 146
France	25 590
Lietuva	5 000
Total	34 736

ANNEX II

- (a) Grants to Member States for purchase of skimmed milk powder on the Community market subject to the maximum amounts laid down in Annex I(a):

Member State	Euros
Belgique/België	2 893 618
Česká republika	17 469
Eesti	5 190
Elláda	4 192 560
France	13 494 861
Italia	39 261 578
Luxembourg	76 864
Magyarország	1 397 520
Malta	118 789
Polska	16 770 240
Slovenija	527 564
Total	78 756 283

- (b) Grants to Member States for purchase of rice on the Community market subject to the maximum amounts laid down in Annex I(a):

Member State	Euros
Eesti	300
España	2 400 000
Malta	90 750
Slovenija	90 000
Total	2 581 050

ANNEX III

Intra-Community Transfers authorised under the plan for 2007

Product	Quantity (tonnes)	Holder	Consignee
1. Common wheat	2 207	MMM, Suomi/Finland	Põllumajanduse Registre ja Informatsiooni Amet, Eesti
2. Common wheat	11 760	BLE, Deutschland	OPEKEPE, Elláda
3. Common wheat	110 000	ONIGC, France	FEGA, España
4. Common wheat	103 429	BLE, Deutschland	AGEA, Italia
5. Common wheat	19 036	AMA, Österreich	AGEA, Italia
6. Common wheat	5 637	MMM, Suomi/Finland	Agricultural and Food Products Market Regulation Agency, Lietuva
7. Common wheat	1 550	ONIGC, France	National Research and Development Centre, Malta
8. Common wheat	20 000	ONIGC, France	INGA, Portugal
9. Common wheat and other cereals	2 610	MVH, Magyarország	AAMRD, Slovenija
10. Rice	23 641	OPEKEPE, Elláda	ONIGC, France
11. Rice	20 000	OPEKEPE, Elláda	Ente Risi, Italia
12. Rice	14 000	OPEKEPE, Elláda	INGA, Portugal
13. Butter	3 511	Department of Agriculture and Food, Ireland	Office de l'Elevage, France
14. Sugar	3 338	FEGA, España	ONIGC, France
15. Sugar	2 760	ARR, Polska	Agricultural and Food Products Market Regulation Agency, Lietuva
16. Sugar	1 435	FEGA, España	INGA, Portugal
17. Sugar	500	ARR, Polska	MMM, Suomi/Finland

COMMISSION REGULATION (EC) No 1540/2006**of 13 October 2006****authorising for 2006 the payment of advances on certain direct payments provided for in Council Regulation (EC) No 1782/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers ⁽²⁾.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 ⁽¹⁾, and in particular Article 28(3) thereof,

Whereas:

(1) In accordance with Article 28(2) of Regulation (EC) No 1782/2003 payments under the support schemes listed in Annex I to that regulation shall be made once a year within the period from 1 December to 30 June of the following calendar year.

(2) Member States are facing various and sometimes persisting difficulties in the finalisation of the measures necessary for the application of the aid schemes provided for in Regulation (EC) No 1782/2003. The integration of the regimes for olive oil and sugar into the Single Payment Scheme in year 2006 has caused further difficulties for those Member States that introduced that aid scheme the previous year.

(3) It is therefore appropriate, as an exceptional measure in 2006, to authorise the Member States, in conformity to Article 28(3)(b) of Regulation (EC) No 1782/2003, to provide for an advance of the payments listed in Annex I to Regulation (EC) No 1782/2003. Advances should be paid only after the administrative checks and on-the-spot checks have been carried out in accordance with Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Regulation (EC) No 1782/2003 establishing

(4) Farmers have been affected by severe climatic conditions in 2006, in particular in the course of the summer. The need to adapt to those conditions along with the effects of the change-over from coupled aid schemes to the single payment scheme may lead to financial difficulties and/or cash-flow problems for farmers. It is therefore appropriate, in conformity to Article 28(3)(c) of Regulation (EC) No 1782/2003, to allow Member States to pay advances. The timetable and the amount of the advances to be paid to farmers should be compatible with the regulatory financial provisions. Advances should therefore be paid from 16 October 2006 and the maximum amount of the advances to be paid before 1 December 2006 should be limited to 50 % of the payments due to the farmers.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

1. In respect of year 2006, the Member States are authorised to pay to the farmer, from 16 October 2006, an advance of the payments under the support schemes listed in Annex I to Regulation (EC) No 1782/2003.

2. The advance provided for in paragraph 1 may only be paid up to an amount for which eligibility has already been established on the basis of checks carried out in accordance with Regulation (EC) No 796/2004 and where there is no risk that the amount of the total payment yet to be established is lower than that of the advance.

3. Payments provided for in paragraph 1, made before 1 December 2006, shall not exceed 50 % of the amount referred to in paragraph 2.

⁽¹⁾ OJ L 270, 21.10.2003, p. 1. Regulation last amended by Regulation (EC) No 1405/2006 (OJ L 265, 26.9.2006, p. 1).

⁽²⁾ OJ L 141, 30.4.2004, p. 18. Regulation last amended by Regulation (EC) No 659/2006 (OJ L 116, 29.4.2006, p. 20).

Article 2

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

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

Done at Brussels, 13 October 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 1541/2006**of 13 October 2006****fixing the coefficient for establishing the withdrawal threshold referred to in Article 3 of Regulation
(EC) No 493/2006**

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 493/2006 of 27 March 2006 laying down transitional measures within the framework of the reform of the common organisation of the markets in the sugar sector, and amending Regulations (EC) No 1265/2001 and (EC) No 314/2002 ⁽²⁾, and in particular Article 3(2)(b) thereof,

Whereas:

- (1) Article 3 of Regulation (EC) No 493/2006 lays down that for each undertaking, the share of the production of sugar, isoglucose or inulin syrup in the 2006/07 marketing year which is produced under the quotas set in Annex IV to that Regulation and which exceeds a certain threshold shall be considered withdrawn within the meaning of Article 19 of Regulation (EC) No 318/2006.
- (2) For the purposes of establishing the threshold in question, a coefficient must be fixed no later than 15 October 2006 by dividing the sum of the quotas renounced in the 2006/07 marketing year in the Member State concerned, under Article 3 of Council Regulation (EC) No 320/2006 of 20 February 2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community and amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy ⁽³⁾, by the sum of the quotas fixed for that Member State in Annex IV to Regulation (EC) No 493/2006.

- (3) In fixing that coefficient, account should be taken of the Commission Communication of 29 September 2006 on the estimated availability of financial resources for granting of restructuring aid for the 2006/07 marketing year, in the framework of the implementation of Council Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community ⁽⁴⁾, which was adopted in accordance with Article 10(2) of Commission Regulation (EC) No 968/2006 of 27 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community ⁽⁵⁾.

- (4) The coefficient for establishing the withdrawal threshold for the 2006/07 marketing year should therefore be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

The coefficient referred to in Article 3(2)(b) of Regulation (EC) No 493/2006 shall be fixed by Member State as follows:

- (a) Belgium: 0,1945;
- (b) Spain: 0,0863;
- (c) France (mainland): 0,0074;
- (d) Ireland: 1,0000;
- (e) Italy: 0,4936;
- (f) Netherlands: 0,0848;
- (g) Portugal: 0,4422;
- (h) Sweden: 0,1156;
- (i) other Member States: 0,0000.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.⁽¹⁾ OJ L 58, 28.2.2006, p. 1.⁽²⁾ OJ L 89, 28.3.2006, p. 11. Regulation as amended by Regulation (EC) No 769/2006 (OJ L 34, 20.5.2006, p. 19).⁽³⁾ OJ L 58, 28.2.2006, p. 42.⁽⁴⁾ OJ C 234, 29.9.2006, p. 9.⁽⁵⁾ OJ L 176, 30.6.2006, p. 32.

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

Done at Brussels, 13 October 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1542/2006**of 13 October 2006****amending Regulation (EC) No 493/2006 laying down transitional measures within the framework of the reform of the common organisation of the markets in the sugar sector**

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⁾, and in particular Article 44 thereof,

Whereas:

(1) In order to improve the market balance in the Community without creating new stocks of sugar in the 2006/07 marketing year, Article 3 of Commission Regulation (EC) No 493/2006 of 27 March 2006 laying down transitional measures within the framework of the reform of the common organisation of the markets in the sugar sector, and amending Regulations (EC) No 1265/2001 and (EC) No 314/2002 ⁽²⁾ provides for a preventive withdrawal to reduce eligible production under quota in respect of that marketing year. Thus, above a certain threshold, production under quota of each undertaking is considered withdrawn or, at the request of the undertaking, as produced in excess of the quota. The thresholds are to be calculated on the basis of the quotas set out in Annex III to Regulation (EC) No 318/2006, as fixed when it was adopted. Article 10 of the abovementioned Regulation requires the Commission to adjust the quotas set out in Annex III by 30 September 2006 at the latest. The result of such adjustment will be to change the quotas and reduce eligible production under quota. In order to limit the effect to that intended by preventive withdrawal and to avoid any ambiguity when applying this measure, the reference to the quotas set out in Annex III to Regulation (EC) No 318/2006 should be replaced by a reference to the quotas annexed to Regulation (EC) No 493/2006.

(2) The transitional aid granted to sugar produced in the French overseas departments under Article 4 of Regulation (EC) No 493/2006 is to be subject to Commission Regulation (EC) No 1554/2001 of 30 July 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards marketing sugar

produced in the French overseas departments and equalising the price conditions with preferential raw sugar ⁽³⁾. However, the detailed rules laid down in Article 2 of Regulation (EC) No 1554/2001 to establish the flat-rate amount to cover the sea transport costs will, as from 1 July 2006, no longer be applicable following the decision of the United Terminal Sugar Market Association of London to cease setting the London Daily Price. A flat-rate amount should therefore be set based on the April to June 2006 average value, to be applied during the period of application of the aid provided for in Article 4 of Regulation (EC) No 493/2006.

(3) The transitional quotas allocated in accordance with Article 9 of Regulation (EC) No 493/2006 for the 2006/07 marketing year may be used only if the undertaking concerned has been able to change in time investment decisions already taken; certain undertakings have not been able to do so. The Member States should therefore be allowed to reallocate to the undertakings concerned the remainder of the transitional quotas as transitional quotas for the 2007/08 marketing year.

(4) Annex V to Regulation (EC) No 318/2006 sets out the conditions for the allocation by the Member States of quotas to undertakings resulting from a merger or transfer. Depending on the date of such merger or transfer, the measures will take effect either in respect of the current marketing year or the following marketing year. Where merger or transfer takes place between 1 July and 30 September 2006, provision should be made to allow measures to take effect, at the request of the undertakings concerned, in respect of the 2006/07 marketing year rather than the following marketing year, as provided for in Point V of the abovementioned Annex, in order to take account of the fact that the 2006/07 marketing year commences on 1 July rather than on 1 October, like the subsequent marketing years.

(5) Regulation (EC) No 493/2006 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

⁽²⁾ OJ L 89, 28.3.2006, p. 11. Regulation as amended by Regulation (EC) No 769/2006 (OJ L 134, 20.5.2006, p. 19).

⁽³⁾ OJ L 205, 31.7.2001, p. 18. Regulation as amended by Regulation (EC) No 1442/2002 (OJ L 212, 8.8.2002, p. 5).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 493/2006 is hereby amended as follows:

1. In Article 3, paragraph 1 and 2 are replaced by the following:

‘1. For each undertaking, the share of the production of sugar, isoglucose or inulin syrup in the 2006/07 marketing year which is produced under the quota allocated in accordance with the quotas laid down in Annex IV and which exceeds the threshold established in accordance with paragraph 2 of this Article shall be considered withdrawn within the meaning of Article 19 of Regulation (EC) No 318/2006 or, at the request of the undertaking concerned submitted before 31 January 2007, shall be considered fully or partially to be produced in excess of the quota within the meaning of Article 12 of that Regulation.

2. For each undertaking, the threshold mentioned in paragraph 1 shall be calculated by multiplying its quota mentioned in paragraph 1 by the sum of the following coefficients:

- (a) the coefficient laid down for the Member State in Annex I;
- (b) the coefficient obtained by dividing the sum of the quotas renounced in the 2006/07 marketing year in the Member State concerned under Article 3 of Regulation (EC) No 320/2006 by the quota fixed for that Member State in Annex IV to this Regulation. The Commission shall fix this coefficient not later than 15 October 2006.

However, where the sum of the coefficients exceeds 1,0000, the threshold shall be equal to the quota referred to in paragraph 1.’;

2. The following subparagraph shall be added to Article 4(2):

‘The flat-rate amount mentioned in Article 2(1)(b) of Regulation (EC) No 1554/2001 is hereby fixed for the period from 1 July to 30 October 2006 at EUR 34,19 per tonne.’;

3. The following subparagraph is added to Article 9(1):

‘Where, for a given undertaking, the transitional quotas allocated in accordance with this paragraph exceed production in respect of the 2006/07 marketing year, the Member State may allocate to such an undertaking the remainder of those quotas for the 2007/08 marketing year.’;

4. The following Article 10a is added to the end of Chapter I:

‘Article 10a

Merger or transfer of undertakings

By way of derogation from Point V of Annex V to Regulation (EC) No 318/2006, where merger or transfer occurs between 1 July and 30 September 2006, the measures mentioned in Points II and III of that annex shall, at the request of the undertakings concerned, take effect for the 2006/07 marketing year.’;

5. The Annex to this Regulation is added as Annex IV.

Article 2

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

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

Done at Brussels, 13 October 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

'ANNEX IV

(Quotas referred to in Article 3)

Member State or regions	Sugar	Isoglucose	Inulin syrup
(1)	(2)	(3)	(4)
Belgium	819 812	71 592	215 247
Czech Republic	454 862	—	—
Denmark	420 746	—	—
Germany	3 416 896	35 389	—
Greece	317 502	12 893	—
Spain	996 961	82 579	—
France (metropolitan)	3 288 747	19 846	24 521
France (Overseas Departments)	480 245	—	—
Ireland	199 260	—	—
Italy	1 557 443	20 302	—
Latvia	66 505	—	—
Lithuania	103 010	—	—
Hungary	401 684	137 627	—
Netherlands	864 560	9 099	80 950
Austria	387 326	—	—
Poland	1 671 926	26 781	—
Portugal (mainland)	69 718	9 917	—
Portugal (Azores)	9 953	—	—
Slovenia	52 973	—	—
Slovakia	207 432	42 547	—
Finland	146 087	11 872	—
Sweden	368 262	—	—
United Kingdom	1 138 627	27 237	—'

COMMISSION REGULATION (EC) No 1543/2006**of 12 October 2006****amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council and as amended by Regulation (EC) No 910/2006****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2111/2005 of the European Parliament and the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/CE ⁽¹⁾ (hereinafter referred to as 'the basic Regulation'), and in particular Article 4 thereof,

Whereas:

- (1) The Commission adopted Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council ⁽²⁾.
- (2) The Commission adopted Regulation (EC) No 910/2006 of 20 June 2006 amending Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council ⁽³⁾.
- (3) In accordance with Article 4(2) of the basic Regulation and Article 2 of Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of air carriers which are

subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council ⁽⁴⁾, a Member State requested to update the Community list.

- (4) In accordance with Article 4(3) of the basic Regulation, Member States communicated to the Commission information that is relevant in the context of updating the Community list. On this basis, the Commission should decide to update the Community list on its own initiative or at the request of Member States.
- (5) In accordance with Article 7 of the basic Regulation and Article 4 of Regulation (EC) No 473/2006, the Commission informed all air carriers concerned either directly or, when this was not practicable, through the authorities responsible for their regulatory oversight, indicating the essential facts and considerations which would form the basis for a decision to impose on them an operating ban within the Community or to modify the conditions of an operating ban imposed on an air carrier which is included in the Community list.
- (6) In accordance with Article 7 of the basic Regulation and Article 4 of Regulation (EC) No 473/2006, opportunity was given by the Commission to the air carriers concerned to consult the documents provided by Member States, to submit written comments and to make an oral presentation to the Commission within 10 working days and to the Air Safety Committee ⁽⁵⁾.
- (7) In accordance with Article 3 of Regulation (EC) No 473/2006, the authorities with responsibility for regulatory oversight over the air carriers concerned have been consulted by the Commission as well as, in specific cases, by some Member States.

⁽¹⁾ OJ L 344, 27.12.2005, p. 15.

⁽²⁾ OJ L 84, 23.3.2006, p. 14.

⁽³⁾ OJ L 168, 21.6.2006, p. 16.

⁽⁴⁾ OJ L 84, 23.3.2006, p. 8.

⁽⁵⁾ Established by Article 12 of Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation (OJ L 373, 31.12.1991, p. 4).

Dairo Air Services and DAS Air Cargo

- (8) There is evidence that the operator DAS Air Cargo (DAZ) certified in Kenya is a subsidiary of Dairo Air Services (DSR) certified in Uganda. The two carriers operate the same aircraft. Therefore, any measure decided with regard to DSR should equally be applicable to DAZ.
- (9) There is verified evidence of serious safety deficiencies on the part of Dairo Air Services. These deficiencies have been identified by the Netherlands, the United Kingdom, Belgium, France, Germany and Spain, during ramp inspections performed under the SAFA programme⁽¹⁾; the repetition of these inspection findings indicates systemic safety deficiencies. Despite cooperation with Member States and individual remedial actions taken by the Ugandan authorities and by Dairo Air Services, the repetition of these findings indicates systemic safety deficiencies.
- (10) The UK Civil Aviation Authority performed an inspection on Dairo Air Services and Das Air Cargo, which revealed that between 21 April and 25 July 2006 aircraft operated by the two air carriers were being maintained by a maintenance organisation without a proper approval, thus constituting a serious safety deficiency.
- (11) DSR demonstrated a lack of transparency and adequate and timely communication in response to an enquiry by the civil aviation authority of the Netherlands regarding the safety aspect of its operation, as demonstrated by the absence of an adequate and timely reply to the correspondence sent by this Member State.
- (12) On the basis of the common criteria, it is assessed that Dairo Air Services and DAS Air Cargo do not fully meet the relevant safety standards, and therefore should be included in Annex A.

Air carriers from the Kyrgyz Republic

- (13) Following the invitation of the Kyrgyz Republic civil aviation authority, a team of European experts

conducted a fact-finding mission to the Kyrgyz Republic from 10 to 15 September 2006. Its report shows that the Kyrgyz civil aviation authority has revealed an insufficient ability to implement and enforce the relevant safety standards in accordance with their obligations under the Chicago convention.

- (14) In addition, a majority of carriers visited by the European experts although holders of an Air Operators Certificate (AOC) issued by Kyrgyz Republic, did not have their principle place of business in Kyrgyz Republic, contrary to the requirements of Annex 6 to the Chicago Convention.
- (15) On the basis of the common criteria, it is assessed that all air carriers certified in Kyrgyz Republic do not meet the relevant safety standards and therefore they should be subject to an operating ban and included in Annex A.
- (16) The authorities of Kyrgyz Republic have provided the Commission with evidence of the withdrawal of the Air Operator's Certificates of the following two air carriers: Phoenix Aviation and Star Jet. Since these two carriers certified in Kyrgyz Republic have consequently ceased their activities, they should not be included in Annex A.

Air carriers from the Democratic Republic of Congo

- (17) The authorities of the Democratic Republic of Congo have provided the Commission with information indicating that they released an AOC to the following air carriers: Air Beni, Air Infini, Bel Glob Airlines, Bravo Air Congo, Gomair, Katanga Airways, Sun Air Services, Zaabu International. Since these new air carriers are certified by the authorities of the Democratic Republic of Congo which have shown a lack of ability to carry out adequate safety oversight, they should be included in Annex A.
- (18) The authorities of the Democratic Republic of Congo have provided the Commission with evidence of the withdrawal of the Air Operator's Certificates of the following air carriers: African Business and Transportations, Air Charter Services, Air Plan International, Air Transport Service, ATO – Air Transport Office, Congo Air, Dahla Airlines, DAS Airlines, Espace Aviation Services, Funtshi Aviation Service, GR Aviation, JETAIR – Jet Aero Services, Kinshasa Airways, Okapi Airways, Scibe Airlift, Shabair, Trans Service Airlift, Waltair Aviation, Zaire Aero Service (ZAS). Since these carriers certified in the Democratic Republic of Congo have consequently ceased their activities, they should be withdrawn from Annex A.

⁽¹⁾ CAA-NL-2000-47, CAA-NL-2003-50, CAA-NL-2004-13, CAA-NL-2004-39, CAA-NL-2004-132, CAA-NL-2004-150, CAA-NL-2005-8, CAA-NL-2005-65, CAA-NL-2005-141, CAA-NL-2005-159, CAA-NL-2005-161, CAA-NL-2005-200, CAA-NL-2005-205, CAA-NL-2005-220, CAA-NL-2005-225, CAA-NL-2006-1, CAA-NL-2006-11, CAA-NL-2006-53, CAA-NL-2006-54, CAA-NL-2006-55, CAA-NL-2006-56, CAA-NL-2006-57, CAA-UK-2005-24, CAA-UK-2006-97, CAA-UK-2006-117, DGAC-E-2005-268, LBA/D-2005-511, LBA/D-2006-483, BCAA-2000-1, BCAA-2006-38, DGAC/F-2003-397.

Air carriers from Liberia

- (19) The authorities of Liberia have provided the Commission with evidence of the withdrawal of the Air Operator's Certificates of the following air carriers: Air Cargo Plus, Air Cess (Liberia), Air Liberia, Atlantic Aviation Services, Bridge Airlines, Excel Air Services, International Air Services, Jet Cargo-Liberia, Liberia Airways, Liberian World Airlines, Lonestar Airways, Midair Limited, Occidental Airlines, Occidental Airlines (Liberia), Santa Cruise Imperial Airlines, Satgur Air Transport, Simon Air, Sosoliso Airlines, Trans-African Airways, Transway Air Services, United Africa Airlines (Liberia). Since these carriers certified in Liberia have consequently ceased their activities, they should be withdrawn from Annex A.

Air carriers from Sierra Leone

- (20) The authorities of Sierra Leone have provided the Commission with evidence of the withdrawal of the Air Operator's Certificates of the following air carriers: Aerolift, Afrik Air Links, Air Leone, Air Salone, Air Sultan Limited, Air Universal, Central Airways Limited, First Line Air, Inter Tropic Airlines, Mountain Air Company, Orange Air Services, Pan African Air Services, Sierra National Airlines, Sky Aviation, Star Air, Transport Africa, Trans Atlantic Airlines, West Coast Airways. Since these carriers certified in Sierra Leone have consequently ceased their activities, they should be withdrawn from Annex A.

Air carriers from Swaziland

- (21) The authorities of Swaziland have provided the Commission with evidence of the withdrawal of the Air Operator's Certificates of the following air carriers: African International Airways, Air Swazi Cargo, East Western Airways, Galaxy Avion, Interflight, Northeast Airlines, Ocean Air, Skygate International, Swazi Air Charter, Volga Atlantic Airlines. Since these carriers certified in Swaziland have consequently ceased their activities, they should be withdrawn from Annex A.
- (22) The authorities of Swaziland and South Africa have provided sufficient evidence that the Air Operator's Certificate issued to African International Airways under the aegis of the CAA of Swaziland has been withdrawn, and that the air carrier is now operating under a new Air Operator's Certificate issued by the CAA of South Africa which therefore has the responsibility for its safety oversight. Therefore, on the basis of the common criteria, and without prejudice to verification of effective compliance with the relevant safety standards through adequate ramp inspections, it is assessed that African International Airways should be withdrawn from Annex A.

Air Service Comores

- (23) In reply to an inquiry by the civil aviation authority of France, Air Service Comores indicated that an action plan had been established in order to correct the safety deficiencies identified during ramp inspections. However, there is still no evidence of the implementation of an appropriate action plan for all operations of Air Service Comores.
- (24) The authorities of Comoros with responsibility for regulatory oversight of Air Service Comores have provided the Civil Aviation Authorities of France with sufficient information about the safety of operations with respect to the specific aircraft LET 410 UVP with registration mark D6-CAM.
- (25) Therefore, on the basis of the common criteria, it is assessed that Air Service Comores meets the relevant safety standards only for flights operated with the aircraft LET 410 UVP with registration mark D6-CAM. Consequently Air Service Comores should be subject to operational restrictions and should be moved from Annex A to Annex B.

Ariana Afghan Airlines

- (26) Ariana Afghan Airlines submitted a request to be withdrawn from the Community list, provided some documentation in support of this request and showed strong disposition towards cooperation with the Commission and Member States. However, since the full implementation of an adequate corrective action plan by the carrier is not completed, the Commission considers that Ariana Afghan Airlines should be retained in the Community list.
- (27) Ariana Afghan Airlines provided information indicating that it has ceased operations with the aircraft Airbus A-310 registered in France with marks F-GYYY, which has been sold.
- (28) Therefore, the specific conditions applicable to the Community ban to Ariana Afghan Airlines have changed. The air carrier should be subject to a ban to all its operations and therefore remain included in Annex A.

Air Koryo

- (29) Documentation submitted by Air Koryo and the Civil Aviation Authorities of the Democratic People's Republic of Korea (DPRK) indicates that the carrier has embarked upon a corrective action plan with the intention of aligning itself fully with the relevant safety standards in due time.

- (30) Furthermore, the Civil Aviation Authorities of the Democratic People's Republic of Korea (DPRK) has stated that at present, Air Koryo is not permitted to operate any flights to European destinations unless the carrier equips itself with new aircraft which meet the relevant international safety standards.
- (31) On the basis of the common criteria, it is assessed that Air Koryo still does not meet fully the relevant safety standards and therefore should be retained within Annex A.

Phuket Air

- (32) Following the invitation of the air carrier, a team of European experts conducted a fact-finding mission to Phuket Air in Bangkok, Thailand between 11 to 15 September 2006. The report from this mission shows that while significant progress has been made by the carrier following its inclusion in the Community list, substantial safety deficiencies still remain to be rectified.
- (33) Whilst acknowledging the effort made by the carrier towards achieving the level of progress noted in the report, as well as the strong disposition towards co-operation shown both by the carrier and the Thai Department of Civil Aviation, a decision to withdraw Phuket Air from the EC list is still considered to be premature pending the receipt and review of satisfactory evidence confirming the full implementation of the corrective action plan which the carrier is still in the process of completing.
- (34) On the basis of the common criteria, it is assessed that Phuket Air still does not meet fully the relevant safety standards and therefore should be retained within Annex A.

A Jet Aviation/Helios Airways

- (35) The air carrier formerly known as Helios Airways now operates as A Jet Aviation. Indeed the Air Operator Certificate of Helios Airways has been subject to a variation consisting in a change of name to A Jet Aviation⁽¹⁾.

⁽¹⁾ Initially, Helios Airways intended to set up a new legal entity called A Jet and transfer all its assets to the new company. A Jet would operate using the procedures, aircraft, facilities, personnel and management structure already accepted by the Department of Civil Aviation for Helios. Consequently, a full AOC issue process was started. Nevertheless, Helios changed its name on the Registry of Companies to A Jet. The AOC and other applicable approval documents have been amended to reflect the new name.

- (36) An investigation conducted by the European Aviation Safety Agency (EASA) under Article 45 of Regulation (EC) No 1592/2002 of the European Parliament and of the Council⁽²⁾ and by the Joint Aviation Authorities (JAA) during three joint visits which took place between October 2005 and August 2006⁽³⁾ identified series safety deficiencies related to the operations of A Jet Aviation/Helios Airways.
- (37) Following consultations with EASA, JAA and the Commission, the civil aviation authorities of Cyprus with responsibility for regulatory oversight of that carrier have provided evidence of the adoption of provisional measures to correct these safety deficiencies identified.
- (38) In view of the above considerations, the Commission considers that, at this stage, A Jet Aviation/Helios Airways should not be included in the Community list. However the situation of this carrier and the exercise of oversight responsibilities by the Cyprus civil aviation authorities will be closely monitored by the Commission with the assistance of EASA and JAA in the coming months.
- #### **Johnsons Air**
- (39) Following deficiencies identified by various Member States, these Member States and the Commission entered into consultations with Johnsons Air and the civil aviation authorities of Ghana with responsibility for regulatory oversight of that carrier.

- (40) Johnsons Air has provided evidence of an action plan intended to correct the safety deficiencies identified. Furthermore, the competent authorities of Ghana should submit within strict deadlines its oversight programme for the operations conducted by Johnsons Air outside Ghana.

⁽²⁾ OJ L 240, 7.9.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 1701/2003 (OJ L 243, 27.9.2003, p. 5).

⁽³⁾ A JAA-EASA Joint Standardisation visit in Cyprus had been performed in October 2005. A first follow-up visit was organised from 22 to 24 May 2006, to review how the actions undertaken by the DCA did address the findings raised. Because of the importance of the findings made in the latter visit and because some actions were not performed or closed yet, a second follow-up visit was organised from 7 to 9 August 2006. For the specific issues raised in the area of operational requirements (JAR-OPS and JAR-FCL), the JAA have carried out a visit on 6 July 2006; also, the competent authorities of Cyprus assisted by the UKCAA have carried out an inspection visit on 12 to 15 September 2006.

- (41) In view of the above considerations, the Commission considers that, at this stage, Johnsons Air should not be included in the Community list. Without prejudice to further verification of effective compliance with the relevant safety standards through adequate ramp inspections, the Commission intends to review within three months the situation of Johnsons Air on the basis of the oversight programme due to be submitted by the civil aviation authorities of Ghana.

Pakistan International Airlines

- (42) Following serious safety deficiencies identified by various Member States indicating systemic safety problems, these Member States and the Commission entered into consultations with Pakistan International Airlines and the civil aviation authorities of Pakistan with responsibility for regulatory oversight of that carrier.
- (43) The Commission has asked Pakistan International Airlines to provide evidence of an adequate remedial action plan intended to address its systemic safety deficiencies within strict deadlines. Furthermore, the competent authorities of Pakistan have announced the establishment of an action plan to reinforce their surveillance activities on the carrier which must be urgently submitted to the Commission.
- (44) Pending the submission of the above mentioned plans within the indicated deadlines and the formal endorsement of such plan by the Pakistani authorities, the Commission considers that, at this stage, Pakistan International Airlines should not be included in the Community list. However the Commission will take appropriate action, if necessary under Article 5(1) of the basic Regulation, in the event that the above mentioned plans are not delivered in due time or are judged insufficient. In addition, the Member States intend to ensure further verification of effective compliance with the relevant safety standards through systematic ramp inspections on this carrier.

Pulkovo

- (45) Following deficiencies identified by various Member States, the Commission entered into consultations with the authorities of Russia with responsibility for regulatory oversight of that carrier and heard the carrier concerned.
- (46) Pulkovo has provided evidence of an action plan intended to correct its systemic safety deficiencies within specific deadlines and to further improve their organisation with a view to managing safety effectively.

The action plan has been formally endorsed by the competent authorities of Russia. Furthermore, the competent authorities of Russia have submitted an action plan to reinforce their surveillance activities on the carrier.

- (47) In view of the above considerations, the Commission considers that, at this stage, Pulkovo should not be included in the Community list. Without prejudice to further verification of effective compliance with the relevant safety standards including through ramp inspections, the Commission intends to review the situation of Pulkovo or the carrier resulting from its announced future merger with another Russian carrier and of the authorities with responsibility for regulatory oversight of this air carrier within three months, with the assistance of the European Aviation Safety Agency and the authorities of any interested Member State. Both the carrier and the competent authorities of Russia have accepted this procedure.

General considerations concerning the other carriers included in the list

- (48) No evidence of the full implementation of appropriate remedial actions by the other carriers included in the list updated on 20 June 2006 and by the authorities with responsibility for regulatory oversight of these air carriers has been communicated to the Commission so far in spite of specific requests submitted by the latter. Therefore, on the basis of the common criteria, it is assessed that these air carriers should continue to be subject to an operating ban.
- (49) The measures provided for in this Regulation are in accordance with the opinion of the Air Safety Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 474/2006, as modified by Regulation (EC) No 910/2006, is amended as follows:

1. Annex A of the Regulation is replaced by the Annex A to this Regulation.
2. Annex B of the Regulation is replaced by the Annex B to this Regulation.

Article 2

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

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

Done at Brussels, 12 October 2006.

For the Commission

Jacques BARROT

Vice-President

ANNEX A

LIST OF AIR CARRIERS OF WHICH ALL OPERATIONS ARE SUBJECT TO A BAN WITHIN THE COMMUNITY (*)

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
Air Koryo	Unknown	KOR	Democratic People's Republic of Korea (DPRK)
Ariana Afghan Airlines	009	AFG	Afghanistan
BGB Air	AK-0194-04	POI	Kazakhstan
Blue Wing Airlines	SRSB-01/2002	BWI	Surinam
Dairo Air Services	005	DSR	Uganda
DAS Air Cargo	Unknown	DAZ	Kenya
GST Aero Air Company	AK-020304	BMK	Kazakhstan
Phuket Airlines	07/2544	VAP	Thailand
Silverback Cargo Freighters	Unknown	VRB	Rwanda
All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of Congo (RDC), with the exception of Hewa Bora Airways ⁽¹⁾ , including	—	—	Democratic Republic of Congo (RDC)
Africa One	409/CAB/MIN/TC/017/2005	CFR	Democratic Republic of Congo (RDC)
African Company Airlines	409/CAB/MIN/TC/009/2005	FPY	Democratic Republic of Congo (RDC)
Aigle Aviation	409/CAB/MIN/TC/0042/2006	Unknown	Democratic Republic of Congo (RDC)
Air Beni	409/CAB/MIN/TC/0019/2005	Unknown	Democratic Republic of Congo (RDC)
Air Boyoma	409/CAB/MIN/TC/0049/2006	Unknown	Democratic Republic of Congo (RDC)
Air Infini	409/CAB/MIN/TC/006/2006	Unknown	Democratic Republic of Congo (RDC)
Air Kasai	409/CAB/MIN/TC/010/2005	Unknown	Democratic Republic of Congo (RDC)
Air Navette	409/CAB/MIN/TC/015/2005	Unknown	Democratic Republic of Congo (RDC)
Air Tropiques SPRL	409/CAB/MIN/TC/007/2005	Unknown	Democratic Republic of Congo (RDC)
Bel Glob Airlines	409/CAB/MIN/TC/0073/2006	Unknown	Democratic Republic of Congo (RDC)

(*) Air carriers listed in Annex A could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
Blue Airlines	409/CAB/MIN/TC/038/2005	BUL	Democratic Republic of Congo (RDC)
Bravo Air Congo	409/CAB/MIN/TC/0090/2006	Unknown	Democratic Republic of Congo (RDC)
Business Aviation SPRL	409/CAB/MIN/TC/012/2005	Unknown	Democratic Republic of Congo (RDC)
Butembo Airlines	409/CAB/MIN/TC/0056/2006	Unknown	Democratic Republic of Congo (RDC)
Cargo Bull Aviation	409/CAB/MIN/TC/032/2005	Unknown	Democratic Republic of Congo (RDC)
Central Air Express	409/CAB/MIN/TC/011/2005	CAX	Democratic Republic of Congo (RDC)
Cetraca Aviation Service	409/CAB/MIN/TC/037/2005	CER	Democratic Republic of Congo (RDC)
CHC Stellavia	409/CAB/MIN/TC/0050/2006	Unknown	Democratic Republic of Congo (RDC)
Comair	409/CAB/MIN/TC/0057/2006	Unknown	Democratic Republic of Congo (RDC)
Compagnie Africaine d'Aviation (CAA)	409/CAB/MIN/TC/016/2005	Unknown	Democratic Republic of Congo (RDC)
CO-ZA Airways	409/CAB/MIN/TC/0053/2006	Unknown	Democratic Republic of Congo (RDC)
Doren Air Congo	409/CAB/MIN/TC/0054/2006	Unknown	Democratic Republic of Congo (RDC)
Enterprise World Airways	409/CAB/MIN/TC/031/2005	EWS	Democratic Republic of Congo (RDC)
Filair	409/CAB/MIN/TC/014/2005	Unknown	Democratic Republic of Congo (RDC)
Free Airlines	409/CAB/MIN/TC/0047/2006	Unknown	Democratic Republic of Congo (RDC)
Galaxy Incorporation	409/CAB/MIN/TC/0078/2006	Unknown	Democratic Republic of Congo (RDC)
Global Airways	409/CAB/MIN/TC/029/2005	BSP	Democratic Republic of Congo (RDC)
Goma Express	409/CAB/MIN/TC/0051/2006	Unknown	Democratic Republic of Congo (RDC)
Gomair	409/CAB/MIN/TC/0023/2005	Unknown	Democratic Republic of Congo (RDC)
Great Lake Business Company	409/CAB/MIN/TC/0048/2006	Unknown	Democratic Republic of Congo (RDC)
ITAB – International Trans Air Business	409/CAB/MIN/TC/0022/2005	Unknown	Democratic Republic of Congo (RDC)
Katanga Airways	409/CAB/MIN/TC/0088/2006	Unknown	Democratic Republic of Congo (RDC)
Kivu Air	409/CAB/MIN/TC/0044/2006	Unknown	Democratic Republic of Congo (RDC)

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
Lignes Aériennes Congolaises	Ministerial signature (ordonnance 78/2005)	LCG	Democratic Republic of Congo (RDC)
Malu Aviation	409/CAB/MIN/TC/013/2005	Unknown	Democratic Republic of Congo (RDC)
Malila Airlift	409/CAB/MIN/TC/008/2005	MLC	Democratic Republic of Congo (RDC)
Mango Airlines	409/CAB/MIN/TC/0045/2006	Unknown	Democratic Republic of Congo (RDC)
Rwakabika 'Bushy Express'	409/CAB/MIN/TC/0052/2006	Unknown	Democratic Republic of Congo (RDC)
Safari Logistics SPRL	409/CAB/MIN/TC/0076/2006	Unknown	Democratic Republic of Congo (RDC)
Services Air	409/CAB/MIN/TC/0033/2005	Unknown	Democratic Republic of Congo (RDC)
Sun Air Services	409/CAB/MIN/TC/0077/2006	Unknown	Democratic Republic of Congo (RDC)
Tembo Air Services	409/CAB/MIN/TC/0089/2006	Unknown	Democratic Republic of Congo (RDC)
Thom's Airways	409/CAB/MIN/TC/030/2005	Unknown	Democratic Republic of Congo (RDC)
TMK Air Commuter	409/CAB/MIN/TC/020/2005	Unknown	Democratic Republic of Congo (RDC)
Tracep	409/CAB/MIN/TC/0055/2006	Unknown	Democratic Republic of Congo (RDC)
Trans Air Cargo Service	409/CAB/MIN/TC/035/2005	Unknown	Democratic Republic of Congo (RDC)
Transports Aériens Congolais (TRACO)	409/CAB/MIN/TC/034/2005	Unknown	Democratic Republic of Congo (RDC)
Uhuru Airlines	409/CAB/MIN/TC/039/2005	Unknown	Democratic Republic of Congo (RDC)
Virunga Air Charter	409/CAB/MIN/TC/018/2005	Unknown	Democratic Republic of Congo (RDC)
Wimbi dira Airways	409/CAB/MIN/TC/005/2005	WDA	Democratic Republic of Congo (RDC)
Zaabu International	409/CAB/MIN/TC/0046/2006	Unknown	Democratic Republic of Congo (RDC)
All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including	—	—	Equatorial Guinea
Air Bas	Unknown	RBS	Equatorial Guinea
Air Consul SA	Unknown	RCS	Equatorial Guinea
Air Maken	Unknown	AKE	Equatorial Guinea
Air Services Guinea Ecuatorial	Unknown	SVG	Equatorial Guinea

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
Aviage	Unknown	VGG	Equatorial Guinea
Avirex Guinée Équatoriale	Unknown	AXG	Equatorial Guinea
Cargo Plus Aviation	Unknown	CGP	Equatorial Guinea
Cess	Unknown	CSS	Equatorial Guinea
Cet Aviation	Unknown	CVN	Equatorial Guinea
COAGE – Compagnie Aeree De Guinee Equatorial	Unknown	COG	Equatorial Guinea
Compania Aerea Lineas Ecuatoguineanas de Aviacion S.A. (LEASA)	Unknown	LAS	Equatorial Guinea
Ducor World Airlines	Unknown	DWA	Equatorial Guinea
Ecuato Guineana de Aviacion	Unknown	ECV	Equatorial Guinea
Equatorial Express Airlines	Unknown	EEB	Equatorial Guinea
Equatorial Cargo	Unknown	EQC	Equatorial Guinea
Equatair	Unknown	EQR	Equatorial Guinea
Equatorial Airlines SA	Unknown	EQT	Equatorial Guinea
Euroguineana de Aviacion	Unknown	EUG	Equatorial Guinea
Federal Air GE Airlines	Unknown	FGE	Equatorial Guinea
GEASA — Guinea Ecuatorial Airlines SA	Unknown	GEA	Equatorial Guinea
GETRA — Guinea Ecuatorial de Transportes Aereos	Unknown	GET	Equatorial Guinea
Guinea Cargo	Unknown	GNC	Equatorial Guinea
Jetline Inc.	Unknown	JLE	Equatorial Guinea
Kng Transavia Cargo	Unknown	VCG	Equatorial Guinea
Litoral Airlines, Compania, (Colair)	Unknown	CLO	Equatorial Guinea
Lotus International Air	Unknown	LUS	Equatorial Guinea
Nagesa, Compania Aerea	Unknown	NGS	Equatorial Guinea
Presidencia de la Republica de Guinea Ecuatorial	Unknown	ONM	Equatorial Guinea
Prompt Air GE SA	Unknown	POM	Equatorial Guinea
Skimaster Guinea Ecuatorial	Unknown	KIM	Equatorial Guinea
Skymasters	Unknown	SYM	Equatorial Guinea
Southern Gateway	Unknown	SGE	Equatorial Guinea
Space Cargo Inc.	Unknown	SGO	Equatorial Guinea

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
Trans Africa Airways G.E.S.A.	Unknown	TFR	Equatorial Guinea
Unifly	Unknown	UFL	Equatorial Guinea
UTAGE — Union de Transport Aereo de Guinea Ecuatorial	Unknown	UTG	Equatorial Guinea
Victoria Air	Unknown	VIT	Equatorial Guinea
All Air Carriers Certified By The Authorities With Responsibility For Regulatory Oversight Of The Kyrgyz Republic, including	—	—	Kyrgyz Republic
Anikay Air	16	AKF	Kyrgyz Republic
Asia Alpha	31	SAL	Kyrgyz Republic
Avia Traffic Company	23	AVJ	Kyrgyz Republic
Bistair-Fez Bishkek	08	BSC	Kyrgyz Republic
Botir Avia	10	BTR	Kyrgyz Republic
British Gulf International Airlines Fez	18	BGK	Kyrgyz Republic
Click Airways	11	CGK	Kyrgyz Republic
Country International Airlines	19	CIK	Kyrgyz Republic
Dames	20	DAM	Kyrgyz Republic
Fab — Air	29	FBA	Kyrgyz Republic
Galaxy Air	12	GAL	Kyrgyz Republic
Golden Rule Airlines	22	GRS	Kyrgyz Republic
Intal Avia	27	INL	Kyrgyz Republic
Itek Air	04	IKA	Kyrgyz Republic
Kyrgyz Airways	06	KGZ	Kyrgyz Republic
Kyrgyz General Aviation	24	KGB	Kyrgyz Republic
Kyrgyz Trans Avia	31	KTC	Kyrgyz Republic
Kyrgyzstan Altyn	03	LYN	Kyrgyz Republic
Kyrgyzstan Airlines	01	KGA	Kyrgyz Republic
Max Avia	33	MAI	Kyrgyz Republic
OHS Avia	09	OSH	Kyrgyz Republic
Reem Air	07	REK	Kyrgyz Republic
Sky Gate International Aviation	14	SGD	Kyrgyz Republic
Sky Way	21	SAB	Kyrgyz Republic
Sun Light	25	SUH	Kyrgyz Republic

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
Tenir Airlines	26	TEB	Kyrgyz Republic
Trast Aero	05	TSJ	Kyrgyz Republic
All Air Carriers Certified By The Authorities With Responsibility For Regulatory Oversight Of Liberia, including	—	—	Liberia
Weasua Air Transport Co., Ltd	Unknown	WTC	Liberia
All Air Carriers Certified By The Authorities With Responsibility For Regulatory Oversight Of Sierra Leone, including	—	—	Sierra Leone
Air Rum Ltd	Unknown	RUM	Sierra Leone
Bellview Airlines (S/L) Ltd	Unknown	BVU	Sierra Leone
Destiny Air Services Ltd	Unknown	DTY	Sierra Leone
Heavylift Cargo	Unknown	Unknown	Sierra Leone
Orange Air Sierra Leone Ltd	Unknown	ORJ	Sierra Leone
Paramount Airlines Ltd	Unknown	PRR	Sierra Leone
Seven Four Eight Air Services Ltd	Unknown	SVT	Sierra Leone
Teebah Airways	Unknown	Unknown	Sierra Leone
All Air Carriers Certified By The Authorities With Responsibility For Regulatory Oversight Of Swaziland, including	—	—	Swaziland
Aero Africa (Pty) Ltd	Unknown	RFC	Swaziland
Jet Africa Swaziland	Unknown	OSW	Swaziland
Royal Swazi National Airways Corporation	Unknown	RSN	Swaziland
Scan Air Charter Ltd	Unknown	Unknown	Swaziland
Swazi Express Airways	Unknown	SWX	Swaziland
Swaziland Airlink	Unknown	SZL	Swaziland

(¹) Hewa Bora Airways is allowed to use the specific aircraft mentioned in Annex B for its current operations within the European Community.

ANNEX B

**LIST OF AIR CARRIERS OF WHICH OPERATIONS ARE SUBJECT TO OPERATIONAL RESTRICTIONS
WITHIN THE COMMUNITY (*)**

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number	ICAO airline designation number	State of the Operator	Aircraft type	Registration mark(s) and, when available, construction serial number(s)	State of registry
Air Bangladesh	17	BGD	Bangladesh	B747-269B	S2-ADT	Bangladesh
Air Service Comores	06-819/TA-15/DGACM	KMD	Comoros	All fleet with the exception of: LET 410 UVP	All fleet with the exception of: D6-CAM (851336)	Comoros
Air West Co. Ltd	004/A	AWZ	Sudan	All fleet with the exception of: IL-76	All fleet with the exception of: ST-EWX (construction serial No 1013409282)	Sudan
Hewa Bora Airways (HBA) ⁽¹⁾	416/dac/tc/sec/087/2005	ALX	Democratic Republic of Congo (RDC)	All fleet with the exception of: L-1011	All fleet with the exception of : 9Q-CHC (construction serial No 193H-1209)	Democratic Republic of Congo (RDC)

⁽¹⁾ Hewa Bora Airways is only allowed to use the specific aircraft mentioned for its current operations within the European Community.

(*) Air carriers listed in Annex B could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 5 October 2006

on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration

(2006/688/EC)

THE COUNCIL OF THE EUROPEAN UNION,

the need for a more coordinated approach of national policies essential for strengthening the area of freedom, security and justice.

Having regard to the Treaty establishing the European Community, and in particular Article 66 thereof,

- (3) In conclusions adopted at its meeting of 14 April 2005, the Justice and Home Affairs Council called for the establishment of a system of mutual information between those in charge of migration and asylum policy in the Member States, based on the necessity to communicate information on measures considered likely to have a significant impact on several Member States or on the European Union as a whole and allowing for an exchange of views between Member States and the Commission at the request of any one of the Member States or the Commission.

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) On 4 November 2004 the European Council endorsed a multi-annual programme, known as the Hague Programme, for strengthening the area of freedom, security and justice, which calls for the development of the second phase of a common policy in the field of asylum, migration, visas and borders, which started on 1 May 2004, based, *inter alia*, on closer practical co-operation between Member States and an improved exchange of information.
- (2) The development of common asylum and immigration policies since the entry into force of the Treaty of Amsterdam has resulted in closer interdependency between Member States' policies in these areas, making

- (4) The information mechanism should be based on solidarity, transparency and mutual confidence and should provide a flexible, rapid and non-bureaucratic channel for exchanging information and views on national asylum and immigration measures at European Union level.
- (5) For the purposes of the application of this Decision, national asylum and immigration measures which are likely to have a significant impact on several Member States or on the European Union as a whole may comprise policy intentions, long-term programming, draft and adopted legislation, final decisions of the highest courts or tribunals which apply or interpret measures of national law and administrative decisions affecting a significant number of persons.
- (6) Communication of the relevant information should take place at the latest when the measures concerned become publicly available. Member States are however encouraged to transmit it as soon as possible.

⁽¹⁾ Opinion delivered on 3 May 2006. Not yet published in the Official Journal.

- (7) For reasons of efficiency and accessibility, a web-based network should be an essential element of the information mechanism concerning national measures in the areas of asylum and immigration.
- (8) The exchange of information on national measures through a web-based network should be complemented by the possibility of exchanging views on such measures.
- (9) The information mechanism established by this Decision should be without prejudice to the right of Member States to request ad-hoc discussions in the Council on national measures at any time, in accordance with the Council's rules of procedure.
- (10) Since the objectives of this Decision, namely secure information exchange and consultation between Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the effects of this Decision, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.
- (11) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, have given notice of their wish to take part in the adoption and application of this Decision.
- (12) In accordance with Articles 1 and 2 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 take part in the adoption of this Decision and is therefore not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

1. This Decision establishes a mechanism for the mutual exchange of information concerning national measures in the

areas of asylum and immigration that are likely to have a significant impact on several Member States or on the European Union as a whole.

2. The mechanism referred to in paragraph 1 allows for the preparation of exchanges of views and debates on such measures.

Article 2

Information to be submitted

1. Member States shall communicate to the Commission and the other Member States information on the measures which they intend to take, or have recently taken, in the areas of asylum and immigration, where these measures are publicly available and are likely to have a significant impact on several Member States or on the European Union as a whole.

Such information shall be transmitted as soon as possible and at the latest when it becomes publicly available. This paragraph is subject to any confidentiality and data protection requirements that may apply to a particular measure.

Each Member State shall be responsible for evaluating whether its national measures are likely to have a significant impact on several Member States or on the European Union as a whole.

2. The information pursuant to paragraph 1 shall be communicated through the network referred to in Article 3, using the reporting form annexed to this Decision.

3. The Commission or a Member State may request additional information concerning the information communicated by another Member State through the network. In such a case, the Member State concerned shall provide additional information within one month.

Information on final decisions of the highest Courts which apply or interpret measures of national law shall not be the subject of a request for additional information under this paragraph.

4. The possibility for providing additional information referred to in paragraph 3 may also be used by the Member States to provide information on measures not covered by the obligation referred to in paragraph 1, on their own initiative or upon request of the Commission or another Member State.

Article 3

The network

1. The network for the exchange of information in accordance with this Decision shall be web-based.

2. The Commission shall be responsible for the development and management of the network, including the structure and content of the network and access to it. The network shall include appropriate measures to guarantee the confidentiality of all or part of the information in the network.

3. For the practical set up of the network, the Commission shall make use of the existing technical platform within the Community framework of the trans-European telematic network for the interchange of information between the Member States authorities.

4. A specific functionality of the network shall be provided in order to allow the Commission and the Member States to request from one or more Member States additional information on communicated measures, as indicated in Article 2(3), and other information, as indicated in Article 2(4).

5. Member States shall designate national contact points having access to the network and notify the Commission thereof.

6. When necessary for the development of the network the Commission may conclude agreements with Institutions of the European Community, as well as with bodies governed by public law established under the Treaties establishing the European Communities or established within the framework of the European Union.

The Commission shall inform the Council whenever a request for such access is submitted and when access to such Institutions and/or bodies is granted.

Article 4

Exchanges of views, the general report and discussions at ministerial level

1. The Commission shall, once a year, prepare a general report summarizing the most relevant information transmitted

by the Member States. With a view to preparing such a report and identifying issues of common interest, Member States shall be associated with the Commission for this preparatory work, which may include technical meetings throughout the reporting period consisting in an exchange of views with Member States' experts on information submitted under Article 2.

The general report shall be transmitted to the European Parliament and to the Council.

2. Without prejudice to the possibility of holding ad-hoc consultations within the Council, the general report prepared by the Commission shall constitute the basis for a debate on national asylum and immigration policies at ministerial level.

Article 5

Evaluation and Review

The Commission shall evaluate the functioning of the mechanism two years after the entry into force of this Decision and regularly thereafter. If appropriate, the Commission shall propose amendments to it.

Article 6

Entry into force

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

Article 7

Addressees

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Luxembourg, 5 October 2006.

For the Council

The President

K. RAJAMÄKI

ANNEX

Reporting form for information communicated through the mutual information mechanism concerning Member States' measures in the areas of asylum and immigration (Article 2(2) of Council Decision 2006/688/EC)

It is recalled that, under the third subparagraph of Article 2(1) of Council Decision 2006/688/EC each Member State is responsible for evaluating whether its national measures are likely to have a significant impact on several Member States or on the European Union as a whole.

1. Type of measure necessitating the transmission of information ⁽¹⁾ (*)

- Policy intentions, long-term programming
- Draft legislation
- Adopted legislation
- Final decisions of the highest courts or tribunals which apply or interpret measures of national law or provide guidelines in the areas of asylum and immigration
- Administrative decisions affecting a large group of third-country nationals or having a general nature
- Other (specify): _____

2. Full name of the measure necessitating the transmission of information (**) 3. Short description of the measure necessitating the transmission of information (**) 4. Comments and observations on the measure concerned (**) 5. Where can the whole text of the measure necessitating the transmission of information be found ⁽²⁾?

⁽¹⁾ Mark the appropriate category for the measure necessitating the transmission of information.

⁽²⁾ Please add Internet link whenever possible.

(*) If possible and without prejudice to applicable requirements on confidentiality and on data protection of the measure concerned.

(**) The Member State shall translate this information into an official language of the Institutions of the European Union other than its own.

COMMISSION

COMMISSION DECISION

of 3 October 2006

amending Decision 2005/710/EC concerning certain protection measures in relation to highly pathogenic avian influenza in Romania

(notified under document number C(2006) 4321)

(Text with EEA relevance)

(2006/689/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

(2) Decision 2005/710/EC provides that Member States are to suspend imports of live poultry, ratites, farmed and

wild feathered game, and hatching eggs of those species and certain other products of birds from the whole territory of Romania.

(3) Romania has now transmitted further information to the Commission on the avian influenza situation in that country, which shows that no further outbreaks of that disease have been detected since 7 June 2006.

(4) In the light of that information, it is appropriate to limit the suspension of the imports provided for in Decision of 2005/710/EC to certain areas of Romania that are still under direct threat of the disease.

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

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

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

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

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

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

⁽³⁾ OJ L 269, 14.10.2005, p. 42. Decision as last amended by Decision 2006/435/EC (OJ L 173, 27.6.2006, p. 31).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 3 October 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX

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

PART A

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

PART B

ISO country code	Name of country	Description of part of territory
RO	Romania	<p>In Romania, the counties of:</p> <ul style="list-style-type: none">— Arges— Bacau— Botosani— Braila— Bucuresti— Buzau— Calarasi— Constanta— Dimbovita— Dolj— Galati— Giurgiu— Gorj— Ialomita— Iasi— Ilfov— Mehedinti— Neamt— Olt— Prahova— Suceava— Teleorman— Tulcea— Vaslui— Vilcea— Vrancea'

COMMISSION DECISION

of 12 October 2006

amending, for the purposes of adapting to technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications of lead in crystal glass

*(notified under document number C(2006) 4789)***(Text with EEA relevance)**

(2006/690/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ⁽¹⁾, and in particular Article 5(1)(b) thereof,

Whereas:

(1) Directive 2002/95/EC requires the Commission to evaluate certain hazardous substances prohibited pursuant to Article 4(1) of that Directive.

(2) Crystal glass has been progressively used for decorative purposes on electrical and electronic equipment. Since Council Directive 69/493/EEC of 15 December 1969 on the approximation of the laws of the Member States relating to crystal glass ⁽²⁾ prescribes the amount of lead to be present in crystal glass and the substitution of lead in crystal glass is therefore technically impracticable, the use of this hazardous substance in specific materials and components covered by that Directive is unavoidable. Those materials and components should be therefore exempted from the prohibition.

(3) Some exemptions from the prohibition for certain specific materials or components should be limited in their scope, in order to achieve a gradual phase-out of hazardous substances in electrical and electronic equipment, given that the use of those substances in such applications will become avoidable.

(4) Pursuant to Article 5(1)(c) of Directive 2002/95/EC each exemption listed in the Annex must be subject to a review at least every four years or four years after an item is added to the list.

(5) Directive 2002/95/EC should therefore be amended accordingly.

(6) Pursuant to Article 5(2) of Directive 2002/95/EC, the Commission has consulted the relevant parties.

(7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18 of Directive 2006/12/EC of the European Parliament and of the Council ⁽³⁾,

HAS ADOPTED THIS DECISION:

Article 1

In the Annex to Directive 2002/95/EC the following point 29 is added:

‘29. Lead bound in crystal glass as defined in Annex I (Categories 1, 2, 3 and 4) of Council Directive 69/493/EEC (*).

(*) OJ L 326, 29.12.1969, p. 36. Directive as last amended by 2003 Act of Accession.’

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 October 2006.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 37, 13.2.2003, p. 19. Directive as last amended by Commission Decision 2006/310/EC (OJ L 115, 28.4.2006, p. 38).

⁽²⁾ OJ L 326, 29.12.1969, p. 36. Directive as last amended by 2003 Act of Accession.

⁽³⁾ OJ L 114, 27.4.2006, p. 9.

COMMISSION DECISION

of 12 October 2006

amending, for the purposes of adapting to technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications of lead and cadmium

*(notified under document number C(2006) 4790)***(Text with EEA relevance)**

(2006/691/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ⁽¹⁾, and in particular Article 5(1)(b) thereof,

Whereas:

- (1) Directive 2002/95/EC requires the Commission to evaluate certain hazardous substances prohibited pursuant to Article 4(1) of that Directive.
- (2) Certain materials and components containing lead and cadmium should be exempted from the prohibition, since the use of these hazardous substances in those specific materials and components is still unavoidable, or because the negative environmental, health or consumer safety impacts caused by substitution are likely to outweigh the environmental, health or consumer safety benefits thereof. The exemptions listed in the annex to this decision are granted on the basis of the results of a review process carried out by technical experts taking into account available evidence from studies, stakeholders and other scientific/technical sources. This review concluded that the elimination or substitution of the substances is still technically or scientifically impracticable.
- (3) Some exemptions from the prohibition for certain specific materials or components should be limited in their scope, in order to achieve a gradual phase-out of

hazardous substances in electrical and electronic equipment, given that the use of those substances in such applications will become avoidable.

- (4) Pursuant to Article 5(1)(c) of Directive 2002/95/EC each exemption listed in the Annex must be subject to a review at least every four years or four years after an item is added to the list.
- (5) Directive 2002/95/EC should therefore be amended accordingly.
- (6) Pursuant to Article 5(2) of Directive 2002/95/EC, the Commission has consulted the relevant parties.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18 of Directive 2006/12/EC of the European Parliament and of the Council ⁽²⁾,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Directive 2002/95/EC is amended as set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 October 2006.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 37, 13.2.2003, p. 19. Directive as last amended by Commission Decision 2006/310/EC (OJ L 115, 28.4.2006, p. 38).

⁽²⁾ OJ L 114, 27.4.2006, p. 9.

ANNEX

In the Annex to Directive 2002/95/EC the following points 21 to 27 are added:

- ‘21. Lead and cadmium in printing inks for the application of enamels on borosilicate glass.
 - 22. Lead as impurity in RIG (rare earth iron garnet) Faraday rotators used for fibre optic communications systems.
 - 23. Lead in finishes of fine pitch components other than connectors with a pitch of 0.65 mm or less with NiFe lead frames and lead in finishes of fine pitch components other than connectors with a pitch of 0.65 mm or less with copper lead frames.
 - 24. Lead in solders for the soldering to machined through hole discoidal and planar array ceramic multilayer capacitors.
 - 25. Lead oxide in plasma display panels (PDP) and surface conduction electron emitter displays (SED) used in structural elements; notably in the front and rear glass dielectric layer, the bus electrode, the black stripe, the address electrode, the barrier ribs, the seal frit and frit ring as well as in print pastes.
 - 26. Lead oxide in the glass envelope of Black Light Blue (BLB) lamps.
 - 27. Lead alloys as solder for transducers used in high-powered (designated to operate for several hours at acoustic power levels of 125 dB SPL and above) loudspeakers.’
-

COMMISSION DECISION

of 12 October 2006

amending, for the purposes of adapting to technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications of hexavalent chromium

*(notified under document number C(2006) 4791)***(Text with EEA relevance)**

(2006/692/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

their scope, in order to achieve a gradual phase-out of hazardous substances in electrical and electronic equipment, given that the use of those substances in such applications will become avoidable.

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ⁽¹⁾, and in particular Article 5(1)(b) thereof,

(4) Pursuant to Article 5(1)(c) of Directive 2002/95/EC each exemption listed in the Annex must be subject to a review at least every four years or four years after an item is added to the list.

(5) Directive 2002/95/EC should therefore be amended accordingly.

Whereas:

(6) Pursuant to Article 5(2) of Directive 2002/95/EC, the Commission has consulted the relevant parties.

(1) Directive 2002/95/EC requires the Commission to evaluate certain hazardous substances prohibited pursuant to Article 4(1) of that Directive.

(2) Certain materials and components containing hexavalent chromium should be exempted from the prohibition, since the use of this hazardous substance in those specific materials and components is still unavoidable, or because the negative environmental, health or consumer safety impacts caused by substitution are likely to outweigh the environmental, health or consumer safety benefits thereof. The exemption is granted on the basis of the results of a review process carried out by technical experts taking into account available evidence from studies, stakeholders and other scientific/technical sources. This review concluded that the elimination or substitution of the substance is still technically or scientifically impracticable until 1 July 2007. A similar exemption is provided in Directive 2000/53/EC on End of Life Vehicles.

(7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18 of Directive 2006/12/EC of the European Parliament and of the Council ⁽²⁾,

HAS ADOPTED THIS DECISION:

Article 1

In the Annex to Directive 2002/95/EC the following point 28 is added:

(3) Some exemptions from the prohibition for certain specific materials or components should be limited in

‘28. Hexavalent chromium in corrosion preventive coatings of unpainted metal sheetings and fasteners used for corrosion protection and Electromagnetic Interference Shielding in equipment falling under category three of Directive 2002/96/EC (IT and telecommunications equipment). Exemption granted until 1 July 2007.’

⁽¹⁾ OJ L 37, 13.2.2003, p. 19. Directive as last amended by Commission Decision 2006/310/EC (OJ L 115, 28.4.2006, p. 38).

⁽²⁾ OJ L 114, 27.4.2006, p. 9.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 October 2006.

For the Commission
Stavros DIMAS
Member of the Commission

COMMISSION DECISION

of 13 October 2006

amending Decision 2005/393/EC as regards the conditions applicable to movements from or through restricted zones in relation to bluetongue*(notified under document number C(2006) 4813)***(Text with EEA relevance)**

(2006/693/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹⁾, and in particular the second subparagraph of Article 6(1), Article 8(3), Articles 11 and 12 and the second paragraph of Article 19 thereof,

Whereas:

(1) Directive 2000/75/EC lays down control rules and measures to combat bluetongue in the Community, including the establishment of protection and surveillance zones and a ban on animals leaving those zones.

(2) Commission Decision 2005/393/EC of 23 May 2005 on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones ⁽²⁾ provides for the demarcation of the global geographic areas where protection and surveillance zones (the restricted zones) are to be established by the Member States in relation to bluetongue.

(3) As soon as the presence of the bluetongue virus is officially confirmed in a holding, Directive 2000/75/EC provides for certain restrictions to be applied in a 20 km radius around the infected holding. Those restrictions include a prohibition on the movement of susceptible animals from and to holdings situated within that radius (the movement ban). The Directive provides for derogations from the movement ban for movements of animals in the protection zone.

(4) It is therefore appropriate to allow movement of animals from holdings affected by the movement ban within the restricted zone for direct transport to a slaughterhouse. Accordingly, Decision 2005/393/EC should be amended to allow for such movements.

(5) Taking into account certain farming practices, it is also appropriate to provide for specific conditions minimising the risk of virus transmission when animals from holdings affected by the movement ban are transferred to specific holdings in the restricted zone from which they can only leave for slaughter. It is also appropriate to amend Decision 2005/393/EC to provide for such conditions.

(6) Article 4 of Decision 2005/393/EC currently provides that domestic movements of animals from a restricted zone for immediate slaughter within the same Member State may be exempted from the exit ban by the competent authority, subject to a case-by-case risk assessment and certain conditions. However, that provision does not currently provide that exemptions from the exit ban are to be linked to a favourable outcome of the risk assessment. It is appropriate and more transparent to require that such exemptions are to be granted following the favourable outcome of the risk assessment.

(7) The exemption from the exit ban for animals leaving the restricted zones for intra-Community trade, currently provided for in Article 5(1) of Decision 2005/393/EC, include animal health conditions for domestic movements to a holding, as laid down in Article 3 of the Decision, and the prior approval of the Member State of destination.

(8) In the interests of consistency, it is appropriate that the animal health conditions laid down in Article 4 of Decision 2005/393/EC for the exemption from the exit ban for domestic movements for slaughter, together with the prior approval of the Member State of destination, also apply to the exemption from the exit ban for animals destined for direct slaughter in another Member State.

⁽¹⁾ OJ L 327, 22.12.2000, p. 74. Directive as amended by the 2003 Act of Accession.

⁽²⁾ OJ L 130, 24.5.2005, p. 22. Decision as last amended by Decision 2006/633/EC (OJ L 258, 21.9.2006, p. 7).

- (9) The provisions in Annex II to Decision 2005/393/EC relating to the movements of live animals of species susceptible to bluetongue and their semen, ova and embryos from restricted zones should be in line with those conditions laid down in Chapter 2.2.13 of the Terrestrial Animal Health Code of the World Organisation for Animal Health (OIE).
- (10) Intra-Community trade in frozen semen complying with the conditions set out in Annex II to Decision 2005/393/EC should not require the prior movement approval of the Member State of destination, as post-collection testing verifies beyond doubt the absence of the disease in the donor animal.
- (11) France and Germany informed the Commission of the need to adapt the restricted zone related to those Member States. Accordingly, it is appropriate to amend Annex I to Decision 2005/393/EC.
- (12) Decision 2005/393/EC should therefore be amended accordingly.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,
- (b) animals destined for a holding which is situated in the restricted zone around the holding of dispatch; and
- (i) within a radius of 20 km around an infected holding; or
- (ii) outside a radius of 20 km around an infected holding, subject to:
- prior approvals of and compliance with any animal health guarantees required by the competent authorities of the place of the holdings of dispatch and destination concerning measures against the spread of the bluetongue virus, and protection against attacks by vectors, or
 - an agent identification test as set out in Section A(1)(c) of Annex II carried out with negative results on a sample taken within 48 hours of dispatch from the animal concerned which must be protected from any attack by vectors at least from the time that sample was taken and must not leave the holding of destination, except for direct slaughter.'

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/393/EC is amended as follows:

1. Article 2a is replaced by the following:

'Article 2a

Derogation from the movement ban

By way of derogation from Article 6(1)(c) of Directive 2000/75/EC, the following animals shall be exempted from the ban on movement:

- (a) animals for direct transport to a slaughterhouse situated within the restricted zone around the holding of dispatch;

2. In Article 3, the introductory phrase of paragraph 3 is replaced by the following:

'Where in an epidemiological relevant area of the restricted zones more than 40 days have elapsed from the date when the vector ceased to be active, the competent authority shall grant exemptions from the exit ban for domestic movements of the following:'

3. In Article 4, the introductory phrase and the introductory phrase in point (a) are replaced by the following:

'Movements of animals from a restricted zone for immediate slaughter within the same Member State shall be exempted from the exit ban by the competent authority if:

- (a) a case-by-case risk assessment was carried out with favourable results on the possible contact between the animals and the vectors during transport to the slaughterhouse, taking into consideration:'

4. Article 5 is amended as follows:

(b) the following paragraph 3 is added:

(a) paragraph 1 is replaced by the following:

‘3. This Article shall not apply to the movement of animals in accordance with the derogation provided for in Article 2a.’

‘1. Movements of animals, their semen, ova and embryos from the restricted zones shall be exempted from the exit ban for intra-Community trade by the competent authority if:

5. Annexes I and II are amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

(a) the animals, their semen, ova and embryos comply with the conditions laid down in Articles 3 or 4; and

Done at Brussels, 13 October 2006.

(b) except in the case of frozen semen, the Member State of destination gives its approval prior to the movement.’;

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

I. Annex I to Decision 2005/393/EC is amended as follows:

1. The list of restricted zones in *Zone F (serotype 8)* which relates to Germany is replaced by the following:

‘Germany:

Hessen

Gesamtes Landesgebiet

Niedersachsen

— Im Landkeis Ammerland: Apen, Edeweicht, Westerstede, Bad Zwischenahn

— Im Landkreis Aurich: Krummhörn, Hinte, Ihlow

— Landkreis Cloppenburg

— Im Landkreis Diepholz: Stemshorn, Quernheim, Brockum, Marl, Hüde, Lembruch, Diepholz, Wetschen, Rehden, Hemsloh, Wagenfeld, Bahrenborstel, Kirchdorf, Varrel, Barver, Drebbler, Dickel, Freistatt, Wehrbleck, Barenburg, Maasen, Borstel, Sulingen, Eydelstedt, Barnstorf, Drentwede, Ehrenburg, Scholen, Schwaförden, Mellinghausen, Siedenburger, Staffhorst, Asendorf, Engeln, Affinghausen, Sudwalde, Neuenkirchen, Twistringen, Bassum, Lemförde

— Stadt Emden

— Landkreis Emsland

— Im Landkreis Göttingen: Staufenberg, Hannoversch-Münden, Bühren, Scheden, Jühnde, Friedland, Gleichen, Rosdorf, Niemetal, Dransfeld, Landolfshausen, Waake, Ebergötzen, Wollbrandshausen, Krebeck, Bovenden, Göttingen, Adelebsen

— Landkreis Grafschaft Bentheim

— Landkreis Hameln-Pyrmont

— In der Region Hannover: Springe, Pattensen, Wenningen, Hemmingen, Laatzen, Ronnenberg, Gehrden, Barsinghausen, Seelze, Stadt Hannover, Garbsen, Wunstorf, Neustadt am Rübenberge

— Im Landkreis Hildesheim: Landwehr, Freden, Winzenburg, Everode, Lamspringe, Neuhof, Woltershausen, Harbarnsen, Selem, Adenstedt, Alfeld, Coppengrave, Duingen, Weenzen, Hoyershausen, Brüggel, Eberholzen, Westfeld, Almstedt, Bad Salzdetfurth, Sibbesse, Rheden, Banteln, Eime, Marienhagen, Elze, Gronau an der Leine, Despetal, Diekhöfen, Stadt Hildesheim, Betheln, Nordstemmen, Giesen, Sarstedt

— Landkreis Holzminden

— Im Landkreis Leer: Moormerland; Hesel, Uplengen, Jemgum; Leer, Holtland; Brinkum, Nortmoor, Filsum; Deteren, Ostrhauderfehn, Rhaderfehn, Westoverledingen, Weener, Bunde

— Im Landkreis Nienburg (Weser): Diepenau, Warmen, Raddestorf, Uchte, Stolzenau, Steyerberg, Leese, Rehbügel, Loccum, Landesbergen, Husum, Linsburg, Estorf, Binnen, Pennigsehl, Wietzen, Marklohe, Nienburg, Stöckse, Drakenburg, Balge, Warpe, Liebenau

— Im Landkreis Northeim: Bodenfelde, Uslar, Hardegsen, Nörten-Hardenberg, Katlenburg-Lindau, Northeim, Moringen, Solling, Dassel, Einbeck, Kreiensen, Kalefeld, Bad Gandersheim

— Im Landkreis Oldenburg: Großenkneten, Wildeshausen, Dötlingen, Colnrade, Winkelsett, Beckeln, Harpstedt, Wardenburg, Hatten, Düsen

— Landkreis Osnabrück

— Stadt Osnabrück

— Landkreis Schaumburg

— Landkreis Vechta

Nordrhein-Westfalen

Gesamtes Landesgebiet

Rheinland-Pfalz

Gesamtes Landesgebiet

Saarland

Gesamtes Landesgebiet.'

2. The list of restricted zones in *Zone F (serotype 8)* which relates to France is replaced by the following:

'France:

Protection zone:

— Department of Ardennes

— Department of Aisne: arrondissements of Laon, Saint-Quentin, Soissons, Vervins

— Department of Marne: arrondissements of Reims, Châlons-en-Champagne, Sainte-Menehould, Vitry-le-François

— Department of Meurthe-et-Moselle: arrondissement of Briey

— Department of Meuse

— Department of Moselle: arrondissements of Metz-ville, Metz-campagne, Thionville-est, Thionville-ouest

— Department of Nord

— Department of Pas-de-Calais

— Department of Somme: arrondissements of Péronne

Surveillance zone:

— Department of Aube

— Department of Aisne: arrondissement of Château-Thierry

— Department of Marne: arrondissement of Epernay

— Department of Haute-Marne: arrondissements of Saint-Dizier, Chaumont

— Department of Meurthe-et-Moselle: arrondissements of Toul, Nancy, Lunéville

— Department of Moselle: arrondissements of Boulay-Moselle, Château-Salins, Forbach

— Department of Oise: arrondissements of Clermont, Compiègne, Senlis

— Department of Seine-et-Marne: arrondissements of Meaux, Provins

— Department of Somme : arrondissements of d'Abbeville, d'Amiens, de Montdidier

— Department of Vosges: arrondissement of Neufchâteau'

II. Annex II to Decision 2005/393/EC is replaced by the following:

'ANNEX II

as referred to in Article 3(1)

A. Live ruminants

1. Prior to shipment live ruminants must have been protected from attack from *Culicoides* likely to be competent bluetongue virus vectors for at least
 - (a) 60 days; or
 - (b) 28 days, and were subjected during that period to a serological test according to the OIE Terrestrial Manual to detect antibodies to the bluetongue virus group, with negative results, carried out at least 28 days following the date of the commencement of the period of protection from vectors attack; or
 - (c) 14 days, and were subjected during that period to an agent identification test according to the OIE Terrestrial Manual, with negative results, carried out at least 14 days following the date of the commencement of the period of protection from vectors attack.
2. During transportation to the place of destination live ruminants must have been protected from *Culicoides* attack.

B. Semen of ruminants

1. Semen must have been obtained from donor animals, which have been:
 - (a) protected from attack from *Culicoides* likely to be competent bluetongue virus vectors for at least 60 days before commencement of, and during, collection of the semen; or
 - (b) subjected to a serological test according to the OIE Terrestrial Manual to detect antibodies to the bluetongue virus group, with negative results, at least every 60 days during the collection period and between 21 and 60 days following the final collection; or
 - (c) subjected, with negative results, to an agent identification test according to the OIE Terrestrial Manual carried out on blood samples collected at:
 - (i) the commencement and final collection; and
 - (ii) during the period of semen collection:
 - at least every seven days, in the case of a virus isolation test, or
 - at least every 28 days, in the case of a polymerase chain reaction test.
2. Fresh semen may be produced from donor males which have been protected from attack from *Culicoides* for at least 30 days before commencement of, and during, collection of the semen, and were subjected to:
 - (a) a serological test according to the OIE Terrestrial Manual to detect antibodies to the bluetongue virus group, with negative results, before the first collection and every 28 days during the collection period and 28 days following the final collection; or
 - (b) an agent identification test according to the OIE Terrestrial Manual carried out with negative results on blood samples collected:
 - (i) at commencement, final collection and seven days following final collection; and
 - (ii) during the period of semen collection:
 - at least every seven days, in case of a virus isolation test, or
 - at least every 28 days, in case of a polymerase chain reaction test.

3. Frozen semen may be produced from donor males which have been tested, with negative results, in a serological test according to the OIE Terrestrial Manual for the detection of antibodies for the bluetongue virus group carried out on a sample taken between 21 and 30 days following the semen collection during the mandatory storage period in accordance with point 1(f) of Annex C to Council Directive 88/407/EEC ⁽¹⁾ or point (g) of Chapter III of Annex D to Council Directive 92/65/EC ⁽²⁾.

4. Female ruminants shall remain under observation on their holding of origin during at least 28 days following insemination with fresh semen referred to in paragraphs 1 and 2.

C. Oocytes and Embryos of ruminants

1. *In vivo* derived embryos of bovine animals must be collected in accordance with Council Directive 89/556/EEC ⁽³⁾

2. *In vivo* derived embryos of ruminants other than bovines and *in vitro* produced bovine embryos must have been obtained from donor females, which have been:

- (a) protected from attack from *Culicoides* likely to be competent bluetongue virus vectors for at least 60 days before commencement of, and during, collection of the embryos/oocytes; or
- (b) subjected to a serological test according to the OIE Terrestrial Manual to detect antibodies to the bluetongue virus group, between 21 and 60 days following collection of the embryos/oocytes, with negative results; or
- (c) subjected to an agent identification test according to the OIE Terrestrial Manual on a blood sample taken on the day of collection of the embryos/oocytes, with negative results.

⁽¹⁾ OJ L 194, 22.7.1988, p. 10.

⁽²⁾ OJ L 268, 14.9.1992, p. 54.

⁽³⁾ OJ L 302, 19.10.1989, p. 1.

COMMISSION DECISION

of 13 October 2006

prohibiting the placing on the market of curd cheese manufactured in a dairy establishment in the United Kingdom*(notified under document number C(2006) 4877)***(Text with EEA relevance)**

(2006/694/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, and in particular Article 53(1)(a) thereof,

Whereas:

(1) Under Article 53(1) of Regulation (EC) No 178/2002, where a food is likely to constitute a serious risk to human health and that risk cannot be contained satisfactorily by means of measures taken by the Member States concerned the Commission is to suspend the placing on the market or use of that food and adopt any other appropriate interim measure.

(2) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs⁽²⁾ lays down general rules for food business operators on the hygiene of foodstuffs. Regulation (EC) No 853/2004 of the European Parliament and of the Council⁽³⁾ lays down specific hygiene rules for food of animal origin. It specifies the rules applicable to the raw materials that may be placed on the market and therefore used in the manufacture of dairy products. For the purpose of those rules, dairy products are processed products derived from the processing of raw milk or from the further processing of such processed products.

(3) Section IX, Chapter I, Part III, point 4 of Annex III to Regulation (EC) No 853/2004 lays down the conditions

to be complied with when producing and placing raw milk on the market. Under those provisions, food business operators in the dairy sector are not allowed to place on the market raw milk containing levels of antibiotic residues exceeding those laid down in Annexes I and III to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin⁽⁴⁾.

(4) Milk which does not meet those standards must be disposed of as an animal by-product of Category 2 as laid down in Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption⁽⁵⁾.

(5) In order to comply with those requirements, food business operators in the dairy sector carry out rapid screening tests on milk before placing it on the market. Those tests are aimed at determining the presence of antibiotic residues and have been designed to provide positive results when such residues are close to the maximum residue limit, but do not quantify the actual level of residues present. Under those circumstances, only a test identifying and quantifying the antibiotic residues can demonstrate that the maximum residue limit is not exceeded. If such a confirmatory test is not carried out, milk showing a positive result of a screening test is deemed to be unsafe.

(6) During an inspection mission carried out in the United Kingdom by the Food and Veterinary Office (FVO) of the Commission from 31 May to 13 June 2006, evidence was repeatedly received that raw milk not complying with the hygiene requirements was placed on the market and dispatched to an approved food establishment preparing dairy products intended for human consumption.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

⁽²⁾ OJ L 139, 30.4.2004, p. 1; corrected by OJ L 226, 25.6.2004, p. 3.

⁽³⁾ OJ L 139, 30.4.2004, p. 55; corrected by OJ L 226, 25.6.2004, p. 22.

⁽⁴⁾ OJ L 224, 18.8.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 1231/2006 (OJ L 225, 17.8.2006, p. 3).

⁽⁵⁾ OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 208/2006 (OJ L 36, 8.2.2006, p. 25).

- (7) An on-site visit by the FVO took place on 9 June 2006 at the premises of Bowland Dairy Products Limited, located at Fulshaw Hoad Farm, Barrowford, Lancashire BB9 6RA ('Bowland') and approved under number UK PE 023. According to the Commission's information, that operator exports virtually all its production of curd cheese to other Member States.
- (8) That visit revealed that the raw materials used to manufacture curd cheese included raw milk sent by the major milk collectors in the United Kingdom and downgraded for reasons such as: the presence of antibiotic residues detected after a screening test, milk-water mixture resulting from the cleaning of pipes in dairy plants with detergents and disinfectants ('interface milk'), contamination with dyes, surplus heat-treated drinking milk in packages collected from retail establishments. According to the company documentation, such milk was variously classified as 'reclaim milk', 'waste milk', milk 'not fit for human consumption' or milk accompanied by certificates of analysis stating in what way the milk was defective.
- (9) It also emerged from the visit that a second activity involved the vacuum-packaging of non-compliant cheese derived from mouldy cheese or cheese containing foreign bodies, such as rubber gloves. According to the company documentation, such material was variously classified as 'waste', 'contaminated cheese' or 'floor waste'.
- (10) An audit at Bowland's premises was carried out by the United Kingdom Food Standards Agency on 20 June 2006. The establishment was not operating at that time. Curd cheese production resumed on 26 June 2006.
- (11) Since the on-site visit of 9 June 2006, the Commission has repeatedly informed the United Kingdom authorities of its concerns as to the risks to human health of the practice in question and has on several occasions discussed with them the technical issues linked to its assessment of the situation. In particular, the Commission and the United Kingdom authorities met on 4 July 2006 and held an audioconference on 18 July 2006 to discuss those matters. A further audioconference was held on 14 September 2006, in which representatives of the Community Reference Laboratory on antibiotic residues also took part. In consequence, the United Kingdom authorities informed the Commission by letter of 15 September 2006 that they had reviewed their position on the tests, leading the Commission to believe that they would take the requisite action forthwith. However, they have failed to do so.
- (12) The FVO conducted a second inspection visit at Bowland's premises on 26 and 27 September 2006 to check the new operational procedures which had been put in place after the first FVO inspection and the audit by the FSA. The FVO inspectors noted that since 26 June 2006, the UK competent authorities have not checked on site that the operational conditions communicated to Bowland had been met. Among new problems such as the unhygienic mechanical bursting of milk packages, the visit also confirmed that the use of milk not complying with the hygienic requirements laid down in Community legislation is still taking place. In particular, the establishment is still receiving and using milk which has been tested positive for the presence of antibiotic residues before being placed on the market where it has not been demonstrated that such residues do not exceed the maximum residue limits laid down in Regulation (EEC) No 2377/90.
- (13) In accordance with Article 17(2) of Regulation (EC) No 178/2002, Member States are to enforce food law, and monitor and verify that the relevant requirements of food law are fulfilled by food and feed business operators at all stages of production, processing and distribution. For that purpose, they are required to maintain a system of official controls and other activities as appropriate to the circumstances, including public communication on food and feed safety and risk, food and feed safety surveillance and other monitoring activities covering all stages of production, processing and distribution.
- (14) It is clear from the facts in this case that the UK authorities have repeatedly failed to comply with their control obligation. It is therefore the Commission's intention to initiate shortly an infringement procedure under Article 226 of the Treaty. The Commission also intends to apply for the interim measures that may be considered necessary in order to restore as soon as possible adequate controls on the dairy sector by the UK authorities.
- (15) In the meantime, however, it is necessary for the Commission to adopt emergency measures in order to address the immediate and serious risk to human health that is caused by the current presence on the Community market of products originating from Bowland.
- (16) Raw milk containing antibiotic substances in excess of the maximum residue limits laid down in Community legislation is unfit for human consumption and unsafe having regard to the fact that such maximum limits are based on the type and amount of residues considered to be without any toxicological hazard to human health. Because of the properties of the active substances used in veterinary medicines, account must be taken not only of the toxicological properties of the substances in the

narrow sense (such as teratogenic, mutagenic or carcinogenic effect) but also of their pharmaceutical properties. Moreover, a significant percentage (1 % to 10 %) of the population are hypersensitive to penicillin, other antibiotics and metabolites thereof, and even at very low concentrations suffer allergic reactions (such as skin rashes, hives, asthma or anaphylactic shock).

- (17) In addition, antimicrobial resistance of zoonotic bacteria isolated from foodstuffs is an increasing public health concern. There is clear evidence that the use of antibiotics for food-producing animals impacts on the occurrence of resistant bacteria in animals and in food and human exposure to these resistant bacteria results in adverse human health consequences. Evidence shows that the food-borne route is the major transmission pathway for resistant bacteria from food-producing animals to humans.
- (18) A practice such as that in place at the establishment of Bowland of using milk which has been tested positive for the presence of antibiotic residues before being placed on the market where it has not been demonstrated that such residues do not exceed the maximum residue limits laid down in Regulation (EEC) No 2377/90 is likely to constitute a serious risk to human health. Chemical substances such as antibiotics and metabolites thereof are not destroyed whatever treatment is applied. As a result, products processed by Bowland with milk containing such substances necessarily contain quantities of residues which raise the same safety issue.
- (19) This issue was brought to the attention of the Member States on several occasions, in particular during meetings of the Standing Committee on the Food Chain and Animal Health on 18 July 2006 and 18 September 2006 and during a special working party meeting on 7 September 2006. All Member States with the exception of the United Kingdom supported the Commission's assessment.
- (20) The Commission informed Bowland by letter dated 4 October 2006 of its intention to submit a draft Decision on the basis of Article 53 of Regulation (EC) No 178/2002 to the Standing Committee on the Food Chain and Animal Health. Bowland replied to the Commission by letter dated 5 October and by email dated 6 October. They reiterated the establishment's position on the issue of the presence of antibiotic residues in milk and did not supply new elements that could demonstrate that the risk for public health posed by the products concerned had disappeared.

- (21) The Commission consequently considers, in view in particular of the result of the last inspection visit of the FVO on 26 and 27 September 2006 and taking into account the presence of the product in several Member States, that the risk cannot be satisfactorily contained unless Community-wide measures are taken, including the prohibition on the placing on the market of those products. Because of the seriousness of the risk to human health, those measures must apply immediately.
- (22) The measures provided for in this Decision will be reviewed as soon as new information is made available showing that there is no risk to human health, in particular on the basis of measures taken by the UK authorities.
- (23) The Commission will consider taking further action if evidence is provided that similar practices occur in other establishments.
- (24) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall prohibit the placing on the market of all curd cheese manufactured by Bowland Dairy Products Limited approved under the number UK PE 23 and located at Fulshaw Hoad Farm, Barrowford, Lancashire BB9 6RA and shall trace, detain and dispose of all remaining quantities of curd cheese of that origin.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 October 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs*(Official Journal of the European Union L 338 of 22 December 2005)*

On page 17, in Chapter 2 of Annex 1, under the heading 'Interpretation of the test results':

for: 'Enterobacteriaceae and aerobic colony count in carcasses of cattle, sheep, goats, horses and pigs:

— satisfactory, if the daily mean log is $< m$,'

read: 'Enterobacteriaceae and aerobic colony count in carcasses of cattle, sheep, goats, horses and pigs:

— satisfactory, if the daily mean log is $\leq m$,';

for: 'E. coli and aerobic colony count in minced meat, meat preparations and mechanically separated meat (MSM):

— satisfactory, if all the values observed are $< m$,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are $< m$,'

read: 'E. coli and aerobic colony count in minced meat, meat preparations and mechanically separated meat (MSM):

— satisfactory, if all the values observed are $\leq m$,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are $\leq m$,'.

On page 20, in Chapter 2 of Annex 1, under the heading 'Interpretation of the test results':

for: 'E. coli, enterobacteriaceae (other food categories) and coagulase-positive staphylococci:

— satisfactory, if all the values observed are $< m$,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are $< m$,'

read: 'E. coli, enterobacteriaceae (other food categories) and coagulase-positive staphylococci:

— satisfactory, if all the values observed are $\leq m$,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are $\leq m$,'.

On page 21, in Chapter 2 of Annex 1, under the heading 'Interpretation of the test results':

for: 'Enterobacteriaceae in egg products:

— satisfactory, if all the values observed are $< m$,'

read: 'Enterobacteriaceae in egg products:

— satisfactory, if all the values observed are $\leq m$,'.

On page 22, in Chapter 2 of Annex 1, under the heading 'Interpretation of the test results':

for: 'Coagulase-positive staphylococci in shelled and cooked crustaceans and molluscan shellfish:

— satisfactory, if all the values observed are $< m$,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are $< m$,'

read: 'Coagulase-positive staphylococci in shelled and cooked crustaceans and molluscan shellfish:

— satisfactory, if all the values observed are $\leq m$,

— acceptable, if a maximum of c/n values are between m and M, and the rest of the values observed are $\leq m$,'.

On page 24, in the second point of Chapter 3 of Annex 1, under the heading 'Sampling frequencies for carcasses, minced meat, meat preparations and mechanically separated meat':

for: 'However, when justified on the basis of a risk analysis and consequently authorised by the competent authority, small slaughterhouses and establishments producing minced meat and meat preparations in small quantities may be exempted from these sampling frequencies.'

In the case of sampling for *Salmonella* analyses of minced meat, meat preparations and carcasses, the frequency can be reduced to fortnightly if satisfactory results have been obtained for 30 consecutive weeks. The salmonella sampling frequency may also be reduced if there is a national or regional salmonella control programme in place and if this programme includes testing that replaces the described sampling. The sampling frequency may be further reduced if the national or regional salmonella control programme demonstrates that the salmonella prevalence is low in animals purchased by the slaughterhouse.

As regards the sampling of minced meat and meat preparations for *E. coli* and aerobic colony count analyses and the sampling of carcasses for enterobacteriaceae and aerobic colony count analyses, the frequency may be reduced to fortnightly testing if satisfactory results are obtained for six consecutive weeks.

The food business operators of slaughterhouses or establishments producing minced meat, meat preparations or mechanically separated meat shall take samples for microbiological analysis at least once a week. The day of sampling shall be changed each week to ensure that each day of the week is covered.'

read: 'The food business operators of slaughterhouses or establishments producing minced meat, meat preparations or mechanically separated meat shall take samples for microbiological analysis at least once a week. The day of sampling shall be changed each week to ensure that each day of the week is covered.'

As regards the sampling of minced meat and meat preparations for *E. coli* and aerobic colony count analyses and the sampling of carcasses for enterobacteriaceae and aerobic colony count analyses, the frequency may be reduced to fortnightly testing if satisfactory results are obtained for six consecutive weeks.

In the case of sampling for *Salmonella* analyses of minced meat, meat preparations and carcasses, the frequency can be reduced to fortnightly if satisfactory results have been obtained for 30 consecutive weeks. The salmonella sampling frequency may also be reduced if there is a national or regional salmonella control programme in place and if this programme includes testing that replaces the described sampling. The sampling frequency may be further reduced if the national or regional salmonella control programme demonstrates that the salmonella prevalence is low in animals purchased by the slaughterhouse.

However, when justified on the basis of a risk analysis and consequently authorised by the competent authority, small slaughterhouses and establishments producing minced meat and meat preparations in small quantities may be exempted from these sampling frequencies.'
