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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1595/2006**  
**of 26 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<sup>(1)</sup>, 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 27 October 2006.

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

Done at Brussels, 26 October 2006.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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 26 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	64,7
	096	31,6
	204	45,6
	999	47,3
0707 00 05	052	121,6
	204	42,1
	999	81,9
0709 90 70	052	70,4
	204	40,8
	999	55,6
0805 50 10	052	56,8
	388	67,2
	524	56,1
	528	57,2
	999	59,3
0806 10 10	052	82,9
	400	192,3
	508	250,0
	999	175,1
0808 10 80	388	83,4
	400	126,5
	800	141,1
	804	153,2
	999	126,1
0808 20 50	052	106,7
	400	199,1
	720	59,0
	999	121,6

<sup>(1)</sup> 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 1596/2006****of 25 October 2006****establishing a prohibition of fishing for Northern prawn in NAFO zone 3L by vessels flying the flag of Latvia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Council Regulation (EC) No 51/2006 of 22 December 2005 fixing for 2006 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required <sup>(3)</sup>, lays down quotas for 2006.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2006.

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 25 October 2006.

*For the Commission*

Jörgen HOLMQUIST

*Director-General for Fisheries and Maritime Affairs*

<sup>(1)</sup> OJ L 358, 31.12.2002, p 59.

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

<sup>(3)</sup> OJ L 16, 20.1.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1262/2006 (OJ L 230, 24.8.2006, p. 4).

## ANNEX

No	40
Member State	Latvia
Stock	PRA/N3L.
Species	Northern prawn ( <i>Pandalus borealis</i> )
Zone	NAFO 3L
Date	4 October 2006

## COMMISSION REGULATION (EC) No 1597/2006

of 26 October 2006

**fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

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 15 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds <sup>(2)</sup>, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.

(3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

(4) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to

those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

(5) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.

(6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(7) Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter <sup>(3)</sup>, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(8) 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*

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999, shall be fixed as set out in the Annex to this Regulation.

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

<sup>(2)</sup> OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Commission Regulation (EC) No 1580/2006 (OJ L 291, 21.10.2006, p. 8).

<sup>(3)</sup> OJ L 308, 25.11.2005, p. 1. Regulation as amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

*Article 2*

This Regulation shall enter into force on 27 October 2006.

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

Done at Brussels, 26 October 2006.

*For the Commission*  
Günter VERHEUGEN  
*Vice-President*

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## ANNEX

**Rates of the refunds applicable from 27 October 2006 to certain milk products exported in the form of goods not covered by Annex I to the Treaty <sup>(1)</sup>**

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	0,00	0,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 1898/2005 are exported	25,68	25,68
	(b) on exportation of other goods	52,00	52,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 1898/2005 are exported	81,00	81,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	106,75	106,75
	(c) on exportation of other goods	99,50	99,50

<sup>(1)</sup> The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, to Romania with effect from 1 December 2005, and to the goods listed in Tables I and II to Protocol No 2 the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

**COMMISSION REGULATION (EC) No 1598/2006**  
**of 26 October 2006**  
**fixing the export refunds on cereal-based compound feedingstuffs**

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 <sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice <sup>(2)</sup> in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds

and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 27 October 2006.

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

Done at Brussels, 26 October 2006.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 51.

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**to the Commission Regulation of 26 October 2006 fixing the export refunds on cereal-based compound feedingstuffs**

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,  
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,  
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,  
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

C10: All destinations.

**COMMISSION REGULATION (EC) No 1599/2006**  
**of 26 October 2006**  
**fixing the export refunds on milk and milk products**

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 <sup>(1)</sup>, and in particular Article 31(3) thereof,

Whereas:

- (1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the market in milk and milk products, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Article 31 of Regulation (EC) No 1255/1999.
- (3) The second subparagraph of Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market

situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.

- (4) In accordance with the Memorandum of Understanding between the European Community and the Dominican Republic on import protection for milk powder in the Dominican Republic <sup>(2)</sup> approved by Council Decision 98/486/EC <sup>(3)</sup>, a certain amount of Community milk products exported to the Dominican Republic can benefit from reduced customs duties. For this reason, export refunds granted to products exported under this scheme should be reduced by a certain percentage.
- (5) 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*

Export refunds as provided for in Article 31 of Regulation (EC) No 1255/1999 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in Article 1(4) of Commission Regulation (EC) No 174/1999 <sup>(4)</sup>.

*Article 2*

This Regulation shall enter into force on 27 October 2006.

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

Done at Brussels, 26 October 2006.

*For the Commission*  
Jean-Luc DEMARTY  
*Director-General for Agriculture and*  
*Rural Development*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 218, 6.8.1998, p. 46.

<sup>(3)</sup> OJ L 218, 6.8.1998, p. 45.

<sup>(4)</sup> OJ L 20, 27.1.1999, p. 8.

## ANNEX

## Export refunds on milk and milk products applicable from 27 October 2006

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0401 30 31 9100	L02	EUR/100 kg	13,02	0402 21 99 9400	L02	EUR/100 kg	43,71
	L20	EUR/100 kg	18,61		L20	EUR/100 kg	56,12
0401 30 31 9400	L02	EUR/100 kg	20,34	0402 21 99 9500	L02	EUR/100 kg	44,51
	L20	EUR/100 kg	29,07		L20	EUR/100 kg	57,14
0401 30 31 9700	L02	EUR/100 kg	22,45	0402 21 99 9600	L02	EUR/100 kg	47,67
	L20	EUR/100 kg	32,06		L20	EUR/100 kg	61,18
0401 30 39 9100	L02	EUR/100 kg	13,02	0402 21 99 9700	L02	EUR/100 kg	49,42
	L20	EUR/100 kg	18,61		L20	EUR/100 kg	63,47
0401 30 39 9400	L02	EUR/100 kg	20,34	0402 29 15 9200	L02	EUR/100 kg	—
	L20	EUR/100 kg	29,07		L20	EUR/100 kg	—
0401 30 39 9700	L02	EUR/100 kg	22,45	0402 29 15 9300	L02	EUR/100 kg	36,43
	L20	EUR/100 kg	32,06		L20	EUR/100 kg	46,74
0401 30 91 9100	L02	EUR/100 kg	25,57	0402 29 15 9500	L02	EUR/100 kg	38,01
	L20	EUR/100 kg	36,54		L20	EUR/100 kg	48,79
0401 30 99 9100	L02	EUR/100 kg	25,57	0402 29 19 9300	L02	EUR/100 kg	36,43
	L20	EUR/100 kg	36,54		L20	EUR/100 kg	46,74
0401 30 99 9500	L02	EUR/100 kg	37,59	0402 29 19 9500	L02	EUR/100 kg	38,01
	L20	EUR/100 kg	53,70		L20	EUR/100 kg	48,79
0402 10 11 9000	L02	EUR/100 kg	—	0402 29 19 9900	L02	EUR/100 kg	40,50
	L20 (1)	EUR/100 kg	—		L20	EUR/100 kg	52,00
0402 10 19 9000	L02	EUR/100 kg	—	0402 29 99 9100	L02	EUR/100 kg	40,76
	L20 (1)	EUR/100 kg	—		L20	EUR/100 kg	52,31
0402 10 99 9000	L02	EUR/100 kg	—	0402 29 99 9500	L02	EUR/100 kg	43,71
	L20	EUR/100 kg	—		L20	EUR/100 kg	56,12
0402 21 11 9200	L02	EUR/100 kg	—	0402 91 11 9370	L02	EUR/100 kg	4,13
	L20	EUR/100 kg	—		L20	EUR/100 kg	5,90
0402 21 11 9300	L02	EUR/100 kg	36,43	0402 91 19 9370	L02	EUR/100 kg	4,13
	L20	EUR/100 kg	46,74		L20	EUR/100 kg	5,90
0402 21 11 9500	L02	EUR/100 kg	38,01	0402 91 31 9300	L02	EUR/100 kg	4,88
	L20	EUR/100 kg	48,79		L20	EUR/100 kg	6,97
0402 21 11 9900	L02	EUR/100 kg	40,50	0402 91 39 9300	L02	EUR/100 kg	4,88
	L20 (1)	EUR/100 kg	52,00		L20	EUR/100 kg	6,97
0402 21 17 9000	L02	EUR/100 kg	—	0402 91 99 9000	L02	EUR/100 kg	15,71
	L20	EUR/100 kg	—		L20	EUR/100 kg	22,46
0402 21 19 9300	L02	EUR/100 kg	36,43	0402 99 11 9350	L02	EUR/100 kg	10,55
	L20	EUR/100 kg	46,74		L20	EUR/100 kg	15,08
0402 21 19 9500	L02	EUR/100 kg	38,01	0402 99 19 9350	L02	EUR/100 kg	10,55
	L20	EUR/100 kg	48,79		L20	EUR/100 kg	15,08
0402 21 19 9900	L02	EUR/100 kg	40,50	0402 99 31 9300	L02	EUR/100 kg	9,40
	L20 (1)	EUR/100 kg	52,00		L20	EUR/100 kg	13,44
0402 21 91 9100	L02	EUR/100 kg	40,76	0403 90 11 9000	L02	EUR/100 kg	—
	L20	EUR/100 kg	52,31		L20	EUR/100 kg	—
0402 21 91 9200	L02	EUR/100 kg	40,99	0403 90 13 9200	L02	EUR/100 kg	—
	L20 (1)	EUR/100 kg	52,64		L20	EUR/100 kg	—
0402 21 91 9350	L02	EUR/100 kg	41,44	0403 90 13 9300	L02	EUR/100 kg	36,09
	L20	EUR/100 kg	53,17		L20	EUR/100 kg	46,33
0402 21 99 9100	L02	EUR/100 kg	40,76	0403 90 13 9500	L02	EUR/100 kg	37,68
	L20	EUR/100 kg	52,31		L20	EUR/100 kg	48,36
0402 21 99 9200	L02	EUR/100 kg	40,99	0403 90 13 9900	L02	EUR/100 kg	40,16
	L20 (1)	EUR/100 kg	52,64		L20	EUR/100 kg	51,53
0402 21 99 9300	L02	EUR/100 kg	41,44	0403 90 33 9400	L02	EUR/100 kg	36,09
	L20	EUR/100 kg	53,17		L20	EUR/100 kg	46,33

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0403 90 59 9310	L02	EUR/100 kg	13,02	0405 90 90 9000	L02	EUR/100 kg	73,66
	L20	EUR/100 kg	18,61		L20	EUR/100 kg	99,32
0403 90 59 9340	L02	EUR/100 kg	19,06	0406 10 20 9640	L04	EUR/100 kg	26,04
	L20	EUR/100 kg	27,22		L40	EUR/100 kg	32,55
0403 90 59 9370	L02	EUR/100 kg	19,06	0406 10 20 9650	L04	EUR/100 kg	21,71
	L20	EUR/100 kg	27,22		L40	EUR/100 kg	27,13
0404 90 21 9120	L02	EUR/100 kg	—	0406 10 20 9830	L04	EUR/100 kg	8,06
	L20	EUR/100 kg	—		L40	EUR/100 kg	10,06
0404 90 21 9160	L02	EUR/100 kg	—	0406 10 20 9850	L04	EUR/100 kg	9,76
	L20	EUR/100 kg	—		L40	EUR/100 kg	12,20
0404 90 23 9120	L02	EUR/100 kg	—	0406 20 90 9913	L04	EUR/100 kg	19,33
	L20	EUR/100 kg	—		L40	EUR/100 kg	24,15
0404 90 23 9130	L02	EUR/100 kg	36,43	0406 20 90 9915	L04	EUR/100 kg	26,24
	L20	EUR/100 kg	46,74		L40	EUR/100 kg	32,80
0404 90 23 9140	L02	EUR/100 kg	38,01	0406 20 90 9917	L04	EUR/100 kg	27,89
	L20	EUR/100 kg	48,79		L40	EUR/100 kg	34,85
0404 90 23 9150	L02	EUR/100 kg	40,50	0406 20 90 9919	L04	EUR/100 kg	31,15
	L20	EUR/100 kg	52,00		L40	EUR/100 kg	38,95
0404 90 81 9100	L02	EUR/100 kg	—	0406 30 31 9730	L04	EUR/100 kg	3,47
	L20	EUR/100 kg	—		L40	EUR/100 kg	8,15
0404 90 83 9110	L02	EUR/100 kg	—	0406 30 31 9930	L04	EUR/100 kg	3,47
	L20	EUR/100 kg	—		L40	EUR/100 kg	8,15
0404 90 83 9130	L02	EUR/100 kg	36,43	0406 30 31 9950	L04	EUR/100 kg	5,05
	L20	EUR/100 kg	46,74		L40	EUR/100 kg	11,85
0404 90 83 9150	L02	EUR/100 kg	38,01	0406 30 39 9500	L04	EUR/100 kg	3,47
	L20	EUR/100 kg	48,79		L40	EUR/100 kg	8,15
0404 90 83 9170	L02	EUR/100 kg	40,50	0406 30 39 9700	L04	EUR/100 kg	5,05
	L20	EUR/100 kg	52,00		L40	EUR/100 kg	11,85
0405 10 11 9500	L02	EUR/100 kg	72,00	0406 30 39 9930	L04	EUR/100 kg	5,05
	L20	EUR/100 kg	97,08		L40	EUR/100 kg	11,85
0405 10 11 9700	L02	EUR/100 kg	73,79	0406 30 39 9950	L04	EUR/100 kg	5,72
	L20	EUR/100 kg	99,50		L40	EUR/100 kg	13,40
0405 10 19 9500	L02	EUR/100 kg	72,00	0406 40 50 9000	L04	EUR/100 kg	30,62
	L20	EUR/100 kg	97,08		L40	EUR/100 kg	38,27
0405 10 19 9700	L02	EUR/100 kg	73,79	0406 40 90 9000	L04	EUR/100 kg	31,45
	L20	EUR/100 kg	99,50		L40	EUR/100 kg	39,31
0405 10 30 9100	L02	EUR/100 kg	72,00	0406 90 13 9000	L04	EUR/100 kg	34,85
	L20	EUR/100 kg	97,08		L40	EUR/100 kg	49,89
0405 10 30 9300	L02	EUR/100 kg	73,79	0406 90 15 9100	L04	EUR/100 kg	36,03
	L20	EUR/100 kg	99,50		L40	EUR/100 kg	51,56
0405 10 30 9700	L02	EUR/100 kg	73,79	0406 90 17 9100	L04	EUR/100 kg	36,03
	L20	EUR/100 kg	99,50		L40	EUR/100 kg	51,56
0405 10 50 9500	L02	EUR/100 kg	72,00	0406 90 21 9900	L04	EUR/100 kg	35,02
	L20	EUR/100 kg	97,08		L40	EUR/100 kg	50,00
0405 10 50 9700	L02	EUR/100 kg	73,79	0406 90 23 9900	L04	EUR/100 kg	31,39
	L20	EUR/100 kg	99,50		L40	EUR/100 kg	45,14
0405 10 90 9000	L02	EUR/100 kg	76,50	0406 90 25 9900	L04	EUR/100 kg	30,79
	L20	EUR/100 kg	103,15		L40	EUR/100 kg	44,07
0405 20 90 9500	L02	EUR/100 kg	67,51	0406 90 27 9900	L04	EUR/100 kg	27,88
	L20	EUR/100 kg	91,01		L40	EUR/100 kg	39,92
0405 20 90 9700	L02	EUR/100 kg	70,20	0406 90 31 9119	L04	EUR/100 kg	25,78
	L20	EUR/100 kg	94,64		L40	EUR/100 kg	36,95
0405 90 10 9000	L02	EUR/100 kg	92,11	0406 90 33 9119	L04	EUR/100 kg	25,78
	L20	EUR/100 kg	124,18		L40	EUR/100 kg	36,95

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0406 90 35 9190	L04	EUR/100 kg	36,71	0406 90 85 9970	L04	EUR/100 kg	32,72
	L40	EUR/100 kg	52,80		L40	EUR/100 kg	47,05
0406 90 35 9990	L04	EUR/100 kg	36,71	0406 90 86 9200	L04	EUR/100 kg	31,63
	L40	EUR/100 kg	52,80		L40	EUR/100 kg	46,89
0406 90 37 9000	L04	EUR/100 kg	34,85	0406 90 86 9400	L04	EUR/100 kg	33,89
	L40	EUR/100 kg	49,89		L40	EUR/100 kg	49,55
0406 90 61 9000	L04	EUR/100 kg	39,68	0406 90 86 9900	L04	EUR/100 kg	35,66
	L40	EUR/100 kg	57,42		L40	EUR/100 kg	51,34
0406 90 63 9100	L04	EUR/100 kg	39,09	0406 90 87 9300	L04	EUR/100 kg	29,45
	L40	EUR/100 kg	56,38		L40	EUR/100 kg	43,52
0406 90 63 9900	L04	EUR/100 kg	37,57	0406 90 87 9400	L04	EUR/100 kg	30,07
	L40	EUR/100 kg	54,45		L40	EUR/100 kg	43,95
0406 90 69 9910	L04	EUR/100 kg	38,13	0406 90 87 9951	L04	EUR/100 kg	31,95
	L40	EUR/100 kg	55,25		L40	EUR/100 kg	45,74
0406 90 73 9900	L04	EUR/100 kg	32,08	0406 90 87 9971	L04	EUR/100 kg	31,95
	L40	EUR/100 kg	45,96		L40	EUR/100 kg	45,74
0406 90 75 9900	L04	EUR/100 kg	32,72	0406 90 87 9973	L04	EUR/100 kg	31,37
	L40	EUR/100 kg	47,05		L40	EUR/100 kg	44,91
0406 90 76 9300	L04	EUR/100 kg	29,05	0406 90 87 9974	L04	EUR/100 kg	33,61
	L40	EUR/100 kg	41,58		L40	EUR/100 kg	47,89
0406 90 76 9400	L04	EUR/100 kg	32,53	0406 90 87 9975	L04	EUR/100 kg	33,32
	L40	EUR/100 kg	46,57		L40	EUR/100 kg	47,09
0406 90 76 9500	L04	EUR/100 kg	30,13	0406 90 87 9979	L04	EUR/100 kg	31,39
	L40	EUR/100 kg	42,76		L40	EUR/100 kg	45,14
0406 90 78 9100	L04	EUR/100 kg	31,86	0406 90 88 9300	L04	EUR/100 kg	26,01
	L40	EUR/100 kg	46,55		L40	EUR/100 kg	38,30
0406 90 78 9300	L04	EUR/100 kg	31,56	0406 90 88 9500	L04	EUR/100 kg	26,82
	L40	EUR/100 kg	45,08		L40	EUR/100 kg	38,32
0406 90 79 9900	L04	EUR/100 kg	26,06				
	L40	EUR/100 kg	37,47				
0406 90 81 9900	L04	EUR/100 kg	32,53				
	L40	EUR/100 kg	46,57				
0406 90 85 9930	L04	EUR/100 kg	35,66				
	L40	EUR/100 kg	51,34				

(<sup>1</sup>) As for the relevant products intended for exports to Dominican Republic under the quota 2006/2007 referred to in the Decision 98/486/EC, and complying with the conditions laid down in Article 20a of Regulation (EC) No 174/1999, the following rates should apply:

- (a) products falling within CN codes 0402 10 11 9000 and 0402 10 19 9000 0,00 EUR/100 kg
- (b) products falling within CN codes 0402 21 11 9900, 0402 21 19 9900, 0402 21 91 9200 and 0402 21 99 9200 28,00 EUR/100 kg

The destinations are defined as follows:

L02: Andorra and Gibraltar.

L20: All destinations except L02, Ceuta, Melilla, Holy See (Vatican City State), the United States of America, Bulgaria, Romania and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

L04: Albania, Bosnia and Herzegovina, Kosovo, Serbia, Montenegro and the former Yugoslav Republic of Macedonia.

L40: All destinations except L02, L04, Ceuta, Melilla, Iceland, Liechtenstein, Norway, Switzerland, Holy See (Vatican City State), the United States of America, Bulgaria, Romania, Croatia, Turkey, Australia, Canada, New Zealand and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

**COMMISSION REGULATION (EC) No 1600/2006**  
**of 26 October 2006**

**fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

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 <sup>(1)</sup>, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter <sup>(2)</sup> provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products <sup>(3)</sup> and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 24 October 2006.

- (3) 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 permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 24 October 2006, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 27 October 2006.

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

Done at Brussels, 26 October 2006.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 975/2006 (OJ L 176, 30.6.2006, p. 69).

<sup>(3)</sup> OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 1814/2005 (OJ L 292, 8.11.2005, p. 3).



## ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund for export to the destinations referred to in the second subparagraph of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—
Butter	ex 0405 10 19 9700	107,00
Butteroil	ex 0405 90 10 9000	129,80

**COMMISSION REGULATION (EC) No 1601/2006**  
**of 26 October 2006**  
**on the issue of rice import licences for applications lodged in the first 10 working days of October 2006 under Regulation (EC) No 327/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice <sup>(2)</sup>, and in particular Article 5(2) thereof,

Whereas:

Examination of the quantities for which import licence applications for rice have been submitted for the October 2006 tranche shows that licences should be issued for the quantities applied for multiplied, where appropriate, by a reduction

percentage, and the final percentage take-up of each quota in 2006 should be communicated,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Import licence applications for the tariff quotas for rice opened by Regulation (EC) No 327/98, submitted in the first 10 working days of October 2006 and notified to the Commission, shall be subject to percentage reduction coefficients as set out in the Annex to this Regulation.

2. The final use of the quotas concerned for 2006, in percentage terms, is set out in the annex hereto.

*Article 2*

This Regulation shall enter into force on 27 October 2006.

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

Done at Brussels, 26 October 2006.

*For the Commission*  
Jean-Luc DEMARTY  
*Director-General for Agriculture and*  
*Rural Development*

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<sup>(1)</sup> OJ L 270, 21.10.2003, p. 96. Regulation as amended by Regulation (EC) No 247/2006 (OJ L 42, 14.2.2006, p. 1).

<sup>(2)</sup> OJ L 37, 11.2.1998, p. 5. Regulation as last amended by Commission Regulation (EC) No 965/2006 (OJ L 176, 30.6.2006, p. 12).

## ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for October 2006 and quota use for 2006:

- (a) Quota of wholly milled or semi-milled rice falling within CN code 1006 30 provided for in Article 1(1)(a) of Regulation (EC) No 327/98

Origin	Serial No	Reduction percentage for the October 2006 tranche	Final use of the quota for 2006 in percentage terms
United States of America	09.4127		87,70
Thailand	09.4128		98,79
Australia	09.4129		98,53
Other origins	09.4130		100
All countries	09.4138	92,33339	100

- (b) Quota of husked rice falling within CN code 1006 20 provided for in Article 1(1)(b):

Origin	Serial No	Reduction percentage for the October 2006 tranche	Final use of the quota for 2006 in percentage terms
All countries	09.4148	—	100

- (c) Quota of broken rice falling within CN code 1006 40 00 provided for in Article 1(1)(c):

Origin	Serial No	Final use of the quota for 2006 in percentage terms
Thailand	09.4149	71,01
Australia	09.4150	0,80
Guyana	09.4152	0
United States of America	09.4153	5,44
Other origins	09.4154	100

(d) Quota of wholly milled or semi-milled rice falling within CN code 1006 30 provided for in Article 1(1)(d):

Origin	Serial No	Final use of the quota for 2006 in percentage terms
Thailand	09.4112	100
United States of America	09.4116	100
India	09.4117	100
Pakistan	09.4118	100
Other origins	09.4119	100
All countries	09.4166	100

(e) Quota of broken rice falling within CN code 1006 40 00 provided for in Article 1(1)(e) of Regulation (EC) No 327/98:

Origin	Serial No	Reduction percentage for the October 2006 tranche	Final use of the quota for 2006 in percentage terms
All countries	09.4168	—	100

**COMMISSION REGULATION (EC) No 1602/2006****of 26 October 2006****concerning tenders notified in response to the invitation to tender for the import of maize issued in Regulation (EC) No 1421/2006**

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 <sup>(1)</sup>, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 1421/2006 <sup>(2)</sup>.
- (2) Article 7 of Commission Regulation (EC) No 1839/95 <sup>(3)</sup>, allows the Commission to decide, in accordance with the procedure laid down in Article 25 of Regulation (EC) No 1784/2003 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 20 October to 26 October 2006 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 1421/2006.

*Article 2*

This Regulation shall enter into force on 27 October 2006.

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

Done at Brussels, 26 October 2006.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 269, 28.9.2006, p. 6.

<sup>(3)</sup> OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 1558/2005 (OJ L 249, 24.9.2005, p. 6).

**COMMISSION REGULATION (EC) No 1603/2006****of 26 October 2006****concerning tenders notified in response to the invitation to tender for the export of common wheat issued in Regulation (EC) No 936/2006**

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 <sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 936/2006 <sup>(2)</sup>.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

the market for cereals <sup>(3)</sup>, and in particular Article 13(3) thereof,

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 20 to 26 October 2006 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 936/2006.

*Article 2*

This Regulation shall enter into force on 27 October 2006.

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

Done at Brussels, 26 October 2006.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 172, 24.6.2006, p. 6.

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

## II

(Acts whose publication is not obligatory)

## COMMISSION

**DECISION No 05/JP/2006 OF THE JOINT COMMITTEE SET UP UNDER THE AGREEMENT ON  
MUTUAL RECOGNITION BETWEEN THE EUROPEAN COMMUNITY AND JAPAN**

**of 26 September 2006**

**related to the registration of a Conformity Assessment Body under the Sectoral Annex on  
Telecommunications Terminal Equipment and Radio Equipment**

(2006/726/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on Mutual Recognition between Japan and the European Community and in particular Article 8(3)(a) and 9(1)(b) thereof;

Whereas the Joint Committee is to take a decision to list a Conformity Assessment Body or Bodies under a Sectoral Annex,

HAS DECIDED AS FOLLOWS:

1. The Conformity Assessment Body indicated below is registered under the Sectoral Annex on Telecommunications Terminal Equipment and Radio Equipment of the Agreement, for the products and conformity assessment procedures as indicated below.

Name, acronym and contact details of the Conformity Assessment Body:

Name: Telecom Engineering Center

Acronym: TELEC

Tel. (81-3) 3799-0051

Fax (81-3) 3799-1313

E-mail: ninsho@telec.or.jp

Address: 5-7-2 Yashio, Shinagawa-ku, Tokyo, 140-0003, Japan

Website: [http://www.telec.or.jp/eng/Index\\_e.htm](http://www.telec.or.jp/eng/Index_e.htm)

CAB Contact person: Mr AMANO Hiroshi

Scope of registration in terms of products, requirements and conformity assessment procedures:

*Products:*

1. GSM
2. W-CDMA

*Requirements:*

1. For GSM  
EN 301 419-1, EN 301 419-2, EN 301 419-3, EN 301 419-7 and EN 301 511
2. For W-CDMA  
EN 301 908-1 and EN 301 908-2

*Conformity assessment procedures:*

Conformity assessment procedure according to Annexes 3 and 4 of Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity and amendments thereto

2. This decision, done in duplicate, shall be signed by the Co-Chairs. The decision shall be effective from the date of the later of these signatures.

Signed in Tokyo on 28 June 2006.

*On behalf of Japan*  
Komiko ICHIKAWA

Signed in Brussels on 26 September 2006.

*On behalf of the European Community*  
Andra KOKE

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**DECISION No 1/2006 OF THE COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE**  
**of 18 October 2006**  
**amending the Annex to the Agreement between the European Community and the Swiss**  
**Confederation on Air Transport**

(2006/727/EC)

THE COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE,

*Article 3*

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport, hereinafter referred to as 'the Agreement', and in particular Article 23(4) thereof,

1. The following shall be added to point 5 (Aviation Security) of the Annex to the Agreement, after the reference to Commission Regulation (EC) No 1138/2004 as inserted by Article 1 paragraph 5 of Decision No 1/2005 of the Community/Switzerland Air Transport Committee of 12 July 2005 <sup>(1)</sup>:

HAS DECIDED AS FOLLOWS:

'No 781/2005

*Article 1*

1. The following shall be added to point 1 (Third aviation package of liberalisation and other civil aviation rules) of the Annex to the Agreement, after the reference to Council Regulation (EC) No 2027/97:

Commission Regulation (EC) No 781/2005 of 24 May 2005 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security

(Articles 1-2)'.

'No 889/2002

Regulation (EC) No 889/2002 of the European Parliament and of the Council of 13 May 2002 amending Council Regulation (EC) No 2027/97 on air carrier liability in the event of accidents

(Articles 1-2)'.

2. The following shall be added to point 5 (Aviation Security) of the Annex to the Agreement, after the inclusion referred to in Article 1(1) of this Decision:

2. The following shall be added to point 1 (Third aviation package of liberalisation and other civil aviation rules) of the Annex to the Agreement, after the reference to Council Regulation (EEC) No 95/93:

'No 857/2005

Commission Regulation (EC) No 857/2005 of 6 June 2005 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security

(Articles 1-2)'.

'No 793/2004

Regulation (EC) No 793/2004 of the European Parliament and of the Council of 21 April 2004 amending Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports

(Articles 1-2)'.

*Article 4*

1. The following shall be added to point 6 (Others) of the Annex to the Agreement:

*Article 2*

The following shall be added to point 5 (Air Safety) of the Annex to the Agreement:

'No 261/2004

Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91

(Articles 1-18)'.

'No 2003/42

Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation

(Articles 1-12)'.

<sup>(1)</sup> OJ L 210, 12.8.2005, p. 46.

2. The following shall be added to point 6 (Others) of the Annex to the Agreement:

No 2003/96

Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity

(Article 14 paragraph 1(b) and paragraph 2).

3. In point 6 (Others) of the Annex to the Agreement, the reference to Council Regulation (EEC) No 295/91, repealed by Regulation (EC) No 261/2004, shall be deleted.

*Article 5*

This Decision shall be published in the *Official Journal of the European Union*, and the *Official Compendium of Swiss Federal Law*. It will enter into force on the first day of the second month following its adoption.

Done at Brussels, 18 October 2006.

*For the Joint Committee*

*The Head of the Community  
Delegation*

Daniel CALLEJA CRESPO

*The Head of the Swiss  
Delegation*

Raymond CRON

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**DECISION No 2/2006 OF THE COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE****of 18 October 2006****amending the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport**

(2006/728/EC)

THE COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport, hereinafter referred to as 'the Agreement', and in particular Article 23(4) thereof,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The following shall be inserted after the end of point 5 (Aviation Security) of the Annex to the Agreement, as inserted by Article 1(1) of Decision No 1/2005 of the Community/Switzerland Air Transport Committee of 12 July 2005 <sup>(1)</sup>:

**'6. Air Traffic Management'**

2. The numbering of point 6 (Others) of the Annex to the Agreement shall be changed to 7.

*Article 2*

1. The following shall be inserted after the inclusion referred to in Article 1(1) of the present Decision:

'No 549/2004

Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation).

The Commission shall enjoy towards Switzerland the powers granted to it according to Article 6, 8(1), 10, 11 and 12.

Notwithstanding the horizontal adaptation provided in the first indent of the Annex to the Agreement between the European Community and the Swiss Confederation on Air transport, the references to the "Member States" made in Article 5 of Regulation (EC) No 549/2004 or in the provisions of Decision 1999/468/EC mentioned in that provision shall not be understood to apply to Switzerland.'

2. The following shall be inserted after the inclusion referred to in Article 2(1) of the present Decision:

'No 550/2004

Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation).

The Commission shall enjoy towards Switzerland the powers granted to it according to Article 16 as modified hereinafter.

The text of the Regulation shall, for the purposes of the Agreement, be read with the following adaptations:

(a) Article 3 shall be amended as follows:

In paragraph 2, the words "and Switzerland" shall be inserted after the words "the Community".

(b) Article 7 shall be amended as follows:

In paragraph 1 and paragraph 6, the words "and Switzerland" shall be inserted after the words "the Community".

(c) Article 8 shall be amended as follows:

In paragraph 1, the words "and Switzerland" shall be inserted after the words "the Community".

(d) Article 10 shall be amended as follows:

In paragraph 1, the words "and Switzerland" shall be inserted after the words "the Community".

(e) Article 16 paragraph 3 shall be replaced by the following wording:

"3. The Commission shall address its decision to the Member States and inform the service provider thereof, in so far as it is legally concerned."

<sup>(1)</sup> OJ L 210, 12.8.2005, p. 46.

3. The following shall be inserted after the inclusion referred to in Article 2(2) of the present Decision:

'No 551/2004

Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation).

The Commission shall enjoy towards Switzerland the powers granted to it according to Article 2, 3(5) and 10.'

4. The following shall be inserted after the inclusion referred to in Article 2(3) of the present Decision:

'No 552/2004

Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation).

The Commission shall enjoy towards Switzerland the powers granted to it according to Article 4, 7 and 10(3).

The text of the Regulation shall, for the purposes of the Agreement, be read with the following adaptations:

(a) Article 5 shall be amended as follows:

In paragraph 2, the words "or Switzerland" shall be inserted after the words "the Community".

(b) Article 7 shall be amended as follows:

In paragraph 4, the words "or Switzerland" shall be inserted after the words "the Community".

(c) Annex III shall be amended as follows:

In section 3, second and last indent, the words "or Switzerland" shall be inserted after the words "the Community" '.

5. The following shall be inserted after the inclusion referred to in Article 2(4) of the present Decision:

'No 2096/2005

Commission Regulation (EC) No 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services.

The Commission shall enjoy in Switzerland the powers granted to it according to Article 9'.

6. The following shall be inserted after the inclusion referred to in Article 2(5) of the present Decision:

'No 2150/2005

Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace.'

#### Article 3

1. In point 3 (Technical Harmonisation) of the Annex to the Agreement, the following shall be deleted:

'No 93/65

Council Directive 93/65/EEC of 19 July 1993 on the definition and the use of compatible technical and operating specifications for the procurement of air traffic management equipment and systems.

(Articles 1-5, 7-10)

No 97/15

Commission Directive 97/15/EC of 25 March 1997 adopting Eurocontrol standards and amending Council Directive 93/65/EEC on the definition and use of compatible technical specifications for the procurement of air traffic management equipment and systems.

(Articles 1-4, 6)'

#### Article 4

This Decision shall be published in the *Official Journal of the European Union*, and the *Official Compendium of Swiss Federal Law*. It will enter into force on the first day of the second month following its adoption.

Done at Brussels, 18 October 2006.

*For the Joint Committee*

*The Head of the Community  
Delegation*

Daniel CALLEJA CRESPO

*The Head of the Swiss  
Delegation*

Raymond CRON

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

**COUNCIL DECISION 2006/729/CFSP/JHA**

**of 16 October 2006**

**on the signing, on behalf of the European Union, of an Agreement between the European Union and the United States of America on the processing and transfer of passenger name record (PNR) data by air carriers to the United States Department of Homeland Security**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 24 and 38 thereof,

Whereas:

(1) On 27 June 2006 the Council decided to authorise the Presidency, assisted by the Commission, to open negotiations for an Agreement with the United States of America on the processing and transfer of passenger name record (PNR) data by air carriers to the United States Department of Homeland Security (DHS).

(2) In view of the Undertakings issued on 11 May 2004 by DHS, Bureau of Customs and Border Protection <sup>(1)</sup>, the United States can be considered as ensuring an adequate level of protection for PNR data transferred from the European Union concerning passenger flights to or from the United States.

(3) The competent authorities in Member States may exercise their existing powers to suspend data flows to DHS in order to protect individuals with regard to the processing of their personal data if they consider that the processing of PNR data is not in accordance with the standards of protection provided for in the Undertakings given by DHS, or where a competent United States authority has determined that DHS is in breach of those standards, until compliance with those standards is assured.

(4) The Agreement should be signed, subject to its conclusion at a later date.

(5) The provisions of the Agreement should be applied on a provisional basis pending its entry into force,

HAS DECIDED AS FOLLOWS:

*Article 1*

The signing of the Agreement between the European Union and the United States of America on the processing and transfer of

Passenger Name Record (PNR) data by air carriers to the United States Department of Homeland Security, is hereby approved on behalf of the European Union, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

*Article 2*

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

*Article 3*

In accordance with point 7 of the Agreement, the provisions of the Agreement shall be applied on a provisional basis as of the date of its signature, pending its entry into force.

*Article 4*

1. Without prejudice to their powers to take action to ensure compliance with national provisions, the competent authorities in Member States may exercise their existing powers to suspend data flows to DHS in order to protect individuals with regard to the processing of their personal data in the following cases:

(a) where a competent United States authority has determined that DHS is in breach of the applicable standards of protection; or

(b) where there is a substantial likelihood that the applicable standards of protection are being infringed, there are reasonable grounds for believing that DHS is not taking or will not take adequate and timely steps to settle the case at issue, the continuing transfer would create an imminent risk of grave harm to data subjects, and the competent authorities in the Member States concerned have made reasonable efforts in the circumstances to provide DHS with notice and an opportunity to respond.

<sup>(1)</sup> OJ L 235, 6.7.2004, p. 15.

2. Suspension shall cease as soon as the standards of protection are assured and the competent authorities of the Member States concerned are notified thereof.

*Article 5*

1. Member States shall inform the Council and the Commission without delay when measures are adopted pursuant to Article 4.

2. The Member States and the Commission shall inform each other within the Council of any changes in the standards of protection and of cases where the action of bodies responsible for ensuring compliance with the applicable standards of protection by DHS fails to secure such compliance.

3. If the Council considers that the information collected pursuant to Article 4 and pursuant to paragraphs 1 and 2 of this Article provides evidence that the basic principles necessary for an adequate level of protection for natural persons are no longer being complied with, or that any body responsible for ensuring compliance with the applicable standards of protection by DHS is not effectively fulfilling its role, DHS shall be informed thereof and the Council shall take the necessary action with a view to suspending or terminating the Agreement.

Done at Luxembourg, 16 October 2006.

*For the Council*

*The President*

E. TUOMIOJA

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Note to the reader: 'the language versions of the Agreement, other than the English language version, have not yet been approved by the Parties. Once these other language versions have been approved, they will be equally authentic'.

## AGREEMENT

### **between the European Union and the United States of America on the processing and transfer of passenger name record (PNR) data by air carriers to the United States Department of Homeland Security**

THE EUROPEAN UNION

and

THE UNITED STATES OF AMERICA,

DESIRING to prevent and combat terrorism and transnational crime effectively as a means of protecting their respective democratic societies and common values,

RECOGNISING that, in order to safeguard public security and for law enforcement purposes, rules should be laid down on the transfer of Passenger Name Record (PNR) data by air carriers to the Department of Homeland Security (hereinafter DHS). For the purposes of this Agreement, DHS means the Bureau of Customs and Border Protection, US Immigration and Customs Enforcement and the Office of the Secretary and the entities that directly support it, but does not include other components of DHS such as the Citizenship and Immigration Services, Transportation Security Administration, United States Secret Service, the United States Coast Guard, and the Federal Emergency Management Agency,

RECOGNISING the importance of preventing and combating terrorism and related crimes, and other serious crimes that are transnational in nature, including organised crime, while respecting fundamental rights and freedoms, notably privacy,

HAVING REGARD to US statutes and regulations requiring each air carrier operating passenger flights in foreign air transportation to or from the United States to provide DHS with electronic access to PNR data to the extent that they are collected and contained in the air carrier's automated reservation/departure control systems (hereinafter 'reservation systems'),

HAVING REGARD to Article 6(2) of the Treaty on European Union on respect for fundamental rights, and in particular to the related right to the protection of personal data,

HAVING REGARD to relevant provisions of the Aviation Transportation Security Act of 2001, the Homeland Security Act of 2002, the Intelligence Reform and Terrorism Prevention Act of 2004 and Executive Order 13388 regarding cooperation between agencies of the United States Government in combating terrorism,

HAVING REGARD to the Undertakings as published in the US Federal Register <sup>(1)</sup> and implemented by DHS,

NOTING that the European Union should ensure that air carriers with reservation systems located within the European Union arrange for transmission of PNR data to DHS as soon as this is technically feasible but that, until then, the US authorities should be allowed to access the data directly, in accordance with the provisions of this Agreement,

AFFIRMING that this Agreement does not constitute a precedent for any future discussions or negotiations between the United States and the European Union, or between either of the Parties and any State regarding the processing and transfer of PNR or any other form of data,

<sup>(1)</sup> Volume 69, No 131, p. 41543.

HAVING REGARD to the commitment of both sides to work together to reach an appropriate and mutually satisfactory solution, without delay, on the processing of Advance Passenger Information (API) data from the European Union to the United States,

NOTING that in reliance on this Agreement, the EU confirms that it will not hinder the transfer of PNR data between Canada and the United States and that the same principle will be applied in any similar agreement on the processing and transfer of PNR data,

HAVE AGREED AS FOLLOWS:

- (1) In reliance upon DHS's continued implementation of the aforementioned Undertakings as interpreted in the light of subsequent events, the European Union shall ensure that air carriers operating passenger flights in foreign air transportation to or from the United States of America process PNR data contained in their reservation systems as required by DHS.
- (2) Accordingly, DHS will electronically access the PNR data from air carriers' reservation systems located within the territory of the Member States of the European Union until there is a satisfactory system in place allowing for transmission of such data by the air carriers.
- (3) DHS shall process PNR data received and treat data subjects concerned by such processing in accordance with applicable US laws and constitutional requirements, without unlawful discrimination, in particular on the basis of nationality and country of residence.
- (4) The implementation of this Agreement shall be jointly and regularly reviewed.
- (5) In the event that an airline passenger information system is implemented in the European Union or in one or more of its Member States that requires air carriers to provide authorities with access to PNR data for persons whose travel itinerary includes a flight to or from the European Union, DHS shall, in so far as practicable and strictly on the basis of reciprocity, actively promote the cooperation of airlines within its jurisdiction.
- (6) For the purpose of applying this Agreement, DHS is deemed to ensure an adequate level of protection for PNR data transferred from the European Union concerning passenger flights in foreign air transportation to or from the United States.
- (7) This Agreement shall enter into force on the first day of the month after the date on which the Parties have exchanged notifications indicating that they have completed their internal procedures for this purpose. This Agreement shall apply provisionally as of the date of signature. Either Party may terminate or suspend this Agreement at any time by notification through diplomatic channels. Termination shall take effect thirty (30) days from the date of notification thereof to the other Party. This Agreement shall expire upon the date of application of any superseding agreement and in any event no later than 31 July 2007, unless extended by mutual written agreement.

This Agreement is not intended to derogate from or amend legislation of the United States of America or the European Union or its Member States. This Agreement does not create or confer any right or benefit on any other person or entity, private or public.



This Agreement shall be drawn up in duplicate in the English language. It shall also be drawn up in the Czech, Danish, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, and the Parties shall approve these language versions. Once approved, the versions in these languages shall be equally authentic.

Done at Luxembourg on 16 October 2006 and at Washington D.C. on 19 October 2006.

*For the European Union*

*For the United States of America*



E. TUOMIOJA  
Minister for Foreign Affairs  
President of the Council of the European Union

Secretary Michael CHERTOFF  
Department of Homeland Security

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**CORRIGENDA****Corrigendum to Regulation (EC) No 2091/2005 of 15 December 2005 publishing, for 2006, the agricultural product nomenclature for export refunds introduced by Regulation (EEC) No 3846/87**

*(Official Journal of the European Union L 343 of 24 December 2005)*

On page 22 in Annex I, line 'ex 0207 12 10':

*for:* 'Plucked and gutted',

*read:* 'Plucked and drawn'.

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