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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1793/2006**of 6 December 2006****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 December 2006.

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

Done at Brussels, 6 December 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 6 December 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	76,7
	204	45,8
	999	61,3
0707 00 05	052	124,3
	204	74,1
	628	171,8
	999	123,4
0709 90 70	052	138,7
	204	63,7
	999	101,2
0805 10 20	388	46,7
	508	15,3
	528	26,3
	999	29,4
0805 20 10	052	63,5
	204	55,9
	999	59,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	65,4
	388	111,5
	999	88,5
0805 50 10	052	48,8
	388	44,4
	528	28,7
	999	40,6
0808 10 80	388	59,7
	400	106,4
	404	99,8
	720	68,2
	999	83,5
0808 20 50	052	98,8
	400	109,0
	528	106,5
	720	51,2
	999	91,4

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1794/2006**of 6 December 2006****laying down a common charging scheme for air navigation services****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 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) ⁽¹⁾, and in particular Article 15(4) thereof,

Having regard to 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) ⁽²⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) The Commission is required to establish a common charging scheme for air navigation services throughout the Community. A Regulation with direct application is the most suitable instrument for this purpose in order to guarantee uniform application of the common charging scheme in the single European sky.
- (2) Eurocontrol has been mandated in accordance with Article 8(1) of the framework Regulation to assist the Commission in the development of implementing rules on a common charging scheme for air navigation services. This Regulation is based on the resulting mandate report of 29 October 2004.
- (3) The development of a common charging scheme for air navigation services provided during all phases of flight is of the utmost importance for the implementation of the single European sky. The system should contribute to the achievement of greater transparency with respect to the determination, imposition and enforcement of charges to airspace users. The system should also encourage the safe, efficient and effective provision of air navigation services to the users of air navigation services that finance the system and stimulate integrated service provision.
- (4) In accordance with the overall objective of improving the cost efficiency of air navigation services, the charging scheme should promote the enhancement of cost and operational efficiencies.

- (5) In order to provide access for passengers to the air transport network and, in particular, to small and medium sized airports as well as to larger airports at an acceptable cost, Member States should be able to apply the same unit rate for terminal services charges at all airports served by the same air traffic service provider, or in several groups of such airports, as the case may be, in order to cover the total costs of terminal services.
- (6) The common charging scheme should be consistent with Article 15 of the 1944 ICAO Chicago Convention on International Civil Aviation.
- (7) Since the majority of Member States are parties to the Eurocontrol Multilateral Agreement for route charges of 12 February 1981 and the Community has signed the protocol of accession to the Eurocontrol revised Convention, the rules developed in this Regulation should be consistent with the Eurocontrol Route Charges System.
- (8) The charging scheme should allow the optimum use of airspace, taking into account air traffic flows, in particular within functional airspace blocks as established in accordance with Article 5 of 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) ⁽³⁾.
- (9) According to the Statement attached to the airspace Regulation ⁽⁴⁾, the Commission will draft a report by 2008 on experience in the creation of functional airspace blocks. At that time, the Commission will assess the difficulties that may arise from maintaining separate unit rates within a functional airspace block.
- (10) It is necessary to establish requirements for complete and transparent information on the cost base to be made available in due time to airspace users' representatives and the competent authorities.
- (11) The level of charges imposed in particular on light aircraft should not discourage the use of facilities and services necessary for safety or the introduction of new techniques and procedures.

⁽¹⁾ OJ L 96, 31.3.2004, p. 10.

⁽²⁾ OJ L 96, 31.3.2004, p. 1.

⁽³⁾ OJ L 96, 31.3.2004, p. 20.

⁽⁴⁾ OJ L 96, 31.3.2004, p. 25.

- (12) The charging formula for terminal air navigation services should reflect the different nature of those services as compared to en route air navigation services.
- (13) Member States should be able to set their unit rates collectively, in particular when charging zones extend across the airspace of more than one Member State or when they are parties to a joint route charges system.
- (14) In order to improve the efficiency of the charging scheme and to reduce the administrative and accounting workload, Member States should be able to collect en route charges collectively within a joint route charges system through a single charge per flight.
- (15) It is important to reinforce the legal means necessary to ensure the prompt and full payment of air navigation charges by users of air navigation services.
- (16) Charges to be imposed on airspace users should be established and applied in a fair and transparent manner, after consultation of users. Such charges should be reviewed on a regular basis.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Regulation lays down the necessary measures for the development of a charging scheme for air navigation services which is consistent with the Eurocontrol Route Charges System.
2. This Regulation shall apply to air navigation services provided by air traffic service providers designated in accordance with Article 8 of Regulation (EC) No 550/2004 and by providers of meteorological services, if designated in accordance with Article 9(1) of that Regulation, for general air traffic within the ICAO EUR and AFI regions where Member States are responsible for the provision of air navigation services.
3. Member States may apply this Regulation to air navigation services provided in airspace under their responsibility within other ICAO regions, on condition that they inform the Commission and the other Member States thereof.

4. Member States may apply this Regulation to providers of air navigation services which have received permission to provide air navigation services without certification, in accordance with Article 7(5) of the service provision Regulation.

5. Member States may decide not to apply this Regulation to air navigation services provided at airports with less than 50 000 commercial air transport movements per year, regardless of the maximum take-off mass and the number of passenger seats, movements being counted as the sum of take-offs and landings and calculated as an average over the previous three years.

Member States shall inform the Commission thereof. The Commission will publish periodically an updated list of exempted airports.

6. Without prejudice to the application of the principles referred to in Articles 14 and 15 of the service provision Regulation, Member States may decide not to calculate terminal charges as stipulated in Article 11 of this Regulation and not to set terminal unit rates as referred to in Article 13 of this Regulation in respect of air navigation services provided at aerodromes with less than 150 000 commercial air transport movements per year, regardless of the maximum take-off mass and the number of passenger seats, movements being counted as the sum of take-offs and landings and calculated as an average over the previous three years.

Before taking that decision, Member States shall carry out an assessment of the extent to which the conditions laid down in Annex I including consultation with airspace users' representatives are met.

The final assessment as to whether the conditions are met and the decision of the Member State shall be published and communicated to the Commission, giving full reasoning for the Member State's conclusions, including the outcome of the consultation with users.

Article 2

Definitions

For the purpose of this Regulation, the definitions in Article 2 of the framework Regulation shall apply.

In addition the following definitions shall apply:

- (a) 'user of air navigation services' means the operator of the aircraft at the time when the flight was performed or, if the identity of the operator is not known, the owner of the aircraft, unless he proves that another person was the operator at that time;

- (b) 'airspace users' representative' means any legal person or entity representing the interests of one or several categories of users of air navigation services;
- (c) 'IFR' means Instrument Flight Rules, as defined in Annex 2 of the 1944 Chicago Convention on International Civil Aviation (Tenth Edition — July 2005);
- (d) 'VFR' means Visual Flight Rules, as defined in Annex 2 of the 1944 Chicago Convention on International Civil Aviation (Tenth Edition — July 2005);
- (e) 'en route charging zone' means a volume of airspace for which a single cost base and a single unit rate are established;
- (f) 'terminal charging zone' means an airport or a group of airports for which a single cost base and a single unit rate are established;
- (g) 'commercial air transport' means any aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.

Article 3

Principles of the charging scheme

1. The charging scheme shall reflect the costs incurred either directly or indirectly in the provision of air navigation services.
2. The costs of en route services shall be financed by means of en route charges imposed on the users of air navigation services.
3. The costs of terminal services shall be financed by means of terminal charges imposed on the users of air navigation services and/or other revenues, including cross-subsidies in accordance with Community law.
4. Paragraphs 2 and 3 shall be without prejudice to the financing of exemptions of certain users of air navigation services through other sources of funding in accordance with Article 9.
5. The charging scheme shall provide transparency and consultation on the cost bases and on the allocation of the costs among different services.

Article 4

Establishment of charging zones

1. Member States shall establish charging zones in the airspace falling under their responsibility where air navigation services are provided to airspace users.

2. The charging zones shall be defined in a manner consistent with air traffic control operations and services, after consultation of airspace users' representatives.

3. An en route charging zone shall extend from the ground up to, and including, upper airspace without prejudice to the possibility for a Member State to establish a specific zone for a complex terminal area after consultation with airspace users' representatives.

4. If charging zones extend across the airspace of more than one Member State, the Member States concerned shall make the appropriate arrangements to ensure consistency and uniformity in the application of this Regulation to the airspace concerned. They shall notify the Commission and Eurocontrol thereof.

CHAPTER II

THE COSTS OF AIR NAVIGATION SERVICE PROVISION

Article 5

Eligible services, facilities and activities

1. Air navigation service providers referred to in Article 1(2) and (4) shall establish the costs incurred in the provision of air navigation services in relation to the facilities and services provided for and implemented under the ICAO Regional Air Navigation Plan, European Region, in the charging zones under their responsibility.

Those costs shall include administrative overheads, training, studies, tests and trials as well as research and development allocated to these services.

2. Member States may establish the following costs when they are incurred in relation with the provision of air navigation services:

- (a) the costs incurred by the relevant national authorities;
- (b) the costs incurred by the recognised organisations, as referred to in Article 3 of the service provision Regulation;
- (c) the costs stemming from international agreements.

3. Without prejudice to other sources of funding, and with a view to a high level of safety, cost efficiency and service provision, the charges may be used to provide funding for projects designed to assist specific categories of airspace users and/or air navigation service providers in order to improve collective air navigation infrastructures, the provision of air navigation services and the use of airspace in accordance with Community law.

Article 6

Calculation of costs

1. The costs of eligible services, facilities and activities within the meaning of Article 5 shall be established in such a manner as to be consistent with the accounts referred to in Article 12 of the service provision Regulation for the period from 1 January to 31 December. However, the non-recurring effects resulting from the introduction of International Accounting Standards may be spread over a period not exceeding 15 years.

2. The costs referred to in paragraph 1 shall be broken down into staff costs, other operating costs, depreciation costs, cost of capital and exceptional items including non-recoverable taxes and custom duties paid, and all other related costs.

Staff costs shall include gross remuneration, payments for overtime, employers' contributions to social security schemes as well as pension costs and other benefits.

Other operating costs shall include costs incurred through the purchase of goods and services used to provide air navigation services, in particular outsourced services such as communication, external staff such as consultants, material, energy, utilities, rental of buildings, equipment and facilities, maintenance, insurance costs and travel expenses. Where an air traffic service provider purchases other air navigation services, the service provider shall include the actual expenditure for those services in its other operating costs.

Depreciation costs shall relate to the total fixed assets in operation for air navigation services purposes. Fixed assets shall be depreciated, in accordance with their expected operating life, using the straight-line method applied to the historic costs of the assets being depreciated. When the assets belong to an air navigation service provider which is subject to an incentive scheme as referred to in Article 12(2), current cost accounting may be applied instead of historic cost accounting for the calculation of depreciation. The method shall remain constant during the duration of the depreciation.

Cost of capital shall be equal to the product of:

- (a) the sum of the average net book value of fixed assets used by the air navigation service provider in operation or under construction and of the average value of the net current assets that are required for the provision of air navigation services; and
- (b) the weighted average of the interest rate on debts and of the return on equity.

Exceptional items shall be non-recurring costs in relation to the provision of air navigation services that have occurred in the year.

3. For the purposes of paragraph 2, fifth subparagraph, the weight factors shall be based on the proportion of the financing through either debt or equity. The interest rate on debts shall be equal to the average interest rate on debts of the air navigation service provider. The return on equity shall take into account the financial risk of the air navigation service provider taking the national bond rate as a guide. When the air navigation service provider is subject to an incentive scheme as referred to in Article 12(2), an additional premium may be added to ensure adequate consideration of the specific financial risk assumed by this provider.

When the assets do not belong to the air navigation service provider, but are included in the calculation of the cost of capital, Member States shall ensure that the costs of these assets are not recovered twice.

Article 7

Allocation of costs

1. The costs of eligible services, facilities and activities within the meaning of Article 5 shall be allocated in a transparent way to the charging zones in respect of which they are actually incurred.

Where costs are incurred across different charging zones, they shall be allocated in a proportional way on the basis of a transparent methodology as required in Article 8.

2. The cost of terminal services shall relate to the following services:

- (a) aerodrome control services, aerodrome flight information services including air traffic advisory services, and alerting services;
- (b) air traffic services related to the approach and departure of aircraft within a certain distance of an airport on the basis of operational requirements;
- (c) an appropriate allocation of all other air navigation services components, reflecting a proportionate attribution between en route and terminal services.

3. The cost of en route services shall relate to the costs referred to in paragraph 1 to the exclusion of the costs referred to in paragraph 2.

4. If exemptions are granted to VFR flights in accordance with Article 9, the air navigation service provider shall identify the costs of air navigation services provided to VFR flights separately from the costs provided to IFR flights. These costs may be established through a marginalcost methodology taking into account the benefits to IFR flights stemming from the services granted to VFR flights.

*Article 8***Transparency of the cost base**

1. Without prejudice to Article 18 of the service provision Regulation, Member States and/or air navigation service providers shall organise an exchange of information on cost bases, planned investments and expected traffic with airspace users' representatives if the latter so request. Subsequently, they shall make their respective costs established in accordance with Article 5 available in a transparent manner to airspace users' representatives, the Commission and, where applicable Euro-control at least on an annual basis.

2. The information referred to in paragraph 1 shall be based on the reporting tables and detailed rules set out in Annex II or, where a Member State has taken the decision referred to in Article 1(6), or has indicated to the Commission that it is considering taking such a decision, in Annex III part 1.

CHAPTER III

THE FINANCING OF AIR NAVIGATION SERVICE PROVISION THROUGH AIR NAVIGATION CHARGES*Article 9***Exemptions from air navigation charges**

1. Member States shall exempt from en route charges:

- (a) flights performed by aircraft of which the maximum take-off weight authorised is less than two metric tons;
- (b) mixed VFR/IFR flights in the charging zones where they are performed exclusively under VFR and where a charge is not levied for VFR flights;
- (c) flights performed exclusively for the transport, on official mission, of the reigning Monarch and his immediate family, Heads of State, Heads of Government, and Government Ministers; in all cases, this must be substantiated by the appropriate status indicator on the flight plan;
- (d) search and rescue flights authorised by the appropriate competent body.

2. Member States may exempt from en route charges:

- (a) military flights performed by military aircraft of any country;
- (b) training flights performed exclusively for the purpose of obtaining a licence, or a rating in the case of cockpit

flight crew, where this is substantiated by an appropriate remark on the flight plan; flights must be performed solely within the airspace of the Member State concerned; flights must not serve for the transport of passengers and/or cargo, nor for positioning or ferrying of the aircraft;

- (c) flights performed exclusively for the purpose of checking or testing equipment used or intended to be used as ground aids to air navigation, excluding positioning flights by the aircraft concerned;
- (d) flights terminating at the airport from which the aircraft has taken off and during which no intermediate landing has been made;
- (e) VFR flights;
- (f) humanitarian flights authorised by the appropriate competent body;
- (g) customs and police flights.

3. Member States may exempt from terminal charges the flights referred to in paragraph 1 and 2.

4. The costs incurred for exempted flights shall not be taken into account for the calculation of the unit rates.

These costs shall be composed of:

- (a) the costs of exempted VFR flights as identified in Article 7(4); and
- (b) the costs of exempted IFR flights, which shall be calculated as the product of the costs incurred for IFR flights and the proportion of the number of exempted service units and the total number of service units; the costs incurred for IFR flights shall be equal to the total costs less the costs of VFR flights.

Member States shall ensure that air navigation service providers are reimbursed for the services they provide to exempted flights.

*Article 10***Calculation of en route charges**

1. The en route charge for a specific flight in a specific en route charging zone shall be equal to the product of the unit rate established for this en route charging zone and the en route service units for this flight.

2. Without prejudice to the implementation by a Member State of an incentive scheme with regard to air navigation service providers in accordance with Article 12(2), the unit rate in the en route charging zone shall be calculated by dividing the forecast number of chargeable en route service units for the relevant year into the forecast costs for air navigation services. The forecast costs shall include the balance resulting from over or under recovery of previous years.

3. The en route service units shall be calculated in accordance with Annex IV.

Article 11

Calculation of terminal charges

1. Without prejudice to the possibility under Article 3 of financing terminal air navigation services through other sources of funding, the terminal charge for a specific flight in a specific terminal charging zone shall be equal to the product of the unit rate established for this terminal charging zone and the terminal service units for this flight.

2. Without prejudice to the implementation by a Member State of an incentive scheme with regard to air navigation service providers in accordance with Article 12(2), the unit rate in the terminal charging zone shall be calculated by dividing the forecast number of chargeable terminal service units for the relevant year into the forecast costs for air navigation services. The forecast costs shall include the balance resulting from over or under recovery of previous years.

3. The terminal service units shall be calculated in accordance with Annex V.

Article 12

Incentive schemes

1. Member States may establish or approve incentive schemes consisting of financial advantages or disadvantages applied on a non-discriminatory and transparent basis to support improvements in the provision of air navigation services resulting in a different calculation of charges as set out in paragraphs 2 and 3. These incentives may apply to air navigation service providers and/or airspace users.

2. When a Member State decides to apply an incentive scheme on air navigation service providers, it shall, following the consultation referred to in Article 15, set in advance the conditions for determining the maximum level of the unit rate or of the revenue for each year over a period not exceeding five years. These conditions shall be set with reference to the projected level of costs (including the cost of capital) over the period and may also stipulate financial modulations (either above or below the expected costs) based on particular aspects of the air navigation service providers' performance which may include efficiency, quality of service, the

performance of particular projects, milestones or competencies or a level of cooperation with other air navigation service providers in view of taking into account network effects.

3. When a Member State decides to apply an incentive scheme, including night-time modulations, in respect of users of air navigation services, it shall, following the consultation referred to in Article 15, modulate charges incurred by them in order to reflect efforts made by these users to optimise the use of air navigation services, to reduce the overall costs of these services and to increase their efficiency, in particular by decreasing charges according to airborne equipment that increases capacity or to offsetting the inconvenience of choosing less congested routings.

The incentive scheme shall be limited in time, scope and amount. The estimated savings generated by the operational efficiency improvements shall at least offset the cost of the incentives within a reasonable time frame. The scheme shall be subject to regular review involving airspace users' representatives.

4. Member States which have established or approved incentive schemes shall monitor the proper implementation by air navigation service providers of these incentive schemes.

Article 13

Setting of unit rates for charging zones

1. Member States shall ensure that unit rates are set for each charging zone on an annual basis. They may also ensure that unit rates are set in advance for each year of a period not exceeding five years.

2. In case of unexpected major changes of traffic or costs, unit rates may be amended during the course of the year.

3. Member States shall inform the Commission and Euro-control, where appropriate, of the unit rates set for each charging zone.

Article 14

Collection of charges

1. Member States may collect charges through a single charge per flight.

2. Users of air navigation services shall promptly and fully pay all air navigation charges.

3. Member States shall ensure that effective enforcement measures are applied. These measures may include the denial of services, detention of aircraft or other enforcement measures in accordance with applicable law.

*Article 15***Transparency of the charging mechanism**

1. Member States shall ensure that airspace users' representatives are consulted on the charging policy on a regular basis. To this end, they shall provide them with the necessary information on their charging mechanism as set out in Annex VI, or where a Member State has taken the decision referred to in Article 1(6), with the necessary information as set out in Annex III, part 2, and shall organise an effective and transparent consultation hearing to present this information as well as the information referred to in Article 8, in the presence of the air navigation service providers involved.

2. Without prejudice to Article 18 of the service provision Regulation, the relevant documentation shall be put at the disposal of airspace users' representatives, the Commission, Eurocontrol and national supervisory authorities three weeks before the consultation hearing.

CHAPTER IV

FINAL PROVISIONS*Article 16***Appeal**

Member States shall ensure that decisions taken pursuant to this Regulation are properly reasoned and are subject to an effective review and/or appeal procedure.

*Article 17***Facilitation of compliance monitoring**

Air navigation service providers shall facilitate inspections and surveys by the national supervisory authority or by a recognised organisation acting on the latter's behalf, including site visits. The persons authorised by those bodies shall be empowered:

- (a) to examine the relevant accounting documents, asset books, inventories and any other material relevant to the establishment of air navigation charges;
- (b) to take copies of or extracts from such documents;
- (c) to ask for oral explanations on site;
- (d) to enter relevant premises, lands or means of transport.

Such inspections and surveys shall be carried out in compliance with the procedures in force in the Member State in which they are to be undertaken.

*Article 18***Entry into force**

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

2. This Regulation shall apply from 1 January 2007.

However, Member States may defer the application of Articles 9, 10, 12, 13 and 14 in respect of en route charges until 1 January 2008.

Member States may defer the application of Article 9 and Articles 11 to 15 in respect of terminal charges until 1 January 2010.

If Member States decide to defer application in accordance with the second and third subparagraphs, they shall notify the Commission thereof.

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

Done at Brussels, 6 December 2006.

For the Commission

Jacques BARROT

Vice-President

ANNEX I

**ASSESSMENT OF THE CONDITIONS FOR THE PROVISION OF AIR NAVIGATION SERVICES AT AIRPORTS
FALLING WITHIN ARTICLE 1(6)**

The conditions to be assessed under Article 1(6) are the following:

1. The extent to which air navigation service providers can freely offer to provide or withdraw from the provision of air navigation services at airports:
 - the existence or otherwise of any significant economic barriers that would prevent an air navigation service provider from offering to provide or withdrawing from the provision of air navigation services,
 - the existence or otherwise of any significant legal barriers that would prevent an air navigation service provider from offering to provide or withdrawing from the provision of air navigation services,
 - the length of contract duration,
 - the existence of a procedure allowing assets and staff to be transferred from one air navigation service provider to another.
 2. The extent to which airports can freely determine who will provide their air navigation services, including the option to self-supply:
 - the ability or otherwise of airports to move towards self-supply of air navigation services,
 - the existence or otherwise of legal, contractual or practical barriers to an airport's ability to change air navigation service provider,
 - the role of airspace users' representatives in the selection process of the air navigation service provider.
 3. The extent to which there is a range of air navigation service providers from which airports can choose:
 - the existence or otherwise of structural rigidity which restricts the effective choice of the air navigation services for airports,
 - evidence of alternative air navigation service providers, including the option of self-supply that provides choice in the selection of air navigation services by airports.
 4. The extent to which airports are subject to commercial cost pressures or incentive-based regulation:
 - whether airports actively compete for airline business,
 - the extent to which airports bear the air navigation service charge,
 - whether airports operate in a competitive environment or under economic incentives designed to cap prices or otherwise incentivise cost reductions.
-

ANNEX II

TRANSPARENCY OF THE COST BASE

1. REPORTING TABLE

Member States and air navigation service providers shall fill the following reporting table for each charging zone under their responsibility.

The figures shall be actual figures for year (n - 3) until year (n - 1) and planned figures for year (n) onwards. Actual costs shall be established on the basis of the certified accounts. Planned costs shall be established in accordance with the business plan required by the certificate referred to in Article 7 of the service provision Regulation.

Costs shall be established in national currency.

Table 1

Total costs

Organisation:

Charging zone:

Year n:

(n - 3) A	(n - 2) A	(n - 1) A	(n) F	(n + 1) F	(n + 2) P	(n + 3) P	(n + 4) P	(n + 5) P
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Detail by nature

Staff								
Other operating costs								
Depreciation								
Cost of capital								
Exceptional items								
Total costs								

Detail by services

Air traffic management								
Communication								
Navigation								
Surveillance								
Search and rescue								
Aeronautical information								
Meteorological services								
Supervision costs								
Other State costs								
Total costs								

(n - 3) A	(n - 2) A	(n - 1) A	(n) F	(n + 1) F	(n + 2) P	(n + 3) P	(n + 4) P	(n + 5) P
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Complementary information on the exchange rate of the national currency with the euro

Exchange rate (1 EUR =)								
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(n - 3) A	(n - 2) A	(n - 1) A	(n) F	(n + 1) F	(n + 2) P	(n + 3) P	(n + 4) P	(n + 5) P
--------------	--------------	--------------	----------	--------------	--------------	--------------	--------------	--------------

Complementary information on the cost of capital

Average operating capital								
Of which, average long term assets								
Cost of capital before tax (%)								
Return on equity (%)								
Average interest on debts (%)								

2. ADDITIONAL INFORMATION

In addition, Member States and air navigation service providers shall provide at least the following information:

- description of the methodology used for allocating costs of facilities or services between different air navigation services based on the list of facilities and services listed in ICAO Regional Air Navigation Plan, European Region (Doc 7754) and a description of the methodology used for allocating those costs between different charging zones,
- description and explanation of the differences between planned and actual figures for year (n - 1),
- description and explanation of the five-year planned costs based on the business plan,
- description of the costs incurred by Member States (Other State costs),
- description and explanation of the method adopted for the calculation of depreciation costs: historic costs or current costs. When current cost accounting is adopted, provision of comparable historic cost data,
- justification for the cost of capital, including the components of the asset base,
- description of the cost for each airport for each terminal charging zone; for aerodromes with less than 20 000 commercial air transport movements per year being calculated as the average over the previous three years, costs may be presented in an aggregated way per aerodrome,
- breakdown of the meteorological costs between direct costs and 'MET core costs' defined as the costs of supporting meteorological facilities and services that also serve meteorological requirements in general. These include general analysis and forecasting, weather radar and satellite observations, surface and upper-air observation networks, meteorological communication systems, data-processing centres and supporting core research, training and administration,
- description of the methodology used for allocating total MET costs and MET core costs to civil aviation and between charging zones.

ANNEX III

SPECIFIC TRANSPARENCY REQUIREMENTS FOR THE PROVISION OF AIR NAVIGATION SERVICES AT AIRPORTS FALLING WITHIN ARTICLE 1(6)**1. THE COSTS OF AIR NAVIGATION SERVICES****1.1. Reporting table**

Air navigation service providers shall fill the following reporting table for each terminal charging zone under their responsibility.

The figures shall be actual figures for year (n – 3) until year (n – 1) and planned figures for year (n) onwards. Actual costs shall be established on the basis of the certified accounts. Planned costs shall be established in accordance with the business plan required by the certificate.

Costs shall be established in National currency.

Table 1

Total costs

Organisation:

Charging zone:

Year n:

(n – 3)	(n – 2)	(n – 1)	(n)	(n + 1)	(n + 2)	(n + 3)	(n + 4)	(n + 5)
A	A	A	F	F	P	P	P	P

Detail by nature

Staff								
Other operating costs								
Depreciation								
Cost of capital								
Exceptional items								
Total costs								

1.2. Additional information

In addition, air navigation service providers shall provide at least the following information:

- description of the methodology used for allocating costs of facilities or services between different air navigation services based on the list of facilities and services listed in ICAO Regional Air Navigation Plan, European Region (Doc 7754),
- description and explanation of the differences between planned and actual non-confidential figures for year (n – 1),
- description and explanation of non-confidential five-year planned costs and investments in relation to expected traffic,
- description and explanation of the method adopted for the calculation of depreciation costs: historic costs or current costs,
- explanation for the cost of capital.

2. THE FINANCING OF AIR NAVIGATION SERVICES

Air navigation service providers shall provide the following information for each terminal charging zone:

- description of the way(s) by which the costs of air navigation services are financed.

ANNEX IV

CALCULATION OF THE ENROUTE SERVICE UNITS

1. The enroute service unit shall be calculated as the multiplication of the distance factor and the weight factor for the aircraft concerned.
2. The distance factor shall be obtained by dividing by one hundred the number of kilometres flown in the great circle distance between the entry and the exit point of the charging zones, according to the latest known flight plan filed by the aircraft concerned for air traffic flow purposes.
3. If the exit and entry point of one flight are identical in a charging zone, the distance factor shall be equal to the distance in the great circle distance between these points and the most distant point of the flight plan.
4. The distance to be taken into account shall be reduced by 20 kilometres for each take-off from and for each landing on the territory of a Member State.
5. The weight factor, expressed as a figure taken to two decimal places, shall be the square root of the quotient obtained by dividing by fifty the number of metric tons in the maximum certificated take-off weight of the aircraft as shown in the certificate of airworthiness or any equivalent official document provided by the aircraft operator. Where this weight is unknown, the weight of the heaviest aircraft of the same type known to exist shall be used. Where an aircraft as multiple certificated maximum take-off weights, the maximum one shall be used. Where an aircraft operator operates two or more aircraft which are different versions of the same type, the average of the maximum take-off weights of all his aircraft of that type shall be used for each aircraft of that type. The calculation of the weight factor per aircraft type and per operator shall be effected at least once a year.

ANNEX V

CALCULATION OF THE TERMINAL SERVICE UNITS

1. The terminal service unit shall be equal to the weight factor for the aircraft concerned.
2. The weight factor, expressed as a figure taken to two decimal places, shall be the quotient, obtained by dividing by fifty the number of metric tons in the highest maximum certified take-off weight of the aircraft, referred to in Annex IV, paragraph 5, to the power of 0,7. However, in a transitional period of five years following the calculation of the first terminal unit rate under this Regulation, this exponent shall be comprised between 0,5 and 0,9.

ANNEX VI

CHARGING MECHANISM

1. REPORTING TABLE

Member States shall fill the following reporting table for each charging zone under their responsibility. Member States shall also provide a consolidated Table 1 for each charging zone under their responsibility. When a charging zone extends across the airspace of more than one Member State, they shall fill the table jointly in accordance with the arrangements referred to in Article 4(4).

The figures shall be actual figures for year (n – 3) until year (n – 1) and planned figures for year (n) onwards. The 'Total costs' shall be established as the sum of all total costs presented in Table 1 which are allocated to this charging zone.

Table 2

Unit rate calculation

Organisation(s):

Charging zone:

Year n:

(n – 3) A	(n – 2) A	(n – 1) A	(n) F	(n + 1) F	(n + 2) P	(n + 3) P	(n + 4) P	(n + 5) P
--------------	--------------	--------------	----------	--------------	--------------	--------------	--------------	--------------

Unit rate (in euro)

Total costs ⁽¹⁾								
Costs of exempted flights								
Amounts carried over to year (n)								
Income from other sources								
Chargeable costs								
Total service units								
Chargeable service units								
Unit rate ⁽²⁾								

⁽¹⁾ As the sum of all total costs presented in Table 1 which are allocated to this charging zone (when certain air navigation services are outsourced, the cost to be taken into account shall be the cost of the annual expenditure).

⁽²⁾ Unit Rate = Chargeable cost/Chargeable service units.

(n – 3) A	(n – 2) A	(n – 1) A	(n) F	(n + 1) F	(n + 2) P	(n + 3) P	(n + 4) P	(n + 5) P
--------------	--------------	--------------	----------	--------------	--------------	--------------	--------------	--------------

Unit rate (in national currency)

Exchange rate (1 EUR =)								
Unit rate								

(n – 3) A	(n – 2) A	(n – 1) A	(n) F	(n + 1) F	(n + 2) P	(n + 3) P	(n + 4) P	(n + 5) P
--------------	--------------	--------------	----------	--------------	--------------	--------------	--------------	--------------

Balance to be carried over (in national currency)

Charges billed to users								
Actual total costs								
Income from other sources								
Actual costs of exempted flights								
Amounts carried over to year (n)								
Balance of year (n)								

2. ADDITIONAL INFORMATION

In addition, the Member States concerned shall collect and provide at least the following information:

- description and rationale for the establishment of the different charging zones, in particular with regard to terminal charging zones and potential cross-subsidies between airports,
 - description and explanation on the calculation of the forecast chargeable service units,
 - description and explanation of the methodology used with respect to the recovery of the balance resulting from over or under recovery of previous years,
 - description of the policy on exemptions and a description of the financing means to cover the related costs,
 - description of the income from other sources when they exist,
 - description and explanation of incentives applied on air navigation service providers and, in particular, the modalities to be applied in setting regulatory conditions on the level of unit rates. Description and explanation of the objectives in terms of performance and on the modalities to take them into account in the setting of maximum unit rates,
 - description of the plans of air navigation service providers in order to meet projected demand and performance objectives,
 - description and explanation of incentives applied on users of air navigation services.
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COMMISSION REGULATION (EC) No 1795/2006

of 6 December 2006

opening the tariff quota for the year 2007 for the importation into the European Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and in particular, Article 7(2) thereof,

Having regard to Council Decision 2004/859/EC of 25 October 2004 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾, and in particular Article 3 thereof,

Whereas:

- (1) Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽³⁾, and Protocol 3 to the EEA Agreement ⁽⁴⁾, determine the trade arrangements for certain agricultural and processed agricultural products between the Contracting Parties.
- (2) Protocol 3 to the EEA Agreement, as amended by Decision 138/2004 of the EEA Joint Committee ⁽⁵⁾, provides for a zero duty applying to certain waters containing added sugar or other sweetening matter or flavoured, classified under CN code 2202 10 00 and certain other non alcoholic beverages containing sugar, classified under CN code ex 2202 90 10.
- (3) The zero duty for the waters and other beverages in question has been temporarily suspended for Norway by the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway on Protocol 2 to the bilateral free trade Agreement between the European Economic Community and the Kingdom of Norway ⁽⁶⁾, hereinafter

referred to as 'the Agreement', approved by Council Decision 2004/859/EC. According to point IV of the Agreed Minutes of the Agreement, duty free imports of goods of the CN codes 2202 10 00 and ex 2202 90 10 originating in Norway are to be permitted only within the limits of a duty free quota while a duty is to be paid for imports outside the quota allocation.

- (4) It is necessary to open the tariff quota for the year 2007 for the soft drinks in question. According to statistics provided to the Commission, the annual quota for 2006 for the products in question opened by Commission Regulation (EC) No 2028/2005 ⁽⁷⁾ has been exhausted on 31 October 2006. Pursuant to Point IV of the Agreed Minutes of the Agreement the tariff quota for 2007 should therefore be increased by 10 %.
- (5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁸⁾, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quota opened by this regulation is to be managed in accordance with those rules.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

1. For 1 January to 31 December 2007, the Community tariff quota set out in the Annex is opened for the goods originating in Norway which are listed in that Annex under the conditions specified therein.
2. The rules of origin mutually applicable to the goods set out in the Annex shall be as set out in Protocol 3 of the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway.
3. For quantities imported above the quota volume, a preferential duty of EUR 0,047/litre shall apply.

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 370, 17.12.2004, p. 70.

⁽³⁾ OJ L 171, 27.6.1973, p. 1.

⁽⁴⁾ OJ L 22, 24.1.2002, p. 37.

⁽⁵⁾ OJ L 342, 18.11.2004, p. 30.

⁽⁶⁾ OJ L 370, 17.12.2004, p. 72.

⁽⁷⁾ OJ L 327, 14.12.2005, p. 7.

⁽⁸⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 402/2006 (OJ L 70, 9.3.2006, p. 35).

Article 2

The Community tariff quota referred to in Article 1(1) shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 January 2007.

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

Done at Brussels, 6 December 2006.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Tariff quota applicable upon import into the Community of goods originating in Norway

Order No	CN code	Product description	Annual Quota Volume for 2007	Rate of duty applicable within the limits of the quota	Rate of the duty applicable above the quota volume
	2202 10 00	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured	17,303 million litres	Exemption	EUR 0,047/litre
	ex 2202 90 10	Other non-alcoholic beverages containing sugar (sucrose or invert sugar)			

COMMISSION REGULATION (EC) No 1796/2006

of 6 December 2006

opening for the year 2007 a tariff quota applicable to the importation into the European Community of certain goods originating in Iceland resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and, in particular, Article 7(2) thereof,

Having regard to Council Decision 1999/492/EC of 21 June 1999 concerning the conclusion of an Agreement in the form of an exchange of letters between the European Community, of the one part, and the Republic of Iceland, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Republic of Iceland ⁽²⁾, and, in particular Article 2 thereof,

Whereas:

- (1) The Agreement in the form of an exchange of letters between the European Community, of the one part, and the Republic of Iceland, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Republic of Iceland, approved by Decision 1999/492/EC, provides for an annual tariff quota for imports from Iceland of sugar confectionery products and chocolate and other food preparations containing cocoa. It is necessary to open that quota for 2007.

- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quota opened by this Regulation is to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 2007, the goods originating in Iceland and imported into the Community which are listed in the Annex shall be subject to the duties set out in that Annex within the limits of the annual quota indicated therein.

Article 2

The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall apply from 1 January 2007.

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

Done at Brussels, 6 December 2006.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 192, 24.7.1999, p. 47.

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 402/2006 (OJ L 70, 9.3.2006, p. 35).

ANNEX

Order No	CN code	Description	Quota	Rate of duty applicable
09.0799	1704 90 10	Sugar confectionary (including white chocolate) not containing cocoa, falling within CN code 1704 90	500 tonnes	50 % of the rate of duty for third countries (*) up to a maximum of EUR 35,15/100 kg
	1704 90 30			
	1704 90 51			
	1704 90 55			
	1704 90 61			
	1704 90 65			
	1704 90 71			
	1704 90 75			
	1704 90 81			
	1704 90 99			
	1806 32 10	Chocolate and other food preparations containing cocoa falling within CN codes 1806 32, 1806 90, 1905 31 and 1905 32		
	1806 32 90			
	1806 90 11			
	1806 90 19			
	1806 90 31			
	1806 90 39			
	1806 90 50			
	1806 90 60			
	1806 90 70			
	1806 90 90			
	1905 31 11	Sweet biscuits, waffles and wafers		
	1905 31 19			
	1905 31 30			
	1905 31 91			
	1905 31 99			
	1905 32 11			
	1905 32 19			
	1905 32 91			
	1905 32 99			

(*) Rate of duty for third countries: rate consisting of the *ad valorem* duty plus, where appropriate, the agricultural component, limited to the maximum rate where provided for in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1797/2006**of 6 December 2006****opening for the year 2007 a tariff quota applicable to the importation into the European Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and, in particular, Article 7(2) thereof,Having regard to Council Decision 96/753/EC of 6 December 1996 concerning the conclusion of an Agreement in the form of an exchange of letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾, and, in particular, Article 2 thereof,

Whereas:

- (1) The Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway, approved by Decision 96/753/EC, provides for an annual tariff quota for imports originating in Norway of chocolate and other food preparations containing cocoa. It is necessary to open that quota for 2007.

- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quota opened by this Regulation is to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 2007, the goods originating in Norway and imported into the Community which are listed in the Annex shall be subject to the duties set out in that Annex within the limits of the annual quota indicated therein.

Article 2

The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall apply from 1 January 2007.

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

Done at Brussels, 6 December 2006.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 345, 31.12.1996, p. 78.

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation, as last amended by Regulation (EC) No 402/2006 (OJ L 70, 9.3.2006, p. 35).

ANNEX

Order No	CN code	Description	Quota	Rate of duty applicable
09.0764	ex 1806 1806 20 1806 31 1806 32 1806 90	Chocolate and other food preparations containing cocoa with the exception of cocoa powder containing added sugar or other sweetening matter falling within CN code 1806 10	5 500 tonnes	EUR 35,15/100 kg

COMMISSION REGULATION (EC) No 1798/2006**of 6 December 2006****opening tariff quotas for 2007 for imports into the European Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and in particular Article 7(2) thereof,Having regard to Council Decision 2004/859/EC of 25 October 2004 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾, and in particular Article 2 thereof,

Whereas:

- (1) The Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway provides in point III for annual tariff quotas for imports of certain goods originating in Norway. It is necessary to open these quotas for 2007.

- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quotas opened by this Regulation are to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

The Community tariff quotas for the goods originating in Norway which are listed in Annex shall be opened for 1 January to 31 December 2007.

Article 2

The Community tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 January 2007.

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

Done at Brussels, 6 December 2006.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 370, 17.12.2004, p. 70.

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 402/2006 (OJ L 70, 9.3.2006, p. 35).

ANNEX

Annual tariff quotas applicable upon import into the Community of goods originating in Norway

Order number	CN code	Description	Annual quota volume from 1.1.2007	Rate of duty applicable within the limits of the quota
09.0765	1517 10 90	Margarine, excluding liquid margarine, containing, by weight, not more than 10 % of milk fats	2 470 tonnes	Free
09.0771	ex 2207 10 00 (TARIC Code 90)	Undenatured ethyl alcohol of an alcohol strength by volume of 80 % vol. or higher, other than that obtained from agricultural products listed in Annex I to the EC Treaty	164 000 hectolitres	Free
09.0772	ex 2207 20 00 (TARIC Code 90)	Ethyl alcohol and other spirits, denatured, of any strength, other than that obtained from agricultural products listed in Annex I to the EC Treaty	14 340 hectolitres	Free
09.0774	2403 10	Smoking tobacco, whether or not containing tobacco substitutes in any proportion	370 tonnes	Free

COMMISSION REGULATION (EC) No 1799/2006**of 6 December 2006****amending Regulation (EC) No 26/2004 on the Community fishing fleet register**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 15(3) and (4) thereof,

Whereas:

(1) Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register ⁽²⁾ fixes, *inter alia*, the dates of fleet census, the codes for fishing gear and the codes for public aid.

(2) It is necessary to fix the dates of the census for the new Member States that will accede to the European Union so they can comply with the provisions of Regulation (EC) No 26/2004.

(3) In order to better identify those vessels that carry out artisanal or small-scale fishing activities, it is necessary to introduce a more precise distinction among fishing gears.

(4) In order to monitor the application of Article 25(3) and (4) of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund ⁽³⁾ it is necessary to introduce new codes for communicating the replacement of engines with public aid.

(5) Regulation (EC) No 26/2004 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 26/2004 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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, 6 December 2006.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 5, 9.1.2004, p. 25.

⁽³⁾ OJ L 223, 15.8.2006, p. 1.

ANNEX

Annex I to Regulation (EC) No 26/2004 is amended as follows:

1. Table 2 is replaced by the following:

Table 2	
Date of census fixed by country	
BEL, DNK, FRA, GBR, PRT	1.1.1989
NLD	1.9.1989
DEU, ESP	1.1.1990
IRL	1.10.1990
ITA	1.1.1991
GRC	1.7.1991
SWE, FIN	1.1.1995
CYP, EST, LTU, LVA, MLT, POL, SVN	1.5.2004
Member States acceding after 1 May 2004	Accession date'

2. Table 3 is replaced by the following:

Table 3				
Code for fishing gear				
Gear category	Gear	Code	Static (S) or towed (T) or mobile gear (M)	Pelagic (P) or demersal (D)
Surrounding nets	Purse seines	PS	M	P
	Lampara nets	LA	M	P
Seines	Beach seines	SB	T	D/P
	Danish seines	SDN	T	D/P
	Scottish seines	SSC	T	D/P
	Pair seines	SPR	T	D/P
Trawls	Beam trawl	TBB	T	D
	Bottom otter trawl	OTB	T	D
	Bottom pair trawls	PTB	T	D
	Midwater otter trawls	OTM	T	D/P
	Pelagic pair trawls	PTM	T	D/P
	Otter twin trawls	OTT	T	D/P
Dredges	Boat dredges	DRB	T	D
	Hand dredges used on board a vessel	DRH	T	D
	Mechanised dredges including suction dredges	HMD	T	D
Lift nets	Boat-operated lift nets	LNB	M	P
	Shore-operated stationary lift nets	LNS	M	P

Gear category	Gear	Code	Static (S) or towed (T) or mobile gear (M)	Pelagic (P) or demersal (D)
Gill nets and entangling nets	Set (anchored) gill nets	GNS	S	D
	Driftnet	GND	S	D/P
	Encircling gill nets	GNC	S	D/P
	Trammel nets	GTR	S	D/P
	Combined trammel and gill nets	GTN	S	D/P
Traps	Pots (traps)	FPO	S	D
Hooks and lines	Hand lines and pole lines (hand operated)	LHP	S	D/P
	Hand lines and pole lines (mechanised)	LHM	S	D/P
	Set longlines	LLS	S	D
	Longlines (drifting)	LLD	S	P
	Troll lines	LTL	M	P
Gear unknown ⁽¹⁾		NK		
No gear ⁽²⁾		NO		

⁽¹⁾ Not valid for vessels in fleet or reported from 1 January 2003.

⁽²⁾ Valid only for subsidiary fishing gear.

3. Table 7 is replaced by the following:

Table 7
Codes for public aid

Aid not part-financed by the Community	AE
Aid part-financed by the Community	AC
No public aid	PA
Aid for the replacement of engine conditional to power reduction (individual option)	EI
Aid for the replacement of engine conditional to power reduction (group option)	EG

COMMISSION REGULATION (EC) No 1800/2006**of 6 December 2006****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2006/2007 marketing year are fixed by Commission Regulation (EC) No 1002/2006 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 1767/2006 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 7 December 2006.

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

Done at Brussels, 6 December 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 179, 1.7.2006, p. 36.

⁽⁴⁾ OJ L 335, 1.12.2006, p. 19.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 7 December 2006

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	22,45	5,08
1701 11 90 ⁽¹⁾	22,45	10,31
1701 12 10 ⁽¹⁾	22,45	4,89
1701 12 90 ⁽¹⁾	22,45	9,88
1701 91 00 ⁽²⁾	28,15	11,16
1701 99 10 ⁽²⁾	28,15	6,64
1701 99 90 ⁽²⁾	28,15	6,64
1702 90 99 ⁽³⁾	0,28	0,37

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

⁽²⁾ Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.

⁽³⁾ Fixed per 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 13 November 2006

on the conclusion of a Protocol amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, on tariff quotas for sugar and sugar products originating in Croatia or in the Community

(2006/882/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 28 February 2005 the Council authorised the Commission to enter into negotiations with the Republic of Croatia to amend the preferential arrangements as regards imports of sugar originating in Croatia into the Community under the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part⁽¹⁾, approved by Council and Commission Decision 2005/40/EC, Euratom⁽²⁾.

- (2) The Commission has finalised negotiations for a Protocol amending the Stabilisation and Association Agreement. The said Protocol should therefore be approved.

- (3) The measures necessary for the implementation of the Protocol should be adopted by the Commission according to the same procedure as that provided for as regards the implementation of Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector⁽³⁾,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, on tariff quotas for sugar and sugar products originating in Croatia or in the Community (hereinafter referred to as the Protocol) is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol in order to bind the Community.

⁽¹⁾ OJ L 26, 28.1.2005, p. 3.

⁽²⁾ OJ L 26, 28.1.2005, p. 1.

⁽³⁾ OJ L 58, 28.2.2006, p. 1.

Article 3

The Commission shall adopt the detailed rules for implementing the Protocol in accordance with the procedure as laid down in Article 39 of Regulation (EC) No 318/2006.

Done at Brussels, 13 November 2006.

For the Council
The President
E. TUOMIOJA

PROTOCOL**amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, on tariff quotas for sugar and sugar products originating in Croatia or in the Community**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE REPUBLIC OF CROATIA, hereinafter referred to as 'Croatia',

of the other part,

Whereas:

- (1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, (hereinafter referred to as the SAA) was signed in Luxembourg on 29 October 2001 and entered into force on 1 February 2005.
- (2) Negotiations have taken place to alter the preferential arrangements in the SAA with regard to sugar and sugar products originating in Croatia or in the Community.
- (3) Appropriate amendments to the SAA should be adopted,

HAVE AGREED AS FOLLOWS:

Article 1

The SAA is hereby amended as follows:

1. Article 27 shall be amended as follows:

- (a) in paragraph 1, the first subparagraph shall be replaced by the following:

'1. The Community shall abolish the customs duties and charges having equivalent effect on imports of agricultural products originating in Croatia, other than those of heading Nos 0102, 0201, 0202, 1701, 1702 and 2204 of the Combined Nomenclature.'

- (b) the following paragraph shall be added:

'5. Certain trade arrangements to apply to sugar and sugar products under the headings Nos 1701 and 1702 of the Combined Nomenclature are set out in Annex IV(h).'

2. The text set out in the Annex to this Decision shall be added as Annex IV(h).

3. In the table in Annex I to Protocol 3, the following references shall be deleted:

'1702 50 00 — Chemically pure fructose',

'1702 90 10 — Chemically pure maltose'.

Article 2

The Parties shall meet in the second half of 2008 to review the effects of this Protocol.

Article 3

This Protocol shall form an integral part of the SAA.

Article 4

This Protocol shall enter into force on 1 January 2007.

Article 5

This Protocol is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovene, Spanish, Swedish and Croatian languages, each of these texts being equally authentic.

Hecho en Zagreb, el veintiocho de noviembre de dos mil seis.

V Záhřebu dne dvacátého osmého listopadu dva tisíce šest.

Udfærdiget i Zagreb den otteogtyvende november to tusind og seks.

Geschehen zu Zagreb am achtundzwanzigsten November zweitausendundsechs.

Koostatud kahekümne kaheksandal novembril kahe tuhande kuuendal aastal Zagrebis.

Έγινε στο Ζάγκρεμπ στις είκοσι οκτώ Νοεμβρίου δύο χιλιάδες έξι.

Done at Zagreb on the twenty-eighth day of November in the year two thousand and six.

Fait à Zagreb, le vingt-huit novembre deux mille six.

Fatto a Zagabria, addì ventotto novembre duemilasei.

Zagrebā, divi tūkstoši sestā gada divdesmit astotajā novembrī.

Priimta Zagrebe, du tūkstančiai šeštų metų lapkričio dvidešimt aštuntą dieną.

Kelt Zágrábban, a kétézer-hatodik év november havának huszonnyolcadik napján.

Magħmul f'Zagreb fit-tmienja u ghoxrin jum ta' Novembru fis-sena elfejn u sitta.

Gedaan te Zagreb, de achtentwintigste november tweeduizend en zes.

Sporządzono w Zagrzebiu dnia dwudziestego ósmego listopada dwa tysiące szóstego roku.

Feito em Zagrebe, aos vinte e oito dias do mês de Novembro do ano de dois mil e seis.

V Záhřebe dvadsiateho ôsmeho novembra dvetisícšesť.

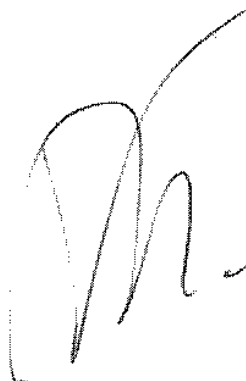
V Zagrebu, dne osemindvajsetega novembra, leta dva tisoč šest.

Tehty Zagrebissa kahdentenakymmenentenäkahdeksantena päivänä marraskuuta vuonna kaksituhattakuusi

Utfärdat i Zagreb den tjuguåttonde november år tvåtusensex.

Sastavljeno u Zagrebu dana dvadesetosmog studenoga dvije tisuće i šeste godine.

Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen
Za Europsku zajednicu



Por la República de Croacia
Za Chorvatskou republiku
For Republikken Kroatien
Für die Republik Kroatien
Horvaatia Vabariigi nimel
Για τη Δημοκρατία της Κροατίας
For the Republic of Croatia
Pour la République de Croatie
Per la Repubblica di Croazia
Horvātijas Republikas vārdā
Kroatijos Respublikos vardu
A Horvát Köztársaság részéről
Għar-Repubblika tal-Kroazja
Voor de Republiek Kroatië
W imieniu Republiki Chorwacji
Pela República da Croácia
Za Chorvātsku republiku
Za Republiko Hrvāško
Kroatian tasavallan puolesta
För Republiken Kroatien
Za Republiku Hrvatsku



ANNEX

‘ANNEX IV(h)
referred to in Article 27(5)

1. The Community shall apply duty-free access on imports into the Community for products originating in Croatia of headings 1701 and 1702 of the Combined Nomenclature within a limit of an annual quantity of 180 000 tonnes (net weight).
 2. Croatia shall apply a reduced duty access on imports into Croatia of products originating in the Community of headings 1701 of the Combined Nomenclature within a limit of an annual quantity of 80 000 tonnes (net weight), to be applied only once imports from Croatia to the Community of headings 1701 and 1702 of the Combined Nomenclature reach 80 000 tonnes (net weight). On this quantity Croatia will reduce duty rates as follows:
 - on 1 January 2007 the duty shall be reduced to 75 % of the basic duty,
 - on 1 January 2008 the duty shall be reduced to 70 % of the basic duty,
 - on 1 January 2009 and onwards the duty shall be reduced to 50 % of the basic duty.
 3. The Community undertakes not to pay export refunds from the Community budget for sugar, syrup and certain other sugar products falling under headings 1701 and 1702 of the Combined Nomenclature when exported in natural state to Croatia. Croatia undertakes not to pay export refunds for sugar exports to the Community.’
-

COMMISSION

COMMISSION DECISION

of 5 December 2006

amending Decision 2006/80/EC as regards Slovenia

(notified under document number C(2006) 5797)

(Only the Slovenian text is authentic)

(2006/883/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals ⁽¹⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) Directive 92/102/EEC sets out the minimum requirements for the identification and registration of animals, without prejudice to more detailed Community rules which may be established for disease eradication or control purposes.
- (2) Under Article (3)1 of Directive 92/102/EEC, Member States are to ensure that the competent authority has an up-to-date list of all the holdings which keep animals covered by that Directive and are situated on their territory.
- (3) Article 3(2) of Directive 92/102/EEC provides for the possibility to authorise Member States to exclude from the list of holdings required by Article 3(1) of that Directive natural persons who keep one single pig which is intended for their own use or consumption, provided that this animal is subjected to the controls laid down in that Directive before any movement.
- (4) Commission Decision 2006/80/EC ⁽²⁾ authorises certain Member States to apply the derogation provided for in Article 3(2) of Directive 92/102/EEC as regards holdings with one single pig.

- (5) Slovenia has requested the authorisation provided for in Article 3(2) of Directive 92/102/EEC as regards holdings with one single pig and has given the appropriate assurances in respect of the controls laid down in that Directive.
- (6) It is therefore appropriate to authorise Slovenia to apply that derogation.
- (7) Decision 2006/80/EC should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee for the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2006/80/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Republic of Slovenia.

Done at Brussels, 5 December 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 355, 5.12.1992, p. 32. Directive as last amended by Regulation (EC) No 21/2004 (OJ L 5, 9.1.2004, p. 8).

⁽²⁾ OJ L 36, 8.2.2006, p. 50.

ANNEX

'ANNEX

Member States authorised to apply the derogation provided for in Article 3(2) of Directive 92/102/EEC as regards holdings with one single pig:

The Czech Republic

France

Italy

Poland

Portugal

Slovenia

Slovakia'

COMMISSION DECISION**of 6 December 2006****on determining the Community position for a Decision of the Joint Committee established under the Agreement between the European Community and the United States of America on the Mutual Recognition of Certificates of Conformity for Marine Equipment, adopting its Rules of Procedure****(2006/884/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

Sole Article

Having regard to Council Decision 2004/425/EC ⁽¹⁾ of 21 April 2004 on the conclusion of an Agreement between the European Community and the United States of America on the Mutual Recognition of Certificates of Conformity for Marine Equipment (hereinafter the Agreement), and in particular Article 3(2) thereof,

The position to be adopted by the European Community for a decision by the Joint Committee, set up under Article 7 of the Agreement between the European Community and the United States of America on the Mutual Recognition of Certificates of Conformity for Marine Equipment, adopting its Rules of Procedure, shall be based on the draft Joint Committee decision annexed to this Decision.

Whereas:

(1) The Commission has, in view of adopting the Community position, consulted the special committee designated by the Council.

Done at Brussels, 6 December 2006.

(2) Article 7(2) of the Agreement states that the Joint Committee, established under Article 7 of the Agreement, shall determine its own Rules of Procedure,

For the Commission
Peter MANDELSON
Member of the Commission

⁽¹⁾ OJ L 150, 30.4.2004, p. 42.

ANNEX

'DRAFT

**DECISION No .../... OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT
BETWEEN THE EUROPEAN COMMUNITY AND THE UNITED STATES OF AMERICA****on the Mutual Recognition of Certificates of Conformity for Marine Equipment adopting its Rules
of Procedure**

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Community and the United States of America on the Mutual Recognition of Certificates of Conformity for Marine Equipment, and in particular Article 7 thereof,

Whereas Article 7(2) of the Agreement provides that the Joint Committee shall determine its own rules of procedure,

HAS ADOPTED THIS DECISION:

1. The Rules of Procedure for the Joint Committee, as specified in the Attachment to this Decision, are hereby adopted.

This Decision, done in duplicate, shall be signed by representatives of the Joint Committee who are authorised to act on behalf of the Parties for purposes of amending the Agreement. This Decision shall be effective from the date of the latter of these signatures.

Signed in Washington on

Signed in Brussels on

*On behalf of the United States of America**On behalf of the European Community*

ANNEX

RULES OF PROCEDURE FOR THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE UNITED STATES OF AMERICA**on the Mutual Recognition of Certificates of Conformity for Marine Equipment***Article 1***Chairmanship**

The Joint Committee shall be chaired jointly by a representative of the European Community and a representative of the United States.

*Article 2***Meetings**

1. The Joint Committee shall meet at regular intervals at least once a year at a mutually agreeable time. If additional meetings are deemed necessary by a Party, the other Party shall accommodate the request for a meeting to the maximum extent possible.
2. The Parties shall take turns in hosting the meeting unless otherwise agreed. Teleconferencing or videoconferencing may be used if the Parties so agree.
3. The Co-Chairs shall convene meetings of the Joint Committee.
4. The Co-Chairs shall establish a date for the meeting and exchange such documents as necessary in time to ensure adequate preparation, if possible, three weeks prior to the meeting.
5. The Party hosting a meeting, or requesting a videoconference or teleconference, shall be responsible for logistical arrangements.

*Article 3***Delegations**

The Parties shall notify each other at least one week before a meeting of the intended composition of their delegations.

*Article 4***Agenda for the meetings**

1. The Co-Chairs shall draw up provisional agenda for each meeting no later than 14 days before the meeting. The provisional agenda shall include the items for which a request for inclusion in the agenda has been received by either of the Co-Chairs no later than 14 days before the meeting.
2. Either Party may add items to the provisional agenda at any time prior to the meeting if the other Party agrees. If possible, a Party shall make a request to add items to the provisional agenda in writing to the other Party. Such requests shall be accommodated to the extent possible.
3. The Co-Chairs shall adopt the final agenda at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the Parties agree and shall be accommodated to the extent possible.

*Article 5***Records of meetings**

1. The Co-Chair of the host Party shall prepare a draft of the record of each meeting as soon as possible.
2. The record shall, as a general rule, indicate in respect of each item on the agenda:
 - (a) documentation submitted to the Joint Committee;

- (b) statements that a Party has requested to be entered; and
 - (c) decisions taken and the conclusions adopted on a specific item.
3. The record shall also indicate the individuals of the respective delegations participating, as well as the ministry or agency that each represents.
 4. The Co-Chairs shall approve the record.

Article 6

Joint Committee Decisions

1. The Joint Committee shall take decisions by unanimity.
2. The Joint Committee may adopt a decision by written procedure at times other than formal Joint Committee meetings.
3. Decisions of the Joint Committee shall be entitled "Decisions" followed by a serial number, and by a description of their subject. The date the decision takes effect shall also be indicated. Decisions shall be signed by representatives of the Joint Committee who are authorised to act on behalf of the Parties. Decisions shall be drawn up in duplicate, each version being equally authentic.

Article 7

Consultation of experts

The Committee may consult experts on particular issues if the Parties agree.

Article 8

Expenses

1. Each Party shall be responsible for the expenses it incurs by reason of its participation in the meetings of the Joint Committee, including staff, travel and subsistence expenditure and postal or telecommunications expenditure.
2. The host Party shall generally cover other expenses arising from the organisation of the meetings.

Article 9

Administrative procedures

1. Unless the Parties decide otherwise, the meetings of the Joint Committee shall not be open to the public.
 2. Records and other documents of the Joint Committee shall be considered to be information exchanged under Article 17 of the Agreement for purposes of confidentiality.
 3. Participants other than officials of the Parties may be invited, if the Co-Chairs agree, and shall also be subject to Article 17 of the Agreement.
 4. The Parties may organise public briefings or otherwise inform interested members of the public of the results of the Joint Committee meetings.'
-

COMMISSION DECISION

of 6 December 2006

on a Community financial contribution for 2006 to cover expenditure incurred by Belgium and Germany for the purpose of combating organisms harmful to plants or plant products

(notified under document number C(2006) 5894)

(Only the French, Dutch and German texts are authentic)

(2006/885/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular Article 23 thereof,

Whereas:

(1) Pursuant to Directive 2000/29/EC, a financial contribution from the Community may be granted to Member States to cover expenditure relating directly to the necessary measures which have been taken or are planned to be taken for the purpose of combating harmful organisms introduced from third countries or from other areas in the Community, in order to eradicate or, if that is not possible, to contain them.

(2) Belgium and Germany have each established a programme of actions to eradicate organisms harmful to plants introduced in their territories. These programmes specify the objectives to be achieved, the measures carried out, their duration and their cost. Belgium and Germany have applied for the allocation of a Community financial contribution to these programmes within the time limit set out in Directive 2000/29/EC and in accordance with Commission Regulation (EC) No 1040/2002 of 14 June 2002 establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Community for plant-health control and repealing Regulation (EC) No 2051/97 ⁽²⁾.

(3) The technical information provided for by Belgium and Germany has enabled the Commission to analyse the situation accurately and comprehensively and to conclude that the conditions for the granting of a Community financial contribution, as laid down in particular in Article 23 of Directive 2000/29/EC, have

been met. Accordingly, it is appropriate to provide a Community financial contribution to cover the expenditure on these programmes.

(4) The Community financial contribution may cover up to 50 % of eligible expenditure. However, in accordance with Article 23(5) third paragraph of the Directive, the rate of the Community financial contribution for the programme presented by Belgium should be reduced as the programme notified by this Member State has already been the subject of Community funding under Commission Decision 2004/772/EC ⁽³⁾ and 2005/789/EC ⁽⁴⁾.

(5) In accordance with Article 24 of Directive 2000/29/EC the Commission shall ascertain whether the introduction of the relevant harmful organism has been caused by inadequate examinations or inspections and adopt the measures required by the findings from its verification.

(6) In accordance with Article 3(2)(a) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽⁵⁾, plant-health measures are to be financed from the European Agricultural Guarantee Fund. For the purpose of financial control of these measures Articles 9, 36 and 37 of the above Regulation shall apply.

(7) The measures provided in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

The allocation of a Community financial contribution for 2006 to cover expenditure incurred by Belgium and Germany relating to necessary measures as specified in Article 23(2) of Directive 2000/29/EC and taken for the purpose of combating the organisms concerned by the eradication programmes listed in the Annex is hereby approved.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Directive 2006/35/EC (OJ L 88, 25.3.2006, p. 9).

⁽²⁾ OJ L 157, 15.6.2002, p. 38. Regulation as last amended by Regulation (EC) No 738/2005 (OJ L 122, 14.5.2005, p. 17).

⁽³⁾ OJ L 341, 17.11.2004, p. 27.

⁽⁴⁾ OJ L 296, 12.11.2005, p. 42.

⁽⁵⁾ OJ L 209, 11.8.2005, p. 1.

Article 2

1. The total amount of the financial contribution referred to in Article 1 is EUR 101 423.

2. The maximum amounts of the Community financial contribution for each of the programmes shall be as indicated in the Annex.

Article 3

The Community financial contribution as set out in the Annex shall be paid on the following conditions:

- (a) evidence of the measures taken has been given in accordance with the provisions laid down in Regulation (EC) No 1040/2002.
- (b) a request for payment has been submitted by the Member State concerned to the Commission, in accordance with Article 5 of Regulation (EC) No 1040/2002.

The payment of the financial contribution is without prejudice of the verifications by the Commission under Article 24 of Directive 2000/29/EC.

Article 4

This Decision is addressed to the Kingdom of Belgium and the Federal Republic of Germany.

Done at Brussels, 6 December 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

ERADICATION PROGRAMMES

SECTION I

Programmes whose Community financial contribution corresponds to 50 % of eligible expenditure

Member State	Harmful organisms combated	Affected plants	Year	Eligible expenditure (EUR)	Maximum Community contribution (EUR) per programme
Germany	<i>Anoplophora glabripennis</i>	Various trees	2004 and 2005	64 554	32 277

SECTION II

Programmes whose Community financial contribution rates differ, in application of degressivity

Member State	Harmful organisms combated	Affected plants	Year	a	Eligible expenditure (EUR)	Rate (%)	Maximum Community contribution (EUR)
Belgium	<i>Diabrotica virgifera</i>	Maize	2006	4	172 865	40	69 146

Total Community contribution (EUR)	101 423
------------------------------------	---------

Legend:

a = Year of implementation of the eradication programme.

COMMISSION DECISION

of 6 December 2006

terminating the anti-absorption reinvestigation concerning imports of hand pallet trucks and their essential parts originating in the People's Republic of China

(2006/886/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (the 'basic Regulation')⁽¹⁾ and in particular Articles 9 and 12 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE**1. Original measures**

- (1) In July 2005, the Council imposed by Regulation (EC) No 1174/2005⁽²⁾ a definitive anti-dumping duty ('the original measures') on imports of hand pallet trucks and their essential parts originating in the People's Republic of China ('PRC'). Individual anti-dumping duty rates ranging from 7,6 % to 39,9 % were imposed on co-operating exporting producers in the PRC. The rate applicable to imports from all other companies is 46,7 %.

2. Request for an anti-absorption reinvestigation

- (2) On 15 February 2006, a request for a reinvestigation of the original measures was lodged pursuant to Article 12 of the basic Regulation. This request was submitted by four major Community producers of hand pallet trucks and essential parts thereof (BT Products AB, Franz Kahl GmbH, Bolzoni Auramo SpA and Pramac Lifter S.p.A) representing a major proportion, in this case more than 70 %, of the total Community production ('the applicants').

- (3) The applicants submitted sufficient *prima facie* information showing that the anti-dumping duty imposed on hand pallet trucks and essential parts thereof originating in the PRC has not led to any movement or sufficient movement in resale prices or subsequent selling prices in the Community, suggesting an increase in dumping and thus impeding the intended remedial effects of the anti-dumping measures in force.

3. The anti-absorption reinvestigation

- (4) On 31 March 2006, the Commission announced by a notice published in the *Official Journal of the European Union*⁽³⁾, the initiation of a reinvestigation of the original measures pursuant to Article 12 of the basic Regulation.

- (5) The Commission officially advised the exporters/producers known to be concerned, the representatives of the exporting country, importers and users of the initiation of this reinvestigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation. The Commission sent questionnaires to all parties known to be concerned.

- (6) Two sufficiently complete questionnaire replies were received from Chinese exporting producers, i.e. from Ningbo Ruyi Joint Stock Co. Ltd. and from Zhejiang Noblift Equipment Joint Stock Co. Ltd., both of which also co-operated in the original investigation. One other exporting producer, Yale Industrial Products Co. Ltd., only provided substantially incomplete information and was therefore, after having been duly informed, considered to be non co-operating in accordance with Article 18 of the basic Regulation. Two other exporting producers which co-operated in the original investigation did not provide any information in the present absorption reinvestigation, i.e. Ningbo Liftstar Material Transport Equipment Factory and Ningbo Tailong Machinery Co. Ltd.

- (7) Furthermore, nine importers of hand pallet trucks and their essential parts made themselves known, of which five sufficiently co-operated in the present reinvestigation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ OJ L 189, 21.7.2005, p. 1.

⁽³⁾ OJ C 78, 31.3.2006, p. 24.

- (8) The Commission sought and verified all the information deemed necessary for the purpose of this reinvestigation. Verification visits were carried out at the premises of the following exporting producers in the PRC:

- Ningbo Ruyi Joint Stock Co. Ltd, Hangzhou and Ninghai, PRC;
- Zhejiang Noblelift Equipment Joint Stock Co. Ltd., Changxing, PRC.

- (9) The investigation period of this reinvestigation ('reinvestigation IP') ran from 1 April 2005 to 31 March 2006. The reinvestigation IP was used to determine the current level of export prices and the level of the prices delivered to the final customers in the Community. In establishing whether the export prices and the resale prices or subsequent selling prices in the Community had moved sufficiently, the price levels charged during the reinvestigation IP were compared to those charged during the original investigation period ('original IP') which had covered the period from 1 April 2003 to 31 March 2004.

B. PRODUCT CONCERNED

- (10) The product concerned by the present reinvestigation is the same as in the original investigation, i.e. hand pallet trucks, not self propelled, used for the handling of materials normally placed on pallets, and their essential parts, i.e. chassis and hydraulics, originating in the PRC ('the product concerned'), normally classified within CN codes ex 8427 90 00 and ex 8431 20 00.

C. FINDINGS

- (11) The purpose of this reinvestigation was to establish whether or not since the imposition of the original measures (i) export prices had decreased or (ii) there had been no or insufficient movement in resale prices or subsequent selling prices in the Community of the product concerned.
- (12) In accordance with Article 12 of the basic Regulation, importers/users and exporters/producers were provided with an opportunity to submit evidence to justify a decrease in export prices and/or lack of movement in

resale prices and subsequent selling prices in the Community, if any, following the imposition of the original measures for reasons other than absorption of the anti-dumping duty.

1. Decrease in export prices

- (13) In the reinvestigation IP sales of the product concerned were made both via related parties in the Community and in the PRC and directly to independent importers and/or distributors in the Community. Movements in export prices were assessed by comparing, per product type and for the same delivery conditions, the weighted average price observed in the reinvestigation IP with that determined during the original IP.
- (14) The comparison of prices of the two co-operating exporting producers in the reinvestigation IP with those in the original IP showed no decrease in the average export price of the product concerned.

2. Movement of resale prices or subsequent selling prices in the Community

- (15) The movement of resale prices in the Community at the level of importers and/or distributors was assessed by comparing, for similar product types, the average resale prices for the same delivery conditions, including the conventional duty plus the anti-dumping duty, of the original IP with those determined in the reinvestigation IP. In this respect, five importers, accounting for a significant amount of imports of the product concerned into the Community during the reinvestigation IP, co-operated and provided data.
- (16) The comparison of their resale prices for these product types showed that prices had increased by amounts exceeding the anti-dumping duty. In this context, it is further noted that it was therefore not necessary to investigate in greater detail any decrease in profit margins of the co-operating importers during the reinvestigation IP compared to the original IP, which in any event remained substantial during the reinvestigation IP.
- (17) Representative data with regard to subsequent selling prices were not available. However, given that resale prices of importers to unrelated customers were found to have shown sufficient movement since the imposition of anti-dumping measures, it was not unreasonable to conclude that the subsequent selling prices of these customers would also have shown sufficient movement.

3. Non co-operating companies

- (18) Since the two co-operating exporting producers in the present reinvestigation exported in volume over 85 % of the product concerned to the Community during the reinvestigation IP, thus constituting high co-operation, their findings were considered to be representative for the exporting country as a whole. Therefore, no recourse to facts available in the meaning of Article 18 of the basic Regulation concerning non co-operating exporting producers was made.

4. Conclusion

- (19) It was concluded as the result of the present reinvestigation that absorption in the meaning of Article 12(2) of the basic Regulation of the measures in place could not be established for the co-operating exporting producers, since neither a decrease in export prices nor an insufficient movement in resale prices or subsequent selling prices for the product concerned was found.
- (20) The duty for the non-cooperating exporting producers should be left unchanged as well for the reasons set out in recital (18) above.

- (21) Consequently, the present absorption reinvestigation should be terminated.

- (22) Interested parties were informed of the essential facts and considerations upon which it was intended to terminate this reinvestigation, and were given the opportunity to comment. No substantive comments were received.

HAS DECIDED AS FOLLOWS:

Sole Article

The reinvestigation pursuant to Article 12 of Regulation (EC) No 384/96 of the anti-dumping measures applicable to imports of hand pallet trucks and their essential parts originating in the People's Republic of China is hereby terminated.

Done at Brussels, 6 December 2006.

For the Commission
Peter MANDELSON
Member of the Commission
