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### Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2011/2006  
of 19 December 2006**

**adapting Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, Regulation (EC) No 318/2006 on the common organisation of the markets in the sugar sector and Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community, by reason of the accession of Bulgaria and Romania to the European Union**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of Bulgaria and Romania, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania (hereinafter referred to as '2005 Act of Accession'), and in particular Article 20 in conjunction with Annex IV, and Article 56, thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas:

(1) Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers<sup>(1)</sup> amended *inter alia* the provisions on seed aid ceilings by reason of the 2004 accession and introduced direct support schemes for farmers in the sugar sector. Council Regulation (EC) No 318/2006 of 20 February 2006 on

the common organisation of the markets in the sugar sector<sup>(2)</sup> introduced common rules governing the common organisation of the markets in the sugar sector from the marketing year 2006/2007. Regulation (EC) No 320/2006<sup>(3)</sup> established a temporary scheme for the restructuring of the sugar industry in the Community.

(2) Those general rules and measures should be adapted to allow their implementation in Bulgaria and Romania as from the date of accession of those countries to the European Union.

(3) With a view to allowing Bulgaria and Romania to benefit from the support measures in the sugar sector provided for under Regulation (EC) No 1782/2003, it is appropriate to amend the national ceilings for Bulgaria and Romania, taking into account the additional amount of aid. In order to provide Bulgaria and Romania with the possibility of granting the sugar direct payment in the form of a separate direct payment, it is appropriate to amend the national ceilings on the sugar reference amounts. In order to apply the provisions on the separate sugar payment in Bulgaria and Romania it is appropriate to adjust the periods for implementation accordingly.

(4) With a view to allowing Bulgaria and Romania to integrate seed aid into the support schemes provided for under Regulation (EC) No 1782/2003, it is appropriate to add Bulgaria and Romania to the list of countries concerned by that measure.

(5) The 2005 Act of Accession and this Regulation both amend Regulation (EC) No 1782/2003 and those amendments should come into force on the same day. In the interest of legal certainty, the order in which those amendments are to be applied should be specified.

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

<sup>(2)</sup> 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).

<sup>(3)</sup> OJ L 58, 28.2.2006, p. 42.

- (6) With a view to applying in Bulgaria and Romania the mechanisms on a production quota system for sugar, isoglucose and inulin syrup, as well as a traditional supply need of sugar for refining as provided for in Regulation (EC) No 318/2006, both countries should be added to the list of countries benefiting from these measures. Further adaptations should also be made to that Regulation to take account the specific situation of Bulgaria and Romania.
- (7) With a view to allowing operators in Bulgaria and Romania to participate in the restructuring scheme provided for in Regulation (EC) No 320/2006, that Regulation needs to be adapted.
- (8) Regulations (EC) No 1782/2003, (EC) No 318/2006 and (EC) No 320/2006 should therefore be amended accordingly,

- the quantities of sugar or inulin syrup produced in accordance with Regulation (EC) No 1260/2001 or Regulation (EC) No 318/2006 as appropriate,
- the average number of hectares under sugar beet, cane or chicory used for the production of sugar or inulin syrup and covered by delivery contracts concluded in accordance with Article 19 of Regulation (EC) No 1260/2001 or Article 6 of Regulation (EC) No 318/2006 as appropriate.

However, where the representative period includes the marketing year 2006/2007, this marketing year shall be replaced by the marketing year 2005/2006 for farmers affected by a renunciation of quota in the marketing year 2006/2007 as provided for in Article 3 of Regulation (EC) No 320/2006.

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 1782/2003 as amended, including by the 2005 Act of Accession, is hereby amended as follows:

1. in Article 71c, the following paragraph shall be inserted after the first paragraph:

'In the case of Bulgaria and Romania, the schedule of increments provided for under Article 143a shall apply for sugar and chicory.';

2. Article 143ba shall be amended as follows:

- (a) in paragraph 1, the text after the first sentence is shall be replaced by the following:

'It shall be granted in respect of a representative period which could be different for each product of one or more of the marketing years 2004/2005, 2005/2006 and 2006/2007 to be determined by Member States before 30 April 2006, and on the basis of objective and non-discriminatory criteria such as:

- the quantities of sugar beet, cane or chicory covered by delivery contracts concluded in accordance with Article 19 of Regulation (EC) No 1260/2001 or Article 6 of Regulation (EC) No 318/2006 as appropriate,

In the case of Bulgaria and Romania:

- (a) the date of 30 April 2006 referred to in the first subparagraph shall be replaced by 15 February 2007;
- (b) the separate sugar payment may be granted in respect of the years from 2007 until 2011;
- (c) the representative period referred to in the first subparagraph may be different for each product of one or more of the marketing years 2004/2005, 2005/2006, 2006/2007 and 2007/2008;
- (d) where the representative period includes the marketing year 2007/2008, this marketing year shall be replaced by the marketing year 2006/2007 for farmers affected by a renunciation of quota in the marketing year 2007/2008 as provided for in Article 3 of Regulation (EC) No 320/2006.;

- (b) the following paragraph shall be added after paragraph 3:

'3a. For 2007, for Bulgaria and Romania, the date of 31 March referred to in the paragraph 3 shall be replaced by 15 February 2007.';

3. Annexes VII, VIIIa and XIa shall be amended in accordance with Annex I to this Regulation.

#### Article 2

Regulation (EC) No 318/2006 is hereby amended as follows:

1. in Article 7(2), the following subparagraph shall be added:

‘For the purposes of this paragraph, in the case of Bulgaria and Romania the marketing year shall be that of 2006/2007.’;

2. Article 9(1) shall be replaced by the following:

‘1. In the marketing year 2006/2007 an isoglucose quota of 100 000 tonnes shall be added to the total of isoglucose quota fixed in Annex III. In each of the marketing years 2007/2008 and 2008/2009 a further isoglucose quota of 100 000 tonnes shall be added to the quota of the preceding marketing year. This increase shall not concern Bulgaria and Romania.

In each of the marketing years 2007/2008 and 2008/2009 a further isoglucose quota of 11 045 tonnes for Bulgaria and of 1 966 tonnes for Romania shall be added to the quota of the preceding marketing year.

Member States shall allocate the additional quotas to undertakings, proportionately to the isoglucose quotas that have been allocated in accordance with Article 7(2).’;

3. Article 29(1) shall be replaced by the following:

‘1. Notwithstanding Article 19(1), a traditional supply need of sugar for refining is fixed for the Community at 2 324 735 tonnes per marketing year, expressed in white sugar.

During the marketing years 2006/2007, 2007/2008 and 2008/2009, the traditional supply need shall be distributed as follows:

- 198 748 tonnes for Bulgaria,
- 296 627 tonnes for France,
- 291 633 tonnes for Portugal,
- 329 636 tonnes for Romania,
- 19 585 tonnes for Slovenia,
- 59 925 tonnes for Finland,
- 1 128 581 tonnes for the United Kingdom.’

4. Annex III shall be replaced by the text in Annex II to this Regulation.

#### Article 3

In Article 3(1) of Regulation (EC) No 320/2006, the introductory words of the first subparagraph shall be replaced by the following:

‘Any undertaking producing sugar, isoglucose or inulin syrup to which a quota has been allocated by 1 July 2006, or by 31 January 2007 in the case of Bulgaria and Romania, shall be entitled to a restructuring aid per tonne of quota renounced, provided that during one of the marketing years 2006/2007, 2007/2008, 2008/2009 and 2009/2010 it.’

#### Article 4

This Regulation shall enter into force on 1 January 2007 subject to the entry into force of the Treaty of Accession of Bulgaria and Romania.

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

Done at Brussels, 19 December 2006.

For the Council  
The President  
J. KORKEAOJA

## ANNEX I

Annexes VII, VIIIa and XIa to Regulation (EC) No 1782/2003 are amended as follows:

1. in point K 2 of Annex VII, Table 1 is replaced by the following:

Table 1

### Ceilings for amounts to be included in the reference amount of farmers

(EUR '000)

[illegible]

2. Annex VIIIa is replaced by the following:

*'ANNEX VIIIa*

**National ceilings referred to in Article 71c**

(EUR '000)

Calendar year	Bulgaria	Czech Republic	Estonia	Cyprus	Latvia	Lithuania	Hungary	Malta	Poland	Romania	Slovenia	Slovakia
2005	—	228 800	23 400	8 900	33 900	92 000	350 800	670	724 600	—	35 800	97 700
2006	—	294 551	27 300	12 500	43 819	113 847	446 305	830	980 835	—	44 184	127 213
2007	200 384	377 919	40 400	16 300	60 764	154 912	540 286	1 640	1 263 706	441 930	58 958	161 362
2008	240 521	469 986	50 500	20 400	75 610	193 076	672 765	2 050	1 572 577	530 681	73 533	200 912
2009	281 154	559 145	60 500	24 500	90 016	230 560	802 610	2 460	1 870 392	621 636	87 840	238 989
2010	321 376	644 745	70 600	28 600	103 916	267 260	929 210	2 870	2 155 492	710 441	101 840	275 489
2011	401 620	730 445	80 700	32 700	117 816	303 960	1 055 910	3 280	2 440 492	888 051	115 840	312 089
2012	481 964	816 045	90 800	36 800	131 716	340 660	1 182 510	3 690	2 725 592	1 065 662	129 840	348 589
2013	562 308	901 745	100 900	40 900	145 616	377 360	1 309 210	4 100	3 010 692	1 243 272	143 940	385 189
2014	642 652	901 745	100 900	40 900	145 616	377 360	1 309 210	4 100	3 010 692	1 420 882	143 940	385 189
2015	722 996	901 745	100 900	40 900	145 616	377 360	1 309 210	4 100	3 010 692	1 598 493	143 940	385 189
2016 and subsequent years	803 340	901 745	100 900	40 900	145 616	377 360	1 309 210	4 100	3 010 692	1 776 103	143 940	385 189'



3. Annex Xla is replaced by the following:

*'ANNEX Xla*

**Seed aid ceilings in the new Member States referred to in Article 99(3)**

*(EUR million)*

Calendar year	Bulgaria	Czech Republic	Estonia	Cyprus	Latvia	Lithuania	Hungary	Malta	Poland	Romania	Slovenia	Slovakia
2005	—	0,87	0,04	0,03	0,10	0,10	0,78	0,03	0,56	—	0,08	0,04
2006	—	1,02	0,04	0,03	0,12	0,12	0,90	0,03	0,65	—	0,10	0,04
2007	0,11	1,17	0,05	0,04	0,14	0,14	1,03	0,04	0,74	0,19	0,11	0,05
2008	0,13	1,46	0,06	0,05	0,17	0,17	1,29	0,05	0,93	0,23	0,14	0,06
2009	0,15	1,75	0,07	0,06	0,21	0,21	1,55	0,06	1,11	0,26	0,17	0,07
2010	0,17	2,04	0,08	0,07	0,24	0,24	1,81	0,07	1,30	0,30	0,19	0,08
2011	0,22	2,33	0,10	0,08	0,28	0,28	2,07	0,08	1,48	0,38	0,22	0,09
2012	0,26	2,62	0,11	0,09	0,31	0,31	2,33	0,09	1,67	0,45	0,25	0,11
2013	0,30	2,91	0,12	0,10	0,35	0,35	2,59	0,10	1,85	0,53	0,28	0,12
2014	0,34	2,91	0,12	0,10	0,35	0,35	2,59	0,10	1,85	0,60	0,28	0,12
2015	0,39	2,91	0,12	0,10	0,35	0,35	2,59	0,10	1,85	0,68	0,28	0,12
2016	0,43	2,91	0,12	0,10	0,35	0,35	2,59	0,10	1,85	0,75	0,28	0,12
subsequent years	0,43	2,91	0,12	0,10	0,35	0,35	2,59	0,10	1,85	0,75	0,28	0,12'

## ANNEX II

## ANNEX III

## NATIONAL AND REGIONAL QUOTAS

(tonnes)

Member States or regions (1)	Sugar (2)	Isoglucose (3)	Inulin syrup (4)
Belgium	819 812	85 694	0
Bulgaria	4 752	67 108	—
Czech Republic	454 862	—	—
Denmark	420 746	—	—
Germany	3 655 456	42 360	—
Greece	317 502	15 433	—
Spain	903 843	98 845	—
France (metropolitan)	3 552 221	23 755	0
French overseas departments	480 245	—	—
Ireland	0	—	—
Italy	778 706	24 301	—
Latvia	66 505	—	—
Lithuania	103 010	—	—
Hungary	401 684	164 736	—
Netherlands	864 560	10 891	0
Austria	387 326	—	—
Poland	1 671 926	32 056	—
Portugal (mainland)	34 500	11 870	—
The autonomous region of the Azores	9 953	—	—
Romania	109 164	11 947	—
Slovakia	207 432	50 928	—
Slovenia	52 973	—	—
Finland	146 087	14 210	—
Sweden	325 700	—	—
United Kingdom	1 138 627	32 602	—
Total	16 907 591	686 736	0

**COUNCIL REGULATION (EC) No 2012/2006  
of 19 December 2006**

**amending and correcting Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 36 and the third subparagraph of Article 37(2) thereof,

Having regard to the Treaty of Accession of the Republic of Bulgaria and Romania, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of the Republic of Bulgaria and Romania (hereinafter referred to as 'the 2005 Act of Accession'), and in particular Article 56 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas:

(1) Regulation (EC) No 1782/2003<sup>(1)</sup> established common rules for direct support schemes under the common agricultural policy and certain support schemes for farmers.

(2) Articles 42(8) and 71d(6) of Regulation (EC) No 1782/2003 prohibit the transfer of entitlements established using the national reserve except in cases of inheritance. In cases of mergers and scissions it is also appropriate to allow farmers to bring payment entitlements allocated from the national reserve into the resulting new holding or holdings.

(3) Experience shows that for a decoupled income support the rules governing the eligibility of agricultural areas may be simple. In particular, it is appropriate to simplify the rules applicable to the single payment scheme for agricultural areas planted with olive trees.

(4) In Malta, a majority of farmers in the beef and veal sector do not have any land at their disposal. Under these specific circumstances, the application of the special conditions laid down in Article 71m of Regulation (EC) No 1782/2003 could create serious difficulties for the sustainable development of the beef and veal sector and an excessive administrative workload. It is appropriate to provide for simplified conditions for the single payment scheme payments to the farmers concerned in Malta.

(5) Currently, those Member States among the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as 'the new Member States') that apply the single area payment scheme are excluded from the Community aid for energy crops. The review of the energy crops scheme pursuant to Article 92 of Regulation (EC) No 1782/2003 has shown that it is appropriate to extend the aid for energy crops to all Member States as from 2007 and under the same conditions. Therefore the maximum guaranteed area should be increased proportionally, the schedule of increments provided for the introduction of support schemes in the new Member States should not apply to the energy crops scheme and the rules governing the single area payment scheme should be amended.

(6) In order to strengthen the role of permanent energy crops and to provide an incentive to increase the production of these crops, Member States should be entitled to grant national aid up to 50 % of the costs associated with establishing permanent crops for the areas which have been subject to an application for the aid for energy crops.

(7) Sugar beet and cane producers in the new Member States have benefited since accession from price support under Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector<sup>(2)</sup>. Therefore, the Community aid for sugar beet and cane producers established in Chapter 10f of Regulation (EC) No 1782/2003 should not be subject to the application of the schedule of increments provided for in Article 143a of that Regulation, with effect from the day of application of the aid for sugar beet and cane producers. It is also appropriate to clarify the conditions for the application of this aid and the calculation of the payment to be granted to the farmers concerned.

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

<sup>(2)</sup> OJ L 178, 30.6.2001, p. 1. Regulation as repealed by Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).

(8) Experience shows that the single area payment scheme is an efficient and simple system of granting decoupled income support to farmers. For the sake of simplification it is appropriate to allow the new Member States to continue applying it until the end of year 2010. Nevertheless, it is not deemed appropriate to extend beyond 2008 the exemption, granted to Member States applying the single area payment scheme, from the obligation to introduce into cross-compliance statutory management requirements. To ensure coherence of certain rural development measures with this non-extension, Article 51 of Regulation (EC) No 1698/2005<sup>(1)</sup> should take account thereof.

(9) Under normal circumstances, farmers may agree between themselves the conditions under which the holding (or part of the holding) having benefited from the separate sugar payment is transferred. However, in the case of inheritance, it is appropriate to provide that the inheritor be granted the separate sugar payment.

(10) The 2005 Act of Accession and this Regulation both amend Regulation (EC) No 1782/2003 and those amendments should come into force on the same day. In the interest of legal certainty, the order in which those amendments are to be applied should be specified.

(11) Regulations (EC) No 1782/2003 and (EC) No 1698/2005 should be amended accordingly.

(12) Council Regulation (EC) No 247/2006 of 30 January 2006 laying down specific measures for agriculture in the outermost regions of the Union<sup>(2)</sup> amended Annex I to Regulation (EC) No 1782/2003. Due to an error, the entries for olive oil and hops did not take into account the amendments to that Annex introduced by Commission Regulation (EC) No 2183/2005 of 22 December 2005 amending Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulation (EC) No 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No 1782/2003. Annex I to Regulation (EC) No 1782/2003 should therefore be corrected accordingly, with effect from the date of application of Regulation (EC) No 2183/2005,

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 1782/2003 as amended, including by the 2005 Act of Accession, is hereby amended as follows:

1. Article 20 shall be amended as follows:

(a) paragraph 2 shall be replaced by the following:

‘2. For the Member states applying the aid for olive groves provided for in Chapter 10b of Title IV, the identification system shall include a geographical information system for olive cultivation, consisting of a computerised alphanumeric database and a computerised graphical reference database for olive trees and areas concerned.’;

(b) the following paragraph shall be added:

‘3. Member States not applying the aid for olive groves provided for in Chapter 10b of Title IV may decide to include the geographical information system for olive cultivation referred to in paragraph 2 in the identification system for agricultural parcels.’;

2. the second indent of Article 22(1) shall be replaced by the following:

‘— in the case of an application for the aid for olive groves provided for in Chapter 10b of Title IV, or where the Member State is applying the option referred to in Article 20(3), the number of olive trees and their positioning in the parcel.’;

3. the first subparagraph of Article 42(8) shall be replaced by the following:

‘Except in the case of a transfer by actual or anticipated inheritance and of mergers and scissions, and by way of derogation from Article 46, the entitlements established using the national reserve shall not be transferred for a period of five years starting from their allocation. In the case of a merger or scission, the farmer(s) managing the new holding(s) shall keep the entitlements which were originally allocated from the national reserve until the remaining part of the five-year period.’;

<sup>(1)</sup> OJ L 277, 21.10.2005, p. 1. Regulation as last amended by Regulation (EC) No 1463/2006 (OJ L 277, 9.10.2006, p. 1).

<sup>(2)</sup> OJ L 42, 14.2.2006, p. 1.

4. the second subparagraph of Article 44(2) shall be replaced by the following:

“Eligible hectare” shall also mean areas planted with hops or being under a temporary resting obligation, or areas under olive trees.’;

5. point (a) of Article 51 shall be replaced by the following:

‘(a) permanent crops, apart from olive trees or hops;’;

6. Article 56(4) shall be replaced by the following:

‘4. Member States shall be authorised to pay national aid up to 50 % of the costs associated with establishing permanent crops intended for bio-mass production on set-aside land.’;

7. Article 60(1) shall be replaced by the following:

‘1. Where a Member State makes use of the option provided for in Article 59, farmers may, by way of derogation from Article 51(b) and (c) and in accordance with this Article, also use the parcels declared in accordance with Article 44(3) for the production of products referred to in Article 1(2) of Regulation (EC) No 2200/96 or in Article 1(2) of Regulation (EC) No 2201/96 and of potatoes other than those intended for the manufacture of potato starch for which aid is granted under Article 93 of this Regulation, except crops referred to in Article 51(a).’;

8. the first subparagraph of Article 71d(6) shall be replaced by the following:

‘6. Except in the case of a transfer by actual or anticipated inheritance, of mergers and scissions and of the application of paragraph 3, and by way of derogation from Article 46, the entitlements established using the national reserve shall not be transferred for a period of five years starting from their allocation. In the case of a merger or scission, the farmer(s) managing the new holding(s) shall keep the entitlements which were originally allocated from the national reserve for the remaining part of the five-year period.’;

9. Article 71g(1), shall be replaced by the following:

‘1. Farmers may, by way of derogation from Article 51(b) and (c) and in accordance with this Article, also use the parcels declared in accordance with Article 44(3) for the production of products referred to in Article 1(2) of Regulation (EC) No 2200/96 or in Article 1(2) of Regulation (EC) No 2201/96 and of potatoes other than those intended for the manufacture of potato starch for which aid is granted under Article 93 of this Regulation, except crops referred to in Article 51(a).’;

10. the following subparagraph shall be added to Article 71m:

‘However, for Malta, the second subparagraph shall not apply and the derogation provided for in the first subparagraph shall apply without the condition that the farmer maintain at least 50 % of the agricultural activity exercised before the transition to the single payment scheme expressed in livestock units.’;

11. the following subparagraph shall be added to Article 88:

‘Articles 143a and 143c shall not apply to the aid for energy crops in the Community as constituted on 1 January 2007.’;

12. Article 89(1) shall be replaced by the following:

‘1. A maximum guaranteed area of 2 000 000 ha for which the aid may be granted is hereby established.’;

13. the following Article shall be inserted:

‘Article 90a

#### **National aid**

Member States shall be authorised to pay national aid up to 50 % of the costs associated with establishing permanent crops for the areas which have been subject to an application for the aid for energy crops.’;

14. Article 110q(1) shall be replaced by the following:

‘1. In Member States which have granted the restructuring aid provided for in Article 3 of Regulation (EC) No 320/2006 for at least 50 % of the sugar quota fixed on 20 February 2006 in Annex III to Regulation (EC) No 318/2006, Community aid shall be granted to sugar beet and cane producers.’;

15. Article 110s shall be replaced by the following:

‘Article 110s

#### **Amount of the aid**

The aid shall be expressed per tonne of white sugar of standard quality. The amount of the aid shall be equal to half of the amount obtained by dividing the amount of the ceiling referred to in point 2 of point K of Annex VII for the Member State concerned for the corresponding year by the total of the sugar and inulin syrup quota fixed on 20 February 2006 in Annex III to Regulation (EC) No 318/2006.

Articles 143a and 143c shall not apply to the aid for sugar beet and cane producers.’;

application until the end of 2011. New Member States shall notify the Commission of their intention to terminate the application of the scheme by 1 August of the last year of application.’;

16. Article 143b shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

‘1. The new Member States may decide not later than the date of accession to replace the direct payments, with the exception of the aid for energy crops established in Chapter 5 of Title IV, during the period of application referred to in paragraph 9, with a single area payment which shall be calculated in accordance with paragraph 2.’;

(b) the first subparagraph of paragraph 5 shall be replaced by the following:

‘For the purpose of granting payments under the single area payment scheme, all agricultural parcels corresponding to the criteria provided for in paragraph 4, as well as agricultural parcels planted with short rotation coppice (CN code ex 0602 90 41) which have been maintained in good agricultural condition as at 30 June 2003 and which are subject to an application for the aid for energy crops provided for in Article 88, shall be eligible. However, for Bulgaria and Romania, all agricultural parcels corresponding to the criteria provided for in paragraph 4, as well as agricultural parcels planted with short rotation coppice (CN code ex 0602 90 41) which are subject to an application for the aid for energy crops provided for in Article 88, shall be eligible.’;

(c) in paragraph 6, the third subparagraph shall be replaced by the following:

‘As from 1 January 2005 and until 31 December 2008 the application of Articles 3, 4, 6, 7 and 9 shall be optional for the new Member States insofar as those provisions relate to statutory management requirements. However for Bulgaria and Romania, the application of Articles 3, 4, 6, 7 and 9 shall be optional until 31 December 2011.’;

(d) paragraph 9 shall be replaced by the following:

‘9. Subject to paragraph 11, for any new Member State the single area payment scheme shall be available for a period of application until the end of 2010. However, for Bulgaria and Romania, the single area payment scheme shall be available for a period of

(e) the third subparagraph of paragraph 11 shall be replaced by the following:

‘Until the end of the period of application of the single area payment scheme as referred to in paragraph 9, the percentage rate set out in Article 143a shall apply. If the application of the single area payment scheme is extended beyond the end of 2010 pursuant to a decision taken under point (b) of the first subparagraph of this paragraph, the percentage rate set out in Article 143a for 2010 shall apply until the end of the last year of application of the single area payment scheme.’;

17. Article 143ba shall be amended as follows:

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

‘By way of derogation from Article 143b, the new Member States applying the single area payment scheme may decide by 30 April 2006 to grant in respect of the years 2006 to 2010 a separate sugar payment to farmers eligible under the single area payment scheme.’;

(b) paragraph 3 shall be replaced by the following:

‘3. By way of derogation from paragraph 2, each new Member State concerned may decide by 31 March of the year in respect of which the separate sugar payment is granted and on the basis of objective criteria to apply for the separate sugar payment a ceiling lower than that listed in point K of Annex VII. Where the sum of the amounts determined in accordance with paragraph 1 exceeds the ceiling decided by the new Member State concerned, the annual amount to be granted to the farmers shall be reduced proportionally.’;

(c) the following paragraph shall be added:

‘6. In the case of actual or anticipated inheritance, the separate sugar payment shall be granted to the farmer who inherited the holding, under the condition that this farmer is eligible under the single area payment scheme.’;

18. Annex I shall be amended as follows:

- (a) The entry for 'olive oil' shall be replaced by the following:

'Olive oil'	Title IV, Chapter 10b of this Regulation	Area aid
	Article 48a(11) of Commission Regulation (EC) No 795/2004 (OJ L 141, 30.4.2004, p. 1)	For Malta and Slovenia in 2006;

- (b) The entry for 'hops' shall be replaced by the following:

'Hops'	Title IV, Chapter 10d of this Regulation (***) (****)	Area aid
	Article 48a(12) of Regulation (EC) No 795/2004	For Slovenia in 2006'.

#### Article 2

The following subparagraph shall be added to Article 51(3) of Regulation (EC) No 1698/2005:

'The derogation provided for in the first subparagraph shall apply until 31 December 2008. However, for Bulgaria and Romania it shall apply until 31 December 2011.'

#### Article 3

This Regulation shall enter into force on 1 of January 2007 subject to the entry into force of the 2005 Treaty of Accession of Bulgaria and Romania insofar as the provisions of this Regulation are based on that Treaty.

It shall apply as from 1 January 2007. However, Article 1(6) shall apply with effect from 1 January 2005, Article 1(14), (15), (17) and (18) shall apply with effect from 1 January 2006.

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

Done at Brussels, 19 December 2006.

For the Council  
The President  
J. KORKEAOJA

**COUNCIL REGULATION (EC) No 2013/2006****of 19 December 2006****amending Regulations (EEC) No 404/93, (EC) No 1782/2003 and (EC) No 247/2006 as regards the banana sector**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 and Article 299(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

After consulting the European Economic and Social Committee,

Whereas:

(1) Currently the regime for the banana sector is set out in Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas<sup>(1)</sup>. Specifically, the aid scheme for banana producers is based on principles which have been substantially reformed for other common market organisations. In order to better ensure a fair standard of living for the agricultural community in regions where bananas are produced, to better direct resources towards market-orientation of producers, to stabilise expenditure, to ensure respect of the international obligations of the Community, to take adequately into account the particularities of the producing regions, to simplify the management of the regime and align it on the principles of the reformed common market organisations, it is necessary to amend this regime.

(2) Changes should take into account developments and potential developments in the regime governing imports into the Community of bananas produced in third countries, in particular the move from a system governed by tariff quotas to one currently governed by a tariff-only system, subject only to a preferential quota for bananas produced in ACP countries.

(3) Bananas are one of the main agricultural crops of certain of the outermost regions of the Union, notably the French overseas departments of Guadeloupe and Martinique, the Azores, Madeira and the Canary Islands. Production of bananas is disadvantaged in particular by the remoteness, insularity, small size, and difficult topography of these regions. Local banana production is an essential element of the environmental, social and economic balance of the rural areas in those regions.

(4) Account should be taken of the socio-economic importance of the banana sector for the outermost regions and the contribution which it makes to achieving social and economic cohesion on account of the income and employment which it generates, the economic activities to which it gives rise (both upstream and downstream), and the effect which it has of maintaining a landscape balance which encourages the development of tourism.

(5) The current Community system of compensatory aid for bananas set out in Title III of Regulation (EEC) No 404/93 does not adequately respect the local particularities of production in each of those outermost regions. Provision should therefore be made to cease paying the existing compensatory aid for bananas in respect of those regions, which would allow banana production to be included in the support programmes. It is therefore appropriate to seek a better instrument to support banana production in those regions.

(6) Title III of Council Regulation (EC) No 247/2006 of 30 January 2006 laying down specific measures for agriculture in the outermost regions of the Union<sup>(2)</sup> provides for the establishment of Community support programmes for the outermost regions containing specific measures to assist local lines of agricultural production. That Regulation provides for a review not later than 31 December 2009. If there are substantial changes to the economic conditions affecting livelihoods in the outermost regions, the Commission should submit the report sooner. That instrument seems best adapted to support banana production in each of the regions concerned by providing for flexibility and decentralisation of mechanisms to support banana production. The possibility of including banana support in those support programmes should reinforce the coherence of the strategies for support of agricultural production in those regions.

<sup>(1)</sup> OJ L 47, 25.2.1993, p. 1. Regulation as last amended by the 2003 Act of Accession.

<sup>(2)</sup> OJ L 42, 14.2.2006, p. 1. Regulation as amended by Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).



- (7) The budgetary allocation under Title III of Regulation (EC) No 247/2006 should be increased accordingly. Technical amendments should also be made to that Regulation to facilitate the transition from the arrangements under Regulation (EEC) No 404/93 to those laid down by this Regulation. In particular provision should be made for the modification of existing Community support programmes. In order to provide for a smooth transition, those modifications should apply from the date of application of this Regulation.
- (8) As regards production of bananas in the Community other than in the outermost regions, it seems no longer necessary to provide for a specific aid scheme for bananas, given the small proportion of the total Community production concerned.
- (9) Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers<sup>(1)</sup> provides for a system of decoupled income support for farms (hereinafter referred to as the Single Payment Scheme). This system was intended to allow for the shift from production support to producer support.
- (10) Information and infrastructure measures in the context of rural development can play an important role in the shift to producer support, whereby one aim could be to shift banana production and marketing to various quality and production standards such as organic products or local varieties. Bananas can also be marketed as a special local product within the framework of existing tourism in these areas, thereby creating a link between consumers and local bananas as an identifiable product.
- (11) For the sake of consistency it is appropriate to abolish the existing compensatory aid scheme for bananas and to include bananas in the Single Payment Scheme. To this end it is necessary to include the compensatory aid for bananas in the list of direct payments in relation to the Single Payment Scheme referred to in Regulation (EC) No 1782/2003. Provision should also be made for the establishment by Member States of reference amounts and eligible hectares under the Single Payment Scheme on the basis of a representative period appropriate to the banana market and of appropriate objective and non-discriminatory criteria. Areas planted with bananas which are treated as permanent crops should not be excluded. National ceilings should be amended appropriately. Provision should also be made for the Commission to adopt detailed rules and any necessary transitional measures.
- (12) Title II of Regulation (EEC) No 404/93 provides for producers' organisations and concentration mechanisms. As regards producers' organisations, the objectives of the existing regime are to form such organisations so that as many producers as possible are members of such organisations and to limit the payment of compensatory aid to producers who are members of recognised producers' organisations.
- (13) The regime has succeeded in its first objective since the vast majority of Community producers are now members of producers' organisations. The second objective is obsolete since the compensatory aid scheme is to be abolished. It is therefore no longer necessary to maintain rules at Community level on producer organisations, thus leaving Member States free to adopt such rules, if necessary, targeted at the specific situations in their territories.
- (14) The scheme providing for assistance to encourage the establishment and administrative operation of producers' organisations should therefore be abolished. However in the interests of legal certainty and the protection of legitimate expectations, provision should be made for the continued payment of such assistance to recently recognised producers' organisations already benefiting from this assistance.
- (15) The provisions of Regulation (EEC) No 404/93 allowing for the recognition and operation of groups encompassing one or more of the economic activities relating to the production, marketing or processing of bananas have not found any practical application. They should therefore be deleted.
- (16) In the light of the changes made to the banana regime, it is no longer necessary to have a separate Management Committee for Bananas. The Management Committee for Fresh Fruit and Vegetables established by Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables<sup>(2)</sup> should be used instead, as appropriate.

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

<sup>(2)</sup> OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 686/2004 (OJ L 106, 15.4.2004, p. 12).

(17) A number of provisions contained in Regulation (EEC) No 404/93 are obsolete and should therefore be repealed for the sake of clarity.

(18) Regulations (EEC) No 404/93, (EC) No 1782/2003 and (EC) No 247/2006 should therefore be amended accordingly.

(19) Provision should be made for the Commission to adopt any detailed rules necessary for the implementation of the amendments provided for in this Regulation and transitional measures necessary to facilitate the switch-over from the existing arrangements to those laid down by this Regulation.

(20) The Act of Accession of Bulgaria and Romania (hereinafter referred to as the 2005 Act of Accession), this Regulation and Regulation (EC) No 2011/2006 <sup>(1)</sup> (Sugar and Seeds) all amend Regulation (EC) No 1782/2003, and those amendments should come into force on the same day. In the interest of legal certainty, the order in which those amendments are to be applied should be specified.

(21) In order to avoid prolonging unnecessarily the current aid scheme for bananas and in the interests of simple and effective management, the amendments provided for in this Regulation should apply as soon as practicable, namely from the 2007 marketing year for bananas,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

#### **Amendments to Regulation (EEC) No 404/93**

Regulation (EEC) No 404/93 is hereby amended as follows:

1. Titles II and III, Articles 16 to 20, Article 21(2), Article 25 and Articles 30 to 32 shall be deleted;

2. In Article 27, paragraph 1 shall be replaced by the following:

‘1. The Commission shall be assisted by the Management Committee for Fresh Fruit and Vegetables referred to in Article 46(1) of Regulation (EC) No 2200/96.

<sup>(1)</sup> See page 1 of this Official Journal.

References to the Management Committee for Bananas shall be construed as references to the Committee referred to in the first subparagraph.’;

3. Article 29 shall be replaced by the following:

#### *‘Article 29*

Member States shall provide the Commission with the information it requires to implement this Regulation.’;

4. The following Article shall be inserted:

#### *‘Article 29a*

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure referred to in Article 27(2).’

#### *Article 2*

#### **Amendments to Regulation (EC) No 1782/2003**

Regulation (EC) No 1782/2003 as amended, including by the 2005 Act of Accession, and Regulation (EC) No 2011/2006 (Sugar and Seeds), is hereby amended as follows:

1. In Article 33(1), point (a) shall be replaced by the following:

‘(a) they have been granted a payment in the reference period referred to in Article 38 under at least one of the support schemes referred to in Annex VI or, in the case of olive oil, in the marketing years referred to in the second subparagraph of Article 37(1), or, in the case of sugar beet, cane and chicory, if they have benefited from market support in the representative period referred to in point K of Annex VII, or, in the case of bananas, if they have benefited from compensation for loss of income in the representative period referred to in point L of Annex VII.’;

2. In Article 37(1), the following subparagraph shall be added:

‘For bananas the reference amount shall be calculated and adjusted in accordance with point L of Annex VII.’;

3. In Article 40, paragraph 2 shall be replaced by the following:

'2. If the whole reference period was affected by the case of *force majeure* or exceptional circumstances, the Member State shall calculate the reference amount on the basis of the 1997 to 1999 period or, in case of sugar beet, cane and chicory on the basis of the closest marketing year prior to the representative period chosen in accordance with point K of Annex VII, or, in case of bananas on the basis of the closest marketing year prior to the representative period chosen in accordance with point L of Annex VII. In this case, paragraph 1 shall apply *mutatis mutandis*.'

4. In Article 43(2), point (a) shall be replaced by the following:

'(a) in case of potato starch, dried fodder, seed, olive groves, and tobacco aids listed in Annex VII, the number of hectares whose production has been granted the aid in the reference period, as calculated in points B, D, F, H, I of Annex VII, in case of sugar beet, cane and chicory, the number of hectares as calculated in accordance with point 4 of point K of that Annex and in the case of bananas, the number of hectares as calculated in accordance with point L of that Annex';

5. In Article 44(2), the second subparagraph, the words 'or planted with bananas,' shall be inserted after the words 'or being under temporary resting obligation,';

6. In Article 51, point (a), the words 'or bananas' shall be added after the word 'hops' at the end;

7. In Article 145, the following point shall be inserted after point (d)b):

'(d)c) detailed rules relating to the inclusion of banana support into the Single Payment Scheme.';

8. Article 155 shall be replaced by the following:

'Article 155

#### Other transitional rules

Further measures required to facilitate the transition from the arrangements provided for in the Regulations referred to in Articles 152 and 153, in Regulation (EC) No 1260/2001 and in Council Regulation (EEC) No 404/93 (\*) to those established by this Regulation, notably those related to the application of Articles 4 and 5 and the Annex to Regulation (EC) No 1259/1999 and Article 6 of Regulation (EC) No 1251/1999 and from the provisions related to the improvement plans provided for in Regulation (EEC) No 1035/72 to those referred to in Articles 83 to 87 of this Regulation, may be adopted in accordance with the procedure referred to in Article 144(2) of this Regulation.

Regulations and Articles referred to in Articles 152 and 153 shall continue to apply for the purpose of the establishment of the reference amounts referred to in Annex VII.

(\*) OJ L 47, 25.2.1993, p. 1.'

9. The Annexes shall be amended in accordance with the Annex to this Regulation.

#### Article 3

#### Amendment to Regulation (EC) No 247/2006

Regulation (EC) No 247/2006 is hereby amended as follows:

1. Article 23 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. The measures provided for in this Regulation, except for Article 16, shall constitute intervention intended to stabilise the agricultural markets within the meaning of Article 2(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy (\*) for the period up to 31 December 2006. With effect from 1 January 2007 the same measures shall constitute intervention to regulate agricultural markets within the meaning of Article 3(1)(b), or direct payments to farmers under Article 3(1)(c), of Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (\*\*).

(\*) OJ L 160, 26.6.1999, p. 103. Regulation repealed by Regulation (EC) No 1290/2005 (OJ L 209, 11.8.2005, p. 1).

(\*\*) OJ L 209, 11.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 320/2006.';

(b) paragraph 2 shall be replaced by the following:

'2. The Community shall finance the measures provided for in Titles II and III of this Regulation up to an annual maximum as follows:

	(million EUR)			
	Financial year 2007	Financial year 2008	Financial year 2009	Financial year 2010 and further
French overseas departments	126,6	262,6	269,4	273
Azores and Madeira	77,9	86,6	86,7	86,8
Canary Islands	127,3	268,4	268,4	268,4'

(c) paragraph 4 shall be replaced by the following:

‘4. The annual amounts referred to in paragraphs 2 and 3 shall include any expenditure incurred in accordance with the Regulations referred to in Article 29.’;

2. The following Article shall be inserted:

*‘Article 24a*

1. By 15 March 2007, Member States shall submit to the Commission the draft amendments to their overall programme to reflect the changes introduced by Regulation (EC) No 2011/2006 (\*).

2. The Commission shall evaluate the amendments proposed and decide on their approval within four months of their submission at the latest in accordance with the procedure referred to in Article 26(2).

3. By way of derogation from Article 24(3), the amendments shall apply from 1 January 2007.

(\*) See page 1 of this Official Journal.’;

3. In Article 28, paragraph 3 shall be replaced by the following:

‘3. Not later than 31 December 2009, and thereafter every five years, the Commission shall submit a general report to the European Parliament and the Council showing the impact of the action taken under this Regulation, including in the banana sector, accompanied if applicable by appropriate proposals.’;

4. In Article 30, the following paragraph shall be added:

‘In accordance with the same procedure, the Commission may also adopt measures to facilitate the transition from the arrangements provided for in Council Regulation (EEC) No 404/93 (\*) to those established by this Regulation.

(\*) OJ L 47, 25.2.1993, p. 1. Regulation as last amended by the 2003 Act of Accession.’

*Article 4*

**Transitional measures**

1. Notwithstanding Article 1, point (1) of this Regulation:

— Member States shall continue to apply Articles 5, 6 and 25(2) of Regulation (EEC) No 404/93 to producers’ organisations which they have recognised no later than 31 December 2006 and to whom aid has already been paid under Article 6(2) of that Regulation prior to that date, and

— Article 12 of that Regulation shall continue to apply in respect of the compensatory aid scheme for 2006.

2. Detailed rules necessary for the implementation of paragraph 1 shall be adopted in accordance with the procedures referred to in Article 27(2) of Regulation (EEC) No 404/93.

*Article 5*

**Entry into force**

This Regulation shall enter into force on 1 January 2007.

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

Done at Brussels, 19 December 2006.

*For the Council*

*The President*

J. KORKEAOJA

## ANNEX

The Annexes to Regulation (EC) No 1782/2003 are hereby amended as follows:

1. In Annex I the row concerning bananas shall be deleted;
2. The following row shall be added to Annex VI:

'Bananas	Article 12 of Regulation (EEC) No 404/93	Compensation for loss of income';
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3. The following point shall be added to Annex VII:

'L. Bananas

Member States shall determine the amount to be included in the reference amount of each farmer on the basis of objective and non-discriminatory criteria such as:

- (a) the quantity of bananas marketed by that farmer for which compensation for loss of income was paid under Article 12 of Regulation (EEC) No 404/93 during a representative period between the 2000 and 2005 marketing years;
- (b) the areas on which the bananas referred to in point (a) were grown; and
- (c) the amount of compensation for loss of income paid to the farmer during the period referred to in point (a).

Member States shall calculate the applicable hectares referred to in Article 43(2) of this Regulation on the basis of objective and non-discriminatory criteria such as the areas referred to in point (b).'

4. Annex VIII shall be replaced by the following:

'ANNEX VIII

**National ceilings referred to in Article 41**

(EUR '000)

Member State	2005	2006	2007	2008	2009	2010 and subsequent years
Belgium	411 053	580 376	593 395	606 935	614 179	611 805
Denmark	943 369	1 015 479	1 021 296	1 027 278	1 030 478	1 030 478
Germany	5 148 003	5 647 175	5 695 607	5 744 240	5 770 254	5 774 254
Greece	838 289	2 143 603	2 171 217	2 175 731	2 178 146	1 988 815
Spain	3 266 092	4 635 365	4 649 913	4 664 087	4 671 669	4 673 546
France	7 199 000	8 236 045	8 282 938	8 330 205	8 355 488	8 363 488
Ireland	1 260 142	1 335 311	1 337 919	1 340 752	1 342 268	1 340 521
Italy	2 539 000	3 791 893	3 813 520	3 835 663	3 847 508	3 869 053
Luxembourg	33 414	36 602	37 051	37 051	37 051	37 051
Netherlands	386 586	428 329	833 858	846 389	853 090	853 090
Austria	613 000	633 577	737 093	742 610	745 561	744 955
Portugal	452 000	504 287	571 377	572 368	572 898	572 594
Finland	467 000	561 956	563 613	565 690	566 801	565 520
Sweden	637 388	670 917	755 045	760 281	763 082	763 082
United Kingdom	3 697 528	3 944 745	3 960 986	3 977 175	3 985 834	3 975 849'

5. In Annex VIIIa, the column concerning Cyprus shall be replaced by the following:

'Calendar year			Cyprus							
2005			8 900							
2006			12 500							
2007			17 660							
2008			22 100							
2009			26 540							
2010			30 980							
2011			35 420							
2012			39 860							
2013			44 300							
2014			44 300							
2015			44 300							
2016 and subsequent years			44 300'							

**COUNCIL REGULATION (EC) No 2014/2006****of 19 December 2006****amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous  
Community tariff quotas for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

(7) Since this Regulation is to apply from 1 January 2007, it should enter into force immediately,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

HAS ADOPTED THIS REGULATION:

Having regard to the proposal from the Commission,

*Article 1*

Whereas:

Annex I to Regulation (EC) No 2505/96 shall be replaced by the text appearing in the Annex to this Regulation.

(1) On 20 December 1996, the Council adopted Regulation (EC) No 2505/96 <sup>(1)</sup>. Since Community demand for the products in question is to be met under the most favourable conditions, certain existing tariff quotas should be extended or adjusted, and some new Community tariff quotas should be opened at reduced or zero rates of duty for appropriate volumes, without disturbing the markets for these products.

*Article 2*

For the quota period from 1 January to 31 December 2006, in Annex I to Regulation (EC) No 2505/96, the amount of the tariff quota for order number 09.2981 shall be fixed at 260 000 units.

(2) Since the quota amount for one Community tariff quota is insufficient to meet the needs of the Community industry for the current quota period, it should be increased with effect from 1 January 2007.

*Article 3*

For the quota period from 1 January to 31 December 2007, in Annex I to Regulation (EC) No 2505/96:

(3) It is no longer in the Community interest to continue to grant Community tariff quotas in 2007 for certain products on which duties were suspended in 2006. These products should therefore be removed from the table in Annex I to Regulation (EC) No 2505/96.

— the amount of the tariff quota for order number 09.2002 shall be fixed at 1 000 tonnes,

(4) In view of the many changes to be made, clarity requires Annex I to Regulation (EC) No 2505/96 to be replaced in its entirety.

— the amount of the tariff quota for order number 09.2030 shall be fixed at 1 000 tonnes,

(5) Regulation (EC) No 2505/96 should therefore be amended accordingly.

— the amount of the tariff quota for order number 09.2612 shall be fixed at 1 900 tonnes,

(6) In view of the economic importance of this Regulation, it is necessary to rely upon the grounds of urgency provided for in point I.3 of the Protocol on the role of national parliaments in the European Union annexed to the Treaty on European Union and to the Treaties establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community.

— the amount of the tariff quota for order number 09.2620 shall be fixed at 1 000 000 units,

— the amount of the tariff quota for order number 09.2727 shall be fixed at 15 000 tonnes.

*Article 4*

In Annex I to Regulation (EC) No 2505/96, tariff quotas for order numbers 09.2920, 09.2970, 09.2972 and 09.2977, shall be inserted with effect from 1 January 2007.

<sup>(1)</sup> OJ L 345, 31.12.1996, p. 1. Regulation as last amended by Regulation (EC) No 962/2006 (OJ L 176, 30.6.2006, p. 1).

*Article 5*

Tariff quotas for order numbers 09.2026, 09.2853, 09.2976 and 09.2981 shall be closed with effect from 1 January 2007.

*Article 6*

This Regulation shall enter into force on the 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 the Member States.

Done at Brussels, 19 December 2006.

*For the Council*  
*The President*  
J. KORKEAOJA

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## ANNEX

## 'ANNEX I

Order No	Code NC	Taric subdivision	Description	Quota amount	Quota duty (%)	Quota period
09.2002	ex 2928 00 90	30	Phenylhydrazine	1 000 tonnes	0	1.1-31.12
09.2003	ex 8543 70 90	63	Voltage controlled frequency generator, consisting of active and passive elements mounted on a printed circuit, contained in a housing whose exterior dimensions do not exceed 30 × 30 mm	1 400 000 units	0	1.1-31.12
09.2030	ex 2926 90 95	74	Chlorothalonil	1 000 tonnes	0	1.1-31.12
09.2140	ex 3824 90 98	98	Mixture of tertiary amines containing by weight: — 2,0-4,0 % of N,N-dimethyl-1-octanamine — 94 % minimum of N,N-dimethyl-1-decanamine — 2 % maximum of N,N-dimethyl-1-dodecanamine and higher	4 500 tonnes	0	1.1-31.12
09.2602	ex 2921 51 19	10	o-Phenylenediamine	1 800 tonnes	0	1.1-31.12
09.2603	ex 2931 00 95	15	Bis(3-triethoxysilylpropyl)tetra-sulfide	4 500 tonnes	0	1.1-31.12
09.2604	ex 3905 30 00	10	Poly(vinyl alcohol) partially acetalized with 5-(4-azido-2-sulfobenzylidene)-3-(formyl-propyl)-rhodanine, sodium salt	100 tonnes	0	1.1-31.12
09.2610	ex 2925 29 00	20	(Chloromethylene)dimethylammonium chloride	100 tonnes	0	1.1-31.12
09.2611	ex 2826 19 90	10	Calcium fluoride having a total content of aluminium, magnesium and sodium of 0,25 mg/kg or less, in the form of powder	55 tonnes	0	1.1-31.12
09.2612	ex 2921 59 90	30	3,3'-dichlorobenzidine dihydrochloride	1 900 tonnes	0	1.1-31.12
09.2615	ex 2934 99 90	70	Ribonucleic acid	110 tonnes	0	1.1-31.12
09.2616	ex 3910 00 00	30	Polydimethylsiloxane with a degree of polymerisation of 2 800 monomer units (± 100)	1 300 tonnes	0	1.1-31.12
09.2618	ex 2918 19 85	40	(R)-2-Chloromandelic acid	100 tonnes	0	1.1-31.12

Order No	Code NC	Taric subdivision	Description	Quota amount	Quota duty (%)	Quota period
09.2619	ex 2934 99 90	71	2-Thienylacetonitrile	80 tonnes	0	1.1-31.12
09.2620	ex 8526 91 20	20	Assembly for GPS system having a position determination function	1 000 000 units	0	1.1-31.12
09.2624	2912 42 00		Ethylvanillin (3-ethoxy-4-hydroxybenzaldehyde)	425 tonnes	0	1.1-31.12
09.2625	ex 3920 20 21	20	Film of polymers of polypropylene, biaxially oriented, of a thickness of 3,5 µm or more but less than 15 µm, of a width of 490 mm or more but not exceeding 620 mm, for the production of film capacitors <sup>(1)</sup>	170 tonnes	0	1.1-31.12
09.2627	ex 7011 20 00	55	Glass face-plate with a diagonal measurement of 814,8 mm (± 1,5 mm) from the outer edge to the outer edge and having a light transmission of 51,1 % (± 2,2 %) by a glass thickness of 12,5 mm	500 000 units	0	1.1-31.12
09.2628	ex 7019 52 00	10	Glass web woven from glass fibre coated in plastic, of a weight of 120 g/m <sup>2</sup> (± 10 g/m <sup>2</sup> ), of a type used in rolling insect screens with fixed frames	350 000 m <sup>2</sup>	0	1.1-31.12
09.2629	ex 7616 99 90	85	Aluminium telescopic handle for use in the manufacture of luggage <sup>(1)</sup>	240 000 units	0	1.1-31.12
09.2703	ex 2825 30 00	10	Vanadium oxides and hydroxides exclusively for use in alloys <sup>(1)</sup>	13 000 tonnes	0	1.1-31.12
09.2713	ex 2008 60 19 ex 2008 60 39	10 10	Sweet cherries, preserved in alcohol, of a diameter not exceeding 19,9 mm, stoned, for use in chocolate products: — with a sugar content exceeding 9 % by weight — with a sugar content not exceeding 9 % by weight <sup>(1)</sup>	2 000 tonnes	10 <sup>(3)</sup>	1.1-31.12

Order No	Code NC	Taric subdivision	Description	Quota amount	Quota duty (%)	Quota period
09.2719	ex 2008 60 19 ex 2008 60 39	20 20	Sour cherries ( <i>Prunus cerasus</i> ), preserved in alcohol, of a diameter not exceeding 19,9 mm, for use in chocolate products: — with a sugar content exceeding 9 % by weight — with a sugar content not exceeding 9 % by weight <sup>(1)</sup>	2 000 tonnes	10 <sup>(3)</sup>	1.1-31.12
09.2727	ex 3902 90 90	93	Synthetic poly-alpha-olefin having a viscosity of at least $38 \times 10^{-6} \text{m}^2 \text{s}^{-1}$ (38 centistokes) at 100 °C measured using the ASTM D 445 method	15 000 tonnes	0	1.1-31.12
09.2799	ex 7202 49 90	10	Ferro-chromium containing 1,5 % or more but not more than 4 % by weight of carbon and not more than 70 % of chromium	50 000 tonnes	0	1.1-31.12
09.2809	ex 3802 90 00	10	Acid activated montmorillonite, for the manufacture of self-copy paper <sup>(1)</sup>	10 000 tonnes	0	1.1-31.12
09.2829	ex 3824 90 98	19	Solid extract of the residual, insoluble in aliphatic solvents, obtained during the extraction of rosin from wood, having the following characteristics: — a resin acid content not exceeding 30 % by weight, — an acid number not exceeding 110 and — a melting point of 100 °C or more	1 600 tonnes	0	1.1-31.12
09.2837	ex 2903 49 80	10	Bromochloromethane	600 tonnes	0	1.1-31.12
09.2841	ex 2712 90 99	10	Blend of 1-alkenes containing 80 % by weight or more of 1-alkenes of a chain-length of 20 and 22 carbon atoms	10 000 tonnes	0	1.1-31.12
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals <sup>(1)</sup> <sup>(2)</sup>	700 tonnes	0	1.1-31.12
09.2851	ex 2907 12 00	10	O-Cresol having a purity of not less than 98,5 % by weight	20 000 tonnes	0	1.1-31.12
09.2882	ex 2908 99 90	20	2,4-Dichloro-3-ethyl-6-nitro-phenol, powdered	90 tonnes	0	1.1-31.12

Order No	Code NC	Taric subdivision	Description	Quota amount	Quota duty (%)	Quota period
09.2889	3805 10 90		Sulphate turpentine	20 000 tonnes	0	1.1-31.12
09.2904	ex 8540 11 19	95	Flat screen colour cathode-ray tube with a screen width/height ratio 4/3, a diagonal measurement of the screen of 79 cm or more but not exceeding 81 cm and a curvature radius of 50 m or more	8 500 units	0	1.1-31.12
09.2913	ex 2401 10 41 ex 2401 10 49 ex 2401 10 50 ex 2401 10 70 ex 2401 10 90 ex 2401 20 41 ex 2401 20 49 ex 2401 20 50 ex 2401 20 70 ex 2401 20 90	10 10 10 10 10 10 10 10 10 10	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than Euro 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of goods falling within subheading 2402 10 00 <sup>(1)</sup>	6 000 tonnes	0	1.1-31.12
09.2914	ex 3824 90 98	26	Aqueous solution containing not less than 40 % by weight of dry betaine-extract and between 5 % and 30 % by weight of organic or inorganic salts	38 000 tonnes	0	1.1-31.12
09.2917	ex 2930 90 13	90	Cystine	600 tonnes	0	1.1-31.12
09.2919	ex 8708 29 90	10	Folding bellows for the manufacture of articulated buses <sup>(1)</sup>	2 600 units	0	1.1-31.12
09.2920	ex 2906 19 00	30	Isobornyl cyclohexanol	450 tonnes	0	1.1-31.12
09.2933	ex 2903 69 90	30	1,3-Dichlorobenzene	2 600 tonnes	0	1.1-31.12
09.2935	3806 10 10		Rosin and resin acids obtained from fresh oleoresins	200 000 tonnes	0	1.1-31.12
09.2945	ex 2940 00 00	20	D-Xylose	400 tonnes	0	1.1-31.12
09.2947	ex 3904 69 90	95	Poly(vinylidene fluoride), in powder form, for the preparation of paint or varnish for coating metal <sup>(1)</sup>	1 300 tonnes	0	1.1-31.12
09.2950	ex 2905 59 10	10	2-Chloroethanol, for the manufacture of liquid thioplasts of subheading 4002 99 90 <sup>(1)</sup>	8 400 tonnes	0	1.1-31.12

Order No	Code NC	Taric subdivision	Description	Quota amount	Quota duty (%)	Quota period
09.2955	ex 2932 19 00	60	Flurtamone (ISO)	300 tonnes	0	1.1-31.12
09.2970	ex 8540 11 11	95	Colour cathode-ray tube with a slot mask, equipped with an electron gun and a deflection yoke and with a screen width/height ratio of 4/3 and a diagonal measurement of the screen of 33,5 cm ( $\pm 1,6$ mm) <sup>(1)</sup>	250 000 units	0	1.1-30.6
09.2972	2915 24 00		Acetic anhydride	20 000 tonnes	0	1.1-31.12.2007
09.2975	ex 2918 30 00	10	Benzophenone-3,3':4,4'-tetra-carboxylic dianhydride	600 tonnes	0	1.1-31.12
09.2977	2926 10 00		Acrylonitrile	12 000 tonnes	0	1.1-30.6
09.2979	ex 7011 20 00	15	Glass face-plate with a diagonal measurement from the outer edge to the outer edge of 81,5 cm ( $\pm 0,2$ cm) and having a light transmission of 80 % ( $\pm 3$ %) by a reference thickness of the glass of 11,43 mm	800 000 units	0	1.1-31.12
09.2986	ex 3824 90 98	76	Mixture of tertiary amines containing: — 60 % by weight of dodecyl-dimethylamine, or more — 20 % by weight of dimethyl(tetradecyl)amine, or more — 0,5 % by weight of hexadecyldimethylamine, or more, for use in the production of amine oxides <sup>(1)</sup>	14 315 tonnes	0	1.1-31.12
09.2992	ex 3902 30 00	93	Propylene-butylene copolymer, containing by weight not less than 60 % but not more than 68 % of propylene and not less than 32 % but not more than 40 % of butylene, of a melt viscosity not exceeding 3 000 mPa at 190 °C, as determined by the ASTM D 3236 method, for use as an adhesive in the manufacture of products falling within subheading 4818 40 <sup>(1)</sup>	1 000 tonnes	0	1.1-31.12

Order No	Code NC	Taric subdivision	Description	Quota amount	Quota duty (%)	Quota period
09.2995	ex 8536 90 85 ex 8538 90 99	95 93	Keypads, — comprising a layer of silicone and polycarbonate keytops or — wholly of silicone or wholly of polycarbonate, including printed keys, for the manufacture or repair of mobile radio-telephones of subheading 8517 12 00 <sup>(1)</sup>	20 000 000 units	0	1.1-31.12

<sup>(1)</sup> Entry under this subheading is subject to conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 — OJ L 253, 11.10.1993, p. 71 and subsequent amendments).

<sup>(2)</sup> However, the tariff quota is not allowed where processing is carried out by retail or catering undertakings.

<sup>(3)</sup> The specific additional duty is applicable.

**COUNCIL REGULATION (EC) No 2015/2006****of 19 December 2006****fixing for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks**

THE COUNCIL OF THE EUROPEAN UNION,

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<sup>(1)</sup>, and in particular Article 20 thereof,

Having regard to the proposal of the Commission,

Whereas:

- (1) Under Article 4 of Regulation (EC) No 2371/2002 the Council is to adopt the measures necessary to ensure access to waters and resources and the sustainable pursuit of fishing activities taking into account, *inter alia*, available scientific advice.
- (2) Under Article 20 of Regulation (EC) No 2371/2002, it is incumbent upon the Council to establish fishing opportunities by fishery or group of fisheries and to allocate them in accordance with prescribed criteria.
- (3) The latest scientific advice from the International Council for the Exploration of the Sea (ICES) concerning certain stocks of fish found in the deep sea indicates that those stocks are harvested unsustainably, and that fishing opportunities for those stocks should be reduced in order to assure their sustainability.
- (4) The ICES has further advised that the exploitation rate of orange roughy in ICES Area VII is much too high. Scientific advice further indicates that orange roughy in Area VI is heavily depleted, and areas of vulnerable aggregations of these species have been identified. It is therefore appropriate to prohibit fishing for orange roughy in those areas.
- (5) In order to ensure effective management of quotas, the specific conditions under which fishing operations occur should be established.
- (6) In accordance with Article 2 of Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional

conditions for year to year management of TACs and quotas<sup>(2)</sup>, it is necessary to indicate which stocks are subject to the various measures fixed therein.

- (7) The measures provided for in this Regulation should be fixed by reference to ICES zones as defined in Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the Northeast Atlantic<sup>(3)</sup> and to CECAF zones (Committee for Eastern Central Atlantic Fisheries) as defined in Council Regulation (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic<sup>(4)</sup>.
- (8) The fishing opportunities should be utilised in accordance with the Community legislation on the matter, and in particular with Council Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish<sup>(5)</sup>, Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels<sup>(6)</sup>, Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>(7)</sup>, Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits<sup>(8)</sup>, Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms<sup>(9)</sup>, Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable for fishing for deep-sea stocks<sup>(10)</sup>, and Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98<sup>(11)</sup>,

<sup>(2)</sup> OJ L 115, 9.5.1996, p. 3.

<sup>(3)</sup> OJ L 365, 31.12.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 448/2005 (OJ L 74, 19.3.2005, p. 5).

<sup>(4)</sup> OJ L 270, 13.11.1995, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(5)</sup> OJ L 276, 10.10.1983, p. 1. Regulation as last amended by Commission Regulation (EC) No 1804/2005 (OJ L 290, 4.11.2005, p. 10).

<sup>(6)</sup> OJ L 132, 21.5.1987, p. 9.

<sup>(7)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

<sup>(8)</sup> OJ L 171, 6.7.1994, p. 7.

<sup>(9)</sup> OJ L 125, 27.4.1998, p. 1. Regulation as last amended by Regulation (EC) No 2166/2005 (OJ L 345, 28.12.2005, p. 5).

<sup>(10)</sup> OJ L 351, 28.12.2002, p. 6. Regulation as amended by Regulation (EC) No 2269/2004 (OJ L 396, 31.12.2004, p. 1).

<sup>(11)</sup> OJ L 349, 31.12.2005, p. 1.

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

HAS ADOPTED THIS REGULATION:

#### Article 1

##### Subject-matter

This Regulation fixes for 2007 and for 2008, for stocks of deep-sea species and for Community fishing vessels, annual fishing opportunities in zones in Community waters and in certain non-Community waters where catch limitations are required, and the specific conditions under which fishing opportunities may be utilised.

#### Article 2

##### Definitions

1. For the purposes of this Regulation, 'deep-sea fishing permit' means the fishing permit referred to in Article 3 of Regulation (EC) No 2347/2002.
2. The definitions of ICES and CECAF zones are those given, respectively, in Regulation (EEC) No 3880/91 and Regulation (EC) No 2597/95.

#### Article 3

##### Fixing of fishing opportunities

Fishing opportunities for stocks of deep-sea species for Community vessels are fixed as set out in the Annex.

#### Article 4

##### Allocation among Member States

The allocation of fishing opportunities among Member States provided for in the Annex shall be without prejudice to:

- (a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;
- (b) reallocations made pursuant to Articles 21(4) and 32(2) of Regulation (EEC) No 2847/93 and Article 23(4) of Regulation (EC) No 2371/2002;
- (c) additional landings allowed pursuant to Article 3 of Regulation (EC) No 847/96;
- (d) quantities withheld pursuant to Article 4 of Regulation (EC) No 847/96;
- (e) deductions made pursuant to Article 5 of Regulation (EC) No 847/96 and Article 23(4) of Regulation (EC) No 2371/2002.

#### Article 5

##### Quota flexibility

For the purposes of Regulation (EC) No 847/96, all quotas in the Annex to the present Regulation shall be considered 'Analytic' quotas.

However, the measures provided for in Article 5(2) of Regulation (EC) No 847/96 shall not apply to those quotas.

#### Article 6

##### Conditions for landing catch and by-catch

Fish from stocks for which fishing opportunities are fixed by this Regulation may be retained on board or landed only if they were taken by vessels of a Member State which has a quota which is not exhausted. All landings shall count against the quota.

The first subparagraph shall not apply to catches taken in the course of scientific investigations carried out under Regulation (EC) No 850/98, which shall not count against the quota.

#### Article 7

##### Orange Roughy

1. The Orange Roughy Protection Areas are defined as the following sea areas:

- (a) that sea area enclosed by rhumb lines sequentially joining the following positions:

57° 00' N, 11° 00' W

57° 00' N, 8° 30' W

56° 23' N, 8° 30' W

55° 00' N, 9° 38' W

55° 00' N, 11° 00' W

57° 00' N, 11° 00' W;

- (b) that sea area enclosed by rhumb lines sequentially joining the following positions:

55° 30' N, 15° 49' W

53° 30' N, 14° 11' W

50° 30' N, 14° 11' W

50° 30' N, 15° 49' W;

- (c) that sea area enclosed by rhumb lines sequentially joining the following positions:

55° 00' N, 13° 51' W

55° 00' N, 10° 37' W

54° 15' N, 10° 37' W

53° 30' N, 11° 50' W

53° 30' N, 13° 51' W.



Those positions and the corresponding rhumb lines and vessel positions shall be measured according to the WGS84 standard.

2. Member States shall ensure that vessels holding a deep-sea fishing permit shall be properly monitored by the Fisheries Monitoring Centres (FMC), which shall have a system to detect and record the vessels' entry into, transit through and exit from the areas defined in paragraph 1.

3. Vessels holding a deep-sea fishing permit that have entered the areas defined in paragraph 1 shall not retain on board or tranship any quantity of orange roughy, nor land any quantity of orange roughy at the end of that fishing trip unless:

(a) all gears carried on board are lashed and stowed during the transit in accordance with the conditions laid down in Article 20(1) of Regulation (EEC) No 2847/93;

(b) the average speed during transit is not less than 8 knots.

#### *Article 8*

#### **Entry into force**

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

It shall apply as from 1 January 2007.

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

Done at Brussels, 19 December 2006.

*For the Council*  
*The President*  
J. KORKEAOJA

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## ANNEX

## PART 1

**Definition of Species and Species Groups**

Within each area fish stocks are referred to following the alphabetical order of the Latin names of the species. However, deep sea sharks are placed at the beginning of that list. A table of correspondences of common names and Latin names is given below for the purposes of this Regulation:

Common name	Scientific name
Black scabbardfish	<i>Aphanopus carbo</i>
Alfonsinos	<i>Beryx</i> spp.
Tusk	<i>Brosme brosme</i>
Roundnose grenadier	<i>Coryphaenoides rupestris</i>
Orange roughy	<i>Hoplostethus atlanticus</i>
Blue ling	<i>Molva dyptergia</i>
Forkbeards	<i>Phycis blennoides</i>
Red seabream	<i>Pagellus bogaraveo</i>

Where reference is made to 'deep sea sharks', this shall refer to sharks in the following list of species: Portuguese dogfish (*Centroscymnus coelolepis*), Leafscale gulper shark (*Centrophorus squamosus*), Birdbeak dogfish (*Deania calceus*), Kitefin shark (*Dalatias licha*), Greater lanternshark (*Etmopterus princeps*), Velvet belly (*Etmopterus spinax*), Black dogfish (*Centroscyllium fabricii*), Gulper shark (*Centrophorus granulosus*), Blackmouth dogfish (*Galeus melastomus*), Mouse catshark (*Galeus murinus*), Iceland catshark (*Apristurus* spp.).

## PART 2

**Annual fishing opportunities applicable for Community vessels in areas where catch limitations exist by species and by area (in tonnes live weight)**

All references are to ICES sub-areas unless otherwise stated.

Species: Deep Sea Sharks		Zone: Community waters and waters not under the sovereignty or jurisdiction of third countries of V, VI, VII, VIII and IX
Year	2007 <sup>(1)</sup>	2008 <sup>(1)</sup>
Germany	59	39
Spain	280	187
Estonia	4	2
France	1 014	676
Ireland	164	109
Lithuania	4	2
Poland	4	2
Portugal	381	254
United Kingdom	562	375
EC	2 472	1 646

<sup>(1)</sup> By-catches only. No directed fisheries for deep sea sharks are permitted.

Species:	Deep Sea Sharks	Zone:	X (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Year	2007	2008	
Portugal	20	20	
EC	20	20	

Species:	Deep Sea Sharks and <i>Deania histricosa</i> and <i>Deania profundorum</i>	Zone:	XII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Year	2007	2008	
Spain	69	34	
France	22	11	
Ireland	4	2	
United Kingdom	4	2	
EC	99	49	

Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of I, II, III and IV
Year	2007	2008	
Germany	5	5	
France	5	5	
United Kingdom	5	5	
EC	15	15	

Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of V, VI, VII and XII
Year	2007	2008	
Germany	35	35	
Spain	173	173	
Estonia	17	17	
France	2 433	2 433	
Ireland	87	87	
Latvia	113	113	
Lithuania	1	1	
Poland	1	1	
United Kingdom	173	173	
Others <sup>(1)</sup>	9	9	
EC	3 042	3 042	

<sup>(1)</sup> Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of VIII, IX and X
Year	2007	2008	
Spain	13	13	
France	31	31	
Portugal	3 956	3 956	
EC	4 000	4 000	

Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	CECAF 34.1.2. (Community waters and waters not under the sovereignty or jurisdiction of third countries.)
Year	2007	2008	
Portugal	4 285	4 285	
EC	4 285	4 285	

Species:	Alfonsinos <i>Beryx</i> spp.	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of I, II, III, IV, V, VI, VII, VIII, IX, X, XII and XIV
Year	2007	2008	
Spain	74	74	
France	20	20	
Ireland	10	10	
Portugal	214	214	
United Kingdom	10	10	
EC	328	328	

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of I, II, IV and Va
Year	2007	2008	
Denmark	2	2	
Germany	2	2	
France	14	14	
United Kingdom	2	2	
EC	20	20	

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	IIIa and Community waters of IIIbcd
Year	2007	2008	
Denmark	1 003	946	
Germany	6	5	
Sweden	52	49	
EC	1 060	1 000	

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of Vb, VI and VII
Year	2007	2008	
Germany	9	9	
Estonia	67	67	
Spain	74	74	
France	3 789	3 789	
Ireland	299	299	
Lithuania	87	87	
Poland	44	44	
United Kingdom	222	222	
Others <sup>(1)</sup>	9	9	
EC	4 600	4 600	

<sup>(1)</sup> Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of VIII, IX, X, XII and XIV and V (Greenland waters)
Year	2007	2008	
Germany	40	40	
Spain	4 391	4 391	
France	202	202	
Ireland	9	9	
United Kingdom	18	18	
Latvia	71	71	
Lithuania	9	9	
Poland	1 374	1 374	
EC	6 114	6 114	

Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	VI (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Year	2007	2008	
Spain	6	4	
France	33	22	
Ireland	6	4	
United Kingdom	6	4	
EC	51	34	

Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Year	2007	2008	
Spain	1	1	
France	147	98	
Ireland	43	29	
United Kingdom	1	1	
Others <sup>(1)</sup>	1	1	
EC	193	130	

<sup>(1)</sup> Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of I, II, III, IV, V, VIII, IX, X, XI, XII and XIV
Year	2007	2008	
Spain	4	3	
France	23	15	
Ireland	6	4	
Portugal	7	5	
United Kingdom	4	3	
EC	44	30	

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of II, IV and V
Year	2007	2008	
Denmark	7	6	
Germany	7	6	
France	42	34	
Ireland	7	6	
United Kingdom	25	20	
Others <sup>(1)</sup>	7	6	
EC	95	78	

<sup>(1)</sup> Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	III (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Year	2007	2008	
Denmark	8	6	
Germany	4	3	
Sweden	8	6	
EC	20	15	

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of VI and VII <sup>(2)</sup>
Year	2007	2008	
Germany	26	21	
Estonia	4	3	
Spain	83	67	
France	1 897	1 518	
Ireland	7	6	
Lithuania	2	1	
Poland	1	1	
United Kingdom	482	386	
Others <sup>(1)</sup>	7	6	
EC	2 510	2 009	

<sup>(1)</sup> Exclusively for by-catches. No directed fisheries are permitted under this quota.

<sup>(2)</sup> Member States shall ensure that the fishery for Blue ling is scientifically monitored, in particular the activities of those fishing vessels that landed more than 30 tonnes of Blue ling in 2005. Such vessels shall give prior notification of landing and shall not land more than 25 tonnes of Blue ling at the end of any fishing trip.

Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of VI, VII and VIII
Year	2007	2008	
Spain	238	238	
France	12	12	
Ireland	9	9	
United Kingdom	30	30	
Others <sup>(1)</sup>	9	9	
EC	298	298	

<sup>(1)</sup> Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	IX (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Year	2007	2008	
Spain	850	850	
Portugal	230	230	
EC	1 080	1 080	

Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	X (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Year	2007	2008	
Spain	10	10	
Portugal	1 116	1 116	
United Kingdom	10	10	
EC	1 136	1 136	

Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of I, II, III and IV
Year	2007	2008	
Germany	10	10	
France	10	10	
United Kingdom	16	16	
EC	36	36	

Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of V, VI and VII
Year	2007	2008	
Germany	10	10	
Spain	588	588	
France	356	356	
Ireland	260	260	
United Kingdom	814	814	
EC	2 028	2 028	

Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of VIII and IX
Year	2007	2008	
Spain	242	242	
France	15	15	
Portugal	10	10	
EC	267	267	

Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	Community waters and waters not under the sovereignty or jurisdiction of third countries of X and XII
Year	2007	2008	
France	10	10	
Portugal	43	43	
United Kingdom	10	10	
EC	63	63	



**COMMISSION REGULATION (EC) No 2016/2006****of 19 December 2006****adapting several regulations concerning the common organisation of the market in wine by reason of the accession of Bulgaria and Romania to the European Union**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty of Accession of Bulgaria and Romania, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 56 thereof,

Whereas:

(1) Certain technical amendments are necessary in several Commission Regulations concerning the common organisation of the market in wine in order to carry out the necessary adaptations by reason of the accession of Bulgaria and Romania to the European Union.

(2) Article 1 of Commission Regulation (EC) No 1907/85 of 10 July 1985 on the list of vine varieties and regions providing imported wine for the making of sparkling wines in the Community <sup>(1)</sup> contains references to Romania. Those references should be deleted.

(3) Article 52(1) of Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms <sup>(2)</sup> lays down reference periods for the producing Member States. The reference period for Romania should be determined.

(4) Article 2(1) and Article 11 of Commission Regulation (EC) No 883/2001 of 24 April 2001 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector <sup>(3)</sup> contain certain entries in all the languages of the Member States. Those provisions should include the entries in Bulgarian and Romanian.

(5) Article 33 of Regulation (EC) No 883/2001 contains a reference to Romania as third country. This reference should be deleted.

(6) Article 8(2) of Commission Regulation (EC) No 884/2001 of 24 April 2001 laying down detailed rules of application concerning the documents accompanying the carriage of wine products and the records to be kept in the wine sector <sup>(4)</sup> contains entries in all the languages of the Member States. That provision should include the entries in Bulgarian and Romanian.

(7) Article 16(1) of Commission Regulation (EC) No 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products <sup>(5)</sup> contains certain entries in all the languages of the Member States. That provision should include the entries in Bulgarian and Romanian.

(8) Annex VIII to Regulation (EC) No 753/2002 contains a reference to Bulgaria and Romania as thirds countries. This reference should be deleted.

(9) Regulations (EC) No 1907/85, (EC) No 1623/2000, (EC) No 883/2001, (EC) No 884/2001 and (EC) No 753/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 of Regulation (EC) No 1907/85 is deleted.

*Article 2*

In the third subparagraph of Article 52(1) of Regulation (EC) No 1623/2000, the following indent is added:

‘— 1999/2000 to 2004/2005 in Romania’.

*Article 3*

Regulation (EC) No 883/2001 is amended as follows:

1. In Article 2(1), the second subparagraph is replaced by the following:

‘Box 20 of import licences and export licences shall contain one of the entries listed in Annex I.’

<sup>(1)</sup> OJ L 179, 11.7.1985, p. 21. Regulation as amended by the 2003 Act of accession.

<sup>(2)</sup> OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 1221/2006 (OJ L 221, 12.8.2006, p. 3).

<sup>(3)</sup> OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 2079/2005 (OJ L 333, 20.12.2005, p. 6).

<sup>(4)</sup> OJ L 128, 10.5.2001, p. 32. Regulation as amended by Regulation (EC) No 1507/2006 (OJ L 280, 12.10.2006, p. 9).

<sup>(5)</sup> OJ L 118, 4.5.2002, p. 1. Regulation as last amended by Regulation (EC) No 1507/2006.

2. In the first subparagraph of Article 5, the reference to Annex I is numbered Annex Ia.

3. In Article 11, the second paragraph is replaced by the following:

‘At least one of the entries listed in Annex IVa shall be made in box 22 of licences.’

4. Article 33 is amended as follows:

(a) in paragraph 1, point (c) is deleted;

(b) in paragraph 2, the introductory words are replaced by the following:

‘For the purposes of paragraph 1(b), and (d), the official agency of the country of origin authorised to draw up document V11 as referred to in this Regulation shall enter the following in box 15 of that document:’

5. The Annexes are amended in accordance with Annex I to this Regulation.

#### Article 4

Regulation (EC) No 884/2001 is amended as follows:

1. In Article 8(2), the second subparagraph is replaced by the following:

‘The customs office at the point of exit from the customs territory of the Community shall enter one of the entries listed in Annex V on the two copies of the latter document and stamp as authentic. It shall hand the stamped copies bearing that wording to the exporter or his representative. The latter shall ensure that one copy accompanies carriage of the exported product.’

2. The text in Annex II to this Regulation is added as Annex V.

#### Article 5

Regulation (EC) No 753/2002 is amended as follows:

1. Article 16(1) is replaced by the following:

‘1. For the purposes of the second indent of Annex VII(B)(1)(a) to Regulation (EC) No 1493/1999, the

following terms may only be used on the labels of table wines, table wines with a geographical indication and quality wines psr, with the exception of the quality liqueur wines psr and quality semi-sparkling wines psr covered by Article 39(1)(b):

(a) “cyxo”, “seco”, “suché”, “tør”, “trocken”, “kuiv”, “ξηρός”, “dry”, “sec”, “secco”, “asciutto”, “sausais”, “sausas”, “száraz”, “droog”, “wytrawne”, “seco”, “sec”, “suho”, “kuiva” or “torrt”, on condition that the wine concerned has a residual sugar content not exceeding:

(i) 4 grams per litre; or

(ii) 9 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 2 grams below the residual sugar content;

(b) “πολυκυχο”, “semiseco”, “polosuché”, “halvtør”, “halb-trocken”, “poolkuiv”, “ημιξηρός”, “medium dry”, “demi-sec”, “abboccato”, “pussausais”, “pusiau sausas”, “fél száraz”, “halfdroog”, “półwytrawne”, “meio seco”, “adamado”, “demisec”, “polsuho”, “puolikuiva” or “halvtorrt”, on condition that the wine concerned has a residual sugar content in excess of the maximum set at (a) but not exceeding:

(i) 12 grams per litre; or

(ii) 18 grams per litre, where the minimum total acidity has been set by the Member State under paragraph 2;

(c) “πολυσладко”, “semidulce”, “polosladké”, “halvsød”, “lieblich”, “poolmagus”, “ημιγλυκος”, “medium”, “medium sweet”, “moelleux”, “amabile”, “pussaldais”, “pusiau saldus”, “félédes”, “halfzoet”, “półslodkie”, “meio doce”, “demidulce”, “polsladko”, “puolimakea” or “halvsött”, on condition that the wine concerned has a residual sugar content higher than the maximum set at (b) but not more than 45 grams per litre;

(d) “сладко”, “dulce”, “sladké”, “sød”, “süss”, “magus”, “γλυκός”, “sweet”, “doux”, “dolce”, “saldais”, “saldus”, “édes”, “helu”, “zoet”, “slodkie”, “doce”, “dulce”, “sladko”, “makea” or “sött”, on condition that the wine concerned has a residual sugar content of at least 45 grams per litre.’

2. In Annex VIII, points 1 and 6 are deleted.

*Article 6*

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of Bulgaria and Romania.

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

Done at Brussels, 19 December 2006.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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## ANNEX I

The Annexes to Regulation (EC) No 883/2001 are amended as follows:

1. The existing text of the Annex I is numbered 'Annex Ia' and the following text is inserted before it:

## 'ANNEX I

Entries referred to in the second subparagraph of Article 2(1):

- *In Bulgarian:* Отклонение от 0,4 об. %
- *In Spanish:* Tolerancia de 0,4 % vol.
- *In Czech:* Přípustná odchylka 0,4 % obj.
- *In Danish:* Tolerance 0,4 % vol.
- *In German:* Toleranz 0,4 % vol.
- *In Estonian:* Lubatud 0,4 mahuprotsendi suurune hälve
- *In Greek:* Ανοχή 0,4 % vol.
- *In English:* Tolerance of 0,4 % vol.
- *In French:* Tolérance de 0,4 % vol.
- *In Italian:* Tolleranza di 0,4 % vol.
- *In Latvian:* 0,4 tilp. % pielāide
- *In Lithuanian:* Leistinas nukrypimas 0,4 tūrio %
- *In Hungarian:* 0,4 térfogat-százalékos tűrés
- *In Maltese:* Varjazzjoni massima ta' 0,4 % vol.
- *In Dutch:* Tolerantie van 0,4 % vol.
- *In Polish:* Tolerancja 0,4 % obj.
- *In Portuguese:* Tolerância de 0,4 % vol.
- *In Romanian:* Toleranță de 0,4 % vol.
- *In Slovak:* Přípustná odchýlka 0,4 % obj.
- *In Slovenian:* Odstopanje 0,4 vol. %
- *In Finnish:* Sallittu poikkeama 0,4 til - %
- *In Swedish:* Tolerans 0,4 vol. %

2. The following Annex IVa is inserted after Annex IV:

‘ANNEX IVa

Entries referred to in the second subparagraph of Article 11:

- *In Bulgarian:* Възстановяване, валидно за не повече от ... (количество, за което е издаден лицензът)
- *In Spanish:* Restitución válida para ... (cantidad por la que se haya expedido el certificado) como máximo
- *In Czech:* Náhrada platná nejvýše pro ... (množství, na něž byla vydána licence)
- *In Danish:* Restitutionen omfatter højst ... (den mængde, licensen er udstedt for)
- *In German:* Erstattung gültig für höchstens ... (Menge, für die die Lizenz erteilt wurde)
- *In Estonian:* Toetus ei kehti rohkem kui ... (kogus, millele litsents on väljastatud)
- *In Greek:* Επιστροφή που ισχύει για ... (ποσότητα για την οποία εκδίδεται το πιστοποιητικό) κατ' ανώτατο όριο
- *In English:* Refund valid for not more than ... (quantity for which licence is issued)
- *In French:* Restitution valable pour ... (quantité pour laquelle le certificat est délivré) au maximum
- *In Italian:* Restituzione valida al massimo per ... (quantitativo per il quale è rilasciato il titolo)
- *In Latvian:* Atmaksa ir spēkā par ne vairāk kā ... (daudzums, par ko izdota licence)
- *In Lithuanian:* Gražinamoji išmoka mokama ne daugiau kaip už ... (nurodomas kiekis, kuriam išduota licencija)
- *In Hungarian:* Legfeljebb ...-re (az a mennyiség, amelyre az engedélyt kiadták) érvényes visszatérítés
- *In Maltese:* Valur mrodd lura ta' mhux aktar minn ... (ammont maħrug fil. licenzja)
- *In Dutch:* Restitutie voor ten hoogste ... (hoeveelheid waarvoor het certificaat is afgegeven)
- *In Polish:* Refundacji udziela się na nie więcej niż ... (ilość, na którą wydano licencję)
- *In Portuguese:* Restituição válida para ... (quantidade em relação à qual é emitido o certificado), no máximo
- *In Romanian:* Restituție valabilă pentru maxim ... (cantitatea pentru care este eliberată licența)
- *In Slovak:* Náhrada platná pre nie viac ako ... (množstvo, na ktoré je licencia vydaná)
- *In Slovenian:* Nadomestilo velja za največ ... (količina, za katero je izdano dovoljenje)
- *In Finnish:* Vientituki voimassa enintään ... (määrä, jolle todistus on annettu) osalta
- *In Swedish:* Bidrag som gäller för högst ... (kvantitet för vilken licensen skall utfärdas)'.  
  
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## ANNEX II

## ‘ANNEX V

Entries referred to in the second subparagraph of Article 8(2):

— In Bulgarian:	ИЗВЕЖЕНО
— In Spanish:	EXPORTADO
— In Czech:	VYVEŽENO
— In Danish:	UDFØRSEL
— In German:	AUSGEFÜHRT
— In Estonian:	EKSPORDITUD
— In Greek:	ΕΞΑΧΘΕΝ
— In English:	EXPORTED
— In French:	EXPORTÉ
— In Italian:	ESPORTATO
— In Latvian:	EKSPORTĒTS
— In Lithuanian:	EKSPORTUOTA
— In Hungarian:	EXPORTÁLVA
— In Maltese:	ESPORTAT
— In Dutch:	UITGEVOERD
— In Polish:	WYWIEZIONO
— In Portuguese:	EXPORTADO
— In Romanian:	EXPORTAT
— In Slovak:	VYVEZENÉ
— In Slovenian:	IZVOŽENO
— In Finnish:	VIETTY
— In Swedish:	EXPORTERAD

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**COMMISSION REGULATION (EC) No 2017/2006****of 20 December 2006****amending Council Regulation (EC) No 51/2006 as regards the catch limits for the stock of Norway pout in ICES zones IIa (EC waters), IIIa and IV (EC waters)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 51/2006 of 22 December 2005 fixing for 2006 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required <sup>(1)</sup>, and in particular Article 5(7) thereof,

Whereas:

- (1) Pursuant to Article 5(7) of Regulation (EC) No 51/2006, the Commission may revise the catch limits for the stock of Norway pout in ICES zones IIa (EC waters), IIIa and IV (EC waters) in the light of scientific information collected during the first half of 2006.
- (2) Following new scientific advice from the International Council for the Exploration of the Sea (ICES) as well as the Scientific, Technical and Economic Committee for Fisheries (STECF), new catch limits for the stock of Norway pout in ICES zones IIa (EC waters), IIIa and IV (EC waters) were established by Commission Regulation (EC) No 1259/2006 amending Regulation (EC) No 51/2006 <sup>(2)</sup>.
- (3) Norway pout is a North Sea stock which is shared with Norway but which is currently not managed jointly by the two Parties.
- (4) Following the adoption of Regulation (EC) No 1259/2006, the Community held consultations with Norway, which did not result in agreement between Norway and the Community on an allocation key for that stock for 2006.

- (5) In the absence of an allocation key between Norway and the Community for that stock and in recognition of the fact that Norway should be able to fish part of the total allowable catch (TAC) recommended by ICES and STECF, the Community should set an autonomous Community catch limit which is lower than the recommended TAC.
- (6) The autonomous Community catch limit should be fixed at a level of 75 % of the recommended TAC. That percentage corresponds to the Community share of total catches on this stock during the last five years and represents the estimated zone attachment calculated through survey data obtained during recent years. However, such approach should be without prejudice to the Community position as regards any future allocation negotiations with Norway.
- (7) Annex IA to Regulation No 51/2006 should therefore be amended accordingly.
- (8) 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 IA to Regulation (EC) No 51/2006 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 20 December 2006.

*For the Commission*

Joe BORG

*Member of the Commission*

<sup>(1)</sup> OJ L 16, 20.1.2006, p. 1. Regulation as last amended by Regulation (EC) No 1782/2006 (OJ L 345, 8.12.2006, p. 10).

<sup>(2)</sup> OJ L 229, 23.8.2006, p. 3.

## ANNEX

Annex IA to Regulation (EC) No 51/2006 is amended as follows:

The entry concerning the stock of Norway pout in zones IIa (EC waters), IIIa and IV (EC waters) is replaced by the following:

Species: Norway pout <i>Trisopterus esmarki</i>		Zone: IIa (EC waters), IIIa, IV (EC waters) NOP/2A3A4.
Denmark	70 185	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
Germany	13	
The Netherlands	52	
EC	70 250	
Norway	1 000 <sup>(1)</sup>	
TAC	Not relevant	

<sup>(1)</sup> This quota may be fished in Division VIa, North of 56° 30' N.'



**COMMISSION REGULATION (EC) No 2018/2006****of 20 December 2006****laying down transitional measures as regards import licences for milk and milk products pursuant to Regulation (EC) No 2535/2001, by reason of the accession of Bulgaria and Romania to the European Union**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty of Accession of Bulgaria and Romania, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 41 thereof,

Whereas:

- (1) Section 2 of Chapter I of Title 2 of Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas <sup>(1)</sup> lays down specific provisions on the approval of applicants for import licences. In order to ensure access for operators from Bulgaria and Romania (hereinafter referred to as the 'new Member States') to import licences as from the date of accession of those countries to the European Union, transitional measures should be adopted.
- (2) For the period 1 January 2007 to 30 June 2007, operators of the new Member States should be allowed to apply, without prior approval, for import licences under the tariff quotas as referred to in the Annexes to Regulation (EC) No 2535/2001.
- (3) Those operators should prove their status and regular activity as traders. As regards the requirement on the proof on trade performance, the applicants in the new Member States should have the opportunity to choose as a reference year for the trade performance 2005 instead of 2006 if they can prove that they were not able to import or export the required quantities of milk products during 2006 as a result of exceptional circumstances.
- (4) The authorities of the new Member States should by 20 January 2007 transmit a list to the Commission including all eligible operators. In order to enable each applicant to be identified more easily, and to facilitate the transfer of licences, the data to be forwarded for each operator should be specified. Moreover, eligible operators of the new Member States should be allowed to transfer import licences.

(5) It is therefore necessary to provide for certain derogations from Regulation (EC) No 2535/2001.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from Section 2 of Chapter I of Title 2 of Regulation (EC) No 2535/2001, operators established in Bulgaria and Romania (hereinafter referred to as the 'new Member States') may apply for import licences for the quotas covering the period 1 January 2007 to 30 June 2007 without prior approval by the competent authorities of the new Member State in which they are established.

*Article 2*

1. By way of derogation from Article 11 of Regulation (EC) No 2535/2001, operators established in the new Member States may apply for import licences for the quotas referred to in Article 1 of this Regulation only in the Member State where they are established.

2. Licence applications shall be admissible only where the applicant attaches the following documents:

- (a) proof that in 2006 the applicant has imported or exported at least 25 tonnes of milk products covered by Chapter 04 of the Combined Nomenclature in at least four separate operations;
- (b) any document and information adequately substantiating the identity and status of the applicant, in particular:
  - (i) documents relating to business accounts or tax arrangements drawn up in accordance with national law,
  - (ii) the VAT number, if provided for under national law, and
  - (iii) the registration in the commercial register, if provided for under national law.

<sup>(1)</sup> OJ L 341, 22.12.2001, p. 29. Regulation last amended by Regulation (EC) No 926/2006 (OJ L 170, 23.6.2006, p. 8).

3. In case of point (a) of paragraph 2, the reference year shall be 2005 if the importer concerned can prove that he was not able to import or export the required quantities of milk products during 2006 as a result of exceptional circumstances.

4. For the purposes of application of this Article, inward- and outward-processing transactions shall not be considered as imports and exports.

#### *Article 3*

1. The competent authorities of the new Member States shall send to the Commission by 20 January 2007 the list of operators having applied for import licences for the quotas covering the period 1 January 2007 to 30 June 2007 in accordance with Article 1 and complying with the conditions laid down in Article 2. These lists shall be established in accordance with the model at Annex XIV to Regulation (EC) No 2535/2001, exception made of the approval number.

2. The Commission shall forward the lists referred to in paragraph 1 to the competent authorities of the other Member States.

#### *Article 4*

By way of derogation from Article 16(4) of Regulation (EC) No 2535/2001, import licences issued for the quotas covering the period 1 January 2007 to 30 June 2007 may be transferred only to natural or legal persons approved in accordance with Section 2 of that Regulation and to natural or legal persons appearing on the lists referred to in Article 3 of this Regulation.

#### *Article 5*

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of Bulgaria and Romania.

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

Done at Brussels, 20 December 2006.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2019/2006****of 21 December 2006****amending Regulations (EC) Nos 2058/96, 327/98 and 955/2005 opening and providing for the administration of tariff quotas for imports of rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations <sup>(1)</sup>, and in particular Article 1 thereof,

Having regard to Council Decision 96/317/EC of 13 May 1996 concerning the conclusion of the results of consultations with Thailand under GATT Article XXIII <sup>(2)</sup>, and in particular Article 3 thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice <sup>(3)</sup>, and in particular Articles 10(2) and 13(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences <sup>(4)</sup> applies to import licences for tariff quota periods starting from 1 January 2007.
- (2) Regulation (EC) No 1301/2006 lays down in particular detailed rules for applications for import licences, the status of applicants and the issue of licences. It limits the period of validity of import licences to the final day of the tariff quota period and applies without prejudice to additional conditions or derogations laid down by the sectoral regulations.
- (3) Commission Regulations (EC) Nos 2058/96 of 28 October 1996 opening and providing for the management of a tariff quota for broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10 <sup>(5)</sup>, 327/98 of 10 February 1998

opening and providing for the administration of certain tariff quotas for imports of rice and broken rice <sup>(6)</sup> and 955/2005 of 23 June 2005 opening a Community import quota for rice originating in Egypt <sup>(7)</sup> contain provisions which diverge from or repeat the common rules laid down by Regulation (EC) No 1301/2006. Those Regulations should therefore be amended with a view to removing the differing or redundant rules, specifying the serial numbers of each quota and subquota and redefining the specific rules which apply, in particular to the drawing up of licence applications, their issue, their period of validity and the notification of information to the Commission.

- (4) In the interests of harmonising and simplifying the above Regulations, provisions which are already contained in the horizontal or sectoral implementing regulations, that is, apart from Regulation (EC) No 1301/2006, Commission Regulations (EC) Nos 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products <sup>(8)</sup>, and 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice <sup>(9)</sup>, should be deleted, as should provisions which no longer apply.
- (5) In the interests of simplification, provision should be made for quantities of less than 20 tonnes allocated following the application of an award coefficient to be administered in the same way in Regulations (EC) Nos 2058/96, 327/98 and 955/2005.
- (6) In the interests of improved administration of the tariff quotas opened by Regulations (EC) Nos 2058/96 and 955/2005, it is necessary to continue to allow operators to submit more than one licence application per quota period, and therefore to derogate from Article 6(1) of Regulation (EC) No 1301/2006. Moreover, in order to improve controls on these two quotas and to harmonise and simplify their administration, provision should be made for import licence applications to be submitted on a weekly basis.

<sup>(1)</sup> OJ L 146, 20.6.1996, p. 1.

<sup>(2)</sup> OJ L 122, 22.5.1996, p. 15.

<sup>(3)</sup> OJ L 270, 21.10.2003, p. 96. Regulation as amended by Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

<sup>(4)</sup> OJ L 238, 1.9.2006, p. 13.

<sup>(5)</sup> OJ L 276, 29.10.1996, p. 7. Regulation as amended by Regulation (EC) No 1950/2005 (OJ L 312, 29.11.2005, p. 18).

<sup>(6)</sup> OJ L 37, 11.2.1998, p. 5. Regulation as last amended by Regulation (EC) No 965/2006 (OJ L 176, 30.6.2006, p. 12).

<sup>(7)</sup> OJ L 164, 24.6.2005, p. 5.

<sup>(8)</sup> OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 410/2006 (OJ L 71, 10.3.2006, p. 7).

<sup>(9)</sup> OJ L 189, 29.7.2003, p. 12. Regulation as last amended by Regulation (EC) No 945/2006 (OJ L 173, 27.6.2006, p. 12).

- (7) The import duty on broken rice is laid down in Article 11d of Regulation (EC) No 1785/2003; therefore reference should no longer be made to the combined nomenclature and Regulation (EC) No 2058/96 should be amended accordingly.
- (8) For those quotas opened by Regulation (EC) No 327/98 which are administered on the basis of an export certificate, it is necessary to continue to allow operators with more than one export certificate to submit more than one import licence application per quota subperiod, and therefore to derogate from Article 6(1) of Regulation (EC) No 1301/2006, in order to ensure controls adapted to such imports. The amount of the security relating to the import licences for husked rice provided for in Article 4 of Regulation (EC) No 327/98 should moreover be aligned with the amount of the security provided for in Article 12 of Regulation (EC) No 1342/2003.
- (9) With regard to Regulation (EC) No 955/2005, the references to Regulation (EC) No 1785/2003 should be made clearer and it should be specified that the period of validity of the licence is calculated from the actual day of issue of the licence.
- (10) These measures should be applied from 1 January 2007, which is the date from which the measures provided for in Regulation (EC) No 1301/2006 apply.
- (11) However, the period for lodging the first applications referred to in Regulations (EC) Nos 2058/96 and 955/2005 falls on a public holiday in 2007; it should therefore be laid down that the first applications may be lodged by operators only from the first working day of 2007, and that this first period for lodging applications closes no later than Monday 8 January 2007. It should also be specified that import licence applications for this first period should be sent to the Commission no later than Monday 8 January 2007.
- (12) Regulations (EC) Nos 2058/96, 327/98 and 955/2005 should therefore be amended accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 2058/96 is hereby amended as follows:

1. In Article 1, the following second and third paragraphs are added:

‘The serial number of the quota shall be 09.4079.

Commission Regulations (EC) Nos 1291/2000 (\*), 1342/2003 (\*\*) and 1301/2006 (\*\*\*) shall apply to the quota referred to in the first paragraph, save as otherwise provided for in this Regulation.

(\*) OJ L 152, 24.6.2000, p. 1.

(\*\*) OJ L 189, 29.7.2003, p. 12.

(\*\*\*) OJ L 238, 1.9.2006, p. 13.’

#### 2. Article 2 is amended as follows:

- (a) In paragraph 1 the following second subparagraph is added:

‘Import licence applications shall be lodged with the competent authorities of the Member States each week no later than Monday at 13.00 (Brussels time). However, for 2007, the period for lodging the first applications shall begin only on the first working day of 2007 and shall end no later than 8 January 2007, and the first Monday on which import licence applications are to be sent to the Commission in accordance with paragraph 4(a) shall be Monday 8 January 2007.’

- (b) paragraph 2 is replaced by the following:

‘2. Notwithstanding Article 6(1) of Regulation (EC) No 1301/2006, applicants may submit more than one licence application per quota period. However, applicants may submit only one licence application per week.’

#### 3. Article 3 is replaced by the following:

##### ‘Article 3

1. Where the quantities applied for in a given week exceed the quantity available under the quota, the Commission shall fix, no later than the fourth working day following the last day for the submission of applications for that week, an award coefficient for the quantities applied for during that week, reject applications submitted in respect of the following weeks and suspend the issue of import licences until the end of the year in question.

If the award coefficient referred to in the first subparagraph results in one or more quantities of less than 20 tonnes per application, Member States shall allocate the total of such quantities by drawing lots among the operators concerned for each quantity of 20 tonnes, with the remainder distributed equally between the 20-tonne quantities. However, where adding together the quantities of less than 20 tonnes does not result in the constitution of a 20-tonne quantity, the remainder shall be distributed by the Member State equally between the operators whose licences are for 20 tonnes or more.

Where, following the application of the second paragraph, the quantity for which a licence is to be issued is less than 20 tonnes, the licence application may be withdrawn by the operator within two working days following the date of entry into force of the Regulation fixing the award coefficient.

2. Import licences shall be issued on the eighth working day following the final day for the notification of licence applications to the Commission referred to in Article 4(a).'

4. Article 4 is replaced by the following:

*'Article 4*

The Member States shall send the Commission, by electronic means:

(a) on the final day for the submission of licence applications, no later than 18.00 (Brussels time), the information on the import licence applications referred to in Article 11(1)(a) of Regulation (EC) No 1301/2006, with a break-down by eight-digit CN code and by country of origin of the quantities covered by those applications;

(b) no later than the second working day following the issue of the import licences, information on the licences issued, as referred to in Article 11(1)(b) of Regulation (EC) No 1301/2006, with a break-down by eight-digit CN code and by country of origin of the quantities for which import licences have been issued;

(c) no later than the last day of each month, the total quantities actually released for free circulation under this quota during the previous month but one, broken down by eight-digit CN code and by country of origin. If no quantities have been released for free circulation during the period, a "nil" notification shall be sent.'

5. In Article 5(1)(b), 'set in the combined nomenclature' is replaced by 'fixed in Article 11d of Council Regulation (EC) No 1785/2003 (\*)'.

(\*) OJ L 270, 21.10.2003, p. 96.'

6. Article 6(2) is deleted.

*Article 2*

Regulation (EC) No 327/1998 is hereby amended as follows:

1. In Article 1(1):

(a) The second subparagraph is replaced by the following:

'These overall import tariff quotas shall be broken down into import tariff quotas by country of origin and divided among a number of subperiods in accordance with Annex IX.'

(b) the following third subparagraph is added:

'Commission Regulations (EC) Nos 1291/2000 (\*), 1342/2003 (\*\*) and 1301/2006 (\*\*\*) shall apply to the quota referred to in the first paragraph, save as otherwise provided for in this Regulation.'

(\*) OJ L 152, 24.6.2000, p. 1.

(\*\*) OJ L 189, 29.7.2003, p. 12.

(\*\*\*) OJ L 238, 1.9.2006, p. 13.'

2. Article 2 is replaced by the following:

*'Article 2*

For quantities not covered by import licences issued for the quotas referred to in Article 1(1)(a), (b) and (e) in respect of the subperiod of the month of September, import licence applications may be submitted in respect of all origins covered by the overall import tariff quota in the subperiod of the month of October.'

3. The third paragraph of Article 3 is replaced by the following:

'Export licences issued in respect of the import tariff quotas provided for in Article 1(1) shall be valid for the quota period concerned only.'

4. Article 4 is amended as follows:

(a) Paragraph 1 is replaced by the following:

'1. Licence applications shall be lodged in the first 10 working days of the first month of each subperiod.'

(b) the second indent of paragraph 2 is deleted;

(c) the following second sentence is added to paragraph 3:

'Licences shall be valid only for products originating in the country indicated in section 8.'

(d) paragraph 5 is replaced by the following:

'5. Notwithstanding Article 6(1) of Regulation (EC) No 1301/2006, in the case of the tariff quotas concerned by the import licence applications referred to in the first paragraph of Article 3 of this Regulation, applicants may submit several applications for the same quota serial number by import tariff quota subperiod.'

5. Article 5 is replaced by the following:

*'Article 5*

The award coefficient referred to in Article 7(2) of Regulation (EC) No 1301/2006 shall be fixed by the Commission within 10 days of the final day for notification referred to in point (a) of Article 8 of this Regulation. At the same time the Commission shall fix the quantities available respect of the following subperiod and, where applicable, in respect of the additional subperiod of the month of October.

If the award coefficient referred to in the first subparagraph results in one or more quantities of less than 20 tonnes per application, Member States shall allocate the total of such quantities by drawing lots among the operators concerned for each quantity of 20 tonnes, with the remainder distributed equally between the 20-tonne quantities. However, where adding together the quantities of less than 20 tonnes does not result in the constitution of a 20-tonne quantity, the remainder shall be distributed by the Member State equally between the operators whose licences are for 20 tonnes or more.

Where, following the application of the second paragraph, the quantity for which a licence is to be issued is less than 20 tonnes, the licence application may be withdrawn by the operator within two working days following the date of entry into force of the Regulation fixing the award coefficient.'

6. Article 6 is replaced by the following:

*'Article 6*

Within three working days of the date of publication of the Commission's Decision fixing the quantities available, as provided for in Article 5, import licences shall be issued for the quantities resulting from the application of Article 5.'

7. Article 7 is amended as follows:

(a) paragraph 3 is deleted;

(b) the second subparagraph of paragraph 4 is deleted.

8. Article 8 is replaced by the following:

*'Article 8*

The Member States shall send the Commission, by electronic means:

(a) no later than the second working day following the final day for the submission of licence applications at 18.00 (Brussels time), the information on the import licence applications referred to in Article 11(1)(a) of Regulation (EC) No 1301/2006, with a break-down by eight-digit CN code and by country of origin of the quantities covered by those applications, specifying the number of the import licence and the number of the export licence where this is required;

(b) no later than the second working day following the issue of the import licences, information on the licences issued, as referred to in Article 11(1)(b) of Regulation (EC) No 1301/2006, with a break-down by eight-digit CN code and by country of origin of the quantities for which import licences have been issued, specifying the number of the import licence and the quantities for which licence applications have been withdrawn in accordance with the third paragraph of Article 5;

(c) no later than the last day of each month, the total quantities actually released for free circulation under this quota during the previous month but one, broken down by eight-digit CN code and by country of origin, giving details of the packaging if that packaging is less than or equal to 5 kg. If no quantities have been released for free circulation during the period, a "nil" notification shall be sent.'

9. Article 10 is deleted.

10. Annex III is deleted.

11. In Annex IX, 'tranches' is replaced by 'subperiods'.

12. Annex X is deleted.

*Article 3*

Regulation (EC) No 955/2005 is hereby amended as follows:

1. Article 1 is amended as follows:

(a) in the first paragraph, 'in accordance with Article 11 of Regulation (EC) No 1785/2003' is replaced by 'in accordance with Articles 11, 11a, 11c and 11d of Regulation (EC) No 1785/2003';

(b) the second paragraph is deleted;

(c) the following paragraph is added after the new second paragraph:

‘Commission Regulations (EC) Nos 1291/2000, 1342/2003 and 1301/2006 (\*) shall apply to the quota referred to in the first paragraph, save as otherwise provided for in this Regulation.

(\*) OJ L 238, 1.9.2006, p. 13.’

2. Article 2 is amended as follows:

(a) paragraph 2 is deleted;

(b) paragraph 3 is replaced by the following:

‘3. Notwithstanding Article 6(1) of Regulation (EC) No 1301/2006, applicants may submit more than one licence application per quota period. However, applicants may submit only one licence application per week for each eight-digit CN code.’

3. Article 3 is amended as follows:

(a) paragraph 2 is deleted;

(b) in paragraph 3, ‘in accordance with Article 11 of Regulation (EC) No 1785/2003’ is replaced by ‘in accordance with Articles 11, 11a, 11c and 11d of Regulation (EC) No 1785/2003’.

4. Article 4 is replaced by the following:

‘Article 4

1. Import licence applications shall be lodged with the competent authorities of the Member States no later than each Monday at 13.00 (Brussels time).

However, for 2007, the period for lodging the first applications shall begin only on the first working day of 2007 and shall end no later than 8 January 2007, and the first Monday on which import licence applications are to be sent to the Commission in accordance with Article 5(a) shall be Monday 8 January 2007.

2. Import licences shall be issued on the eighth working day following the final day for the lodging of licence applications, provided that the quantity laid down in Article 1 has not been reached.

Notwithstanding Article 6(1) of Regulation (EC) No 1342/2003, import licences shall be valid until the end of the month following that in which they were issued.

3. Where the quantities applied for in a given week exceed the quantity available under the quota provided for in Article 1, the Commission shall fix, no later than the fourth working day following the last day for the submission of applications for that week, an award coefficient for the quantities applied for during that week, reject applications submitted in respect of the following weeks and suspend the issue of import licences until the end of the year in question.

4. If the award coefficient referred to in the first subparagraph results in one or more quantities of less than 20 tonnes per application, Member States shall allocate the total of such quantities by drawing lots among the operators concerned for each quantity of 20 tonnes, with the remainder distributed equally between the 20-tonne quantities. However, where adding together the quantities of less than 20 tonnes does not result in the constitution of a 20-tonne quantity, the remainder shall be distributed by the Member State equally between the operators whose licences are for 20 tonnes or more.

Where, following the application of the first paragraph, the quantity for which a licence is to be issued is less than 20 tonnes, the licence application may be withdrawn by the operator within two working days following the date of entry into force of the Regulation fixing the award coefficient.’

5. Article 5 is replaced by the following:

‘Article 5

The Member States shall send the Commission, by electronic means:

(a) on the final day for the submission of licence applications, no later than 18.00 (Brussels time), the information on the import licence applications referred to in Article 11(1)(a) of Regulation (EC) No 1301/2006, with a break-down by eight-digit CN code of the quantities covered by those applications;

(b) no later than the second working day following the issue of the import licences, information on the licences issued, as referred to in Article 11(1)(b) of Regulation (EC) No 1301/2006, with a break-down by eight-digit CN code of the quantities for which import licences have been issued;

- (c) no later than the last day of each month, the total quantities actually released for free circulation under this quota during the previous month but one, broken down by eight-digit CN code. If no quantities have been released for free circulation during the period, a “nil” notification shall be sent.’

6. Article 6 is deleted.

*Article 4*

This Regulation shall enter into force on the day following that of 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, 21 December 2006.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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## COMMISSION REGULATION (EC) No 2020/2006

of 22 December 2006

## amending Regulation (EC) No 2535/2001 as regards the management of the WTO tariff quota for New Zealand butter

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, and in particular Article 29(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas <sup>(2)</sup> sets out in particular rules for 'New-Zealand butter' as referred to in second subparagraph of Article 25(1) of that Regulation.

(2) The Court of Justice of the European Communities in its judgment of 11 July 2006 in Case C-313/04 *Franz Egenberger GmbH Molkerei und Trockenwerk v. Bundesanstalt für Landwirtschaft und Ernährung* stated that: 'Article 35(2) of Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas is invalid inasmuch as it provides that applications for import licences for New Zealand butter at reduced duty may be lodged solely with the competent authorities of the United Kingdom'; and 'Articles 25 and 32 of Regulation (EC) No 2535/2001, read in conjunction with Annexes III, IV and XII to that Regulation, are invalid since they permit discrimination in the issue of import licences for New Zealand butter at reduced duty.'

(3) A new arrangement for managing the tariff quota as from 1 January 2007 needs to be put in place, ensuring non-discriminatory access of importers to the quota in conformity with the Court's judgment in Case C-313/04.

(4) With a view of providing at the same time stability in the trade while gradually opening of the entire quota to all

interested operators, it seems appropriate to manage the quota through the method referred to in the third indent of Article 29(2) of Regulation (EC) No 1255/1999. Therefore, a division of the quota amongst traditional importers and newcomers should be set up. Provision should be made for the traditional part to be managed taking into account the past trade under the same quota and the newcomers' part to be managed by a simultaneous examination of the licences.

(5) In order to ensure that applications for import licences are genuine, to prevent speculation and to ensure maximum utilisation of the quota, each applicant under the newcomers part of the quota should apply for a minimum quantity and applications shall be limited to 10 % of the quantity available. For the same reasons, criteria should be laid down to allow participation in the quota; in particular, the quota should be opened to those operators who prove a certain level of trade activity in the milk sector. In order to provide for more equal access to the newcomers' quota each applicant may apply for a maximum quantity.

(6) The security level should be set at a level which ensures that only genuine traders are applying under the quota. It is appropriate to adopt therefore the security level which is applicable for the management of the quotas referred to under Chapter 1 of Title II of Regulation (EC) No 2535/2001.

(7) In order to avoid licences issued for quantities which are economically not viable, a drawing lots procedure shall be provided for in case licences would be issued for quantities less than 20 tonnes.

(8) Imports of New Zealand butter must comply with certain quality and compositional requirements laid down in Regulation (EC) No 2535/2001. In order to show compliance with those requirements and to prove the origin of the products provision should be made for the operator to present the IMA 1 certificate at the time of import.

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

<sup>(2)</sup> OJ L 341, 22.12.2001, p. 29. Regulation as last amended by Regulation (EC) No 926/2006 (OJ L 170, 23.6.2006, p. 8).

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

HAS ADOPTED THIS REGULATION:

The competent import licence issuing body shall retain the original of each IMA 1 presented'

#### Article 1

Regulation (EC) No 2535/2001 is amended as follows:

3. In Article 26(2) the second subparagraph is deleted.

1. Article 9 is replaced by the following:

4. Articles 34 to 39 are replaced by the following:

##### 'Article 9

Before 1 June, the competent authority shall inform applicants of the outcome of the approval procedure and their approval number where applicable. Approval shall be valid for one year.'

##### 'Article 34

1. This section shall apply to imports of butter from New Zealand under the quota numbers 09.4195 and 09.4182 as referred to in Annex III.A to this Regulation.

2. Article 24 and 25 are replaced by the following:

2. The provisions of Articles 27, 30, 31(1), 32(2) and (3) and Article 33(1) points (a) to (d) shall apply.

##### 'Article 24

1. This section shall apply to imports under the quotas for specified countries of origin listed in the CXL schedule referred to in Annex III.B.

3. The words "at least six weeks old" in the description of the quota for New Zealand butter shall mean at least six weeks old on the date on which a declaration of release for free circulation is presented to the customs authorities.

2. Annex III.B to this Regulation sets out the duties to be applied and the maximum quantities to be imported by import tariff quota period.

4. Annex III.A sets out the tariff quotas, the duty to be applied and the maximum quantities to be imported during each import tariff quota period or subperiod.

##### Article 25

1. Import licences for the products listed in Annex III.B at the rate of duty indicated shall be issued only on presentation of a corresponding IMA 1 certificate, for the total net quantity indicated therein.

##### Article 34a

1. The quotas shall be divided into two parts as referred to in Annex III.A:

IMA 1 certificates must meet the requirements laid down in Articles 29 to 33. Import licences must show the number and date of issue of the corresponding IMA 1 certificate.

(a) quota No 09.4195 (hereafter called part A) shall be distributed among Community importers who are approved according to the provisions of Article 7 and who can prove:

2. Import licences may be issued only after the competent authority has verified that Article 33(1)(e) has been complied with.

(i) for the quota year 2007, that they have imported under the quota 09.4589 during 2006,

The licence issuing bodies shall transmit to the Commission a copy of the IMA 1 certificate lodged with each import licence application no later than 18.00 (Brussels time) on the day it is lodged.

(ii) for the quota year 2008, that they have imported under one of the quotas 09.4589, 09.4195 or 09.4182 in the period from 1 January 2006 until 31 December 2007,

Licence issuing bodies shall issue import licences on the fourth working day following, provided the Commission has not taken any special measures before that date.

(iii) for the following quota years, that they have imported under one of the quotas 09.4589, 09.4195 or 09.4182 in the course of the 24 months prior to the month of November preceding the quota year;

(b) quota No 09.4182 (hereafter called part B) shall be reserved for applicants:

(i) who are approved according to the provisions of Article 7, or

(ii) for the period January to June 2007 for applicants established in Bulgaria and Romania, who comply with the provisions of Article 1(2) of Commission Regulation (EC) No 2018/2006 <sup>(1)</sup>,

and

(iii) who can prove that during the 12 month period prior the month of November preceding the quota year that they imported into and/or exported from the Community at least 100 tonnes of milk or milk products covered by Chapter 04 of the Combined Nomenclature in at least 4 separate operations.

However, for the quota years 2007 and 2008, the 12 month period referred to shall be respectively the calendar year 2006 and 2007.

2. The trade performance proofs referred to under points (a) and under points (b)(ii) and (iii) of paragraph 1 shall be valid for both half yearly periods of the quota year.

3. Licence applications may be lodged only during the first 10 days of the following months:

(a) in January 2007 and 2008 for the quota subperiod January-June; however for January 2007 licence applications may be lodged during the first 15 days;

(b) in the month of November for the following January-June quota subperiods;

(c) in the month of June for the quota subperiod July-December.

4. To be admissible, applications for import licences may cover, per applicant:

(a) For part A, no more than 125 %:

(i) for the quota year 2007, of the quantity of products that they have imported under the quota 09.4589 in 2006,

(ii) for the quota year 2008, of the total quantity of products that they have imported under the quotas 09.4589, 09.4195 and 09.4182, in 2006 and 2007,

(iii) for the following quota years, of the quantities that they have imported under the quotas 09.4589, 09.4195 or 09.4182, in the course of the 24 month period prior to the month of November preceding the quota year;

(b) For part B, not less than 20 tonnes and no more than 10 % of the available quantity for the subperiod and provided they are able to prove to the satisfaction of the competent authority of the Member State concerned that they fulfil the conditions laid down in paragraph 1 point b.

The proofs referred to above shall be submitted at the time the applications for licences are lodged.

Subject to complying with the eligibility conditions, applicants may apply simultaneously under both parts of the quota.

The licence applications must be separate for part A and for part B.

Proof of imports or exports shall be furnished in accordance with the second subparagraph of Article 5 of Regulation (EC) No 1301/2006.

5. Licence applications may be lodged only in the Member State of approval, and must bear the importer's approval number.

#### Article 35

The security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall be EUR 35 per 100 kilograms net of product.

#### Article 35a

1. At the latest on the third working day following the end of the period for lodging applications, Member States shall notify the Commission of the applications lodged for each of the products concerned.

2. Notifications shall include the quantities applied for under each quota number, broken down by CN code.

<sup>(1)</sup> See page 46 of this Official Journal.

3. The Commission shall decide within five working days after the notification period referred to in paragraph 1 to what extent applications may be accepted. Where the applied quantities do not exceed the available quota quantities, no decision is taken by the Commission and licences are issued for the quantities applied for.

Where applications for licences for a subquota exceed the available quantity for the quota period in question, the Commission shall apply a uniform allocation coefficient to the quantities for which application is made. The part of the security corresponding to the quantities not allocated shall be released.

Where, for one of the subquotas, the result of applying the allocation coefficient would be to allocate licences for less than 20 tonnes per application, the corresponding quantities available shall be awarded by the Member State concerned by drawing lots for licences of 20 tonnes each amongst the applicants who would have been allocated less than 20 tonnes as a result of applying the allocation coefficient.

Where the result of establishing lots of 20 tonnes leads to a residual quantity of less than 20 tonnes, that quantity shall be considered a single lot.

The security for applications which are not successful in the allocation by drawing lots shall be released immediately.

4. The issue of licences shall be made no more than five working days after the decision referred to in paragraph 3.

5. Import licences issued under this Regulation shall be valid until the last day of the half yearly period referred to in Annex III.A.

6. Import licences issued under this section may be transferred only to natural or legal persons approved in accordance with Article 7. Together with the request for transfer, the transferor shall notify the issuing body of the approval number of the transferee.

#### Article 35b

Licence applications and licences shall contain the references provided for in Article 28, except the references to the IMA 1 certificate.

Box 16 of licence applications may show one or more of the CN codes listed in Annex III.A.

Box 20 of the licences shall show the subquota period for which the licences are issued.

If a licence application indicates more than one CN code, it must specify the quantity requested for each code and a separate licence shall be issued for each code.

#### Article 36

Where the New Zealand butter does not meet the compositional requirements, the quota benefit shall not be granted for the whole quantity subject to the relevant customs declaration.

Once non-conformity has been established, where the declaration of release for free circulation has been accepted the customs authorities shall collect the import duty set in Annex I to Council Regulation (EEC) No 2658/87. For that purpose an import licence at full duty shall be issued for the non-conform quantity.

The quantity shall not be attributed to the licence.

#### Article 37

1. The duty rate provided for in Annex III.A shall be applied to New Zealand butter imported under the present section only on presentation of the declaration of release for free circulation accompanied by an import licence, issued in accordance with the provisions of Article 35a, and an IMA 1 certificate as referred to in Annex X issued by an issuing body listed in Annex XII, proving the eligibility requirements and the origin of the product covered by that declaration. Customs authorities shall indicate the serial number of the IMA 1 certificate on the import licence.

2. The quantity shown on the IMA 1 certificate shall be equal to the quantity shown on the customs import declaration.

3. IMA 1 certificates shall be valid from the date of issue up to the last day of the yearly import quota period.

4. The import licence can be used for one or more import declarations.

*Article 38*

In addition to the requirements set out in Article 33(1)(a) to (d), issuing bodies may be listed in Annex XII only if they undertake to notify the Commission of the typical-process standard deviation of the fat content, as referred to in Annex IV(1)(e), of the New Zealand butter manufactured by each producer referred to in Annex IV(1)(a) according to each product purchasing specification.

*Article 39*

Member States shall notify the Commission, by 31 January following the end of a given quota year, of the definitive monthly quantities and the total quantity for that quota year of products for which declarations of release for free circulation have been accepted under the tariff quota referred to in paragraph 1 during the previous quota year.

The monthly notifications shall be made by the 10th of the month following that during which the declarations of release for free circulation are accepted.'

5. Annex III.A is replaced by Annex I to this Regulation.

6. Annex II to this Regulation is inserted as Annex III.B.

7. In Annex IV, the part '1. DEFINITIONS' is amended as follows:

(a) point (a) is replaced by the following:

'(a) "producer": a single production plant or factory in which butter is produced for export to the Community under the tariff quotas referred to in Annex III.A'

(b) point (c) is replaced by the following:

'(c) "lot": a quantity of butter covered by an IMA 1 certificate presented to the competent customs authority for entry for free circulation under the tariff quotas referred to in Annex III.A;'

8. In Annex X, the wording in the box related to 'CERTIFICATE' is replaced by the following:

'CERTIFICATE

For the entry of certain New Zealand butter subject to the tariff quota referred to in Annex III.A'

*Article 2*

This Regulation shall enter into force on the day following that of 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, 22 December 2006.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

ANNEX I  
'ANNEX III.A

TARIFF QUOTA UNDER THE GATT/WTO AGREEMENTS SPECIFIED BY COUNTRY OF ORIGIN:  
NEW ZEALAND BUTTER

CN code	Description	Country of origin	Annual quota from 1 January to 31 December (in tonnes)	Maximum halfyearly quota (quantities in tonnes)	Quota Part A Quota number 09.4195	Quota Part B Quota number 09.4182	Import duty (EUR/100 kg net weight)	Rules for completing IMA 1 certificates
ex 0405 10 11 ex 0405 10 19	Butter, at least six weeks old, of a fat content by weight of not less than 80 % but less than 82 % manufactured directly from milk or cream without the use of stored materials, in a single, self-contained and uninterrupted process	New Zealand	77 402 tonnes	<u>January-June 2007</u> 42 572 tonnes	23 415 tonnes	19 157 tonnes	86.88	See Annex IV
ex 0405 10 30	Butter, at least six weeks old, of a fat content by weight of not less than 80 % but less than 82 % manufactured directly from milk or cream without the use of stored materials, in a single, self-contained and uninterrupted process which may involve the cream passing through a stage where the butterfat is concentrated and/or fractionated (the processes referred to as "Ammix" and "Spreadable")			<u>July-December 2007</u> 34 830 tonnes	19 156 tonnes	15 674 tonnes		
				<u>Halfyearly quota as from January 2008 onwards</u> 38 701 tonnes	21 286 tonnes	17 415 tonnes		

## ANNEX II

## 'ANNEX III.B

## TARIFF QUOTA UNDER THE GATT/WTO AGREEMENTS SPECIFIED BY COUNTRY OF ORIGIN: OTHERS

Quota number	CN code	Description	Country of origin	Annual quota from 1 January to 31 December (in tonnes)	Import duty (EUR/100 kg net weight)	Rules for completing IMA 1 certificates
09.4522	0406 90 01	Cheese for processing <sup>(1)</sup>	Australia	500	17,06	See Annex XI(C) and (D)
09.4521	ex 0406 90 21	Whole Cheddar cheeses (of the conventional flat cylindrical shape of a net weight of not less than 33 kg but not more than 44 kg and cheeses in cubic blocks or in parallelepiped shape, of a net weight of 10 kg or more) of a fat content of 50 % or more by weight in the dry matter, matured for at least three months	Australia	3 711	17,06	See Annex XI(B)
09.4513	ex 0406 90 21	<p>Cheddar made from unpasteurised milk, of a fat content of 50 % or more, by weight, in the dry matter, matured for at least nine months, with a free-at-frontier value <sup>(2)</sup> per 100 kg net, of not less than:</p> <p>EUR 334,20 for whole cheeses</p> <p>EUR 354,83 for cheeses of a net weight of not less than 500 g</p> <p>EUR 368,58 for cheeses of a net weight of less than 500 g</p> <p>The expression "whole cheeses" means:</p> <p>cheeses of the conventional flat cylindrical shape of a net weight of not less than 33 kg but not more than 44 kg.</p> <p>cubic blocks or parallelepipeds of cheese of a net weight of not less than 10 kg.</p>	Canada	4 000	13,75	See Annex XI(A)
09.4515	0406 90 01	Cheese for processing <sup>(3)</sup>	New Zealand	4 000	17,06	See Annex XI(C) and (D)
09.4514	ex 0406 90 21	Whole Cheddar cheeses (of the conventional flat cylindrical shape of a net weight of not less than 33 kg but not more than 44 kg and cheeses in cubic blocks or in parallelepiped shape, of a net weight of 10 kg or more) of a fat content of 50 % or more by weight in the dry matter, matured for at least three months	New Zealand	7 000	17,06	See Annex XI(B)

<sup>(1)</sup> Utilisation for this particular purpose will be monitored by applying the Community provisions laid down on the subject. The cheeses concerned are considered as processed when they have been processed into products falling within subheading 0406 30 of the combined nomenclature. Articles 291 to 300 of Regulation (EEC) No 2454/93 apply.

<sup>(2)</sup> "Free-at-frontier value" means the free-at-frontier price or fob price in the country of export, plus an amount for delivery and insurance costs as far as the customs territory of the Community.

<sup>(3)</sup> Utilisation for this particular purpose will be monitored by applying the Community provisions laid down on the subject. The cheeses concerned are considered as processed when they have been processed into products falling within subheading 0406 30 of the combined nomenclature. Articles 291 to 300 of Regulation (EEC) No 2454/93 apply.'

**COMMISSION REGULATION (EC) No 2021/2006****of 22 December 2006****opening and providing for the administration of import quotas for rice originating in the African, Caribbean and Pacific States (ACP States) and the overseas countries and territories (OCT)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community ('Overseas Association Decision') <sup>(1)</sup>, and in particular the seventh subparagraph of Article 6(5) of Annex III thereto,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 <sup>(2)</sup>, and in particular Article 5 thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice <sup>(3)</sup>, and in particular Articles 10(2), 11(4) and 13(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 638/2003 of 9 April 2003 laying down detailed rules for applying Council Regulation (EC) No 2286/2002 and Council Decision 2001/822/EC as regards the arrangements applicable to imports of rice originating in the African, Caribbean and Pacific States (ACP States) and the overseas countries and territories (OCT) <sup>(4)</sup> has been substantively amended since its adoption. The provisions relating to the quota originating in the ACP States and OCT should, moreover, be harmonised with the horizontal or sectoral implementing regulations, that is, Commission Regulations (EC) Nos 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of

import and export licences and advance fixing certificates for agricultural products <sup>(5)</sup>, 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice <sup>(6)</sup>, and 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences <sup>(7)</sup>. Regulation (EC) No 1301/2006 applies to import licences for tariff quota periods starting from 1 January 2007.

(2) Regulation (EC) No 1301/2006 lays down in particular detailed rules for applications for import licences, the status of applicants and the issue of licences. It limits the period of validity of import licences to the final day of the tariff quota period and applies without prejudice to additional conditions or derogations laid down by the sectoral regulations. The administration of Community tariff quotas for imports of rice originating in the African, Caribbean and Pacific States (ACP States) and the overseas countries and territories (OCT) should therefore be adapted. For the sake of clarity, Regulation (EC) No 638/2003 should be replaced and repealed with effect from 2007.

(3) Regulation (EC) No 2286/2002 implements the arrangements for imports from the ACP States made as a result of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000. Article 1(3) of that Regulation introduces general arrangements for reducing customs duties on the products listed in Annex I thereto and specific arrangements for reducing customs duties on certain products covered by tariff quotas listed in Annex II thereto. Provision is made for annual quotas of 125 000 tonnes of rice, in husked-rice equivalent, and 20 000 tonnes of broken rice.

(4) Decision 2001/822/EC provides that ACP/OCT cumulation of origin, as provided for in Article 6 of Annex III thereto, is to be allowed for a total annual quantity of 160 000 tonnes in husked-rice equivalent, for products falling within CN code 1006. To begin with, import licences covering 35 000 tonnes from that total quantity are issued to the OCT each year, and import licences for a further 10 000 tonnes are issued for the least-developed OCT.

<sup>(1)</sup> OJ L 314, 30.11.2001, p. 1.

<sup>(2)</sup> OJ L 348, 21.12.2002, p. 5.

<sup>(3)</sup> OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

<sup>(4)</sup> OJ L 93, 10.4.2003, p. 3. Regulation as last amended by Regulation (EC) No 2120/2005 (OJ L 340, 23.12.2005, p. 22).

<sup>(5)</sup> OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1713/2006 (OJ L 321, 21.11.2006, p. 11).

<sup>(6)</sup> OJ L 189, 29.7.2003, p. 12. Regulation as last amended by Regulation (EC) No 945/2006 (OJ L 173, 27.6.2006, p. 12).

<sup>(7)</sup> OJ L 238, 1.9.2006, p. 13.



- (5) To ensure that these import arrangements are properly managed, the detailed rules for issuing import licences for rice originating in the ACP States and OCT should be laid down in a single text.
- (6) The issue of import licences is to be staggered over the year in several subperiods fixed to ensure balanced market management. Under Regulation (EC) No 638/2003, licences for the first subperiod were to be issued in February. Following the request by the ACP States, to ensure that operators can actually benefit from these quotas from January to December, the first subperiod should be brought forward by one month.
- (7) Duty may be reduced on condition that the exporting ACP State collects an export charge equivalent to the duty reduction, as provided for in Annex II to Regulation (EC) No 2286/2002. Detailed rules should be laid down to prove that the charge has been paid.
- (8) Imports must be covered by import licences issued on the basis of an export licence issued by bodies authorised by the ACP States and OCT.
- (9) Licences not used by the least-developed OCT should be made available to the Netherlands Antilles and Aruba, without precluding the possibility of carrying quantities forward to subsequent subperiods in the year.
- (10) In order to ensure proper administration of the quotas provided for in Regulation (EC) No 2286/2002 and Decision 2001/822/EC, importers should be required to lodge a security at a level appropriate to the risks involved when applying for an import licence. Quotas should also be staggered over the year and the term of validity of licences should be specified.
- (11) These measures should be applied from 1 January 2007, which is the date from which the measures provided for in Regulation (EC) No 1301/2006 apply.
- (12) However, given that the five-day period for lodging the applications referred to in this Regulation for the first subperiod falls in the month of January, it should be laid down that the first applications for 2007 may be lodged by operators only from the 15th day following the publication of this Regulation in the *Official Journal of the European Union*, in order to give operators time to adapt to the new rules laid down by this Regulation.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,
- HAS ADOPTED THIS REGULATION:
- CHAPTER I
- PURPOSE**
- Article 1*
1. This Regulation lays down detailed rules for administering the import licence arrangements for the following quotas:
- (a) an overall quota of 160 000 tonnes of rice, in husked-rice equivalent, originating in the ACP States and overseas countries and territories (OCT) in accordance with Article 1(3) of and Annexes I and II to Regulation (EC) No 2286/2002 and Article 6(5) of Annex III to Decision 2001/822/EC;
- (b) a quota of 20 000 of broken rice from the ACP States in accordance with Article 1(3) of and Annex II to Regulation (EC) No 2286/2002.
2. The quotas referred to in paragraph 1 shall be opened each year on 1 January.
3. Regulations (EC) Nos 1291/2000, 1342/2003 and 1301/2006 shall apply, save as otherwise provided for in this Regulation.
- CHAPTER II
- IMPORTS OF RICE ORIGINATING IN THE ACP STATES**
- Article 2*
- Imports into the Community of rice falling within CN codes 1006 10 21, 1006 10 23, 1006 10 25, 1006 10 27, 1006 10 92, 1006 10 94, 1006 10 96, 1006 10 98, 1006 20 and 1006 30, originating in the ACP States shall benefit from a reduction in import duties, as provided for in Annex II to Regulation (EC) No 2286/2002, under a quota of 125 000 tonnes of rice in husked-rice equivalent, on presentation of an import licence.

The serial number of the quota shall be 09.4187.

#### Article 3

1. Import licences as referred to in Article 2 shall be issued each year for the following subperiods:

- January: 41 668 tonnes,
- May: 41 666 tonnes,
- September: 41 666 tonnes,
- October: any quantities remaining.

2. The carry-over of quantities provided for in Article 7(4) of Regulation (EC) No 1301/2006 shall be carried out in accordance with the conditions provided for in Article 12 of this Regulation.

#### Article 4

Imports into the Community of broken rice falling within CN code 1006 40 00 originating in the ACP States shall benefit from a reduction in import duties, as provided for in Annex II to Regulation (EC) No 2286/2002, under a quota for 20 000 tonnes on presentation of an import licence.

The serial number of the quota shall be 09.4188.

#### Article 5

Import licences as referred to in Article 4 shall be issued each year for the following subperiods:

- January: 10 000 tonnes,
- May: 10 000 tonnes,
- September: 0 tonnes,
- October: any quantities remaining.

#### Article 6

1. The duty reduction provided for in Annex II to Regulation (EC) No 2286/2002 shall apply only to imports of rice for which the exporting country has levied an export charge equal to the difference between the customs duty applicable on imports of rice from third countries and the amount fixed by applying the duty reductions provided for in Annex II to Regulation (EC) No 2286/2002.

The customs duty shall be that applying on the day the licence application is lodged.

2. Proof that the export charge has been collected shall be provided by the indication of the amount in national currency and the insertion by the customs authorities of the exporting country of one of the entries shown in Annex II to this Regulation, together with the signature and stamp of the customs office, in section 12 of the export licence in accordance with the model in Annex I to this Regulation.

3. If the export charge collected by the exporting country is less than the amount resulting from applying the duty reduction provided for in Annex II to Regulation (EC) No 2286/2002, the reduction shall be restricted to the amount collected.

4. If the export charge collected is in a currency other than that of the importing Member State, the exchange rate to be used to calculate the amount of charge actually collected shall be the rate registered on the most representative currency exchange or exchanges in that Member State on the date when the customs duty is fixed in advance.

#### Article 7

Notwithstanding Article 6(1) of Regulation (EC) No 1342/2003, import licences for husked, milled and semi-milled rice and broken rice shall be valid from their actual day of issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000 until the end of the third month following their issue, and not in any case after 31 December of the year of issue, in accordance with the second sentence of the first paragraph of Article 8 of Regulation (EC) No 1301/2006.

However, import licences for husked, milled and semi-milled rice and broken rice issued for the subperiods referred to in the first indent of Article 3(1) and in the first indent of Article 5 of this Regulation, shall be valid from their actual day of issue until the end of the fourth month following.

### CHAPTER III

#### IMPORTS OF RICE WITH ACP/OCT CUMULATION OF ORIGIN

#### Article 8

Imports into the Community of rice originating in the overseas countries and territories (OCT) shall be exempt from customs duties under a quota of 35 000 tonnes of rice, in husked-rice equivalent, of which 25 000 tonnes shall be reserved for the Netherlands Antilles and Aruba and 10 000 for the least-developed OCT, on presentation of an import licence.

The quota serial number for the 25 000 tonnes reserved for the Netherlands Antilles and Aruba shall be 09.4189.

The quota serial number for the 10 000 tonnes reserved for the least-developed OCT shall be 09.4190.

#### Article 9

1. Import licences as referred to in Article 8 shall be issued for the following subperiods each year, in husked-rice equivalent:

(a) for the Netherlands Antilles and Aruba:

- January: 8 334 tonnes,
- May: 8 333 tonnes,
- September: 8 333 tonnes,
- October: any quantities remaining.

(b) for the least-developed OCT referred to in Annex IB to Decision 2001/822/EC:

- January: 3 334 tonnes,
- May: 3 333 tonnes,
- September: 3 333 tonnes,
- October: any quantities remaining.

2. Quantities of rice at stages of processing other than husked rice shall be converted at the rates laid down in Article 1 of Regulation No 467/67/EEC of the Commission <sup>(1)</sup>.

#### Article 10

Import licence applications must be accompanied by the original of an export licence, drawn up in accordance with the model in Annex I, issued by the bodies responsible for issuing EUR. 1 certificates.

With regard to the October subperiod, in the event that the licence applications submitted for imports with an ACP/least-developed OCT cumulation of origin do not cover the full quantity available, the remaining quantity may be used to import products originating in the Netherlands Antilles or Aruba.

#### Article 11

Notwithstanding Article 6(1) of Regulation (EC) No 1342/2003, import licences for husked, milled and semi-milled rice and broken rice shall be valid from their actual day of issue

within the meaning of Article 23(2) of Regulation (EC) No 1291/2000, until 31 December of the year of issue, in accordance with the second sentence of the first paragraph of Article 8 of Regulation (EC) No 1301/2006.

### CHAPTER IV

#### COMMON DETAILED RULES

##### Article 12

Applications for a licence to import rice originating in the ACP States falling within the CN codes listed in Article 2 of this Regulation and rice originating in the OCT falling within CN code 1006 may be lodged for quantities carried over as referred to in Article 3(2).

If the licence applications submitted for imports originating in the ACP States or with an ACP/OCT cumulation of origin do not cover the full quantities available, the balance of the October subperiod referred to in Article 3(1) of this Regulation may be used to import products originating in the OCT, up to the maximum of 160 000 tonnes provided for in Article 1 of this Regulation.

##### Article 13

Licence applications shall be lodged with the competent authority in the Member State concerned during the first five working days in the month corresponding to each subperiod. However, for 2007, the five-day period for lodging applications for the first subperiod of the month of January referred to in Articles 3, 5 and 9 shall begin only on 13 January 2007.

The quantity applied for in respect of each subperiod and quota serial number concerned shall not exceed 5 000 tonnes in husked-rice equivalent.

##### Article 14

1. Sections 7 and 8 of the import licence application and the import licence shall contain the name of the country of provenance and the country of origin and 'Yes' shall be marked with a cross.

Licences shall be valid only for products originating in the country indicated in section 8.

2. Section 20 of import licence applications and import licences shall contain one of the following entries:

— ACP (Article 3(1) of Regulation (EC) No 2021/2006),

— ACP broken rice (Article 5 of Regulation (EC) No 2021/2006),

<sup>(1)</sup> OJ L 204, 24.8.1967, p. 1.

— OCT (Article 9(1)(a) of Regulation (EC) No 2021/2006),

— OCT (Article 9(1)(b) of Regulation (EC) No 2021/2006).

3. For imports originating in the ACP States, section 24 of licences shall contain one of the entries shown in Annex III.

For imports originating in the OCT, section 24 of licences shall contain one of the entries shown in Annex IV.

#### Article 15

1. The award coefficient referred to in Article 7(2) of Regulation (EC) No 1301/2006 shall be fixed by the Commission within 10 days of the final day for notification referred to in Article 17(a) of this Regulation. At the same time the Commission shall fix the quantities available for the next subperiod.

2. If the award coefficient referred to in paragraph 1 results in one or more quantities of less than 20 tonnes per application, Member States shall allocate the total of such quantities by drawing lots among the operators concerned for each quantity of 20 tonnes, with the remainder distributed equally between the 20-tonne quantities. However, where adding together the quantities of less than 20 tonnes does not result in the constitution of a 20-tonne quantity, the remainder shall be distributed by the Member State equally between the operators whose licences are for 20 tonnes or more.

Where, following the application of the first subparagraph, the quantity for which a licence is to be issued is less than 20 tonnes, the licence application may be withdrawn by the operator within two working days following the date of entry into force of the Regulation fixing the award coefficient.

3. Within three working days of the date of publication of the Commission's decision, import licences shall be issued for the quantities resulting from the application of paragraphs 1 and 2.

#### Article 16

Notwithstanding Article 12 of Regulation (EC) No 1342/2003, the amount of the security required on submission of import licence applications shall be EUR 46 per tonne.

#### Article 17

The Member States shall send the Commission, by electronic means:

(a) no later than the second working day following the final day for the submission of licence applications at 18.00 (Brussels time), the information on the import licence applications referred to in Article 11(1)(a) of Regulation (EC) No 1301/2006, with a breakdown by eight-digit CN code and by country of origin of the quantities (in product weight) covered by those applications, specifying the number of the import licence and the number of the export licence where this is required;

(b) no later than the second working day following the issue of the import licences, information on the licences issued, as referred to in Article 11(1)(b) of Regulation (EC) No 1301/2006, with a breakdown by eight-digit CN code and by country of origin of the quantities (in product weight) for which import licences have been issued, specifying the number of the import licence and the quantities for which licence applications have been withdrawn in accordance with Article 15(2);

(c) no later than the last day of each month, the total quantities (in product weight) actually released for free circulation under this quota during the previous month but one, broken down by eight-digit CN code. If no quantities have been released for free circulation during the period, a 'nil' notification shall be sent.

#### CHAPTER V

#### FINAL PROVISIONS

#### Article 18

Regulation (EC) No 638/2003 is hereby repealed.

#### Article 19

This Regulation shall enter into force on the day following that of 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, 22 December 2006.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

## ANNEX I

**Model export licence as referred to in Article 6 and Article 10(1) of Regulation (EC) No 2021/2006**

1. Exporter (name, full address, country)	ORIGINAL	2. No
	3. Quota year	
4. Importer (name, full address, country)  (optional)	EXPORT LICENCE RICE	
5. Place and date of loading – Means of transport  (optional)	6. Country of origin	7. Country of destination
	8. Additional information	
9. Description of goods	10. CN code	11. Quantity (tonnes)
12. Proof of the collection of the export charge  Special charge collected on export of rice  For an amount in national currency of: .....   Signature and stamp of the customs office	(8 digits)	(net weight)
13. STAMP OF THE COMPETENT AUTHORITY  I, the undersigned, hereby certify that, for the country stated in section 14, the full quantities of rice for which export licences have been issued under Regulation (EC) No 2021/2006 for the year indicated in section 3, including those covered by this export licence, do not exceed the maximum quantity authorised by Article 6(5) of Annex III to Decision 2001/822/EC.		
14. Competent authority (name, full address, country)	At ....., on .....  (signature) (stamp)	

## ANNEX II

Entries referred to in Article 6(2):

- *in Bulgarian:* Събран специален данък върху износа на ориз
  - *in Spanish:* Gravamen percibido a la exportación del arroz
  - *in Czech:* Zvláštní poplatek vybraný při vývozu rýže
  - *in Danish:* Særafgift, der opkræves ved eksport af ris
  - *in German:* Bei der Ausfuhr von Reis erhobene Sonderabgabe
  - *in Estonian:* Riisi ekspordi suhtes kohaldatav erimaks
  - *in Greek:* Ειδικός φόρος που εισπράττεται κατά την εξαγωγή του ρυζιού
  - *in English:* Special charge collected on export of rice
  - *in French:* Taxe spéciale perçue à l'exportation du riz
  - *in Italian:* Tassa speciale riscossa all'esportazione del riso
  - *in Latvian:* Īpašais maksājums, kuru iekasē par rīsu eksportu
  - *in Lithuanian:* Specialus mokestis, taikomas ryžių eksportui
  - *in Hungarian:* A rizs exportjakor beszedett különleges díj
  - *in Maltese:* Taxxa speċjali miġbura ma' l-esportazzjoni tar-ross
  - *in Dutch:* Bij uitvoer van de rijst opgelegde bijzondere heffing
  - *in Polish:* Specjalna opłata pobrana od wywozu ryżu
  - *in Portuguese:* Direito especial cobrado na exportação do arroz
  - *in Romanian:* Taxă specială percepută la exportul de orez
  - *in Slovak:* Zvláštny poplatok inkasovaný pri vývoze ryže
  - *in Slovenian:* Posebna dajatev, pobrana od izvoza riža
  - *in Finnish:* Riisin viennin yhteydessä perittävä erityismaksu
  - *in Swedish:* Särskild avgift för risexport.
-

## ANNEX III

Entries referred to in the first subparagraph of Article 14(3):

- *in Bulgarian:* Намалена ставка на митото, приложима до максимално количество, посочено в графи 17 и 18 от настоящата лицензия [Регламент (ЕО) № 2021/2006]
- *in Spanish:* Derecho de aduana reducido hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 2021/2006]
- *in Czech:* Snížené clo až do množství uvedeného v kolonkách 17 a 18 této licence (nařízení (ES) č. 2021/2006)
- *in Danish:* Nedsat told op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (forordning (EF) nr. 2021/2006)
- *in German:* Ermäßigter Zollsatz bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 2021/2006)
- *in Estonian:* Vähendatud tollimaksumäär kuni käesoleva litsentsi lahtrites 17 ja 18 osutatud koguseni (Määrus (EÜ) nr 2021/2006)
- *in Greek:* Μειωμένος δασμός μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [Κανονισμός (ΕΚ) αριθ. 2021/2006]
- *in English:* Reduced duty up to the quantity indicated in sections 17 and 18 of this licence (Regulation (EC) No 2021/2006)
- *in French:* Droit réduit jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [règlement (CE) n° 2021/2006]
- *in Italian:* Dazio ridotto limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [regolamento (CE) n. 2021/2006]
- *in Latvian:* Samazināts muitas nodoklis līdz daudzumam, kas norādīts šīs licences 17. un 18. iedaļā (Regula (EK) Nr. 2021/2006)
- *in Lithuanian:* Sumažintas muitas, taikomas mažesniems kiekiams nei nurodyta šios licenzijos 17 ir 18 skirsnuose (Reglamentas (EB) Nr. 2021/2006)
- *in Hungarian:* Az ezen engedély 17. és 18. rovatában megjelölt mennyiségig csökkentett vámtertel (2021/2006/EK rendelet)
- *in Maltese:* Dazju mnaqqas sal-kwantità murija fit-Taqsimiet 17 u 18 ta' din il-licenzja (Regolament (KE) Nru 2021/2006)
- *in Dutch:* Verminderd douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 2021/2006)
- *in Polish:* Opłata obniżona dla ilości nieprzekraczającej ilości podanej w sekcji 17 i 18 niniejszego pozwolenia (rozporządzenie (WE) nr 2021/2006)
- *in Portuguese:* Direito reduzido até à quantidade indicada nas casas 17 e 18 do presente certificado [Regulamento (CE) n.º 2021/2006]
- *in Romanian:* Drept redus până la concurența cantității menționate în căsuțele 17 și 18 din prezenta licență [Regulamentul (CE) nr. 2021/2006]
- *in Slovak:* Oslobodenie od cla do množstva uvedeného v oddieloch 17 a 18 tejto licence [nariadenie (ES) č. 2021/2006]
- *in Slovenian:* Znižana dajatev do količine, navedene v oddelkih 17 in 18 tega dovoljenja (Uredba (ES) št. 2021/2006)
- *in Finnish:* Tulli, joka on alennettu tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 2021/2006)
- *in Swedish:* Tullsatsen nedsatt upp till den mängd som anges i fält 17 och 18 i denna licens (Förordning (EG) nr 2021/2006)

## ANNEX IV

Entries referred to in the second subparagraph of Article 14(3):

- *in Bulgarian:* Освободено от мито до максимално количество, посочено в графи 17 и 18 от настоящата лицензия [Регламент (ЕО) № 2021/2006]
- *in Spanish:* Exención del derecho de aduana hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 2021/2006]
- *in Czech:* Osvobozeno od cla až do množství uvedeného v kolonkách 17 a 18 této licence (nařízení (ES) č. 2021/2006)
- *in Danish:* Toldfri op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (forordning (EF) nr. 2021/2006)
- *in German:* Zollfrei bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 2021/2006)
- *in Estonian:* Tollimaksuvabastus kuni käesoleva litsentsi lahtrites 17 ja 18 osutatud koguseni (Määrus (EÜ) nr 2021/2006)
- *in Greek:* Ατελώς μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [Κανονισμός (ΕΚ) αριθ. 2021/2006]
- *in English:* Exemption from customs duty up to the quantity indicated in sections 17 and 18 of this licence (Regulation (EC) No 2021/2006)
- *in French:* Exemption du droit de douane jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [Règlement (CE) n° 2021/2006]
- *in Italian:* Esenzione del dazio doganale limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [regolamento (CE) n. 2021/2006]
- *in Latvian:* Atbrīvojums no muitas nodokļa līdz daudzumam, kas norādīts šīs licences 17. un 18. iedaļā (Regula (EK) Nr. 2021/2006)
- *in Lithuanian:* Muitas netaikomas mažesniems kiekiams nei nurodyta šios licenzijos 17 ir 18 skirsniuose (Reglamentas (EB) Nr. 2021/2006)
- *in Hungarian:* Vámmentesség az ezen engedély 17. és 18. rovatában megjelölt mennyiségig (2021/2006/EK rendelet)
- *in Maltese:* Eżenzjoni mid-dwana sal-kwantità murija fit-Taqsimiet 17 u 18 ta' din il-licenzja (Regolament (KE) Nru 2021/2006)
- *in Dutch:* Vrijgesteld van douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 2021/2006)
- *in Polish:* Zwolnienie z opłat celnych dla ilości nieprzekraczającej ilości podanej w sekcji 17 i 18 niniejszego pozwolenia (rozporządzenie (WE) nr 2021/2006)
- *in Portuguese:* Isenção de direito aduaneiro até à quantidade indicada nas casas 17 e 18 do presente certificado [Regulamento (CE) n.º 2021/2006]
- *in Romanian:* Scutit de drepturi vamale până la concurența cantității menționate în căsuțele 17 și 18 din prezenta licență [Regulamentul (CE) nr. 2021/2006]
- *in Slovak:* Oslobodenie od cla do množstva uvedeného v oddieloch 17 a 18 tejto licencie [nariadenie (ES) č. 2021/2006]
- *in Slovenian:* Oprostitvev carin do količine, navedene v oddelkih 17 in 18 tega dovoljenja (Uredba (ES) št. 2021/2006)
- *in Finnish:* Tullivapaa tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 2021/2006)
- *in Swedish:* Tullfri upp till den mängd som anges i fält 17 och 18 i denna licens (förordning (EG) nr 2021/2006)



**COMMISSION REGULATION (EC) No 2022/2006****of 22 December 2006****amending Regulations (EC) Nos 2375/2002, 2377/2002, 2305/2003 and 969/2006 opening and providing for the administration of Community tariff quotas for imports of cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals <sup>(1)</sup>, and in particular Article 12(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences <sup>(2)</sup> applies to import licences for tariff quota periods starting from 1 January 2007.
- (2) Regulation (EC) No 1301/2006 lays down in particular detailed rules for applications for import licences, the status of applicants and the issue of licences. It limits the period of validity of import licences to the final day of the tariff quota period.
- (3) Commission Regulations (EC) Nos 2375/2002 of 27 December 2002 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries <sup>(3)</sup>, 2377/2002 of 27 December 2002 opening and providing for the administration of a Community tariff quota for malting barley from third countries <sup>(4)</sup>, 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries <sup>(5)</sup>, and 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for

imports of maize from third countries <sup>(6)</sup> contain provisions which diverge from the common rules laid down by Regulation (EC) No 1301/2006. Those regulations should therefore be amended with a view to removing the differing rules, specifying the serial numbers of each quota and subquota and redefining where necessary the specific rules which apply, in particular to the drawing up of licence applications, their issue, their period of validity and the notification of information to the Commission.

- (4) Regulation (EC) No 1301/2006 applies without prejudice to additional conditions or derogations which might be laid down by the sectoral regulations. In particular, in order to ensure fluid supply to the Community market, the intervals at which applications are to be submitted provided for in Regulations (EC) Nos 2375/2002, 2377/2002, 2305/2003 and 969/2006 should be maintained, and it is therefore necessary to derogate from Article 6(1) of Regulation (EC) No 1301/2006 on this point. Likewise, in order to guarantee equal access to operators, the penalty in the event of submission of multiple applications should be maintained.
- (5) In the interests of simplifying the above regulations, provisions which are already contained in the horizontal or sectoral implementing regulations, that is, apart from Regulation (EC) No 1301/2006, Commission Regulations (EC) Nos 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products <sup>(7)</sup>, and 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice <sup>(8)</sup>, should be deleted, as should provisions which no longer apply.
- (6) Regulations (EC) Nos 2375/2002, 2377/2002, 2305/2003 and 969/2006 should therefore be amended.
- (7) These measures should be applied from 1 January 2007, which is the date from which the measures provided for in Regulation (EC) No 1301/2006 apply.

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

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13.

<sup>(3)</sup> OJ L 358, 31.12.2002, p. 88. Regulation as last amended by Regulation (EC) No 971/2006 (OJ L 176, 30.6.2006, p. 51).

<sup>(4)</sup> OJ L 358, 31.12.2002, p. 95. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

<sup>(5)</sup> OJ L 342, 30.12.2003, p. 7. Regulation as last amended by Regulation (EC) No 970/2006 (OJ L 176, 30.6.2006, p. 49).

<sup>(6)</sup> OJ L 176, 30.6.2006, p. 44.

<sup>(7)</sup> OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1713/2006 (OJ L 321, 21.11.2006, p. 11).

<sup>(8)</sup> OJ L 189, 29.7.2003, p. 12. Regulation as last amended by Regulation (EC) No 945/2006 (OJ L 173, 27.6.2006, p. 12).

- (8) However, the period for lodging the first applications referred to in Regulations (EC) Nos 2375/2002, 2305/2003 and 969/2006 falls on a public holiday in 2007; it should therefore be laid down that the first applications may be lodged by operators only from the first working day of 2007, and that this first period for lodging applications closes no later than Monday 8 January 2007. It should also be specified that import licence applications for this first period should be sent to the Commission no later than Monday 8 January 2007.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 2375/2002 is hereby amended as follows:

1. In Article 2, the following paragraph 3 is added:

‘3. Commission Regulations (EC) Nos 1291/2000, 1342/2003 (\*) and 1301/2006 (\*\*) shall apply, save as otherwise provided for in this Regulation.

(\*) OJ L 189, 29.7.2003, p. 12.

(\*\*) OJ L 238, 1.9.2006, p. 13.’

2. In Article 3, paragraphs 3 and 4 are replaced by the following:

‘3. Subquota III shall be divided into four quarterly subperiods, covering the following dates and quantities:

- (a) subperiod No 1: 1 January to 31 March — 594 597 tonnes;
- (b) subperiod No 2: 1 April to 30 June — 594 597 tonnes;
- (c) subperiod No 3: 1 July to 30 September — 594 597 tonnes;
- (d) subperiod No 4: 1 October to 31 December — 594 596 tonnes.

4. Where the quantities for one of the subperiods 1, 2 or 3 are exhausted, the Commission may bring forward the opening of the following subperiod in accordance with the

procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003.’

3. Article 4 is deleted.

4. Article 4a is deleted.

5. Article 5 is replaced by the following:

#### ‘Article 5

1. Notwithstanding Article 6(1) of Regulation (EC) No 1301/2006, applicants may not submit more than one licence application per serial number and per week. Where applicants lodge more than one application, none of those applications shall be admissible and the securities lodged when the applications were submitted shall be forfeited to the Member State concerned.

Import licence applications shall be lodged with the competent authorities of the Member States each week no later than Monday at 13.00 (Brussels time).

However, for 2007, the period for lodging the first applications shall begin only on the first working day of 2007 and shall end no later than 8 January 2007, and the first Monday on which import licence applications are to be sent to the Commission in accordance with paragraph 3 shall be Monday 8 January 2007.

2. Each licence application shall indicate a quantity in kilograms (whole numbers) which may not exceed:

- for subquotas I and II, the total quantity opened for the year for the subquota concerned,
- for subquota III, the total quantity opened for the subperiod concerned.

The import licence application and the import licence shall mention a single country of origin.

3. No later than 18.00 (Brussels time) on the final day for the lodging of licence applications, the competent authorities shall send the Commission, by electronic means, a notification showing, by serial number, each application with the origin of the product and the quantity applied for, including “nil” notifications.

4. Licences shall be issued on the fourth working day following the notification referred to in paragraph 3.’

6. Article 6 is replaced by the following:

*'Article 6*

In accordance with Article 23(2) of Regulation (EC) No 1291/2000, the period of validity of the licence shall be calculated from the actual day of issue.'

7. Article 7 is deleted.

8. Article 8 is deleted.

9. Article 9 is replaced by the following:

*'Article 9*

Section 8 of the import licence application and the import licence shall contain the name of the country of origin and "Yes" shall be marked with a cross. Licences shall be valid only for products originating in the country indicated in section 8.'

10. The Annex is deleted.

*Article 2*

Regulation (EC) No 2377/2002 is hereby amended as follows:

1. Article 2 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. A tariff import quota of 50 000 tonnes of malting barley falling in HS code (ex) 1003 00 to be used in the manufacture of beer aged in beechwood vats is hereby opened (serial number 09.4061).'

(b) the following paragraph 3 is added:

'3. Commission Regulations (EC) Nos 1291/2000, 1342/2003 (\*) and 1301/2006 (\*\*) shall apply, save as otherwise provided for in this Regulation.

(\*) OJ L 189, 29.7.2003, p. 12.

(\*\*) OJ L 238, 1.9.2006, p. 13.'

2. Article 3 is deleted.

3. Article 6(2)(a) is replaced by the following:

'(a) the proof or proofs provided for in Article 5 of Regulation (EC) No 1301/2006,'.

4. Article 9 is replaced by the following:

*'Article 9*

1. Notwithstanding Article 6(1) of Regulation (EC) No 1301/2006, applicants may not submit more than one licence application per month. Where applicants lodge more than one application, none of those applications shall be admissible and the securities lodged when the applications were submitted shall be forfeited to the Member State concerned.

Import licence applications shall be lodged with the competent authorities of the Member States no later than the second Monday of each month at 13.00 (Brussels time).

2. Each licence application shall indicate a quantity in kilograms (whole numbers).

3. No later than 18.00 (Brussels time) on the final day for the lodging of licence applications, the competent authorities shall send the Commission, by electronic means, a notification showing each application and the quantity applied for, including "nil" notifications.

4. Licences shall be issued on the fourth working day following the notification referred to in paragraph 3.'

5. Article 11 is deleted.

6. Article 12 is deleted.

7. Article 13 is replaced by the following:

*'Article 13*

Section 20 of the import licence application and the import licence shall contain the name of the processed product to be made from the cereals concerned.'

8. Annex II is deleted.

*Article 3*

Regulation (EC) No 2305/2003 is hereby amended as follows:

1. The following paragraph 3 is added to Article 1:

'3. Commission Regulations (EC) Nos 1291/2000, 1342/2003 and 1301/2006 (\*) shall apply, save as otherwise provided for in this Regulation.

(\*) OJ L 238, 1.9.2006, p. 13.'

2. Article 2 is deleted.

3. Article 3 is replaced by the following:

*'Article 3*

1. Notwithstanding Article 6(1) of Regulation (EC) No 1301/2006, applicants may not submit more than one licence application per week. Where applicants lodge more than one application, none of those applications shall be admissible and the securities lodged when the applications were submitted shall be forfeited to the Member State concerned.

Import licence applications shall be lodged with the competent authorities of the Member States each week no later than Monday at 13.00 (Brussels time).

However, for 2007, the period for lodging the first applications shall begin only on the first working day of 2007 and shall end no later than 8 January 2007, and the first Monday on which import licence applications are to be sent to the Commission in accordance with paragraph 3 shall be Monday 8 January 2007.

2. Each licence application shall indicate a quantity in kilograms (whole numbers).

3. No later than 18.00 (Brussels time) on the final day for the lodging of licence applications, the competent authorities shall send the Commission, by electronic means, a notification showing each application and the quantity applied for, including "nil" notifications.

4. Licences shall be issued on the fourth working day following the notification referred to in paragraph 3.'

4. Article 4 is replaced by the following:

*'Article 4*

In accordance with Article 23(2) of Regulation (EC) No 1291/2000, the period of validity of the licence shall be calculated from the actual day of issue.'

5. Article 5 is deleted.

6. Article 6 is deleted.

7. Article 7 is deleted.

8. The Annex is deleted.

*Article 4*

Regulation (EC) No 969/2006 is hereby amended as follows:

1. The following paragraph 3 is added to Article 1:

'3. Commission Regulations (EC) Nos 1291/2000, 1342/2003 and 1301/2006 (\*) shall apply, save as otherwise provided for in this Regulation.

(\*) OJ L 238, 1.9.2006, p. 13.'

2. Article 2 is replaced by the following:

*'Article 2*

1. The quota shall be divided into two six-monthly subperiods, covering the following dates and quantities:

(a) subperiod No 1: 1 January to 30 June — 121 037 tonnes;

(b) subperiod No 2: 1 July to 31 December — 121 037 tonnes.

2. Where the quantities for subperiod 1 are exhausted, the Commission may bring forward the opening of the following subperiod in accordance with the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003.'

3. Article 3 is deleted.

4. Article 4 is replaced by the following:

*'Article 4*

1. Notwithstanding Article 6(1) of Regulation (EC) No 1301/2006, applicants may not submit more than one licence application per week. Where applicants lodge more than one application, none of those applications shall be admissible and the securities lodged when the applications were submitted shall be forfeited to the Member State concerned.

Import licence applications shall be lodged with the competent authorities of the Member States each week no later than Monday at 13.00 (Brussels time).

However, for 2007, the period for lodging the first applications shall begin only on the first working day of 2007 and shall end no later than 8 January 2007, and the first Monday on which import licence applications are to be sent to the Commission in accordance with paragraph 3 shall be Monday 8 January 2007.

2. Each licence application shall indicate a quantity in kilograms (whole numbers).

The import licence application and the import licence shall mention a single country of origin.

3. No later than 18.00 (Brussels time) on the final day for the lodging of licence applications, the competent authorities shall send the Commission, by electronic means, a notification showing each application with the origin of the product and the quantity applied for, including "nil" notifications.

4. Licences shall be issued on the fourth working day following the notification referred to in paragraph 3.'

5. Article 5 is replaced by the following:

*'Article 5*

In accordance with Article 23(2) of Regulation (EC) No 1291/2000, the period of validity of the licence shall be calculated from the actual day of issue.'

6. Article 6 is deleted.

7. Article 7 is deleted.

8. Article 8 is replaced by the following:

*'Article 8*

Section 8 of the import licence application and the import licence shall contain the name of the country of origin and "Yes" shall be marked with a cross. Licences shall be valid only for products originating in the country indicated in section 8.'

9. The second sentence of Article 10 is deleted.

10. Article 11 is deleted.

11. Annexes I and II are deleted.

*Article 5*

This Regulation shall enter into force on the 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, 22 December 2006.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

**COMMISSION REGULATION (EC) No 2023/2006****of 22 December 2006****on good manufacturing practice for materials and articles intended to come into contact with food****(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 1935/2004 of the European Parliament and the Council of 27 October 2004 on materials and articles intended to come into contact with food <sup>(1)</sup>, and in particular Article 5(1) thereof,

Whereas:

(1) Groups of materials and articles listed in Annex I to Regulation (EC) No 1935/2004 and combinations of those materials and articles or recycled materials and articles used in those materials and articles should be manufactured in compliance with general and detailed rules on good manufacturing practice (GMP).

(2) Some sectors of industry have established GMP guidelines, while others have not. Consequently, it appears necessary to ensure uniformity among Member States as regards GMP for materials and articles intended to come into contact with food.

(3) In order to ensure such conformity, it is appropriate to lay down certain obligations on business operators.

(4) All business operators should operate an effective quality management of their manufacturing operations which should be adapted to their position in the supply chain.

(5) The rules should apply to materials and articles intended to be brought into contact with food, or already in contact with food and were intended for this purpose, or those which can reasonably be expected to be brought into contact with food or to transfer their constituents to food under normal or foreseeable conditions of use.

(6) The rules on GMP should be applied proportionately to avoid undue burdens for small businesses.

(7) Detailed rules should now be set for processes involving printing inks and should be established for other processes as necessary. For printing inks applied to the non-food contact side of a material or article GMP should in particular ensure that substances are not transferred into food by set-off or transfer through the substrate.

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

HAS ADOPTED THIS REGULATION:

*Article 1***Subject matter**

This Regulation lays down the rules on good manufacturing practice (GMP) for the groups of materials and articles intended to come into contact with food (hereafter referred to as materials and articles) listed in Annex I to Regulation (EC) No 1935/2004 and combinations of those materials and articles or recycled materials and articles used in those materials and articles.

*Article 2***Scope**

This Regulation shall apply to all sectors and to all stages of manufacture, processing and distribution of materials and articles, up to but excluding the production of starting substances.

The detailed rules set out in the Annex shall apply to the relevant individually mentioned processes, as appropriate.

<sup>(1)</sup> OJ L 338, 13.11.2004, p. 4.

*Article 3***Definitions**

For the purpose of this Regulation, the following definitions shall apply:

- (a) 'good manufacturing practice (GMP)' means those aspects of quality assurance which ensure that materials and articles are consistently produced and controlled to ensure conformity with the rules applicable to them and with the quality standards appropriate to their intended use by not endangering human health or causing an unacceptable change in the composition of the food or causing a deterioration in the organoleptic characteristics thereof;
- (b) 'quality assurance system' means the total sum of the organised and documented arrangements made with the purpose of ensuring that materials and articles are of the quality required to ensure conformity with the rules applicable to them and the quality standards necessary for their intended use;
- (c) 'quality control system' means the systematic application of measures established within the quality assurance system that ensure compliance of starting materials and intermediate and finished materials and articles with the specification determined in the quality assurance system;
- (d) 'non-food-contact side' means the surface of the material or article that is not directly in contact with food;
- (e) 'food-contact side' means the surface of a material or article that is directly in contact with the food.

*Article 4***Conformity with good manufacturing practice**

The business operator shall ensure that manufacturing operations are carried out in accordance with:

- (a) the general rules on GMP as provided for in Article 5, 6, and 7,
- (b) the detailed rules on GMP as set out in the Annex.

*Article 5***Quality assurance system**

1. The business operator shall establish, implement and ensure adherence to an effective and documented quality assurance system. That system shall:

- (a) take account of the adequacy of personnel, their knowledge and skills, and the organisation of the premises and equipment such as is necessary to ensure that finished materials and articles comply with the rules applicable to them;
- (b) be applied taking into account the size of the business run by the operator, so as not to be an excessive burden on the business.

2. Starting materials shall be selected and comply with pre-established specifications that shall ensure compliance of the material or article with the rules applicable to it.

3. The different operations shall be carried out in accordance with pre-established instructions and procedures.

*Article 6***Quality control system**

1. The business operator shall establish and maintain an effective quality control system.

2. The quality control system shall include monitoring of the implementation and achievement of GMP and identify measures to correct any failure to achieve GMP. Such corrective measures shall be implemented without delay and made available to the competent authorities for inspections.

*Article 7***Documentation**

1. The business operator shall establish and maintain appropriate documentation in paper or electronic format with respect to specifications, manufacturing formulae and processing which are relevant to compliance and safety of the finished material or article.

2. The business operator shall establish and maintain appropriate documentation in paper or electronic format with respect to records covering the various manufacturing operations performed which are relevant to compliance and safety of the finished material or article and with respect to the results of the quality control system.

3. The documentation shall be made available by the business operator to the competent authorities at their request.

#### *Article 8*

#### **Entry into force**

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

It shall apply from 1 August 2008.

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

Done at Brussels, 22 December 2006.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

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## ANNEX

**Detailed rules on good manufacturing practice**

Processes involving the application of printing inks to the non-food contact side of a material or article

1. Printing inks applied to the non food-contact side of materials and articles shall be formulated and/or applied in such a manner that substances from the printed surface are not transferred to the food-contact side:

- (a) through the substrate or;

- (b) by set-off in the stack or the reel,

in concentrations that lead to levels of the substance in the food which are not in line with the requirements of Article 3 of Regulation (EC) No 1935/2004.

2. Printed materials and articles shall be handled and stored in their finished and semi-finished states in such a manner that substances from the printed surface are not transferred to the food-contact side:

- (a) through the substrate or;

- (b) by set-off in the stack or reel,

in concentrations that lead to levels of the substance in the food which are not in line with the requirements of Article 3 of Regulation (EC) No 1935/2004.

3. The printed surfaces shall not come into direct contact with food.
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## COMMISSION REGULATION (EC) No 2024/2006

of 22 December 2006

**laying down transitional measures derogating from Regulation (EC) No 2076/2002 and Decisions 98/270/EC, 2002/928/EC, 2003/308/EC, 2004/129/EC, 2004/141/EC, 2004/247/EC, 2004/248/EC, 2005/303/EC and 2005/864/EC as regards the continued use of plant protection products containing certain active substances not included in Annex I to Directive 91/414/EEC by reason of the accession of Romania**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of Bulgaria and Romania, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 42 thereof,

Whereas:

(1) Commission Regulation (EC) No 2076/2002<sup>(1)</sup> and Decisions 98/270/EC<sup>(2)</sup>, 2002/928/EC<sup>(3)</sup>, 2003/308/EC<sup>(4)</sup>, 2004/129/EC<sup>(5)</sup>, 2004/141/EC<sup>(6)</sup>, 2004/247/EC<sup>(7)</sup>, 2004/248/EC<sup>(8)</sup>, 2005/303/EC<sup>(9)</sup> and 2005/864/EC<sup>(10)</sup> contain provisions for the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC<sup>(11)</sup> and for the withdrawal by Member States of all authorizations for plant protection products containing those active substances.

(2) Since existing authorisations have to be withdrawn in Romania by 31 December 2006, Romania applied for transitional measures permitting it to grant a grace period for some of those active substances to allow existing stocks to be used up.

<sup>(1)</sup> OJ L 319, 23.11.2002, p. 3. Regulation as last amended by Regulation (EC) No 1335/2005 (OJ L 211, 13.8.2005, p. 6).

<sup>(2)</sup> OJ L 117, 21.4.1998, p. 15.

<sup>(3)</sup> OJ L 322, 27.11.2002, p. 53. Decision as last amended by Regulation (EC) No 1335/2005.

<sup>(4)</sup> OJ L 113, 7.5.2003, p. 8.

<sup>(5)</sup> OJ L 37, 10.2.2004, p. 27. Decision as last amended by Regulation (EC) No 1335/2005.

<sup>(6)</sup> OJ L 46, 17.2.2004, p. 35.

<sup>(7)</sup> OJ L 78, 16.3.2004, p. 50. Decision as last amended by Regulation (EC) No 1335/2005.

<sup>(8)</sup> OJ L 78, 16.3.2004, p. 53. Decision as last amended by Regulation (EC) No 835/2005 (OJ L 127, 29.4.2004, p. 43).

<sup>(9)</sup> OJ L 97, 15.4.2005, p. 38. Decision as last amended by Regulation (EC) No 1335/2005.

<sup>(10)</sup> OJ L 317, 3.12.2005, p. 25.

<sup>(11)</sup> OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive (EC) 2006/75/EC (OJ L 248, 12.9.2006, p. 3).

(3) Romania should take the appropriate measures to ensure that the continued uses have neither harmful effect on human or animal health nor unacceptable influence on the environment and that all necessary risk mitigation measures are taken.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from Article 1 of Commission Decision 98/270/EC, any period of grace granted by Romania, in accordance with Article 4(6) of Directive 91/414/EEC, for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing the active substance fenvalerate, shall be as short as possible and shall expire not later than 30 June 2008.

*Article 2*

By way of derogation from Article 3 of Commission Decision 2002/928/EC, any period of grace granted by Romania, in accordance with Article 4(6) of Directive 91/414/EEC, for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing the active substance benomyl shall be as short as possible and shall expire not later than 31 December 2007.

*Article 3*

By way of derogation from Article 3 of Commission Regulation (EC) No 2076/2002, any period of grace granted by Romania, in accordance with Article 4(6) of Directive 91/414/EEC, for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing the active substances acifluorfen, bensultap, bromopropylate, fenpropathrin, fomesafen, imazapyr, nonylphenol ethoxylate, oxadixyl, prometryne, quinalphos, terbufos or triforine shall be as short as possible and shall expire not later than 30 June 2008.

*Article 4*

By way of derogation from Article 3 of Commission Decision 2003/308/EC, any period of grace granted by Romania, in accordance with Article 4(6) of Directive 91/414/EEC, for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing the active substance metalaxyl shall be as short as possible and shall expire not later than 30 June 2008.

*Article 5*

By way of derogation from Article 3 of Commission Decision 2004/129/EC, any period of grace granted by Romania, in accordance with Article 4(6) of Directive 91/414/EEC, for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing the active substances boric acid, imazethapyr, methidathion or triadimefon shall be as short as possible and shall expire not later than 30 June 2008.

*Article 6*

By way of derogation from Article 3 of Commission Decision 2004/141/EC, any period of grace granted by Romania, in accordance with Article 4(6) of Directive 91/414/EEC, for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing the active substance amitraz shall be as short as possible and shall expire not later than 31 December 2007.

*Article 7*

By way of derogation from Article 3 of Commission Decision 2004/247/EC, any period of grace granted by Romania, in accordance with Article 4(6) of Directive 91/414/EEC, for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing the active substance simazine shall be as short as possible and shall expire not later than 31 December 2007.

*Article 8*

By way of derogation from Article 3 of Commission Decision 2004/248/EC, any period of grace granted by Romania, in

accordance with Article 4(6) of Directive 91/414/EEC, for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing the active substance atrazine shall be as short as possible and shall expire not later than 31 December 2007.

*Article 9*

By way of derogation from Article 3 of Commission Decision 2005/303/EC, any period of grace granted by Romania, in accordance with Article 4(6) of Directive 91/414/EEC, for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing the active substance kasugamycin shall be as short as possible and shall expire not later than 31 December 2007.

*Article 10*

By way of derogation from Article 3 of Commission Decision 2005/864/EC, any period of grace granted by Romania, in accordance with Article 4(6) of Directive 91/414/EEC, for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing the active substance endosulfan shall be as short as possible and shall expire not later than 31 December 2007.

*Article 11*

Romania shall ensure that the continued uses referred to in Articles 1 to 10 have neither harmful effect on human or animal health nor unacceptable influence on the environment.

Romania shall ensure that all necessary risk mitigation measures are taken.

Where a plant protection product contains several active substances, and Articles 1 to 10 lay down different dates for in relation to those substances, the earlier date shall apply.

*Article 12*

This Regulation shall enter into force subject to and on the date of entry into force of the Treaty of Accession of Bulgaria and Romania.

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

Done at Brussels, 22 December 2006.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

**COMMISSION REGULATION (EC) No 2025/2006  
of 22 December 2006**

**amending Regulation (EC) No 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 <sup>(1)</sup>, and in particular Article 145(c) and (n) thereof,

Whereas:

- (1) Following the amendments of the rules of eligibility of hemp under the single payment scheme introduced by Article 2 of Council Regulation (EC) No 953/2006 <sup>(2)</sup>, Commission Regulation (EC) No 796/2004 <sup>(3)</sup> needs to be amended with regard to the application procedure. Moreover, experience has shown that certain provisions of that Regulation need to be simplified or clarified.
- (2) From 2007 onwards, hemp produced for other uses than fibre will, pursuant to Chapter 4 of Title III of Regulation (EC) No 1782/2003, be allowed as a land use under the single payment scheme. In this respect a contract or commitment for the hemp produced is no longer required. As a consequence, Article 13 of Regulation (EC) No 796/2004 should be adapted accordingly.
- (3) The aid to sugar beet and cane producers provided for in Chapter 10f of Title IV of Regulation (EC) No 1782/2003 is, due to its nature, not related to agricultural area. The provisions concerning the single application under Regulation (EC) No 796/2004 should therefore not apply to that aid scheme. Provisions should subsequently be made for an appropriate appli-

cation procedure. Moreover, since farmers are not bound anymore to declare separately the areas used for sugar beet or cane production, the provisions to draw an additional control sample from the farmers applying for the aid to sugar and cane producers should be abolished.

- (4) In order to harmonise the rules under the area-related aid schemes and to simplify the administration and the controls of the applications for aid, features referred to in acts listed in Annex III to Regulation (EC) No 1782/2003, or which may form part of the good agricultural and environmental condition as referred to in Article 5 of that Regulation and Annex IV thereto, shall be eligible not only for the single payment scheme but for all area-related aid schemes.
- (5) Article 54(6) of Regulation (EC) No 1782/2003 requires that set-aside entitlements are to be claimed before any other entitlements. In order to ensure equal treatment of farmers who do not have all the required set-aside area available to claim for all their set-aside entitlements, the provisions set out in Article 50(4) of Regulation (EC) No 796/2004 should be clarified.
- (6) Reductions of payments to be applied by way of off-setting against payments the following three years, and recovery of undue payment, are only possible against payments provided for under Titles III, IV and IVa of Regulation (EC) No 1782/2003. The off-setting and recovery payments should also be possible against payments of the additional amount of aid provided for in Article 12 of that Regulation.
- (7) Regulation (EC) No 796/2004 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

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

<sup>(2)</sup> OJ L 175, 29.6.2006, p. 1.

<sup>(3)</sup> OJ L 141, 30.4.2004, p. 18. Regulation as last amended by Regulation (EC) No 1187/2006 (OJ L 214, 4.8.2006, p. 14).

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 796/2004 is amended as follows:

1. In Article 2, point (12) is replaced by the following:

‘(12) “Area-related aid schemes”: shall mean the single payment scheme, the hops payment to recognised producer groups referred to in the second paragraph of Article 68a of Regulation (EC) No 1782/2003 and all aid schemes established under Titles IV and IVa of that Regulation, except those established under Chapters 7, 10e, 10f, 11 and 12 of that Title IV and except the separate sugar payment established in Article 143(b) of that Regulation;’

2. Article 13 is amended as follows:

(a) Paragraph 1 is replaced by the following:

‘1. In the case where a farmer intends to produce hemp in accordance with Article 52 of Regulation (EC) No 1782/2003 or hemp grown for fibre as referred to in Article 106 of that Regulation, the single application shall contain:

- (a) all information required for the identification of the parcels sown in hemp, indicating the varieties of seed used;
- (b) an indication as to the quantities of the seeds used (kg per hectare);
- (c) the official labels used on the packaging of the seeds in accordance with Council Directive 2002/57/EC (\*), and in particular Article 12 thereof.

By way of derogation from point (c) of the first subparagraph, where sowing takes place after the deadline for submitting the single application, the labels shall be submitted by 30 June at the latest. Where the labels also have to be submitted to other national authorities, the Member States may provide for those labels to be returned to the farmer once they have been submitted in accordance with that point. The labels returned shall be marked as used for an application.

In the case where an application for aid for arable crops area payments in accordance with Chapter 10 of Title IV of Regulation (EC) No 1782/2003 contains a declaration of cultivation of flax and hemp grown for fibre as referred to in Article 106 of that Regulation, the single application shall contain a copy of the contract or commitment referred to in that Article, unless the Member State has provided that that copy may be submitted by a later date, which shall not be later than 15 September.

(\*) OJ L 193, 20.7.2002, p. 74.’

(b) Paragraph 13 is deleted.

3. Chapter IIIa is replaced by the following:

#### ‘CHAPTER IIIa

SUGAR PAYMENT, AID FOR SUGAR BEET AND CANE PRODUCERS AND SEPARATE SUGAR PAYMENT

#### Article 17a

#### **Requirements pertaining to aid applications for the sugar payment, the aid for sugar beet and cane producers and the separate sugar payment**

1. Farmers applying for the sugar payment provided for in Chapter 10e of Title IV of Regulation (EC) No 1782/2003, farmers applying for the aid for sugar beet and cane producers provided for in Chapter 10f of Title IV of that Regulation and farmers applying for the separate sugar payment provided for in Article 143ba of that Regulation shall submit an aid application containing all information necessary to establish eligibility for the aid, and in particular:

- (a) the identity of the farmer;
- (b) a statement by the farmer that he is aware of the conditions pertaining to the aid in question.

The application for the aid to sugar beet and cane producers shall also contain a copy of the delivery contract referred to in Article 110r of Regulation (EC) No 1782/2003.

2. The aid application for the sugar payment, the aid for sugar beet and cane producers or the separate sugar payment respectively shall be submitted by a date to be fixed by the Member States which shall not be later than 15 May and, in the case of Estonia, Latvia, Lithuania, Finland and Sweden, not later than 15 June.

However, in respect of the year 2006, the date referred to in the first subparagraph shall not be later than 30 June 2006 for the submission of aid applications for the separate sugar payment in accordance with Article 143ba of Regulation (EC) No 1782/2003.'

4. In Article 26, paragraph 1 is amended as follows:

(a) in the second subparagraph, point (e) is deleted;

(b) the third subparagraph is replaced by the following:

'Where the control sample drawn under the first subparagraph already contains applicants for the aids referred to in points (a) to (d) of the second subparagraph, those applicants may be counted towards the control rates stipulated therein.'

5. In Article 30, paragraph 3 is replaced by the following:

'3. Further to paragraph 2, any features referred to in the acts listed in Annex III to Regulation (EC) No 1782/2003 or which may form part of the good agricultural and environmental condition as referred to in Article 5 of that Regulation and Annex IV thereto shall form part of the total area of an agricultural parcel.'

6. In Article 50(4), points (a) and (b) are replaced by the following:

'(a) if a farmer does not declare all area required for the purpose of activating the set-aside entitlements at his disposal but declares, at the same time, an area for the activation of other entitlements, an area corresponding to the non-declared set-aside entitlements shall be considered as declared as set-aside area;

(b) if area declared as set-aside is not found or is found not to be set-aside, that area shall be considered as not being determined.'

7. In the second subparagraph of Article 51(2), the second sentence is replaced by the following:

'That amount shall be off-set against aid payments under any of the aid schemes referred to in Titles III, IV and IVa of Regulation (EC) No 1782/2003 or under the additional amount provided for in Article 12 of that Regulation to which the farmer is entitled in the context of applications

he lodges in the course of the three calendar years following the calendar year of the finding.'

8. In the second subparagraph of Article 52(3), the second sentence is replaced by the following:

'That amount shall be off-set against aid payments under any of the aid schemes referred to in Titles III and IV of Regulation (EC) No 1782/2003 or under the additional amount provided for in Article 12 of that Regulation to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding.'

9. In the second paragraph of Article 53, the second sentence is replaced by the following:

'That amount shall be off-set against aid payments under any of the aid schemes referred to in Titles III, IV and IVa of Regulation (EC) No 1782/2003 or under the additional amount provided for in Article 12 of that Regulation to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding.'

10. Article 59 is amended as follows:

(a) in the third subparagraph of paragraph 2, the second sentence is replaced by the following:

'That amount shall be off-set against aid payments under any of the aid schemes referred to in Titles III, IV and IVa of Regulation (EC) No 1782/2003 or under the additional amount provided for in Article 12 of that Regulation to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding.;

(b) in the second subparagraph of paragraph 4, the second sentence is replaced by the following:

'That amount shall be off-set against aid payments under any of the aid schemes referred to in Titles III, IV and IVa of Regulation (EC) No 1782/2003 or under the additional amount provided for in Article 12 of that Regulation to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding.'

11. In the second subparagraph of Article 60(6), the second sentence is replaced by the following:

‘That amount shall be off-set against aid payments under any of the aid schemes referred to in Titles III, IV and IVa of Regulation (EC) No 1782/2003 or under the additional amount provided for in Article 12 of that Regulation to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding.’

12. In the second paragraph of Article 64, the third sentence is replaced by the following:

‘An amount equal to the amount covered by the refused application shall be off-set against aid payments under any of the aid schemes established in Titles III, IV and IVa of Regulation (EC) No 1782/2003 or under the additional amount provided for in Article 12 of that Regulation to which the person is entitled in the context of applications he lodges in the course of the calendar year following the calendar year of the finding.’

13. In Article 73(2), the first sentence is replaced by the following:

‘Member States may decide that recovery of an undue payment is to be made by deduction of the corresponding amount from any advances or payments under aid schemes referred to in Titles III, IV and IVa of Regulation (EC) No 1782/2003 or under the additional amount provided for in Article 12 of that Regulation made to the farmer concerned following the date of the decision to recover.’

#### *Article 2*

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

It shall apply to aid applications relating to years or premium periods starting as of 1 January 2007.

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

Done at Brussels, 22 December 2006.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2026/2006****of 22 December 2006****amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds <sup>(1)</sup> and in particular Articles 19 and 20 thereof,

Whereas:

- (1) Article 20 of Regulation (EC) No 2368/2002 provides for the amending of the list of participants in the Kimberley Process certification scheme in Annex II.
- (2) Bulgaria and Romania are listed as participants in the Kimberley Process certification scheme in Annex II.
- (3) In view of their accession to the European Union on 1 January 2007, Bulgaria and Romania cease to be participants in the Kimberley Process certification scheme in their own right on 31 December 2006 and should therefore be removed from the list of Participants.
- (4) Annex II should therefore be amended accordingly.
- (5) Article 19 of Regulation (EC) No 2368/2002 stipulates that Member States may designate Community autho-

rities to fulfil the tasks required by the said Regulation, and entrusts the Commission with maintaining a list of Community authorities in Annex III.

- (6) Belgium and Germany have informed the Commission of changes to the details of their respective Community authorities.

- (7) Annex III should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 2368/2002 is hereby replaced by the text in Annex I to this Regulation.

*Article 2*

Annex III to Regulation (EC) No 2368/2002 is hereby replaced by Annex II to this Regulation.

*Article 3*

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

It shall be applicable with effect from 1 January 2007.

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

Done at Brussels, 22 December 2006.

*For the Commission*

Benita FERRERO-WALDNER

*Member of the Commission*

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<sup>(1)</sup> OJ L 358, 31.12.2002, p. 28. Regulation as last amended by Commission Regulation (EC) No 1636/2006 (OJ L 306, 7.11.2006, p. 10).



## ANNEX I

## ANNEX II

**List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20**

## ANGOLA

Ministry of Geology and Mines  
Rua Hochi Min  
Luanda  
Angola

## ARMENIA

Department of Gemstones and Jewellery  
Ministry of Trade and Economic Development  
Yerevan  
Armenia

## AUSTRALIA

Community Protection Section  
Australian Customs Section  
Customs House, 5 Constitution Avenue  
Canberra ACT 2601  
Australia

Minerals Development Section  
Department of Industry, Tourism and Resources  
GPO Box 9839  
Canberra ACT 2601  
Australia

## BANGLADESH

Ministry of Commerce  
Export Promotion Bureau  
Dhaka  
Bangladesh

## BELARUS

Department of Finance  
Sovetskaja Str., 7  
220010 Minsk  
Republic of Belarus

## BOTSWANA

Ministry of Minerals, Energy & Water Resources  
PI Bag 0018  
Gaborone  
Botswana

## BRAZIL

Ministry of Mines and Energy  
Esplanada dos Ministérios — Bloco "U" — 3º andar  
70065 — 900 Brasilia — DF  
Brazil

## CANADA

## International:

Department of Foreign Affairs and International Trade  
Peace Building and Human Security Division  
Lester B Pearson Tower B — Room: B4-120  
125 Sussex Drive Ottawa, Ontario K1A 0G2  
Canada

## For specimen of the Canadian KP Certificate:

Stewardship Division  
International and Domestic Market Policy Division  
Mineral and Metal Policy Branch  
Minerals and Metals Sector  
Natural Resources Canada  
580 Booth Street, 10th Floor, Room: 10A6  
Ottawa, Ontario  
Canada K1A 0E4

## General Enquiries:

Kimberley Process Office  
Minerals and Metals Sector (MMS)  
Natural Resources Canada (NRCan)  
10th Floor, Area A-7  
580 Booth Street  
Ottawa, Ontario  
Canada K1A 0E4

## CENTRAL AFRICAN REPUBLIC

Independent Diamond Valuators (IDV)  
Immeuble SOCIM, 2<sup>ème</sup> étage  
BP 1613 Bangui  
Central African Republic

## CHINA, People's Republic of

Department of Inspection and Quarantine Clearance  
General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)  
9 Madiandonglu  
Haidian District, Beijing  
People's Republic of China

## HONG KONG, Special Administrative Region of the People's Republic of China

Department of Trade and Industry  
Hong Kong Special Administrative Region  
Peoples Republic of China  
Room 703, Trade and Industry Tower  
700 Nathan Road  
Kowloon  
Hong Kong  
China

## CONGO, Democratic Republic of

Centre d'Evaluation, d'Expertise et de Certification (CEEC)  
17th floor, BCDC Tower  
30th June Avenue  
Kinshasa  
Democratic Republic of Congo

## CÔTE D'IVOIRE

Ministry of Mines and Energy  
BP V 91  
Abidjan  
Côte d'Ivoire

## CROATIA

Ministry of Economy  
Zagreb  
Republic of Croatia

## EUROPEAN COMMUNITY

European Commission  
DG External Relations/A/2  
B-1049 Brussels  
Belgium

## GHANA

Precious Minerals Marketing Company (Ltd.)  
Diamond House,  
Kinbu Road,  
P.O. Box M. 108  
Accra  
Ghana

## GUINEA

Ministry of Mines and Geology  
BP 2696  
Conakry  
Guinea

## GUYANA

Geology and Mines Commission  
P O Box 1028  
Upper Brickdam  
Stabroek  
Georgetown  
Guyana

## INDIA

The Gem & Jewellery Export Promotion Council  
Diamond Plaza, 5th Floor 391-A, Fr D.B. Marg  
Mumbai 400 004  
India

## INDONESIA

Directorate-General of Foreign Trade  
Ministry of Trade  
JI M.I. Ridwan Rais No 5  
Blok I lantai 4  
Jakarta Pusat Kotak Pos. 10110  
Jakarta  
Indonesia

## ISRAEL

Ministry of Industry and Trade  
P.O. Box 3007  
52130 Ramat Gan  
Israel

## JAPAN

United Nations Policy Division  
Foreign Policy Bureau  
Ministry of Foreign Affairs  
2-11-1, Shibakoen Minato-ku  
105-8519 Tokyo  
Japan

Mineral and Natural Resources Division  
Agency for Natural Resources and Energy  
Ministry of Economy, Trade and Industry  
1-3-1 Kasumigaseki, Chiyoda-ku  
100-8901 Tokyo  
Japan

## KOREA, Republic of

UN Division  
Ministry of Foreign Affairs and Trade  
Government Complex Building  
77 Sejong-ro, Jongro-gu  
Seoul  
Korea

Trade Policy Division  
Ministry of Commerce, Industry and Enterprise  
1 Joongang-dong, Kwacheon-City  
Kyunggi-do  
Korea

## LAOS, People's Democratic Republic

Department of Foreign Trade,  
Ministry of Commerce  
Vientiane  
Laos

## LEBANON

Ministry of Economy and Trade  
Beirut  
Lebanon

## LESOTHO

Commission of Mines and Geology  
P.O. Box 750  
Maseru 100  
Lesotho

## MALAYSIA

Ministry of International Trade and Industry  
Blok 10  
Komplek Kerajaan Jalan Duta  
50622 Kuala Lumpur  
Malaysia

## MAURITIUS

Ministry of Commerce and Co-operatives  
Import Division  
2nd Floor, Anglo-Mauritius House  
Intendance Street  
Port Louis  
Mauritius

## NAMIBIA

Diamond Commission  
Ministry of Mines and Energy  
Private Bag 13297  
Windhoek  
Namibia

## NORWAY

Section for Public International Law  
Department for Legal Affairs  
Royal Ministry of Foreign Affairs  
P.O. Box 8114  
0032 Oslo  
Norway

## NEW ZEALAND

Certificate Issuing Authority:  
Middle East and Africa Division  
Ministry of Foreign Affairs and Trade  
Private Bag 18 901  
Wellington  
New Zealand

## Import and Export Authority:

New Zealand Customs Service  
PO Box 2218  
Wellington  
New Zealand

## RUSSIAN FEDERATION

Gokhran of Russia  
14, 1812 Goda St.  
121170 Moscow  
Russia

## SIERRA LEONE

Ministry of Mineral Resources  
Youyi Building  
Brookfields  
Freetown  
Sierra Leone

## SINGAPORE

Ministry of Trade and Industry  
100 High Street  
#0901, The Treasury,  
Singapore 179434

## SOUTH AFRICA

South African Diamond Board  
240 Commissioner Street  
Johannesburg  
South Africa

## SRI LANKA

Trade Information Service  
Sri Lanka Export Development Board  
42 Nawam Mawatha  
Colombo 2  
Sri Lanka

## SWITZERLAND

State Secretariat for Economic Affairs  
Export Control Policy and Sanctions  
Effingerstrasse 1  
3003 Berne  
Switzerland

## TAIWAN, PENGHU, KINMEN AND MATSU, Separate Customs Territory

Export/Import Administration Division  
Bureau of Foreign Trade  
Ministry of Economic Affairs  
Taiwan

## TANZANIA

Commission for Minerals  
Ministry of Energy and Minerals  
PO Box 2000  
Dar es Salaam  
Tanzania

## THAILAND

Ministry of Commerce  
Department of Foreign Trade  
44/100 Thanon Sanam Bin Nam-Nonthaburi  
Muang District  
Nonthaburi 11000  
Thailand

## TOGO

Directorate General — Mines and Geology  
B.P. 356  
216, Avenue Sarakawa  
Lomé  
Togo

## UKRAINE

Ministry of Finance  
State Gemological Center  
Degtyarivska St. 38-44  
Kiev  
04119 Ukraine

International Department  
Diamond Factory "Kristall"  
600 Letiya Street 21  
21100 Vinnitsa  
Ukraine

## UNITED ARAB EMIRATES

Dubai Metals and Commodities Centre

PO Box 63

Dubai

United Arab Emirates

## UNITED STATES OF AMERICA

U.S. Department of State

2201 C St., N.W.

Washington D.C.

United States of America

## VENEZUELA

Ministry of Energy and Mines

Apartado Postal No 61536 Chacao

Caracas 1006

Av. Libertadores, Edif. PDVSA, Pent House B

La Campina — Caracas

Venezuela

## VIETNAM

Export-Import Management Department

Ministry of Trade of Vietnam

31 Trang Tien

Hanoi 10.000

Vietnam

## ZIMBABWE

Principal Minerals Development Office

Ministry of Mines and Mining Development

Private Bag 7709, Causeway

Harare

Zimbabwe'.

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## ANNEX II

## ‘ANNEX III

**List of Member States’ competent authorities and their tasks as referred to in Articles 2 and 19**

## BELGIUM

Federale Overheidsdienst Economie, KMO, Middenstand en Energie, Dienst Vergunningen/Service Public Fédéral Economie, PME, Classes moyennes et Energie, Service Licence,

Italiëlei 124, bus 71  
B-2000 Antwerpen  
Tel. (32-3) 206 94 70  
Fax (32-3) 206 94 90  
E-mail: kpcs-belgiumdiamonds@economie.fgov.be

In Belgium the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002 and the customs treatment will only be done at:

The Diamond Office  
Hovenierstraat 22  
B-2018 Antwerpen

## CZECH REPUBLIC

In the Czech Republic the controls of imports and exports of rough diamonds required by Regulation 2368/2002 and the customs treatment will only be done at:

Generální ředitelství cel  
Budějovická 7  
140 96 Praha 4  
Česká republika  
Tel. (420-2) 61 33 38 41, (420-2) 61 33 38 59, cell (420-737) 213 793  
Fax (420-2) 61 33 38 70  
E-mail: diamond@cs.mfcr.cz

## GERMANY

In Germany the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002, including the issuing of Community certificates, will only be done at the following authority:

OFD Koblenz  
— Zoll- und Verbrauchsteuerabteilung —  
Vorort Außenwirtschaftsrecht  
Wiesenstraße 32  
D-67433 Neustadt/Weinstraße  
Tel. (49-6321) 89 43 49  
Fax (49-6321) 89 48 50  
E-Mail: diamond.cert@ofdko-nw.bfinv.de  
Contact person: Ms Hiltraud Reinhardt (details as above)  
E-Mail: hiltraud.reinhardt@ofdko-nw.bfinv.de

or

Hauptzollamt Koblenz  
— Zollamt Idar-Oberstein —  
Zertifizierungsstelle für Rohdiamanten  
Hauptstraße 197  
D-55743 Idar-Oberstein  
Tel. (49-6781) 56 27-0  
Fax (49-6781) 56 27-19  
E-Mail: poststelle@zabir.bfinv.de

## UNITED KINGDOM

Government Diamond Office  
Global Business Group  
Room W 3.111.B  
Foreign and Commonwealth Office  
King Charles Street  
London SW1A 2AH  
Tel. (44-207) 008 6903  
Fax (44-207) 008 3905  
E-mail: GDO@gtnet.gov.uk'

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**COUNCIL DIRECTIVE 2006/138/EC****of 19 December 2006****amending Directive 2006/112/EC on the common system of value added tax as regards the period of application of the value added tax arrangements applicable to radio and television broadcasting services and certain electronically supplied services**

THE COUNCIL OF THE EUROPEAN UNION,

recast Directive 77/388/EEC, should therefore be amended accordingly.

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

- (4) Given the urgency of the matter, in order to avoid a legal gap, it is imperative to grant an exception to the six-week period mentioned in point I(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Opinion of the European Economic and Social Committee,

*Article 1*

Directive 2006/112/EC is hereby amended as follows:

Whereas:

1. in Article 56, paragraph 3 shall be replaced by the following:

- (1) The temporary value added tax arrangements of Directive 77/388/EEC <sup>(1)</sup> applicable for radio and television broadcasting services and certain electronically supplied services were extended until 31 December 2006 by Council Directive 2006/58/EC of 27 June 2006 amending Council Directive 2002/38/EC as regards the period of application of the value added tax arrangements applicable to radio and television broadcasting services and certain electronically supplied services <sup>(2)</sup>.

- ‘3. Points (j) and (k) of paragraph 1 and paragraph 2 shall apply until 31 December 2008.’;

2. in Article 57, paragraph 2 shall be replaced by the following:

- ‘2. Paragraph 1 shall apply until 31 December 2008.’;

3. in Article 59, paragraph 2 shall be replaced by the following:

- ‘2. Until 31 December 2008, Member States shall apply Article 58(b) to radio and television broadcasting services, as referred to in point (j) of Article 56(1), supplied to non-taxable persons who are established in a Member State, or who have their permanent address or usually reside in a Member State, by a taxable person who has established his business outside the Community or who has a fixed establishment there from which the services are supplied, or who, in the absence of such a place of business or fixed establishment, has his permanent address or usually resides outside the Community.’;

- (2) It has not yet been possible to adopt provisions on the place of supply of services and on a more general electronic mechanism. Considering that the legal situation and the facts which justified the extension until 31 December 2006 have not changed and that to avoid a temporary gap in the value added tax arrangements for radio and television broadcasting services and certain electronically supplied services, those arrangements should continue to apply until 31 December 2008.

- (3) Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, which has

4. Article 357 shall be replaced by the following:

*‘Article 357**This Chapter shall apply until 31 December 2008.’*

<sup>(1)</sup> Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ L 145, 13.6.1977, p. 1). Directive repealed by Directive 2006/112/EC (OJ L 347, 11.12.2006, p. 1).

<sup>(2)</sup> OJ L 174, 28.6.2006, p. 5.

*Article 2***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive with effect from 1 January 2007. They shall forthwith communicate to the Commission the text of those provisions

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

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

It shall apply from 1 January 2007.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 19 December 2006.

*For the Council*

*The President*

J. KORKEAOJA

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**COMMISSION DIRECTIVE 2006/139/EC****of 20 December 2006****amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of arsenic compounds for the purpose of adapting its Annex I to technical progress****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

rules concerning biocidal products containing arsenic compounds in Directive 76/769/EEC to the rules in Directive 98/8/EC.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the restrictions on the marketing and use of dangerous substances and preparations <sup>(1)</sup>, and in particular Article 2a thereof,

- (4) The rules concerning wood treated with arsenic compounds in Directive 76/769/EEC do not adequately distinguish between the first placing on the market and the reuse of such wood. It is therefore necessary to clarify those rules and in particular the placing of such wood on the second hand market.

Whereas:

- (5) Directive 76/769/EEC should therefore be amended accordingly.

- (1) Directive 76/769/EEC permits the use of certain arsenic compounds as biocides for the treatment of wood and lays down rules for the marketing and use of arsenic treated wood.

- (6) The measures provided for in this Directive are in accordance with the opinion of the Committee on the adaptation to technical progress of the Directives for the elimination of technical barriers to trade in dangerous substances and preparations,

- (2) The marketing and use of biocidal products are also regulated by Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market <sup>(2)</sup>. The effect of Directive 98/8/EC read in conjunction with Commission Regulation (EC) No 2032/2003 of 4 November 2003 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market and amending Regulation (EC) No 1896/2000 <sup>(3)</sup>, is that from 1 September 2006 the placing on the market and the use of biocidal products containing arsenic and arsenic compounds for wood preservation purposes is not possible unless those substances are authorised in accordance with Article 5(1) of Directive 98/8/EC.

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex I to Directive 76/769/EEC is amended as set out in the Annex to this Directive.

*Article 2*

- (3) In order to ensure a coherent application of the legislation in question, it is therefore necessary to adapt the

1. Member States shall adopt and publish, by 30 June 2007 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions by 30 September 2007 at the latest.

<sup>(1)</sup> OJ L 262, 27.9.1976, p. 201. Directive as last amended by Directive 2005/90/EC of the European Parliament and of the Council (OJ L 33, 4.2.2006, p. 28).

<sup>(2)</sup> OJ L 123, 24.4.1998, p. 1. Directive as last amended by Commission Directive 2006/50/EC (OJ L 142, 30.5.2006, p. 6).

<sup>(3)</sup> OJ L 307, 24.11.2003, p. 1. Regulation as last amended by Regulation (EC) No 1048/2005 (OJ L 178, 9.7.2005, p. 1).

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 20 December 2006.

*For the Commission*

Günter VERHEUGEN

*Vice-President*

## ANNEX

Annex I to Directive 76/769/EEC, point 20 is replaced by the following:

20. Arsenic Compounds	<ol style="list-style-type: none"> <li>1. Shall not be placed on the market or used as substances and constituents of preparations intended for use to prevent the fouling by micro-organisms, plants or animals of: <ul style="list-style-type: none"> <li>— the hulls of boats,</li> <li>— cages, floats, nets and any other appliances or equipment used for fish or shellfish farming,</li> <li>— any totally or partly submerged appliances or equipment;</li> </ul> </li> <li>2. Shall not be placed on the market or used as substances and constituents of preparations intended for use in the treatment of industrial waters, irrespective of their use.</li> <li>3. Shall not be used in the preservation of wood. Furthermore, wood so treated shall not be placed on the market;</li> <li>4. However, by way of derogation: <ol style="list-style-type: none"> <li>(a) Relating to the substances and preparations for the preservation of wood: these may only be used in industrial installations using vacuum or pressure to impregnate wood if they are solutions of inorganic compounds of the copper, chromium, arsenic (CCA) type C and if they are authorised in accordance with Article 5(1) of Directive 98/8/EC. Wood so treated shall not be placed on the market before fixation of the preservative is completed.</li> <li>(b) Wood treated with CCA solutions in industrial installations according to point (a) may be placed on the market for professional and industrial use provided that the structural integrity of the wood is required for human or livestock safety and skin contact by the general public during its service life is unlikely: <ul style="list-style-type: none"> <li>— as structural timber in public and agricultural buildings, office buildings, and industrial premises,</li> <li>— in bridges and bridgework,</li> <li>— as constructional timber in freshwater areas and brackish waters e.g. jetties and bridges,</li> <li>— as noise barriers,</li> <li>— in avalanche control,</li> <li>— in highway safety fencing and barriers,</li> <li>— as debarked round conifer livestock fence posts,</li> <li>— in earth retaining structures,</li> <li>— as electric power transmission and telecommunications poles,</li> <li>— as underground railway sleepers.</li> </ul> </li> <li>(c) Without prejudice to the application of other Community provisions on the classification, packaging and labelling of dangerous substances and preparations, all treated wood placed on the market shall be individually labelled "For professional and industrial installation and use only, contains arsenic". In addition, all wood placed on the market in packs shall also bear a label stating "Wear gloves when handling this wood. Wear a dust mask and eye protection when cutting or otherwise crafting this wood. Waste from this wood shall be treated as hazardous by an authorised undertaking".</li> </ol> </li> </ol>
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(d) Treated wood referred to under point (a) shall not be used:

- in residential or domestic constructions, whatever the purpose,
- in any application where there is a risk of repeated skin contact,
- in marine waters,
- for agricultural purposes other than for livestock fence posts and structural uses in accordance with point (b),
- in any application where the treated wood may come into contact with intermediate or finished products intended for human and/or animal consumption.

5. Wood treated with arsenic compounds that was in use in the Community before 30 September 2007, or that was placed on the market in accordance with the rules of this Directive may remain in place and continue to be used until it reaches the end of its service life.

6. Wood treated with CCA type C that was in use in the Community before 30 September 2007, or that was placed on the market in accordance with the rules of this Directive:

- may be used or reused subject to the conditions pertaining to its use listed under point 4(b), (c) and (d),
- may be placed on the second hand market subject to the conditions pertaining to its use listed under point 4(b), (c) and (d).

7. Member States may allow wood treated with other types of CCA solutions that was in use in the Community before 30 September 2007:

- to be used or reused subject to the conditions pertaining to its use listed under point 4 (b), (c) and (d),
- to be placed on the second hand market subject to the conditions pertaining to its use listed under point 4(b), (c) and (d).'

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

**of 20 December 2006**

**on the signing and the provisional application of a bilateral agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus amending the Agreement between the European Community and the Republic of Belarus on trade in textile products**

(2006/1012/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

Subject to a possible conclusion at a later date, the President of the Council is hereby authorised to designate the person(s) empowered to sign on behalf of the European Community the agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus amending the Agreement between the European Community and the Republic of Belarus on trade in textile products.

Having regard to the proposal from the Commission,

*Article 2*

Whereas:

Subject to reciprocity, the Agreement shall be applied on a provisional basis, pending its formal conclusion, from 1 January 2007.

(1) The Commission has negotiated on behalf of the Community a bilateral agreement to extend for one year the existing bilateral agreement and protocols on trade in textile products with the Republic of Belarus, with some adjustments of the quantitative limits.

The text of the agreement in the form of an Exchange of Letters is attached to this Decision.

*Article 3*

(2) This bilateral agreement should be applied on a provisional basis as of 1 January 2007, pending the completion of procedures required for its conclusion, subject to the reciprocal provisional application by the Republic of Belarus.

1. If the Republic of Belarus fails to fulfil its obligations under paragraph 2.4 of the Agreement, the quota for 2007 will be reduced to the levels applicable in 2006.

2. The decision to implement paragraph 1 shall be taken in accordance with the procedures referred to in Article 17 of Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries <sup>(1)</sup>.

(3) The proposed agreement should be signed on behalf of the Community,

<sup>(1)</sup> OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 35/2006 (OJ L 7, 12.1.2006, p. 8).

*Article 4*

This Decision shall be published in the *Official Journal of the European Union*.

It shall enter into force on the day following its publication in the Official Journal.

Done at Brussels, 20 December 2006.

*For the Council*  
*The President*  
J. KORKEAOJA

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**AGREEMENT****in the form of an Exchange of Letters between the European Community and the Republic of Belarus amending the Agreement between the European Community and the Republic of Belarus on trade in textile products***A. Letter from the European Community*

Sir,

1. I have the honour to refer to the Agreement between the European Community and the Republic of Belarus on trade in textile products initialled on 1 April 1993, as last amended and extended by the Agreement in the form of an Exchange of Letters initialled on 11 November 2005 (hereafter referred to as the 'Agreement').
2. In view of the expiry of the Agreement on 31 December 2006 and in accordance with Article 19(1) of the Agreement, the European Community and the Republic of Belarus agree to extend the duration of the Agreement, for a further period of one year, subject to the following amendments and conditions:

- 2.1. The text of Article 19(1) of the Agreement shall read as follows:

'This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. It shall be applicable until 31 December 2007.'

- 2.2. Annex II which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community is replaced by Appendix 1 to this letter.
- 2.3. The Annex to Protocol C which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community after OPT operations in the Republic of Belarus is replaced for the period of 1 January 2007 to 31 December 2007 by Appendix 2 to this letter.
- 2.4. Imports into Belarus of textile and clothing products of European Community origin shall be subject in 2007 to custom duties not exceeding those provided for 2003 in Appendix 4 of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus initialled on 11 November 1999.

In the case of non-application of these rates the Community will have the right to reintroduce for the period of the Agreement remaining unexpired on a pro rata basis the levels for quantitative restrictions applicable for 2006 as specified in the Exchange of Letters initialled on 11 November 2005.

3. Should the Republic of Belarus become a Member of the World Trade Organisation (WTO) before the date of the expiry of the Agreement, the agreements and rules of the WTO shall be applied from the date of the Republic of Belarus' accession to the WTO.
4. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 2007 on the condition of reciprocity.

Please accept, Sir, the assurance of my highest consideration.

*For the European Community*

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## Appendix 1

## 'ANNEX II

Belarus	Category	unit	Quota as from 1 January 2007
Group IA	1	tonnes	1 585
	2	tonnes	6 600
	3	tonnes	242
Group IB	4	T pieces	1 839
	5	T pieces	1 105
	6	T pieces	1 705
	7	T pieces	1 377
	8	T pieces	1 160
Group IIA	9	tonnes	363
	20	tonnes	329
	22	tonnes	524
	23	tonnes	255
	39	tonnes	241
Group IIB	12	T pairs	5 959
	13	T pieces	2 651
	15	T pieces	1 726
	16	T pieces	186
	21	T pieces	930
	24	T pieces	844
	26/27	T pieces	1 117
	29	T pieces	468
	73	T pieces	329
	83	tonnes	184
Group IIIA	33	tonnes	387
	36	tonnes	1 309
	37	tonnes	463
	50	tonnes	207
Group IIIB	67	tonnes	356
	74	T pieces	377
	90	tonnes	208
Group IV	115	tonnes	114
	117	tonnes	2 310
	118	tonnes	471

T pieces: thousand of pieces'



## Appendix 2

## 'ANNEX TO PROTOCOL C

Category	Unit	As from 1 January 2007
4	1 000 pieces	5 399
5	1 000 pieces	7 526
6	1 000 pieces	10 037
7	1 000 pieces	7 534
8	1 000 pieces	2 565
12	1 000 pieces	5 072
13	1 000 pieces	795
15	1 000 pieces	4 400
16	1 000 pieces	896
21	1 000 pieces	2 927
24	1 000 pieces	754
26/27	1 000 pieces	3 668
29	1 000 pieces	1 487
73	1 000 pieces	5 700
83	Tonnes	757
74	1 000 pieces	994'

*B. Letter from the Government of the Republic of Belarus*

Sir,

I have the honour to acknowledge receipt of your letter of ... which reads as follows:

‘Sir,

1. I have the honour to refer to the Agreement between the European Community and the Republic of Belarus on trade in textile products initialled on 1 April 1993, as last amended and extended by the Agreement in the form of an Exchange of Letters initialled on 11 November 2005 (hereafter referred to as the “Agreement”).
2. In view of the expiry of the Agreement on 31 December 2006 and in accordance with Article 19(1) of the Agreement, the European Community and the Republic of Belarus agree to extend the duration of the Agreement, for a further period of one year, subject to the following amendments and conditions:
  - 2.1. The text of Article 19(1) of the Agreement shall read as follows:

“This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. It shall be applicable until 31 December 2007.”
  - 2.2. Annex II which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community is replaced by Appendix 1 to this letter.
  - 2.3. The Annex to Protocol C which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community after OPT operations in the Republic of Belarus is replaced for the period of 1 January 2007 to 31 December 2007 by Appendix 2 to this letter.
  - 2.4. Imports into Belarus of textile and clothing products of European Community origin shall be subject in 2007 to custom duties not exceeding those provided for 2003 in Appendix 4 of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus initialled on 11 November 1999.

In the case of non-application of these rates the Community will have the right to reintroduce for the period of the Agreement remaining unexpired on a pro rata basis the levels for quantitative restrictions applicable for 2006 as specified in the Exchange of Letters initialled on 11 November 2005.

3. Should the Republic of Belarus become a Member of the World Trade Organisation (WTO) before the date of the expiry of the Agreement, the agreements and rules of the WTO shall be applied from the date of the Republic of Belarus’ accession to the WTO.
4. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 2007 on the condition of reciprocity.

Please accept, Sir, the assurance of my highest consideration.’

I have the honour to confirm that my Government is in agreement with the content of your letter.

Please accept, Sir, the assurance of my highest consideration.

*For the Government of the Republic of Belarus*

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