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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1755/2006  
of 23 November 2006  
on the import of certain steel products originating in Ukraine**

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) On 29 July 2005, the European Community and the Government of Ukraine concluded an Agreement on trade in certain steel products <sup>(1)</sup> (hereinafter referred to as the Agreement). The necessary implementing measures have been adopted by Council Regulation (EC) No 1440/2005 of 12 July 2005 on administering certain restrictions on imports of certain steel products from Ukraine and repealing Regulation (EC) No 2266/2004 <sup>(2)</sup>.
- (2) Regulation (EC) No 1440/2005 sets quantitative limits on the imports into the Community.
- (3) The Ukrainian authorities indicated that as of September 2006 export licences issued for product groups SA1, SA3 and SB1 have exceeded 90 % of the quantities available and asked for consultations as provided for in the Agreement. Following those consultations, both sides agreed to an increase of the quantitative limits for those product groups for the year 2006.
- (4) It is important that the additional quantities be available as soon as possible. The renegotiation of the Agreement and the subsequent implementation of it as amended would require too much time. It is therefore preferable to recur to an autonomous measure.
- (5) It is preferable that the means to administer this regime within the Community be identical to those adopted for the implementation of the Agreement.
- (6) It is necessary to ensure that the origin of the products in question is checked and appropriate methods of administrative cooperation are set up to this end.
- (7) Products placed in a free zone or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system) should not be counted against the limits established for the products in question.
- (8) The effective application of this Regulation requires the introduction of a requirement for a Community import licence for the entry into free circulation in the Community of the products in question.
- (9) In order to ensure that these quantitative limits are not exceeded, it is necessary to establish a management procedure whereby the competent authorities of the Member States do not issue import licences before obtaining prior confirmation from the Commission that appropriate amounts remain available within the quantitative limit in question.
- (10) In view of the limited duration of this Regulation, it is appropriate for it to enter into force as soon as possible,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Without prejudice to Regulation (EC) No 1440/2005, the importation into the Community of additional quantities of the steel products set out in Annex I originating in Ukraine shall be authorised up to 52 000 tonnes, as set out in Annex V.

<sup>(1)</sup> OJ L 232, 8.9.2005, p. 43.

<sup>(2)</sup> OJ L 232, 8.9.2005, p. 1.

2. The steel products shall be classified in product groups as set out in Annex I.

3. The classification of products listed in Annex I shall be based on the combined nomenclature (CN) established by Council Regulation (EEC) No 2658/87<sup>(1)</sup>.

4. The origin of the products referred to in paragraph 1 shall be determined in accordance with the rules in force in the Community.

#### Article 2

1. The importation into the Community of the steel products listed in Annex I originating in Ukraine shall be subject to the quantitative limits laid down in Annex V. The release for free circulation in the Community of the products set out in Annex I originating in Ukraine shall be subject to the presentation of a certificate of origin, set out in Annex II, and of an import licence issued by the Member States' authorities in accordance with the provisions of Article 4.

2. In order to ensure that quantities for which import licences are issued do not exceed at any moment the total quantitative limits for each product group, the competent authorities listed in Annex IV shall issue import licences only upon confirmation by the Commission that there are still quantities available within the quantitative limits for the relevant product group of steel products in respect of the supplier country, for which an importer or importers have submitted applications to the said authorities.

3. The authorised imports shall be counted against the quantitative limits set out in Annex V. The shipment of products shall be considered as having taken place on the date on which they were loaded onto the exporting means of transport. The shipment must take place no later than 31 December 2006.

#### Article 3

1. The quantitative limits referred to in Annex V shall not apply to products placed in a free zone or free warehouse or imported under the arrangements governing customs warehouses, temporary importation or inward processing (suspension system).

2. Where the products referred to in paragraph 1 are subsequently released for free circulation, either in the unaltered state or after working or processing, Article 2(2) shall apply and the products so released shall be counted against the relevant quantitative limit set out in Annex V.

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1549/2006 (OJ L 301, 31.10.2006, p. 1).

#### Article 4

1. For the purpose of applying Article 2(2), before issuing import licences, the competent authorities of the Member States listed in Annex IV shall notify the Commission of the amounts of the requests for import licences, supported by original export licences, which they have received. By return, the Commission shall notify whether the requested amount(s) of quantities are available for importation in the chronological order in which the notifications of the Member States are received ('first come, first served basis').

2. The requests included in the notifications to the Commission shall be valid if they establish clearly in each case the exporting country, the product code concerned, the amounts to be imported, the number of the export licence, the quota year and the Member State in which the products are intended to be put into free circulation.

3. As far as possible, the Commission shall confirm to the authorities the full amount indicated in the requests notified for each group of products.

4. The competent authorities shall notify the Commission immediately after being informed of any quantity that is not used during the duration of validity of the import licence. Such unused quantities shall automatically be transferred into the remaining quantities of the total Community quantitative limit for each product group.

5. The notifications referred to in paragraphs 1 to 4 shall be communicated electronically within the integrated network set up for this purpose, unless for imperative technical reasons it is necessary to use other means of communication temporarily.

6. The import licences or equivalent documents shall be issued in accordance with Articles 12 to 16.

7. The competent authorities of the Member States shall notify the Commission of any cancellation of import licences or equivalent documents already issued in cases where the corresponding export licences have been withdrawn or cancelled by the competent Ukrainian authorities. However, if the Commission or the competent authorities of a Member State have been informed by the competent Ukrainian authorities of the withdrawal or cancellation of an export licence after the related products have been imported into the Community, the quantities in question shall be set off against the quantitative limit for the year during which the shipment of products took place.

#### Article 5

1. Where the Commission has indications that products listed in Annex I originating in Ukraine have been transhipped, rerouted or otherwise imported into the Community through circumvention of the quantitative limits referred to in Article 2 and that there is a need for the necessary adjustments to be made, it shall request that consultations be opened so that agreement may be reached on the necessary adjustment of the corresponding quantitative limits to be made.

2. Pending the outcome of the consultations referred to in paragraph 1, the Commission may ask Ukraine to take the necessary precautionary steps to ensure that adjustments to the quantitative limits agreed following such consultations may be carried out.

3. Should the Community and Ukraine fail to arrive at a satisfactory solution and should the Commission note that there is clear evidence of circumvention, the Commission shall deduct from the quantitative limits an equivalent volume of products originating in Ukraine.

#### Article 6

1. An export licence (to be issued by the competent Ukrainian authorities) shall be required in respect of any consignment of steel products subject to the quantitative limits laid down in Annex V up to the level of the said limits.

2. The original of the export licence shall be presented by the importer for the purposes of the issue of the import licence referred to in Article 12.

#### Article 7

1. The export licence for quantitative limits shall conform to the specimen set out in Annex II and shall certify, *inter alia*, that the quantity of goods in question has been set off against the quantitative limit established for the product group concerned.

2. Each export licence shall cover only one of the product groups listed in Annex I.

#### Article 8

Exports shall be set off against the quantitative limits established for the year in which the products covered by the export licence have been shipped within the meaning of Article 2(3).

#### Article 9

1. The export licence referred to in Article 6 may include additional copies duly indicated as such. The export licence and the copies thereof as well as the certificate of origin and the copies thereof shall be drawn up in English.

2. If the documents referred to in paragraph 1 are completed by hand, entries must be in ink and in block letters.

3. The export licences or equivalent documents shall measure 210 × 297 mm. The paper shall be white writing paper, sized, not containing mechanical pulp and weighing not less than 25 g/m<sup>2</sup>. Each part shall have a printed guilloche pattern back-

ground making any falsification by mechanical or chemical means apparent to the eye.

4. Only the original shall be accepted by the competent authorities in the Community as being valid for import purposes in accordance with the provisions of this Regulation.

5. Each export licence or equivalent document shall bear a standardised serial number, whether or not printed, by which it can be identified.

6. The serial number shall be composed of the following elements:

— two letters identifying the exporting country as follows:

UA = Ukraine

— two letters identifying the Member State of intended destination as follows:

BE = Belgium

CZ = Czech Republic

DK = Denmark

DE = Germany

EE = Estonia

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

CY = Cyprus

LV = Latvia

LT = Lithuania

LU = Luxembourg

HU = Hungary

MT = Malta

NL = Netherlands

AT = Austria

PL = Poland

PT = Portugal

SI = Slovenia

SK = Slovakia

FI = Finland

SE = Sweden

GB = United Kingdom

- a one-digit number identifying the quota year corresponding to the last figure in the year in question, e.g. '6' for 2006,
- a two-digit number identifying the issuing office in the exporting country,
- a five-digit number running consecutively from 00 001 to 99 999 allocated to the specific Member State of destination.

#### Article 10

The export licence may be issued after the shipment of the products to which it relates. In such cases it shall bear the endorsement 'issued retrospectively'.

#### Article 11

In the event of the theft, loss or destruction of an export licence, the exporter may apply to the competent authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession.

The duplicate licence issued in this way shall bear the endorsement 'duplicate'. It shall bear the date of the original licence.

#### Article 12

1. To the extent that the Commission pursuant to Article 4 has confirmed that the amount requested is available within the quantitative limit in question, the competent authorities of the Member States shall issue an import licence within a maximum of five working days of the presentation by the importer of the original of the corresponding export licence. This presentation must be effected not later than 31 March of the year following that in which the goods covered by the licence have been shipped. Import licences shall be issued by the competent authorities of any Member State irrespective of the Member State indicated on the export licence, to the extent that the Commission, pursuant to Article 4, has confirmed that the amount requested is available within the quantitative limit in question.

2. The import licences shall be valid for four months from the date of their issue. Upon duly motivated request by an importer, the competent authorities of a Member State may extend the duration of validity for a further period not exceeding four months.

3. Import licences shall be drawn up in the form set out in Annex III and shall be valid throughout the customs territory of the Community.

4. The declaration or request made by the importer in order to obtain the import licence shall contain:

- (a) the full name and address of the exporter;
- (b) the full name and address of the importer;
- (c) the exact description of the goods and the TARIC code(s);

- (d) the country of origin of the goods;
- (e) the country of consignment;
- (f) the appropriate product group and the quantity for the products in question;
- (g) the net weight by TARIC heading;
- (h) the cif value of the products at Community frontier by TARIC heading;
- (i) whether the products concerned are seconds or of substandard quality;
- (j) where appropriate, dates of payment and delivery and a copy of the bill of lading and of the purchase contract;
- (k) date and number of the export licence;
- (l) any internal code used for administrative purposes;
- (m) date and signature of importer.

5. Importers shall not be obliged to import the total quantity covered by an import licence in a single consignment.

#### Article 13

The validity of import licences issued by the authorities of the Member States shall be subject to the validity of export licences and the quantities indicated in the export licences issued by the competent Ukrainian authorities on the basis of which the import licences have been issued.

#### Article 14

Import licences or equivalent documents shall be issued by the competent authorities of the Member States in conformity with Article 2(2) and without discrimination to any importer in the Community wherever the place of his establishment may be in the Community, without prejudice to compliance with other conditions required under the current rules.

#### Article 15

1. If the Commission finds that the total quantities covered by export licences issued by Ukraine for a particular product group exceed the quantitative limit established for that product group, the competent licence authorities in the Member States shall be informed immediately in order to suspend the further issue of import licences. In this event, consultations shall be initiated forthwith by the Commission.

2. The competent authorities of a Member State shall refuse to issue import licences for products originating in Ukraine which are not covered by export licences issued in accordance with the provisions of Articles 6 to 11.

## Article 16

1. The forms to be used by the competent authorities of the Member States for issuing the import licences referred to in Article 12 shall conform to the specimen of the import licence set out in Annex III.

2. Import licence forms and extracts thereof shall be drawn up in duplicate, one copy, marked 'Holder's copy' and bearing the number 1 to be issued to the applicant, and the other, marked 'Copy for the issuing authority' and bearing the number 2, to be kept by the authority issuing the licence. For administrative purposes the competent authorities may add additional copies to form 2.

3. Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 and 65 g/m<sup>2</sup>. Their size shall be 210 × 297 mm; the type space between the lines shall be 4,24 mm (one sixth of an inch); the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the licence itself, shall in addition have a red printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

4. Member States shall be responsible for having the forms printed. The forms may also be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each form. Each form shall bear an identification of the printer's name and address or a mark enabling the printer to be identified.

5. At the time of their issue the import licences or extracts shall be given an issue number determined by the competent authorities of the Member State. The import licence number shall be notified to the Commission electronically within the integrated network set up under Article 4.

6. Licences and extracts shall be completed in the official language, or one of the official languages, of the Member State of issue.

7. In box 10 the competent authorities shall indicate the appropriate steel product group.

8. The marks of the issuing agencies and debiting authorities shall be applied by means of a stamp. However, an embossing press combined with letters or figures obtained by means of perforation, or printing on the licence may be substituted for the issuing authority's stamp. The issuing authorities shall use any tamper-proof method to record the quantity allocated in such a way as to make it impossible to insert figures or references.

9. The reverse of copy No 1 and copy No 2 shall bear a box in which quantities may be entered, either by the customs authorities when import formalities are completed, or by the competent administrative authorities when an extract is issued. If the space set aside for debits on a licence or extract thereof is insufficient, the competent authorities may attach one or more extension pages bearing boxes matching those on the reverse of copy No 1 and copy No 2 of the licence or extract. The debiting authorities shall place their stamp in such a way that one half is on the licence or extract thereof and the other half is on the extension page. If there is more than one extension page, a further stamp shall be placed in like manner across each page and the preceding page.

10. Import licences and extracts issued, and entries and endorsements made, by the authorities of one Member State shall have the same legal effect in each of the other Member States as documents issued, and entries and endorsements made, by the authorities of such Member States.

11. The competent authorities of the Member States concerned may, where indispensable, require the contents of licences or extracts to be translated into the official language or one of the official languages of that Member State.

## Article 17

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

It shall apply until 31 December 2006.

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

Done at Brussels, 23 November 2006.

For the Council

The President

M. PEKKARINEN

## ANNEX I

**SA Flat-rolled products***SA1. (coils)*

7208 10 00 00

7208 25 00 00

7208 26 00 00

7208 27 00 00

7208 36 00 00

7208 37 00 10

7208 37 00 90

7208 38 00 10

7208 38 00 90

7208 39 00 10

7208 39 00 90

7211 14 00 10

7211 19 00 10

7219 11 00 00

7219 12 10 00

7219 12 90 00

7219 13 10 00

7219 13 90 00

7219 14 10 00

7219 14 90 00

7225 20 00 10

7225 30 10 00

7225 30 90 00

*SA3. (other flat rolled products)*

7208 40 00 90

7208 53 90 00

7208 54 00 00

7208 90 80 10

7209 15 00 00

7209 16 10 00

7209 16 90 00

7209 17 10 00

7209 17 90 00

7209 18 10 00

7209 18 91 00

7209 18 99 00

7209 25 00 00

7209 26 10 00

7209 26 90 00

7209 27 10 00

7209 27 90 00

7209 28 10 00

7209 28 90 00

7209 90 80 10

7210 11 00 10

7210 12 20 10

7210 12 80 10

7210 20 00 10

7210 30 00 10

7210 41 00 10

7210 49 00 10

7210 50 00 10

7210 61 00 10

7210 69 00 10

7210 70 10 10

7210 70 80 10

7210 90 30 10

7210 90 40 10

7210 90 80 91

7211 14 00 90

7211 19 00 90

7211 23 20 10

7211 23 30 10

7211 23 30 91

7211 23 80 10

7211 23 80 91

7211 29 00 10

7211 90 80 10

7212 10 10 00

7212 10 90 11

7212 20 00 11

7212 30 00 11

7212 40 20 10

7212 40 20 91

7212 40 80 11

7212 50 20 11

7212 50 30 11

7212 50 40 11

7212 50 61 11

7212 50 69 11

7212 50 90 13

7212 60 00 11

7212 60 00 91

7219 21 10 00

7219 21 90 00

7219 22 10 00

7219 22 90 00

7219 23 00 00

7219 24 00 00

7219 31 00 00

7219 32 10 00

7219 32 90 00

7219 33 10 00

7219 33 90 00

7219 34 10 00

7219 34 90 00

7219 35 10 00

7219 35 90 00

7225 40 12 90

7225 40 90 00

**SB Longs***SB1. (beams)*

7207 19 80 10

7207 20 80 10

7216 31 10 00

7216 31 90 00

7216 32 11 00

7216 32 19 00

7216 32 91 00

7216 32 99 00

7216 33 10 00

7216 33 90 00



## ANNEX II

## EXPORT LICENCE

1. Exporter (name, full address, country)	<b>ORIGINAL</b>		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	<b>EXPORT LICENCE</b>			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. TARIC code	12. Quantity <sup>(1)</sup>	13. Fob value <sup>(2)</sup>	
<p>14. CERTIFICATION BY THE COMPETENT AUTHORITY</p> <p>I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in certain steel products with the European Community.</p>				
15. Competent authority (name, full address, country)	At ..... on .....			
	(Signature)		(Stamp)	

<sup>(1)</sup> Show net weight (kg) and also quantity in the unit prescribed where other than net weight.  
<sup>(2)</sup> In the currency of the sale contract.

**EXPORT LICENCE**

1. Exporter (name, full address, country)	<b>COPY</b>		2. No
	3. Year		4. Product group
5. Consignee (name, full address, country)	<b>EXPORT LICENCE</b>		
	6. Country of origin		7. Country of destination
8. Place and date of shipment — means of transport	9. Supplementary details		
10. Description of goods — manufacturer	11. TARIC code	12. Quantity <sup>(1)</sup>	13. Fob value <sup>(2)</sup>
<b>14. CERTIFICATION BY THE COMPETENT AUTHORITY</b> I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in certain steel products with the European Community.			
15. Competent authority (name, full address, country)	At ..... on .....  <div style="display: flex; justify-content: space-around;"> <span>(Signature)</span> <span>(Stamp)</span> </div>		

<sup>(1)</sup> Show net weight (kg) and also quantity in the unit prescribed where other than net weight.  
<sup>(2)</sup> In the currency of the sale contract.

**CERTIFICATE OF ORIGIN**

1. Exporter (name, full address, country)	<b>ORIGINAL</b>		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	<b>CERTIFICATE OF ORIGIN</b>  (for certain steel products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity <sup>(1)</sup>	13. Fob value <sup>(2)</sup>	
<b>14. CERTIFICATION BY THE COMPETENT AUTHORITY</b>  I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.				
15. Competent authority (name, full address, country)	At ..... on .....			
	(Signature)		(Stamp)	

<sup>(1)</sup> Show net weight (kg) and also quantity in the unit prescribed where other than net weight.  
<sup>(2)</sup> In the currency of the sale contract.

**CERTIFICATE OF ORIGIN**

1. Exporter (name, full address, country)	<b>COPY</b>		2. No	
	3. Year		4. Product group	
5. Consignee (name, full address, country)	<b>CERTIFICATE OF ORIGIN</b>  (for certain steel products)			
	6. Country of origin		7. Country of destination	
8. Place and date of shipment — means of transport	9. Supplementary details			
10. Description of goods — manufacturer	11. CN code	12. Quantity <sup>(1)</sup>	13. Fob value <sup>(2)</sup>	
<b>14. CERTIFICATION BY THE COMPETENT AUTHORITY</b>  I, the undersigned, certify that the goods described above originated in the country shown in box No 6, in accordance with the provisions in force in the European Community.				
15. Competent authority (name, full address, country)	At ..... on .....			
	(Signature)		(Stamp)	

<sup>(1)</sup> Show net weight (kg) and also quantity in the unit prescribed where other than net weight.  
<sup>(2)</sup> In the currency of the sale contract.

## ANNEX III

## EUROPEAN COMMUNITY IMPORT LICENCE

1 Holder's copy	1. Consignee (name, full address, country, VAT number)	2. Issue number
		3. Year
		4. Authority responsible for issue (name, address and telephone No)
	5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)
		7. Country of consignment (and geonomenclature code)
1		8. Last day of validity
9. Description of goods		10. TARIC code
		11. Quantity expressed in quota unit
		12. Security/guarantee (as applicable)
13. Further particulars		
14. Competent authority's endorsement		
<p>Date: .....</p> <p>(Signature) (Stamp)</p>		

## 15. ATTRIBUTIONS

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof

16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			

Extension pages to be attached hereto.

## EUROPEAN COMMUNITY IMPORT LICENCE

Copy for the issuing authority	2	1. Consignee (name, full address, country, VAT number)	2. Issue number	
			3. Year	
			4. Authority responsible for issue (name, address and telephone No)	
		5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)	
			7. Country of consignment (and geonomenclature code)	
	2		8. Last day of validity	
		9. Description of goods	10. TARIC code	
			11. Quantity expressed in quota unit	
			12. Security/guarantee (as applicable)	
13. Further particulars				
14. Competent authority's endorsement				
<p>Date: .....</p> <p style="text-align: center;">(Signature) (Stamp)</p>				

## 15. ATTRIBUTIONS

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof

16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			
1.			
2.			

Extension pages to be attached hereto.



## ANNEX IV

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES  
SEZNAM PŘÍSLUŠNÝCH VNITROSTÁTNÍCH ORGÁNŮ  
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER  
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN  
PÄDEVATE RIIKLIKE ASUTUSTE NIMEKIRI  
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ  
LIST OF THE COMPETENT NATIONAL AUTHORITIES  
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES  
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI  
VALSTU KOMPETENTO IESTĀŽU SARAKSTS  
ATSAKINGŲ NACIONALINIŲ INSTITUCIJŲ SĄRAŠAS  
AZ ILLETÉKES NEMZETI HATÓSÁGOK LISTÁJA  
LISTA TA' L-AWTORITAJIET KOMPETENTI NAZZJONALI  
LIJST VAN BEVOEGDE NATIONALE INSTANTIES  
LISTA WŁAŚCIWYCH ORGANÓW KRAJOWYCH  
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES  
ZOZNAM PRÍSLUŠNÝCH ŠTÁTNYCH ORGÁNOV  
SEZNAM PRISTOJNIH NACIONALNIH ORGANOV  
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA  
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## ANNEX V

## QUANTITATIVE LIMITS

(tonnes)

Products	Year 2006
SA. Flat products	
SA1. Coils	30 000
SA3. Other flat products	20 000
SB. Long products	
SB1. Beams	2 000

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**COUNCIL REGULATION (EC) No 1756/2006****of 28 November 2006****amending Regulation (EC) No 2667/2000 on the European Agency for Reconstruction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the first sentence of Article 181a(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

(1) Community assistance provided for in Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia, repealing Regulation (EC) No 1628/96 and amending Regulations (EEC) No 3906/89 and (EEC) No 1360/90 and Decisions 97/256/EC and 1999/311/EC <sup>(2)</sup> (the CARDS programme) is implemented in Serbia and Montenegro, including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999, and in the former Yugoslav Republic of Macedonia by the European Agency for Reconstruction established by Council Regulation (EC) No 2667/2000 <sup>(3)</sup>.

(2) Regulation (EC) No 2667/2000 applies until 31 December 2006.

(3) Regulation (EC) No 2667/2000 provides for a report from the Commission to the Council on the future of the mandate of the European Agency for Reconstruction.

(4) The Commission submitted the said report to the Council, and to the European Parliament for information, on 23 December 2005.

(5) In that report, the Commission proposed to discontinue the European Agency for Reconstruction, but nevertheless to extend its existence for two years, until 31 December 2008, with its current mandate and status, so as to phase out its activities under the CARDS programme.

(6) Regulation (EC) No 2667/2000 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 16 of Regulation (EC) No 2667/2000, the date '31 December 2006' shall be replaced by '31 December 2008'.

*Article 2*

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, 28 November 2006.

*For the Council*

*The President*

E. HEINÄLUOMA

<sup>(1)</sup> Opinion delivered on 12 October 2006 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 306, 7.12.2000, p. 1. Regulation as last amended by Regulation (EC) No 2112/2005 (OJ L 344, 27.12.2005, p. 23).

<sup>(3)</sup> OJ L 306, 7.12.2000, p. 7. Regulation as last amended by Regulation (EC) No 389/2006 (OJ L 65, 7.3.2006, p. 5).

**COMMISSION REGULATION (EC) No 1757/2006****of 29 November 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 30 November 2006.

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

Done at Brussels, 29 November 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 29 November 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	74,6
	096	65,2
	204	40,3
	999	60,0
0707 00 05	052	131,2
	204	73,9
	628	171,8
	999	125,6
0709 90 70	052	153,6
	204	72,5
	999	113,1
0805 20 10	204	51,2
	999	51,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	65,1
	400	71,8
	999	68,5
0805 50 10	052	53,4
	388	44,1
	528	39,8
	999	45,8
0808 10 80	388	62,2
	400	141,6
	404	96,2
	508	80,5
	720	70,9
	999	90,3
0808 20 50	052	97,8
	720	70,1
	999	84,0

<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'.

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 13 November 2006

**establishing a Committee on monetary, financial and balance of payments statistics**

(Codified version)

(2006/856/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,

Whereas:

(1) Council Decision 91/115/EEC of 25 February 1991 establishing a Committee on monetary, financial and balance of payments statistics <sup>(3)</sup> has been substantially amended <sup>(4)</sup>. In the interests of clarity and rationality the said Decision should be codified.

(2) There is a need to establish, as a section of the multi-annual statistical programme of the Commission, a multiannual work programme in the field of monetary, financial and balance of payments statistics.

(3) By Decision 89/382/EEC, Euratom of 19 June 1989 establishing a Committee on the Statistical Programmes

of the European Communities <sup>(5)</sup> the Council set up a Committee on the Statistical Programme of the European Communities, comprising representatives of the Member States' statistical institutes, to ensure close cooperation between Member States and the Commission whilst the statistical programme is established.

(4) In Member States monetary and banking statistics are drawn up by central banks, and financial and balance of payments statistics are drawn up by various institutions, including central banks.

(5) It is necessary, in order to achieve close cooperation between Member States and the Commission in the fields of monetary, financial and balance of payments statistics that the Commission be assisted, in drawing up and implementing the multiannual work programme relating to such statistics, by a Committee composed of representatives of the principal national institutions concerned.

(6) Having regard to the specific role played in the Member States by the aforementioned institutions, it is necessary to allow the committee to choose its chairman.

(7) There is, from the point of view of statistics, a close interdependence between the monetary, financial and balance of payments areas on the one hand, and certain other areas of economic statistics on the other hand.

<sup>(1)</sup> OJ C 97 E, 22.4.2004, p. 68.

<sup>(2)</sup> OJ C 10, 14.1.2004, p. 27.

<sup>(3)</sup> OJ L 59, 6.3.1991, p. 19. Decision as amended by Decision 96/174/EC (OJ L 51, 1.3.1996, p. 48).

<sup>(4)</sup> See Annex I.

<sup>(5)</sup> OJ L 181, 28.6.1989, p. 47.

- (8) The increased demand from the Member States and Community institutions for improved statistical information requires the enhancement of cooperation between the users and producers of monetary, financial and balance of payments statistics,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

A Committee on Monetary, Financial and Balance of Payments Statistics, hereinafter called 'the Committee', is hereby established.

#### *Article 2*

The Committee shall assist the Commission in drawing up and implementing the multiannual programme of work relating to monetary, financial and balance of payments statistics. The Committee shall, in particular, have the task of expressing opinions on the development and coordination of the monetary, financial and balance of payments statistics required for the policies implemented by the Council, the Commission, and the various committees assisting them.

The Committee may be asked to express opinions on the links between monetary, financial and balance of payments statistics on the one hand, and certain other economic statistics on the other, in particular those on which national accounts are based. The work of this Committee will be coordinated with that of the Statistical Programme Committee.

#### *Article 3*

The Commission, on its own initiative, and, should the occasion arise, following a request from the Council or from the committees which assist them, shall consult the Committee on:

- (a) the establishment of multiannual Community programmes for monetary, financial and balance of payments statistics;
- (b) the measures which the Commission intends to undertake to achieve the objectives referred to in the multiannual programmes for monetary, financial and balance of payments statistics and the resources and timetables involved;
- (c) any other question, in particular questions of methodology, arising from the establishment or implementation of the Statistical Programme in the relevant fields.

The Committee may express opinions on its own initiative on any questions relating to the establishment or the implemen-

tation of statistical programmes in the monetary, financial and balance of payments fields.

#### *Article 4*

The Committee may express opinions on its own initiative on any questions relating to those statistics that are of common concern to the Commission and national statistical authorities, on the one hand, and the European Central Bank (ECB) and national central banks, on the other. In the execution of its tasks, the Committee shall give its views to all interested parties.

#### *Article 5*

The Committee shall be composed of one, two or three representatives per Member State, coming from the institutions principally concerned with financial, monetary and balance of payments statistics, up to three representatives of the Commission and up to three representatives of the ECB. In addition, one representative of the Economic and Financial Committee may attend the meetings of the Committee, as an observer. Each Member State, the Commission and the ECB shall have one vote each.

Representatives of other organisations, as well as any person able to contribute to discussions, may, on the decision of the Committee, participate in the Committee's meetings.

#### *Article 6*

The Committee shall elect its chairman according to the detailed rules laid down in its rules of procedure.

#### *Article 7*

The Committee shall draw up its rules of procedure.

#### *Article 8*

Decision 91/115/EEC is repealed.

References made to the repealed Decision shall be construed as being made to this Decision and should be read in accordance with the correlation table in Annex II.

Done at Brussels, 13 November 2006.

*For the Council*  
*The President*  
E. TUOMIOJA



## ANNEX I

**Repealed Decision and its amending Decision**

Council Decision 91/115/EEC	(OJ L 59, 6.3.1991, p. 19)
Council Decision 96/174/EC	(OJ L 51, 1.3.1996, p. 48)

## ANNEX II

**Correlation table**

Decision 91/115/EEC	This Decision
Articles 1-3	Articles 1-3
Article 3a	Article 4
Article 4	Article 5
Article 5	Article 6
Article 6	Article 7
—	Article 8
—	Annex I
—	Annex II

# COMMISSION

## COMMISSION DECISION

of 15 June 2005

relating to a proceeding under Article 82 of the EC Treaty and Article 54 of the EEA Agreement

(Case COMP/A.37.507/F3 — AstraZeneca) <sup>(1)</sup>

(notified under document number C(2005) 1757)

(Only the English and Swedish texts are authentic)

(Text with EEA relevance)

(2006/857/EC)

On 15 June 2005, the Commission adopted a decision relating to a proceeding under Article 82 of the EC Treaty and Article 54 of the EEA Agreement. In accordance with the provisions of Article 30 of Regulation (EC) No 1/2003 <sup>(2)</sup>, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets. A non-confidential version of the full text of the decision in the authentic languages of the case (English and Swedish) can be found at DG COMP's website at [http://europa.eu.int/comm/competition/index\\_en.html](http://europa.eu.int/comm/competition/index_en.html)

### 1. SUMMARY OF THE INFRINGEMENTS

#### Addresses and the nature of the infringements

The decision is addressed to the Swedish company AstraZeneca AB and the UK company AstraZeneca Plc (hereinafter 'AZ') due to their infringements of Article 82 of the EC Treaty and Article 54 of the EEA Agreement.

The infringements concern abuses by AZ of government procedures in seven EEA Contracting States aimed at excluding generic firms and — in the context of the second infringement — parallel traders from competing against AZ's pharmaceutical product Losec. The first abuse involved misuses of a Council Regulation <sup>(3)</sup> (hereinafter 'SPC Regulation') under which the basic patent protection for pharmaceutical products can be extended. The second abuse concerned misuses of procedures relating to the authorisation of marketing of pharmaceutical products.

#### Relevant market and dominance

The relevant market comprises national markets for so-called proton pump inhibitors (hereinafter 'PPIs') sold on prescription

which are used for gastro-intestinal acid related diseases (such as ulcers). AZ's Losec was the first PPI. More specifically, the decision finds that a PPI market can be established at least from 1993 in Belgium, Denmark, Germany, the Netherlands, Sweden and the UK and from 1992 in Norway.

The decision finds that AZ held a dominant position on the PPI market in Belgium, the Netherlands, Sweden (from 1993 until the end of 2000), Norway (from 1994 until the end of 2000), Denmark and the UK (from 1993 until the end of 1999) and Germany (from 1993 until the end of 1997).

#### The first infringement

The first infringement of Article 82 of the EC Treaty and Article 54 of the EEA Agreement constitutes a single and continuous abuse and consists of a pattern of misleading representations made by AZ before patent offices in Belgium, Denmark, Germany, the Netherlands, Norway and the UK and before national courts in Germany and Norway.

The misleading information was initially provided by AZ in the context of its applications to several patent offices in June 1993 and December 1994 within the EEA for extra protection for omeprazole (the active substance in AZ's product Losec) in the form of so-called supplementary protection certificates.

<sup>(1)</sup> Opinion of the Advisory Committee (OJ C 291, 30.11.2006).

<sup>(2)</sup> OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

<sup>(3)</sup> SPCs are granted pursuant to Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products (OJ L 182, 2.7.1992, p. 1).

### **The second infringement**

The second infringement of Article 82 of the EC Treaty and Article 54 of the EEA Agreement constitutes a single and continuous abuse and consists of AZ's requests for the surrender of its market authorisations for Losec capsules in Denmark, Norway and Sweden combined with its withdrawal from the market of Losec capsules and launch of Losec MUPS tablets in those three countries.

#### **2. FINES**

The decision finds that the nature of the infringements and their geographic scope are such that the infringements must be qualified as serious.

The qualification of the infringements as serious takes into account that the abuses in this case present some specific and novel features regarding the means used and cannot be said to have been clear-cut ones.

The decision also takes account of the fact that AstraZeneca Plc is only jointly and severally liable for the infringements with effect from the merger between Astra AB (currently AstraZeneca AB) and Zeneca Plc on 6 April 1999.

The fine of EUR 60 000 000 is divided as follows. AstraZeneca AB and AstraZeneca are jointly and severally liable for EUR 46 000 000 whereas AstraZeneca AB is solely liable for EUR 14 000 000.

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**COMMISSION DECISION****of 28 November 2006****amending Decision 2005/393/EC as regards restricted zones in relation to bluetongue***(notified under document number C(2006) 5607)***(Text with EEA relevance)****(2006/858/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 <sup>(1)</sup>, and in particular Article 8(3) 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 <sup>(2)</sup> 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) On 3 November 2006 Portugal informed the Commission that serotype 4 virus has been detected as circulating in a number of peripheral areas of restricted zone E. Consequently that zone should be extended, taking into account the data available on the ecology of the vector and the current meteorological situation.
- (4) Following the notification of outbreaks of bluetongue in mid-August and early September 2006 by Belgium, Germany, France and the Netherlands, the Commission has amended several times Decision 2005/393/EC as regards the demarcation of the restricted zone concerned.

(5) On 6 November 2006 Germany informed the Commission of new outbreaks of bluetongue in North-Rhine-Westphalia, Rhineland-Palatinate and Lower Saxony. In view of those findings, it is appropriate to amend the demarcation of the restricted zone in Germany and France.

(6) On 6 November 2006 Italy also informed the Commission that serotype 1 virus has been detected as circulating for the first time in Cagliari province in the Sardegna region already located in the restricted zone C. Consequently, in view of those new findings, it is appropriate to insert a new restricted zone including the affected area.

(7) Decision 2005/393/EC should be amended accordingly.

(8) 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*

Annex I to Decision 2005/393/EC is amended in accordance with the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 28 November 2006.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

<sup>(1)</sup> OJ L 327, 22.12.2000, p. 74.

<sup>(2)</sup> OJ L 130, 24.5.2005, p. 22. Decision as last amended by Decision 2006/761/EC (OJ L 311, 10.11.2006, p. 51).

## ANNEX

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

1. The list of restricted zones in *Zone C (serotypes 2 and 4 and to a lesser extent 16)* which relates to Italy is replaced by the following:

*Italy*

Sassari

2. The list of restricted zones in *Zone E (serotype 4)* which relates to Portugal is replaced by the following:

*Portugal*

— Regional Direction of Agriculture of Algarve: all *concelhos*

— Regional Direction of Agriculture of Alentejo: all *concelhos*

— Regional Direction of Agriculture of Ribatejo e Oeste: *concelhos* of Almada, Barreiro, Moita, Seixal, Sesimbra, Montijo, Coruche, Setúbal, Palmela, Alcochete, Benavente, Salvaterra de Magos, Almeirim, Alpiarça, Chamusca, Constância, Abrantes, Sardoal, Alenquer, Golegã, Cartaxo, Azambuja, Vila Franca de Xira, Vila Nova da Barquinha e Santarém.

— Regional Direction of Agriculture of Beira Interior: *concelhos* of Penamacor, Fundão, Idanha-a-Nova, Castelo Branco, Proença-a-Nova, Vila Velha de Ródão and Mação.

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

**France**

*Protection zone:*

— Département des Ardennes

— Département de l'Aisne: arrondissements de Laon, de Saint-Quentin, de Soissons, de Vervins

— Département du Bas-Rhin: arrondissement de Saverne

— Département de la Marne: arrondissements de Reims, de Châlons-en-Champagne, de Sainte-Menehould, de Vitry-le-François

— Département de la Haute-Marne: arrondissement de Saint-Dizier

— Département de la Meurthe-et-Moselle: arrondissements de Briey, de Nancy, de Toul

— Département de la Meuse

— Département de la Moselle

— Département du Nord

— Département du Pas-de-Calais

— Département de la Somme: arrondissements d'Abbeville, d'Amiens, de Péronne

*Surveillance zone:*

— Département de l'Aube

— Département de l'Aisne: arrondissement de Château-Thierry

— Département du Bas-Rhin: arrondissements de Wissembourg, Haguenau, Strasbourg campagne, Strasbourg ville, Sélestat-Erstein, Molsheim

— Département de la Marne: arrondissement d'Épernay

— Département de la Haute-Marne: arrondissement de Chaumont

— Département de la Meurthe-et-Moselle: arrondissement de Lunéville

— Département de l'Oise

— Département du Haut-Rhin: arrondissement de Ribeauvillé

- Département de Seine-Maritime: arrondissement de Dieppe
- Département de Seine-et-Marne: arrondissements de Meaux, de Provins
- Département de la Somme: arrondissement de Montdidier
- Département des Vosges’.

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

**‘Germany**

*Baden-Württemberg*

Stadtkreis Baden-Baden

Im Landkreis Enzkreis: Birkenfeld, Eisingen, Illingen, Ispringen, Kämpfelbach, Keltern, Kieselbronn, Knittlingen, Königsbach-Stein, Maulbronn, Mühlacker Neuenbürg, Neulingen, Ölbronn-Dürrn, Ötisheim, Remchingen, Sternenfels, Straubenhardt

Stadtkreis Heidelberg

Stadtkreis Heilbronn

Im Landkreis Heilbronn: Bad Friedrichshall, Bad Rappenau, Bad Wimpfen, Brackenheim, Eppingen, Gemmingen, Güglingen, Gundelsheim, Ittlingen, Kirchart, Leingarten, Möckmühl, Massenbachhausen, Neckarsulm, Neudenau, Offenau, Pfaffenhofen, Roigheim, Schwaigern, Siegelsbach, Untereisesheim, Zaberfeld

Landkreis Karlsruhe

Stadtkreis Karlsruhe

Stadtkreis Mannheim

Im Main-Tauber-Kreis: Freudenberg, Königheim, Külsheim, Tauberbischofsheim, Werbach, Wertheim

Im Neckar-Odenwald-Kreis: Aglasterhausen, Billigheim, Binau, Buchen, Elztal, Fahrenbach, Hardheim, Haßmersheim, Höpfingen, Hüffenhardt, Limbach, Mosbach, Mudau, Neckargerach, Neckarzimmern, Neunkirchen, Obrigheim, Osterburken, Schefflenz, Schwarzach, Seckach, Waldbrunn, Walldürn, Zwingenberg

Im Ortenaukreis: Achern, Appenweiler, Kappelrodeck, Kehl, Lauf, Neuried, Oberkirch, Offenburg, Renchen, Rheinau, Sasbach, Sasbachwalden, Schutterwald, Willstätt

Stadtkreis Pforzheim

Landkreis Rastatt

Rhein-Neckar-Kreis

*Bayern*

Landkreis und Stadt Aschaffenburg

Im Landkreis Bad Kissingen: Aura, Bad Bocklet, Bad Brückenau, Bad Kissingen, Burkardroth, Dreistelzer Forst, Elfershausen, Euerdorf, Forst Detter-Süd, Fuchsstadt, Geiersnest Ost, Geiersnest West, Geroda, Großer Auersberg, Hammelburg, Kälberberg, Klauswald-Süd, Motten, Mottener Forst-Süd, Neuwirtshauser Forst, Oberleichtersbach, Oberthulba, Omerz u. Roter Berg, Riedenberg, Römershager Forst-Nord, Römershager Forst-Ost, Roßbacher Forst, Schondra, Waldfensterer Forst, Wartmannsroth, Wildflecken, Zeitlofs

Landkreis Main-Spessart

Landkreis Miltenberg

Im Landkreis Rhön-Grabfeld: Bastheim, Bischofsheim a. d. Rhön, Burgwallbacher Forst, Fladungen, Forst Schmalwasser Nord, Forst Schmalwasser Süd, Hausen, Mellrichstadter Forst, Nordheim v. d. Rhön, Oberelsbach, Ostheim v. d. Rhön, Sandberg, Schöna u. a. d. Brend, Sondheim a. d. Rhön, Steinbacher Forst r. d. Saale, Willmars

Im Landkreis Schweinfurt: Wasserlosen

Im Landkreis Würzburg: Erlabrunn, Greußenheim, Helmstadt, Holzkirchen, Neubrunn, Remlingen, Thüngersheim, Uettingen, Leinach, Waldbüttelbrunn

*Freie Hansestadt Bremen*

Gesamtes Landesgebiet

*Hessen*

Gesamtes Landesgebiet

*Niedersachsen*

Landkreis Ammerland

Im Landkreis Aurich: Aurich, Großefehn, Hinte, Ihlow, Krummhörn, Marienhaf, Norden, Ostseel, Südbrookmerland, Upgant-Schott, Wiesmoor, Wirdum

Stadt Braunschweig

Landkreis Celle

Landkreis Cloppenburg

Im Landkreis Cuxhaven: Appeln, Beverstedt, Bokel, Bramstedt, Driftsethe, Elmlohe, Frelsdorf, Hagen im Bremischen, Heerstedt, Hollen, Kirchwistedt, Köhlen, Kührstedt, Loxstedt, Lunestedt, Ringstedt, Sandstedt, Schiffdorf, Stubben, Uthlede, Wulsbüttel

Stadt Delmenhorst

Landkreis Diepholz

Stadt Emden

Landkreis Emsland

Im Landkreis Friesland: Bockhorn, Jever, Sande, Schortens, Varel, Zetel

Landkreis Gifhorn

Landkreis Goslar

Stadt Göttingen

Landkreis Göttingen

Landkreis Grafschaft Bentheim

Landkreis Hameln-Pyrmont

Landeshauptstadt Hannover

Region Hannover

Im Landkreis Harburg: Dohren, Egestorf, Halvesbostel, Handeloh, Heidenau, Hollenstedt, Kakenstorf, Königsmoor, Otter, Regesbostel, Tostedt, Undeloh, Welle, Wistedt

Landkreis Helmstedt

Landkreis Hildesheim

Landkreis Holzminden

Landkreis Leer

Im Landkreis Lüneburg: Rehlingen, Soderstorf

Landkreis Nienburg (Weser)

Landkreis Northeim

Landkreis Oldenburg

Stadt Oldenburg

Landkreis Osnabrück

Stadt Osnabrück

Landkreis Osterholz

Landkreis Osterode am Harz

Landkreis Peine

Landkreis Rotenburg (Wümme)

Stadt Salzgitter

Landkreis Schaumburg

Landkreis Soltau-Fallingb.ostel

Im Landkreis Stade: Ahlerstedt, Brest, Kutenholz, Sauensiek

Im Landkreis Uelzen: Eimke, Suderburg, Wriedel

Landkreis Vechta

Landkreis Verden

Landkreis Wesermarsch

Stadt Wilhelmshaven

Im Landkreis Wittmund: Wittmund, Friedeburg

Landkreis Wolfenbüttel

Stadt Wolfsburg

*Nordrhein-Westfalen*

Gesamtes Landesgebiet

*Rheinland-Pfalz*

Gesamtes Landesgebiet

*Saarland*

Gesamtes Landesgebiet

*Sachsen-Anhalt*

Im Kreis Mansfelder Land: Wippra

Im Kreis Sangerhausen: Bennungen, Berga, Breitenbach, Breitenstein, Breitungen, Dietersdorf, Hainrode, Hayn (Harz), Horla, Kelbra (Kyffhäuser), Kleinleinungen, Morungen, Questenberg, Roßla, Rotha, Rottleberode, Schwenda, Stolberg (Harz), Tilleda (Kyffhäuser), Ufrungen, Wickerode, Wolfsburg

Im Bördekreis: Ausleben, Barneberg, Gröningen, Gunsleben, Hamersleben, Harbke, Hötensleben, Hornhausen, Krottorf, Marienborn, Neuwegersleben, Ohrleben, Oschersleben (Bode), Sommersdorf, Völpke, Wackersleben, Wulferstedt

Im Kreis Halberstadt: Aderstedt, Anderbeck, Aspenstedt, Athenstedt, Badersleben, Berßel, Bühne, Danstedt, Dardesheim, Dedeleben, Deersheim, Dingelstedt am Huy, Eilenstedt, Eilsdorf, Groß Quenstedt, Halberstadt, Harsleben, Hessen, Huy-Neinstedt, Langenstein, Lüttgenrode, Nienhagen, Osterode am Fallstein, Osterwieck, Pabstorf, Rhoden, Rohrsheim, Sargstedt, Schauen, Schlanstedt, Schwanebeck, Ströbeck, Schachdorf, Veltheim, Vogelsdorf, Wegeleben, Wülperode, Zilly

Im Ohre-Kreis: Beendorf, Döhren, Walbeck, Flecken Weferlingen

Im Kreis Quedlinburg: Bad Suderode, Ballenstedt, Dankerode, Dittfurt, Friedrichsbrunn, Gernrode, Güntersberge, Harzgerode, Königrode, Neinstedt, Neudorf, Quedlinburg, Rieder, Schielo, Siptenfelde, Stecklenberg, Straßberg, Thale, Warnstedt, Weddersleben, Westerhausen

Kreis Wernigerode

*Thüringen*

Stadt Eisenach

Kreis Eichsfeld

Im Kreis Gotha: Aspach, Ballstädt, Bienstädt, Brüheim, Bußleben, Dachwig, Döllstädt, Ebenheim, Emleben, Emsetal, Ernsthoda, Eschenbergen, Finsterbergen, Friedrichroda, Friedrichswerth, Friemar, Fröttstädt, Georgenthal/Thür. Wald, Gierstädt, Goldbach, Gotha, Großfahner, Haina, Hochheim, Hörselgau, Laucha, Leinatal, Mechterstädt, Metebach, Molschleben, Remstädt, Sonneborn, Tabarz/Thür. Wald, Teutleben, Tonna, Tröchtelborn, Trügelen, Waltershausen, Wangenheim, Warza, Weingarten, Westhausen



Im Kyffhäuserkreis: Bad Frankenhausen/Kyffhäuser, Badra, Bellstedt, Bendeleben, Clingen, Ebeleben, Freienbessingen, Göllingen, Greußen, Großenehrich, Günserode, Hachelbich, Helbedündorf, Holzsußra, Niederbösa, Oberbösa, Rockstedt, Rottleben, Schernberg, Seega, Sondershausen, Steinhaleben, Thüringenhausen, Topfstedt, Trebra, Wasserthaleben, Westgreußen, Wolferschwenda

Kreis Nordhausen

Im Kreis Schmalkalden-Meiningen: Aschenhausen, Birx, Breitung/Werra, Brotterode, Erbenhausen, Fambach, Floh-Seligenthal, Frankenheim/Rhön, Friedelshausen, Heßles, Hümpfershausen, Kaltensundheim, Kaltenwestheim, Kleinschmalkalden, Mehmels, Melpers, Oberkatz, Oberweid, Oepfershausen, Rhönblick, Rosa, Roßdorf, Schmalkalden, Schwalungen, Stepfershausen, Trusetal, Unterkatz, Unterweid, Wahns, Wasungen, Wernshausen

Im Kreis Sömmerda: Andisleben, Bilzingsleben, Frömmstedt, Gangloffsömmern, Gebesee, Herrnschwende, Schwerstedt, Straußfurt, Walschleben, Weißensee

Unstrut-Hainich-Kreis

Wartburgkreis'

5. The following *Zone G* is added:

'*Zone G*

(*serotypes 2 and 4 and to a lesser extent 16 and 1*)

*Italy*

Sardinia: Cagliari, Nuoro, Oristano'.

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**COMMISSION DECISION****of 28 November 2006****granting Malta a derogation from certain provisions of Directive 2003/54/EC of the European Parliament and of the Council***(notified under document number C(2006) 5642)***(Only the English text is authentic)***(2006/859/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC <sup>(1)</sup>, and in particular Article 26(1) thereof,

Having regard to the application submitted by Malta on 15 November 2005,

After informing the Member States of the application,

Whereas:

(1) On 15 November 2005, Malta submitted an application to the Commission for a derogation for an indefinite period of time from the provisions of Chapter IV of Directive 2003/54/EC and from Article 20(1) and Article 21(1) thereof. Express authority for the submission of such an application is contained in Article 26(1) of that Directive.

(2) Malta qualifies as a 'small isolated system' as defined in point (26) of Article 2 of Directive 2003/54/EC. According to that provision, 'small isolated system' means any system with consumption of less than 3 000 GWh in 1996, where less than 5 % of annual consumption is obtained through interconnection with other systems. In 1996, Malta consumed 1 695 GWh. Malta is an isolated not interconnected power system and these derogations are requested for as long as it remains an isolated system.

(3) The documents annexed to the application provide sufficient evidence that it is impossible or impractical for the time being to achieve the objective of a competitive market in electricity given the size and structure of the electricity market on the island. In such circumstances an opening up of the market would create substantial problems relating in particular to the security of supply of electricity and would result in higher costs for consumers. In addition, there is no transmission system and therefore no operator can be designated; without competition in supply, there also ceases to be justification for the requirements of Directive 2003/54/EC regarding third party access to distribution systems.

(4) The Commission, having examined the grounds put forward in support of Malta's application, is satisfied that the derogation and the conditions for its application will not prejudice the eventual achievement of the objectives of Directive 2003/54/EC.

(5) The derogation requested by Malta should therefore be granted.

(6) However, whilst Malta's application gives a fair description of the present situation, it does not take into consideration possible technological developments in the medium- and long-term, which are liable to lead to substantial changes. The situation should therefore be monitored regularly,

HAS ADOPTED THIS DECISION:

*Article 1*

A derogation from Chapter IV of Directive 2003/54/EC and from Article 20(1) and Article 21(1) thereof is granted to Malta.

*Article 2*

The derogation may be withdrawn or revised by the Commission if substantial changes occur in the electricity sector of Malta.

<sup>(1)</sup> OJ L 176, 15.7.2003, p. 37. Directive amended by Council Directive 2004/85/EC (OJ L 236, 7.7.2004, p. 10).

To that end, Malta shall monitor the evolution of the electricity sector and shall report to the Commission any substantial changes therein, in particular information on new generating licenses, new entrants in the market and new infrastructure plans that may necessitate a review of the derogation.

In addition, Malta shall submit a general report to the Commission every two years, starting no later than 31 December 2008. The reports shall set out tariffication and pricing policy together with measures taken to protect customers' interests in the light of the derogation.

*Article 3*

This Decision is addressed to the Republic of Malta.

Done at Brussels, 28 November 2006.

*For the Commission*

Andris PIEBALGS

*Member of the Commission*

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EUROPEAN ECONOMIC AREA

STANDING COMMITTEE OF THE EFTA STATES

DECISION OF THE STANDING COMMITTEE OF THE EFTA STATES

No 1/2004/SC

of 5 February 2004

**establishing an Office for the EEA Financial Mechanism and the Norwegian Financial Mechanism**

THE STANDING COMMITTEE OF THE EFTA STATES,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as the EEA Agreement,

Having regard to the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area, hereinafter referred to as the EEA Enlargement Agreement,

Having regard to Protocol 38a on the EEA Financial Mechanism inserted into the EEA Agreement by the EEA Enlargement Agreement,

Having regard to the Agreement between the Kingdom of Norway and the European Community on a Norwegian Financial Mechanism for the period 2004-2009,

Having regard to Decision of the Standing Committee of the EFTA States No 4/2003/SC of 4 December 2003 establishing an EEA Financial Mechanism Interim Committee,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. An Office for the EEA Financial Mechanism 2004-2009 and the Norwegian Financial Mechanism is hereby established.
2. The Office shall assist in the management of the EEA Financial Mechanism and of the Norwegian Financial Mechanism.
3. The Office shall also assist in the management of the EEA Financial Instrument 1999-2003 as well as the Financial Mechanism 1994-1998.
4. The present Financial Instrument Unit in the EFTA Secretariat shall be integrated into the new Office. Regarding the EEA Financial Mechanism, the Office shall report to the EEA Financial Mechanism Interim Committee until the entering into force of the EEA Enlargement Agreement, and thereafter to the new EEA Financial Mechanism Committee.
5. Regarding the Norwegian Financial Mechanism, the Office shall report to the Norwegian authorities.

6. The Office shall administratively be part of the EFTA Secretariat. The Office will have a separate administrative budget, financed by the funds on a ratio based on their respective costs.

7. The Director of the Office shall be appointed by the Standing Committee upon nomination by the EEA Financial Mechanism Interim Committee.

*Article 2*

This Decision shall take immediate effect.

*Article 3*

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 5 February 2004.

*For the Standing Committee*

*The Chairman*

H.S.H. Prince Nikolaus of LIECHTENSTEIN

*The Secretary-General*

William ROSSIER

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**DECISION OF THE STANDING COMMITTEE OF THE EFTA STATES****No 2/2005/SC****of 28 April 2005****regarding the audit of the financial management of and projects under the Financial Instrument**

THE STANDING COMMITTEE OF THE EFTA STATES,

Having regard to the Agreement on the European Economic Area as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as the EEA Agreement, and Decision of the EEA Joint Committee No 47/2000 of 22 May 2000 establishing an EEA Financial Instrument,

Having regard to Decision of the Standing Committee of the EFTA States No 1/2000/SC of 2 October 2000 establishing a Financial Instruments Committee,

Having regard to Decision No 5/2002 of the ESA/Court Committee and Decision of the Council No 2 of 2002 replacing Decision of the Council No 6 and of the ESA/Court Committee of 1998,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Board of Auditors shall act as supreme authority for the auditing of the financial management of and projects under and the Financial Instrument.

*Article 2*

The EFTA States being party to the EEA Agreement shall each be represented on the Board of Auditors when it carries out audits of the financial management of and/or projects under the Financial Instrument.

*Article 3*

The Board of Auditors shall consist of nationals from the EFTA States party to the EEA Agreement and preferably being members of the supreme audit institutions of the EFTA States. Their independence must be beyond doubt. An official of EFTA may not be appointed auditor until an interval of three years has elapsed since the end of his appointment with any of the EFTA institutions.

*Article 4*

The members of the Board of Auditors that shall audit the financial management of and/or projects under the Financial Instrument shall be appointed by the Standing Committee of the EFTA States. All appointments shall be for a term of four years. A member shall normally be eligible for reappointment once. The Members appointed by the Standing Committee of the EFTA States may be the same persons as those appointed by the ESA/Court Committee on the basis of its Decision No 5/2002.

*Article 5*

The members of the Board of Auditors shall be completely independent in the performance of their duties.

*Article 6*

The cost of an appropriate and proportional audit of the financial management of and/or projects under the Financial Instrument by the Board of Auditors shall be financed from the administrative budget of the Financial Instrument. Based on an according budget proposal from the Board of Auditors, the Standing Committee shall agree on the amount to be granted for this purpose.

*Article 7*

The Board of Auditors may engage external experts to assist it. The external experts must fulfil the same requirements of independence as the members of the Board of Auditors.

*Article 8*

The Board of Auditors shall report to the Standing Committee of the EFTA States regarding the audit of the financial management of and projects under the Financial Instrument. It may submit proposals for action.

*Article 9*

The Board of Auditors shall propose its own rules of procedure concerning the audit of the financial management of and projects under the Financial Instrument and submit them to the Standing Committee of the EFTA States for adoption.

*Article 10*

This Decision shall take immediate effect.

*Article 11*

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 28 April 2005.

*For the Standing Committee*

*The Chairman*  
Amb B. GRYDELAND

*The Secretary-General*  
William ROSSIER

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