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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 395/2006
of 7 March 2006
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 March 2006.

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

Done at Brussels, 7 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 7 March 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	100,4
	204	46,6
	212	139,7
	624	92,6
	999	94,8
0707 00 05	052	100,8
	204	47,9
	628	155,5
	999	101,4
0709 10 00	220	57,6
	624	102,5
	999	80,1
0709 90 70	052	127,9
	204	71,5
	999	99,7
0805 10 20	052	56,6
	204	46,1
	212	44,2
	220	40,4
	400	61,1
	448	41,1
	512	33,1
	624	64,3
0805 50 10	999	48,4
	052	76,5
	624	64,0
0808 10 80	999	70,3
	400	139,0
	404	106,0
	512	79,5
	524	62,6
	528	79,4
	720	78,2
0808 20 50	999	90,8
	388	82,6
	400	74,8
	512	70,1
	528	71,9
	720	45,0
	999	68,9

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

COMMISSION REGULATION (EC) No 396/2006**of 7 March 2006****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, and in particular the second sentence of the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2005/2006 marketing year are fixed by

Commission Regulation (EC) No 1011/2005 ⁽³⁾. These prices and duties were last amended by Commission Regulation (EC) No 359/2006 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 1423/95,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 March 2006.

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

Done at Brussels, 7 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

⁽³⁾ OJ L 170, 1.7.2005, p. 35.

⁽⁴⁾ OJ L 59, 1.3.2006, p. 40.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 8 March 2006

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	36,22	0,42
1701 11 90 ⁽¹⁾	36,22	4,04
1701 12 10 ⁽¹⁾	36,22	0,29
1701 12 90 ⁽¹⁾	36,22	3,74
1701 91 00 ⁽²⁾	37,34	6,56
1701 99 10 ⁽²⁾	37,34	3,14
1701 99 90 ⁽²⁾	37,34	3,14
1702 90 99 ⁽³⁾	0,37	0,30

⁽¹⁾ Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ Fixed for the standard quality defined in Annex I.I to Regulation (EC) No 1260/2001.

⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 397/2006**of 7 March 2006****altering the export refunds on white sugar and raw sugar exported in the natural state fixed by
Regulation (EC) No 373/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The export refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 373/2006 ⁽²⁾

- (2) Since the data currently available to the Commission are different to the data at the time Regulation (EC) No 373/2006 was adopted, those refunds should be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 373/2006 are hereby altered to the amounts shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 March 2006.

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

Done at Brussels, 7 March 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 62, 3.3.2006, p. 16.

ANNEX

AMENDED AMOUNTS OF REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 8 MARCH 2006 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	24,99 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	24,06 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	24,99 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	24,06 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,2717
1701 99 10 9100	S00	EUR/100 kg	27,17
1701 99 10 9910	S00	EUR/100 kg	26,16
1701 99 10 9950	S00	EUR/100 kg	26,16
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,2717

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

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution No 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION DIRECTIVE 2006/27/EC

of 3 March 2006

amending for the purposes of adapting to technical progress Council Directives 93/14/EEC on the braking of two- or three-wheel motor vehicles and 93/34/EEC on statutory markings for two- or three-wheel motor vehicles, Directives of the European Parliament and of the Council 95/1/EC on the maximum design speed, maximum torque and maximum net engine power of two- or three-wheel motor vehicles and 97/24/EC on certain components and characteristics of two- or three-wheel motor vehicles

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two- and three-wheel motor vehicles and repealing Council Directive 92/61/EEC ⁽¹⁾, and in particular Article 17 thereof,

Having regard to Council Directive 93/14/EEC of 5 April 1993 on the braking of two- or three-wheel motor vehicles ⁽²⁾, and in particular Article 4 thereof,

Having regard to Council Directive 93/34/EEC of 14 June 1993 on statutory markings for two- or three-wheel motor vehicles ⁽³⁾, and in particular Article 3 thereof,

Having regard to Directive 95/1/EC of the European Parliament and of the Council of 2 February 1995 on the maximum design speed, maximum torque and maximum net engine power of two- or three-wheel motor vehicles ⁽⁴⁾, and in particular Article 4 thereof,

Having regard to Directive 97/24/EC of the European Parliament and of the Council of 17 June 1997 on certain components and characteristics of two- or three-wheel motor vehicles ⁽⁵⁾, and in particular Article 7 thereof,

Whereas:

(1) Directives 93/14/EEC, 93/34/EEC, 95/1/EC and 97/24/EC are separate Directives for the purposes of the EC type-approval procedure laid down by Directive 2002/24/EC.

⁽¹⁾ OJ L 124, 9.5.2002, p. 1. Directive as last amended by Commission Directive 2005/30/EC (OJ L 106, 27.4.2005, p. 17).

⁽²⁾ OJ L 121, 15.5.1993, p. 1.

⁽³⁾ OJ L 188, 29.7.1993, p. 38. Directive as amended by Commission Directive 1999/25/EC (OJ L 104, 21.4.1999, p. 19).

⁽⁴⁾ OJ L 52, 8.3.1995, p. 1. Directive as amended by Commission Directive 2002/41/EC (OJ L 133, 18.5.2002, p. 17).

⁽⁵⁾ OJ L 226, 18.8.1997, p. 1. Directive as last amended by Directive 2005/30/EC.

(2) It is necessary to introduce the last amendment to United Nations ECE Regulation No 78 into the European type approval requirements in order to maintain equivalence between the requirements laid down in Directive 93/14/EEC and those laid down in United Nations ECE Regulation No 78.

(3) The requirements on statutory markings and maximum speed for two- and three-wheel motor vehicles as laid down in Directives 93/34/EEC and 95/1/EC can be simplified for reasons of better regulation.

(4) In order to ensure the proper functioning of the type-approval system as a whole, it is necessary to clarify which provisions concerning external projections, safety belt anchorages and safety belts shall apply to bodied vehicles and to unbodied vehicles.

(5) In Directive 97/24/EC, the requirements for marking of original catalytic converters and original silencers need to be clarified and completed.

(6) Directives 93/14/EEC, 93/34/EEC, 95/1/EC and 97/24/EC should therefore be amended accordingly.

(7) The measures provided for this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 93/14/EEC is amended in accordance with the text set out in Annex I to this Directive.

Article 2

The Annex to Directive 93/34/EEC is amended in accordance with the text set out in Annex II to this Directive.

Article 3

Annex I to Directive 95/1/EC is amended in accordance with the text set out in Annex III to this Directive.

Article 4

Annex III to Chapter 1, Annexes I and II to Chapter 3, Annex I to Chapter 4, Annexes I, II, VI, and VII to Chapter 5, the Annex to Chapter 7, Annexes II, III and IV to Chapter 9, the title and Annex I to Chapter 11, and Annexes I and II to Chapter 12 of Directive 97/24/EC are amended in accordance with the text set out in Annex IV to this Directive.

Article 5

1. With effect from 1 January 2007, with respect to two- or three- wheel vehicles which comply with the provisions laid down in Directives 93/14/EEC, 93/34/EC, 95/1/EC, and 97/24/EC respectively, as amended by this Directive, Member States shall not, on grounds relating to the subject matter of the Directive concerned, refuse to grant EC type-approval or prohibit the registration, sale or entry into service of such a vehicle.

2. With effect from 1 July 2007, Member States shall refuse, on grounds relating to the subject matter of the Directive concerned, to grant EC type-approval to any new type of two- or three-wheel motor vehicle which does not comply with the provisions laid down in Directives 93/14/EEC, 93/34/EC, 95/1/EC and 97/24/EC respectively, as amended by this Directive.

Article 6

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this

Directive by 31 December 2006 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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 7

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

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 3 March 2006.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX I

The Annex to Directive 93/14/EEC is amended as follows:

(1) The following section 2.1.1.3 is added:

‘2.1.1.3. Brake linings shall not contain asbestos.’;

(2) Appendix 1 is amended as follows:

(a) Sections 1.1.1 and 1.1.2 are replaced by the following:

‘1.1.1. The performance prescribed for braking devices shall be based on the stopping distance and/or the mean fully developed deceleration. The performance of a braking device shall be determined by measuring the stopping distance in relation to the initial speed of the vehicle and/or measuring the mean fully developed deceleration during the test.

1.1.2. The stopping distance shall be the distance covered by the vehicle from the moment when the driver begins to actuate the control of the braking system until the moment when the vehicle stops; the initial vehicle speed, v_1 , shall be the speed at the moment when the driver begins to actuate the control of the braking system; the initial speed shall not be less than 98 % of the prescribed speed for the test in question. The mean fully developed deceleration, (d_m), shall be calculated as the deceleration averaged with respect to distance over the interval v_b to v_e according to the following formula:

$$d_m = \frac{v_b^2 - v_e^2}{25,92(s_e - s_b)} \text{ m/s}^2$$

Where:

d_m = means fully developed deceleration

v_1 = as defined above

v_b = vehicle speed at 0,8 v_1 in km/h

v_e = vehicle speed at 0,1 v_1 in km/h

s_b = distance travelled between v_1 and v_b in metres

s_e = distance travelled between v_1 and v_e in metres

The speed and distance shall be determined using instrumentation having an accuracy of ± 1 % at the prescribed speed for the test. The “ d_m ” may be determined by other methods than the measurement of speed and distance; in this case, the accuracy of the “ d_m ” shall be within ± 3 %;

(b) In Section 1.1.3, the word ‘component’ is replaced by ‘vehicle’;

(c) Section 1.2.1.1 is replaced by the following:

‘1.2.1.1. The limits prescribed for minimum performance are those laid down hereunder for each category of vehicle; the vehicle shall satisfy both the prescribed stopping distance and the prescribed mean fully developed deceleration for the relevant vehicle category, but it may not be necessary to measure both parameters.’;

(d) Section 1.4.2.1 is replaced by the following:

‘1.4.2.1. The vehicle and the brake(s) to be tested must be substantially free from moisture and the brake(s) cold. A brake is deemed to be cold when the temperature measured on the disc or on the outside of the drum is below 100 °C’;

ANNEX II

The Annex to Directive 93/34/EEC is amended as follows:

Section 3.1.1.2 is replaced by the following:

- ‘3.1.1.2. The second part consists of six characters (letters or digits) for the purpose of describing the general characteristics of the vehicle (type, variant, and in the case of mopeds, version); each characteristic may be represented by several characters. If its manufacturer does not use one or more of those characters the unused spaces must be filled by alphabetical or numerical characters, the choice being left to the manufacturer;’.

ANNEX III

Annex I to Directive 95/1/EC is amended as follows:

Section 7 is replaced by the following:

‘7. MAXIMUM SPEED

The maximum speed of the vehicle is expressed in kilometres per hour by the figure corresponding to the closest whole number to the arithmetical mean of the values for the speeds measured during the two consecutive tests, which must not diverge by more than 3 %. When this arithmetical mean lies exactly between two whole numbers it is rounded up to the next highest number. In the case of vehicles where the maximum speed is not limited by the relevant definition given in Article 1, sections 2 and 3 of Directive 2002/24/EC, no type-approval test is needed and the maximum speed shall be accepted as being that declared by the vehicle manufacturer in the information document given in Annex II to Directive 2002/24/EC.’.

ANNEX IV

Directive 97/24/EC is amended as follows:

(1) In section II.1 of Appendix 2 to Annex III to Chapter 1, the fifth indent is deleted.

(2) Chapter 3 is amended as follows:

(a) Annex I is amended as follows:

(i) The title is replaced by the following:

'REQUIREMENTS APPLYING TO EXTERNAL PROJECTIONS FROM TWO-WHEEL MOTOR VEHICLES';

(ii) The following section 3.6 is added:

'3.6. In the case of two-wheel vehicles that are fitted with a form of structure or panels intended to enclose, or partially enclose, the driver or passengers or to cover components of the vehicle, the type-approval authority or technical service may, at its discretion and in discussion with the vehicle manufacturer, apply the requirements of this Annex, or of Annex II, to all or part of the vehicle based on an assessment of the worst case condition.';

(iii) Section 6.2 is replaced by the following:

'6.2. The end of the clutch and brake levers shall be perceptibly spherical and have a radius of curvature of at least 7 mm. The outer edges of these levers shall have a radius of curvature of not less than 2 mm. The verification is done with the levers in non-applied position.'

(b) The title and 'GENERAL' section of ANNEX II are replaced by the following:

'REQUIREMENTS APPLYING TO EXTERNAL PROJECTIONS FROM THREE-WHEEL MOTOR VEHICLES, LIGHT QUADRICYCLES AND QUADRICYCLES

GENERAL

The requirements set out in Directive 74/483/EEC (*) relating to the external projections of (category M1) motor vehicles shall apply to three-wheel motor vehicles intended for the carriage of passengers.

However, bearing in mind the variety of forms of construction of these vehicles, the type approval authority or technical service may, at its discretion and in discussion with the vehicle manufacturer, apply the requirements of this Annex, or of Annex I to all or part of the vehicle, based on an assessment of the worst case condition.

This shall also apply to the requirements given below with regard to the requirements for three-wheel vehicles, light quadricycles and quadricycles.

The following requirements shall apply to three-wheel motor vehicles, light quadricycles and quadricycles intended for the carriage of goods.

(*) OJ L 266, 2.10.1974, p. 4.'

(3) In Annex I to Chapter 4 the following sections 14 and 15 are added:

'14. "Unbodied vehicle" means a vehicle for which the passenger compartment is not bounded by at least four of all of the following features: windscreen, floor, roof and side and rear walls or doors.

15. "Bodied vehicle" means a vehicle for which the passenger compartment is bounded or may be bounded by at least four of the following elements: windscreen, floor, roof and side and rear walls or doors.'

(4) Chapter 5 is amended as follows:

(a) Annex I is amended as follows:

(i) Section 2.3.2 is replaced by the following:

‘2.3.2. All original equipment catalytic converter(s) shall bear at least the following identifications:

- the “e” mark followed by the identification of the country which granted the type-approval,
- the vehicle manufacturer’s name or trade mark,
- the make and identifying part number.

This reference must be legible and indelible and also visible, in the position at which it is to be fitted.’

(ii) Section 5.2.1 is replaced by the following and sections 5.2.1.1 and 5.2.1.2 are deleted:

‘5.2.1. Markings

Original replacement catalytic converters shall bear at least the following identifications:

- the “e” mark followed by the identification of the country which granted the type-approval,
- the vehicle manufacturer’s name or trade mark,
- the make and identifying part number.

This reference must be legible and indelible and also visible, in the position at which it is to be fitted.’;

(b) Annex II is amended as follows:

(i) Section 2.4.2 is replaced by the following:

‘2.4.2. All original equipment catalytic converter(s) shall bear at least the following identifications:

- the “e” mark followed by the identification of the country which granted the type-approval,
- the vehicle manufacturer’s name or trade mark,
- the make and identifying part number.

This reference must be legible and indelible and also visible, in the position at which it is to be fitted.’

(ii) Section 5.2.1 is replaced by the following and sections 5.2.1.1 and 5.2.1.2 are deleted:

‘5.2.1. Markings

Original replacement catalytic converters shall bear at least the following identifications:

- the “e” mark followed by the identification of the country which granted the type-approval,
- the vehicle manufacturer’s name or trade mark,
- the make and identifying part number.

This reference must be legible and indelible and also visible, in the position at which it is to be fitted.’;

(c) Section 4a of Annex VI is replaced by the following:

‘4a. Catalytic converters

4a.1. Original equipment catalytic converter tested to all the requirements of this directive

4a.1.1. Make and type of original equipment catalytic converter as listed in item 3.2.12.2.1 of Annex V (the information document).

4a.2. Original replacement catalytic converter tested to all the requirements of this directive

4a.2.1. Make(s) and type(s) of original replacement catalytic converter as listed in item 3.2.12.2.1 of Annex V (the information document);

(5) Figure 1 of the Annex to chapter 7 is replaced by the following:

Figure 1

Trade mark:	1.
Vehicle category:	2.
	3.
	4.
	5.
	6.
	7.
	7a.
	8.
	9.
	10.
	11.
	12.

Note: Not applicable rows can be omitted.

(6) Chapter 9 is amended as follows:

(a) Section 2.3.2.2 of Annex II is replaced by the following:

‘2.3.2.2. All original silencers shall bear at least the following identifications:

- the “e” mark followed by the identification of the country which granted the type-approval,
- the vehicle manufacturer’s name or trade mark,
- the make and identifying part number.

This reference must be legible and indelible and also visible, in the position at which it is to be fitted.’;

(b) Section 2.3.2.2 of Annex III is replaced by the following:

‘2.3.2.2. All original silencers shall bear at least the following identifications:

- the “e” mark followed by the identification of the country which granted the type-approval,
- the vehicle manufacturer’s name or trade mark,
- the make and identifying part number.

This reference must be legible and indelible and also visible, in the position at which it is to be fitted.’;

(c) Section 2.4.2.2 of Annex IV is replaced by the following:

‘2.4.2.2. All original silencers shall bear at least the following identifications:

- the “e” mark followed by the identification of the country which granted the type-approval,
- the vehicle manufacturer’s name or trade mark,
- the make and identifying part number.

This reference must be legible and indelible and also visible, in the position at which it is to be fitted.’;

(7) Chapter 11 is amended as follows:

(a) The title is replaced by the following:

‘SAFETY-BELT ANCHORAGES AND SAFETY-BELTS OF THREE-WHEEL MOPEDS, TRICYCLES AND QUADRICYCLES’;

(b) Annex I is amended as follows:

(i) Section 1.6 is replaced by the following and the following section 1.6a. is inserted:

‘1.6. “seat” means a structure, whether or not forming an integral part of the vehicle structure and including its trim, which offers a seated position for an adult, the term designating both an individual seat and part of a bench corresponding to a seating position. A saddle is not considered to be a seat for item 2.1.

1.6a. “saddle” means a seating position where the rider or passenger sits astride.’;

(ii) Section 2 is replaced by the following:

‘2. **GENERAL REQUIREMENTS**

2.1. Whenever safety belt anchorages are fitted, these must comply with the prescriptions in this Chapter.

2.1.1. Safety belt anchorages must be fitted for all seats of three-wheeled mopeds, tricycles, light quadricycles and quadricycles.

2.1.1.1. Anchorage points suitable for three-point belts are required for all seats that meet both of the following conditions:

- when the seat has a back or when a support helps to determine the back rest angle of the dummy and may be considered as a seatback, and
- when there is a lateral or transversal structural element behind the H point at a height of more than 450 mm measured from the vertical plane of the H point.

2.1.1.2. For all other seats, anchorages suitable for lap belts are acceptable.

2.1.2. Safety belt anchorages are not mandatory for three-wheeled mopeds or quadricycles having an unladen mass of not more than 250 kg.'

(8) Chapter 12 is amended as follows:

(a) After the title of Annex I to Chapter 12 the following sentence is inserted:

'For the purpose of this Chapter "bodied vehicle" means a vehicle for which the passenger compartment is bounded or may be bounded by at least four of the following elements: windscreen, floor, roof, side and rear walls or doors.';

(b) Section 2.3.1 of Annex II is replaced by the following:

'2.3.1. All vehicles must be equipped with a windscreen de-icer and de-mister enabling any ice or frost covering the windscreen and any mist covering the inner surface of the windscreen to be removed.

However, this device is not required for bodied three-wheel mopeds having an engine developing not more than 4 kW or for vehicles where the windscreen is fitted such that there is no any supporting or other structure or panel attached to the windscreen extending rearwards for more than 100 mm. The device is required for any vehicle having a roof that is either permanent or detachable or retractable.'

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 8/2005 OF THE ACP-EC COMMITTEE OF AMBASSADORS
of 20 July 2005
on the Statutes and rules of procedure of the Centre for the Development of Enterprise
(2006/186/EC)**

THE ACP-EC COMMITTEE OF AMBASSADORS,

HAS DECIDED AS FOLLOWS:

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, hereinafter referred to as 'the Agreement', and in particular Article 2(6)(a) of Annex III thereto,

Having regard to the Internal Agreement of 12 September 2000 between Representatives of the Governments of the Member States, meeting within the Council, on the Financing and Administration of Community Aid under the Financial Protocol to the Agreement,

Whereas:

- (1) Article 2(6) of Annex III to the Agreement requires the Committee of Ambassadors to lay down, after the signature of the Agreement, the Statutes and rules of procedure of the Centre for the Development of Enterprise (hereinafter referred to as the Centre), including its supervisory bodies.
- (2) The second subparagraph of Article 1 of Protocol 2 on privileges and immunities to the Agreement extends such privileges and immunities to the staff of the Centre.
- (3) An Executive Board should be set up to act as a supervisory body for the Centre, within the meaning of Article 2(6)(a) of Annex III to the Agreement,

Article 1

Subject

1. The Centre, within the meaning of Annex III to the Agreement, shall be a joint ACP-EC technical body. It shall have legal personality and enjoy, in all Parties to the Agreement, the most extensive legal capacity accorded to legal persons of the same kind.

2. The Centre's staff shall enjoy the customary privileges, immunities and facilities provided for in Protocol 2 on privileges and immunities and referred to in Declarations VI and VII annexed to the Agreement.

3. The Centre shall be a non-profit body. Its headquarters shall be in Brussels, with decentralised offices in each ACP region at the discretion of the Executive Board.

Article 2

Objectives

1. The Centre shall act in accordance with the provisions and principles of the Agreement. It shall pursue the objectives specified in Article 2 of Annex III to the Agreement.

2. The Centre shall define these objectives in greater detail in a policy document.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3. Agreement as amended by Decision No 1/2003 of the ACP-EC Council of Ministers (OJ L 141, 7.6.2003, p. 25).

*Article 3***Institutional cooperation**

1. The Centre's cooperation with other bodies shall be guided by the principles of coordination, complementarity and added value in respect of any private sector development initiatives taken by public or private entities. The Centre shall exercise selectivity in undertaking its tasks.

2. The Centre may be called on by countries or regions to help prepare and execute national or regional indicative programmes concerning the private sector.

3. The Centre may be called on to execute, manage or co-manage special programmes undertaken by the Commission of the European Communities (hereinafter referred to as the Commission) for ACP countries.

*Article 4***Financing**

1. The Centre shall be financed by the European Development Fund (EDF), as laid down in the Financial Protocol provided for in Annex I to the Agreement, and by its own sources of revenue, as set out in the Centre's Financial Regulation.

2. The Centre's budget may receive additional resources from other Parties for the purposes of achieving the Centre's objectives under the Agreement and the strategy drawn up by the Centre.

3. The Centre may, in pursuit of its objectives, manage on behalf of third Parties resources intended for the execution of activities provided for in the Agreement and benefiting the Parties specified in Annex III.

*Article 5***Committee of Ambassadors**

1. Article 2(6) of Annex III to the Agreement stipulates that:

'The Committee of Ambassadors shall be the supervisory authority of the Centre. It shall, after the signature of this Agreement:

(a) lay down the Statutes and rules of procedure of the Centre, including its supervisory bodies;

(b) lay down the Statutes relating to staff, financial and staff regulations;

(c) supervise the work of the bodies of the Centre; and

(d) lay down the rules of operation and the procedures for the adoption of the Centre's budget.'

2. The Committee shall approve the Centre's overall strategy on the basis of a proposal from the Executive Board.

*Article 6***Bodies**

The supervisory bodies of the Centre shall be the Executive Board and the Management.

*Article 7***Management**

1. The Centre shall be headed by a Director. The Director shall be assisted by a Deputy Director, who shall answer to the Director and perform operational tasks.

The Director and Deputy Director shall be recruited on the strength of their management skills and their professional capacity to accomplish the objectives and tasks assigned to the Centre by the Agreement, and in particular Article 2 of Annex III thereto.

2. The Director and Deputy Director shall be appointed by the ACP-EC Committee of Ambassadors (hereinafter referred to as the Committee) on the basis of a procedure and job descriptions approved by the Committee beforehand. The appointments of the Director and the Deputy Director shall coincide with the five-year duration of the EDF Financial Protocol. Their appointments shall be for a maximum period of five years and shall not be renewable. The posts of Director and Deputy Director shall be held by ACP and EU nationals in alternation.

3. The Committee's Co-Chairs shall sign the letters appointing the Director and Deputy Director.

4. The Director shall report to the Centre's Executive Board in accordance with the procedure laid down in Article 7.

5. If necessary, and after carrying out the procedure laid down in the Staff Regulations, the Executive Board may propose, by means of a duly reasoned proposal, that the Committee dismiss the Director.

6. If necessary, and after carrying out the procedure laid down in the Staff Regulations, the Executive Board may, at the Director's proposal, propose, by means of a duly reasoned proposal, that the Committee dismiss the Deputy Director. The procedure for the dismissal of the Deputy Director may also be initiated by the Executive Board without a prior proposal from the Director.

Article 8

The Director's responsibilities

1. The Director shall be responsible for the Centre's legal and institutional representation and for the execution of the Centre's remit and tasks, as defined in the Agreement and in Annex III thereto.

2. The Director shall be responsible for submitting to the Executive Board for approval:

- the annual and multiannual activity programmes,
- the Centre's annual budgets,
- the annual reports,
- the organisational structure, personnel policy and organisation chart.

3. The Director shall be responsible for submitting annual accounts for adoption by the Executive Board and forwarding to the Committee for final approval. The Committee shall be responsible for granting the Director discharge for the execution of the annual budgets.

4. The Director shall lay down the Centre's internal operating procedures and inform the Executive Board thereof.

Article 9

Executive Board

1. The Executive Board, a supervisory body established in accordance with Article 2(6)(a) and (7) of Annex III to the Agreement, shall comprise six members from the private sector, three of them ACP nationals and three European Union nationals.

The six members shall be appointed by the Committee, in accordance with the procedures laid down by the Committee, for a maximum period of five years, with a review at mid-term.

2. Meetings of the Executive Board may be attended by an observer from the Commission, the General Secretariat of the Council of the European Union, the ACP Secretariat, the European Investment Bank, and a representative of an ACP regional organisation with proven experience in the sector of private enterprise.

3. The members of the Executive Board shall elect a Chair and a Deputy Chair for a maximum period of five years, in accordance with its rules of procedure. The chair shall be held by the party (ACP or EC) not holding the post of the Centre's Director.

4. The Executive Board shall take decisions by a simple majority of the members present or represented, in accordance with its rules of procedure. Each member shall have one vote.

5. In the event of a hung vote, the Chair shall have a casting vote.

6. Confidential minutes shall be taken of each meeting.

7. The members of the Executive Board shall be bound, even after leaving office, not to divulge information covered by professional secrecy. They shall neither seek nor take instructions from third Parties.

The Executive Board shall adopt its rules of procedures.

Article 10

Members of the Executive Board

1. The members appointed to the Executive Board shall be persons with established reputation and shall possess an in-depth knowledge of the issues and objectives of ACP-EU development cooperation and of the machinery and instruments set up under the Agreement.

2. The members shall have proven experience in the sector of private enterprise. They shall conduct their activities in a manner consistent with their responsibilities and the Centre's objectives.

3. The members shall have an in-depth knowledge of English or French.

4. The position of member of the Executive Board shall be incompatible with any other activity remunerated by the Centre.

5. Undertakings in which members of the Executive Board hold shares shall not be eligible for the programmes and activities financed by the Centre.

Article 11

Tasks of the Executive Board

1. The Executive Board shall exercise close supervision over the Centre's activities. It shall hold up to four ordinary meetings a year. It may also meet whenever the performance of its tasks demands, at the initiative of the Committee or the Chair or at the request of the Director of the Centre.

2. The Executive Board shall:

(a) advise and support the Director in the management of the Centre and see that the rules and objectives laid down by the Committee are being applied properly;

(b) on the proposal of the Director of the Centre:

1. adopt the Centre's overall strategy for submission to the Committee for approval;

2. approve annual and multiannual activity programmes;

3. approve the organisational structure, personnel policy and the organisation chart;

4. approve the recruitment of new staff and the renewal, extension or termination of the contracts of existing staff;

5. adopt the Centre's annual budgets for submission to the Committee for approval;

6. adopt the annual accounts for submission to the Committee for approval; and

7. approve the annual reports and forward them to the Committee so that the Committee can verify that the Centre's activities are consistent with the objectives assigned it by the Agreement and with the overall strategy adopted.

(c) report, if necessary, to the Committee on any major issue arising in the exercise of its duties.

3. The Executive Board shall forward the annual accounts to the Committee for final approval. The Committee shall be responsible for granting the Director discharge for the annual budgets.

4. The Director of the Centre shall take part in the Executive Board's activities in an advisory capacity. The Centre shall provide secretarial services to the Executive Board.

5. The Executive Board may invite other members of the management or staff of the Centre and/or outside experts to give opinions on specific matters.

6. The Executive Board shall be accountable to the Committee.

7. The Executive Board shall choose, after competitive tendering by at least three companies, a professional firm of auditors of international repute, for a period of three financial years. That firm shall check that the accounts have been drawn up in accordance with international accounting standards and accurately reflect the Centre's financial situation. It shall also state whether the Centre's finances have been soundly managed.

Article 12

The ACP States, the Member States and the Community shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

*Article 13***Entry into force**

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 20 July 2005.

For the ACP-EC Committee of Ambassadors

The President

F. J. WAHNON FERREIRA

COUNCIL DECISION**of 21 December 2005****on the conclusion of Agreements in the form of Exchanges of Letters between the European Community and the Republic of Bulgaria and Romania, respectively, on reciprocal preferential trade concessions for certain wines, and amending Regulation (EC) No 933/95**

(2006/187/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Commission,

Whereas:

- (1) An Agreement in the form of an Exchange of Letters between the European Community and the Republic of Bulgaria on the reciprocal establishment of tariff quotas for certain wines ⁽¹⁾ was signed on 29 November 1993.
- (2) An Agreement in the form of an Exchange of Letters between the European Community and Romania on the reciprocal establishment of tariff quotas for certain wines ⁽²⁾ was signed on 26 November 1993.
- (3) In accordance with the directives issued by the Council, the Commission and the two associated countries concerned concluded negotiations on new concessions for certain wines. The results of these negotiations should in time be integrated into the framework of the Europe Agreements in the form of additional Protocols containing provisions for the mutual protection of wine names and spirits designations.
- (4) Pending the conclusion and adoption of the Additional Protocols and in order to implement the results of the negotiations on new concessions for certain wines, Agreements in the form of Exchanges of Letters between the Community and the two associated countries concerned on reciprocal preferential trade concessions for certain wines should be adopted. The concessions provided for by these two Agreements should be identical to those contained in the planned additional Protocols to the Europe Agreements. The latter will, on their entry into force, replace the two Agreements.
- (5) Council Regulation (EC) No 933/95 of 10 April 1995 opening and providing for the administration of Community tariff quotas for certain wines originating in Bulgaria, Hungary and Romania ⁽³⁾ should be amended in accordance with the two Agreements.
- (6) In order to facilitate the implementation of certain provisions of the two Agreements, the Commission should be authorised to adopt the necessary legislation for their implementation in accordance with the procedure laid down in Article 75 of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽⁴⁾.
- (7) The two Agreements should be approved,

⁽¹⁾ OJ L 337, 31.12.1993, p. 3. Agreement as last amended by the Agreement in the form of an Exchange of Letters amending the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Bulgaria on the reciprocal establishment of tariff quotas for certain wines (OJ L 49, 22.2.2000, p. 7).

⁽²⁾ OJ L 337, 31.12.1993, p. 173. Agreement as last amended by the Agreement in the form of an Exchange of Letters amending the Agreement in the form of an Exchange of Letters between the European Community and Romania on the reciprocal establishment of tariff quotas for certain wines (OJ L 49, 22.2.2000, p. 15).

⁽³⁾ OJ L 96, 28.4.1995, p. 1. Regulation as last amended by Regulation (EC) No 678/2001 (OJ L 94, 4.4.2001, p. 1).

⁽⁴⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2165/2005 (OJ L 345, 28.12.2005, p. 1).

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Republic of Bulgaria on reciprocal preferential trade concessions for certain wines, attached to this Decision, is hereby approved on behalf of the Community.

Article 2

The Agreement in the form of an Exchange of Letters between the European Community and Romania on reciprocal preferential trade concessions for certain wines, attached to this Decision, is hereby approved on behalf of the Community.

Article 3

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

Article 4

The Commission is hereby authorised to adopt the necessary acts for the implementation of the two Agreements, in accordance with the procedure laid down in Article 75 of Regulation (EC) No 1493/1999.

Article 5

Regulation (EC) No 933/95 is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

1. From 1 January 2005, and without prejudice to paragraph 2, the customs duties applicable on importation of the following products originating in Bulgaria and Romania shall be suspended at levels and within the limits of tariff quotas as indicated with respect to each product:

(a) Wines originating in Bulgaria:

Order No	CN code ⁽¹⁾	Description ⁽²⁾	Annual quantity from 1.1.2005 (hl)	Yearly increase from 1.1.2006 (hl)	Tariff quota duty
09.7001	ex 2204 10	Sparkling wine, in containers holding not more than 2 litres	4 000	200	free
09.7003	ex 2204 21	Wine of fresh grapes	510 000	25 500	free
09.7005	ex 2204 29	Wine of fresh grapes	195 000	0	free

⁽¹⁾ See TARIC codes in Annex III.

⁽²⁾ Notwithstanding the rules for interpreting the Combined Nomenclature, the wording for the description of the products is to be considered as indicative only, the preferential scheme being determined, within the context of Article 1(1), by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application to the CN code and corresponding description taken together.

(b) Wines originating in Romania:

Order No	CN code ⁽¹⁾	Description ⁽²⁾	Annual quantity from 1.1.2005 (hl)	Tariff quota duty
09.7013	ex 2204 10 ex 2204 21 ex 2204 29	Wine of fresh grapes	345 000	free

⁽¹⁾ See TARIC codes in Annex III.

⁽²⁾ Notwithstanding the rules for interpreting the Combined Nomenclature, the wording for the description of the products is to be considered as indicative only, the preferential scheme being determined, within the context of Article 1(1), by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application to the CN code and corresponding description taken together.

2. Admission under the tariff quotas referred to in paragraph 1 shall be confined to wines accompanied by a completed document VI 1 or an extract VI 2, in accordance with 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 (*).

(*) 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).;

2. The Annex shall be replaced by the text in Annex to this Decision.

Done at Brussels, 21 December 2005.

For the Council

The President

B. BRADSHAW

AGREEMENT

in the form of an Exchange of Letters between the European Community and the Republic of Bulgaria on reciprocal preferential trade concessions for certain wines

A. Letter from the Community

Sir,

I have the honour to refer to the Agreement of 20 March 2001 in the form of an Exchange of Letters between the European Community and Bulgaria on the reciprocal establishment of tariff quotas for certain wines and spirits, amending Agreement of 29 November 1993, and to the negotiations concluded during 2004 between the European Community and Bulgaria covering trade concessions on wine.

I hereby confirm that, following the negotiations and pending the procedure for the adoption and the entry into force of an Additional Protocol to the Europe Agreement covering wines and spirits and in order to implement from 1 January 2005 the results of the negotiations on new bilateral trade concessions for certain wines, the European Community and the Republic of Bulgaria have agreed on the following which will replace the concessions on wine set out in the Exchange of Letters of 2001:

1. Imports into Bulgaria of the following products originating in the Community shall be subject to the concessions set out below.

Bulgarian tariff code	Description	Annual quantity from 1.1.2005 (hl)	Applicable duty
ex 2204 10 ex 2204 21 ex 2204 29	Sparkling wine, in containers holding not more than 2 litres Wine of fresh grapes	73 100	free

2. Imports into the Community of the following products originating in Bulgaria shall be subject to the concessions set out below.

CN code	Description	Annual quantity from 1.1.2005 (hl)	Yearly increase from 1.1.2006 (hl)	Applicable duty
ex 2204 10	Sparkling wine, in containers holding not more than 2 litres	4 000	200	free
ex 2204 21	Wine of fresh grapes	510 000	25 500	free
ex 2204 29	Wine of fresh grapes	195 000	0	free

3. The rules of origin applicable under this Agreement shall be as set out in Protocol 4 of the Europe Agreement establishing an association between the European Communities and their Member States of the one part, and the Republic of Bulgaria of the other part.
4. For the purposes of this Agreement wine is as defined in point 10 of Annex I to Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine and must be produced in accordance with the rules governing the oenological practices and processes referred to in Title V and Annexes IV and V of the said Regulation and Commission Regulation (EC) No 1622/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common market organisation in wine and establishing a Community code on oenological practices and processes.
5. Imports of wine under the concessions provided for in this Agreement will be subject to the presentation of a certificate issued by a mutually recognised official body appearing on a list to be drawn up jointly, to the effect that the wine in question complies with point 4.

6. The Contracting Parties shall ensure that the trade concessions granted reciprocally are not called into question by other measures.
7. Consultations are to take place at the request of either Party on any problem relating to the way this Agreement operates.
8. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, in the territory of the Republic of Bulgaria.
9. This Agreement will be approved by the Contracting Parties in accordance with their respective procedures.

This Agreement shall enter into force on 1 January 2005. It shall expire on the entry into force of the Additional Protocol to the Europe Agreement on wines and spirits.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter.

Please accept, Sir, the assurance of my highest consideration.

Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Brüssel,
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Briselë,
Priimta Briuselyje,
Kelt Brüsszelben,
Gedaan te Brussel,
Sporządzono w Brukseli, dnia
Feito em Bruxelas,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den
Съставено в Брюксел

23 -02- 2006

Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
За Европейската общност

B. Letter from Bulgaria

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

I have the honour to refer to the Agreement of 20 March 2001 in the form of an Exchange of Letters between the European Community and Bulgaria on the reciprocal establishment of tariff quotas for certain wines and spirits, amending Agreement of 29 November 1993, and to the negotiations concluded during 2004 between the European Community and Bulgaria covering trade concessions on wine.

I hereby confirm that, following the negotiations and pending the procedure for the adoption and the entry into force of an Additional Protocol to the Europe Agreement covering wines and spirits and in order to implement from 1 January 2005 the results of the negotiations on new bilateral trade concessions for certain wines, the European Community and the Republic of Bulgaria have agreed on the following which will replace the concessions on wine set out in the Exchange of Letters of 2001:

1. Imports into Bulgaria of the following products originating in the Community shall be subject to the concessions set out below.

Bulgarian tariff code	Description	Annual quantity from 1.1.2005 (hl)	Applicable duty
ex 2204 10 ex 2204 21 ex 2204 29	Sparkling wine, in containers holding not more than 2 litres Wine of fresh grapes	73 100	free

2. Imports into the Community of the following products originating in Bulgaria shall be subject to the concessions set out below.

CN code	Description	Annual quantity from 1.1.2005 (hl)	Yearly increase from 1.1.2006 (hl)	Applicable duty
ex 2204 10	Sparkling wine, in containers holding not more than 2 litres	4 000	200	free
ex 2204 21	Wine of fresh grapes	510 000	25 500	free
ex 2204 29	Wine of fresh grapes	195 000	0	free

3. The rules of origin applicable under this Agreement shall be as set out in Protocol 4 of the Europe Agreement establishing an association between the European Communities and their Member States of the one part, and the Republic of Bulgaria of the other part.
4. For the purposes of this Agreement wine is as defined in point 10 of Annex I to Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine and must be produced in accordance with the rules governing the oenological practices and processes referred to in Title V and Annexes IV and V of the said Regulation and Commission Regulation (EC) No 1622/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common market organisation in wine and establishing a Community code on oenological practices and processes.
5. Imports of wine under the concessions provided for in this Agreement will be subject to the presentation of a certificate issued by a mutually recognised official body appearing on a list to be drawn up jointly, to the effect that the wine in question complies with point 4.

6. The Contracting Parties shall ensure that the trade concessions granted reciprocally are not called into question by other measures.
7. Consultations are to take place at the request of either Party on any problem relating to the way this Agreement operates.
8. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, in the territory of the Republic of Bulgaria.
9. This Agreement will be approved by the Contracting Parties in accordance with their respective procedures.

This Agreement shall enter into force on 1 January 2005. It shall expire on the entry into force of the Additional Protocol to the Europe Agreement on wines and spirits.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter.'

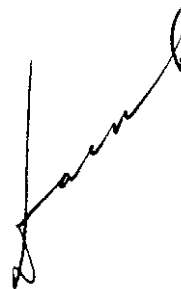
I have the honour to confirm that my Government is in agreement with the content of your letter.

Please accept, Sir, the assurance of my highest consideration.

Съставено в Брюксел
Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Brüssel,
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Briselē,
Priimta Briuselyje,
Kelt Brüsszelben,
Gedaan te Brussel,
Sporządzono w Brukseli, dnia
Feito em Bruxelas,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den

23 -02- 2006

За правителството на Република България
Por el Gobierno de la República de Bulgaria
Za vládu Bulharské republiky
For regeringen for Republikken Bulgarien
Für die Regierung der Republik Bulgarien
Bulgaaria Vabariigi Valitsuse nimel
Για την Κυβέρνηση της Δημοκρατίας της Βουλγαρίας
For the Government of the Republic of Bulgaria
Pour le gouvernement de la République de Bulgarie
Per il Governo della Repubblica di Bulgaria
Bulgārijas Republikas valdības vārdā
Bulgarijos Vyriausybės vardu
a Bolgár Köztársaság kormányának részéről
Voor de regering van de Republiek Bulgarije
W imieniu Rządu Republiki Bulgarii
Pelo Governo da República da Bulgária
Za vládu Bulharskej republiky
Za Vlado Republike Bolgarije
Bulgarian tasavallan hallituksen puolesta
På Republiken Bulgariens regerings vägnar



AGREEMENT**in the form of an Exchange of Letters between the European Community and Romania on reciprocal preferential trade concessions for certain wines***A. Letter from the Community*

Sir,

I have the honour to refer to the Agreement of 22 March 2001 in the form of an Exchange of Letters between the European Community and Romania on the reciprocal establishment of tariff quotas for certain wines and spirits, amending Agreement of 26 November 1993, and to the negotiations concluded during 2004 between the European Community and Romania covering trade concessions on wine.

I hereby confirm that, following the negotiations and pending the procedure for the adoption and the entry into force of an Additional Protocol to the Europe Agreement covering wines and spirits and in order to implement the results of the negotiations on new bilateral trade concessions for certain wines, the European Community and Romania have agreed on the following which will replace the concession on wine set out in the Exchange of Letters from 2001:

1. Imports into Romania of the following products originating in the Community shall be subject to the concessions set out below.

Romanian tariff code	Description	Annual quantity (hl)	Applicable duty (% of MFN duty)
ex 2204 10 ex 2204 21 ex 2204 29	Wine of fresh grapes	60 000	free

2. Imports into the Community of the following products originating in Romania shall be subject to the concessions set out below.

CN code	Description	Annual quantity (hl)	Applicable duty
ex 2204 10 ex 2204 21 ex 2204 29	Wine of fresh grapes	345 000	free

3. The rules of origin applicable under this Agreement shall be as set out in Protocol 4 of the Europe Agreement establishing an association between the European Communities and their Member States of the one part, and Romania of the other part.
4. For the purposes of this Agreement wine is as defined in point 10 of Annex I to Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine and must be produced in accordance with the rules governing the oenological practices and processes referred to in Title V and Annexes IV and V of the said Regulation and Commission Regulation (EC) No 1622/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common market organisation in wine and establishing a Community code on oenological practices and processes.
5. Imports of wine under the concessions provided for in this Agreement will be subject to the presentation of a certificate issued by a mutually recognised official body appearing on a list to be drawn up jointly, to the effect that the wine in question complies with point 4.

6. The Contracting Parties shall ensure that the trade concessions granted reciprocally are not called into question by other measures.
7. Consultations are to take place at the request of either Party on any problem relating to the way this Agreement operates.
8. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, in the territory of Romania.
9. This Agreement will be approved by the Contracting Parties in accordance with their respective procedures.

This Agreement shall enter into force on 1 January 2005 on the Community side; on the Romanian side, it shall enter into force from the first day of the first month following the date on which Romania has notified the Community of the accomplishment of its internal procedure for acceptance. It shall expire on the entry into force of the Additional Protocol to the Europe Agreement on wines and spirits.

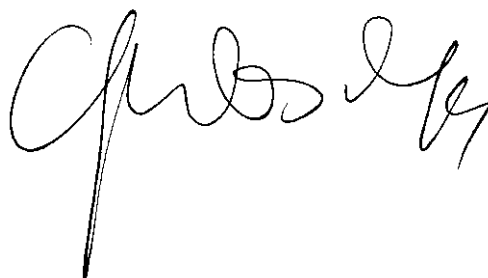
I should be obliged if you would confirm that your Government is in agreement with the content of this letter.

Please accept, Sir, the assurance of my highest consideration.

Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Brüssel,
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Briselë,
Priimta Briuselyje,
Kelt Brüsszelben,
Gedaan te Brussel,
Sporządzono w Brukseli, dnia
Feito em Bruxelas,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den
Adoptat la Bruxelles

23 -02- 2006

Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
pentru Comunitatea Europeană



B. Letter from Romania

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

I have the honour to refer to the Agreement of 22 March 2001 in the form of an Exchange of Letters between the European Community and Romania on the reciprocal establishment of tariff quotas for certain wines and spirits, amending Agreement of 26 November 1993, and to the negotiations concluded during 2004 between the European Community and Romania covering trade concessions on wine.

I hereby confirm that, following the negotiations and pending the procedure for the adoption and the entry into force of an Additional Protocol to the Europe Agreement covering wines and spirits and in order to implement the results of the negotiations on new bilateral trade concessions for certain wines, the European Community and Romania have agreed on the following which will replace the concession on wine set out in the Exchange of Letters from 2001:

1. Imports into Romania of the following products originating in the Community shall be subject to the concessions set out below.

Romanian tariff code	Description	Annual quantity (hl)	Applicable duty (% of MFN duty)
ex 2204 10 ex 2204 21 ex 2204 29	Wine of fresh grapes	60 000	free

2. Imports into the Community of the following products originating in Romania shall be subject to the concessions set out below.

CN code	Description	Annual quantity (hl)	Applicable duty
ex 2204 10 ex 2204 21 ex 2204 29	Wine of fresh grapes	345 000	free

3. The rules of origin applicable under this Agreement shall be as set out in Protocol 4 of the Europe Agreement establishing an association between the European Communities and their Member States of the one part, and Romania of the other part.
4. For the purposes of this Agreement wine is as defined in point 10 of Annex I to Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine and must be produced in accordance with the rules governing the oenological practices and processes referred to in Title V and Annexes IV and V of the said Regulation and Commission Regulation (EC) No 1622/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common market organisation in wine and establishing a Community code on oenological practices and processes.
5. Imports of wine under the concessions provided for in this Agreement will be subject to the presentation of a certificate issued by a mutually recognised official body appearing on a list to be drawn up jointly, to the effect that the wine in question complies with point 4.

6. The Contracting Parties shall ensure that the trade concessions granted reciprocally are not called into question by other measures.
7. Consultations are to take place at the request of either Party on any problem relating to the way this Agreement operates.
8. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, in the territory of Romania.
9. This Agreement will be approved by the Contracting Parties in accordance with their respective procedures.

This Agreement shall enter into force on 1 January 2005 on the Community side; on the Romanian side it shall enter into force from the first day of the first month following the date on which Romania has notified the Community of the accomplishment of its internal procedure for acceptance. It shall expire on the entry into force of the Additional Protocol to the Europe Agreement on wines and spirits.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter.'

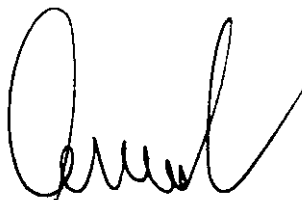
I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

Adoptat la Bruxelles
Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Brüssel,
Έγινε στις Βρυξέλλες, στις
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Sporządzono w Brukseli, dnia
Feito em Bruxelas,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den

23 -02- 2006

În numele Guvernului României
Por el Gobierno de Rumanía
Za vládu Rumunska
For regeringen for Rumænien
Für die Regierung Rumäniens
Rumeenia valitsuse nimel
Για την Κυβέρνηση της Ρουμανίας
For the Government of Romania
Pour le gouvernement de la Roumanie
Per il Governo della Romania
Rumānijas valdības vārdā
Rumunijos Vyriausybės vardu
Románia kormányza részéről
Voor de regering van Roemenië
W imieniu Rządu Rumunii
Pelo Governo da Roménia
Za vládu Rumunska
Za Vlado Romunije
Romanian hallituksen puolesta
På Rumäniens regerings vägnar



ANNEX

'ANNEX

TARIC CODES

Order Number	CN Code	TARIC Code
09.7001	ex 2204 10	2204 10 19 91 2204 10 99 91
09.7003	ex 2204 21	2204 21 79 79 2204 21 79 80 2204 21 80 79 2204 21 80 80 2204 21 84 59 2204 21 84 70 2204 21 85 79 2204 21 85 80 2204 21 94 20 2204 21 98 20 2204 21 99 10
09.7005	ex 2204 29	2204 29 65 00 2204 29 75 10 2204 29 83 10 2204 29 83 80 2204 29 84 20 2204 29 94 20 2204 29 98 20 2204 29 99 10
09.7013	ex 2204 10	2204 10 19 91 2204 10 19 99 2204 10 99 91 2204 10 99 99
	ex 2204 21	2204 21 79 79 2204 21 79 80 2204 21 80 79 2204 21 80 80 2204 21 84 59 2204 21 84 70 2204 21 85 79 2204 21 85 80 2204 21 94 20 2204 21 98 20 2204 21 99 10
	ex 2204 29	2204 29 65 00 2204 29 75 10 2204 29 83 10 2204 29 83 80 2204 29 84 20 2204 29 94 20 2204 29 98 20 2204 29 99 10'

COUNCIL DECISION

of 21 February 2006

on the conclusion of the Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Council Regulation (EC) No 2725/2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention

(2006/188/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(1)(a) thereof, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) The Commission has negotiated on behalf of the Community an Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulations (EC) No 343/2003 ⁽²⁾ and (EC) No 2725/2000 ⁽³⁾.
- (2) The Agreement was signed, on behalf of the European Community, on 13 March 2005, subject to its possible conclusion at a later date, in accordance with Council Decision of 13 June 2005.
- (3) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the TEU and the TEC, the United Kingdom and Ireland will take part in adopting and applying this Decision.
- (4) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the TEU and the TEC, Denmark is not taking part in the adoption of this Decision and is not bound by it nor subject to its application.

- (5) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Council Regulation (EC) No 2725/2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention is hereby approved on behalf of the Community.

Article 2

The President of the Council shall make the notification provided for in Article 10(2) of the Agreement ⁽⁴⁾.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 21 February 2006.

For the Council
The President
K. GASTINGER

⁽¹⁾ Opinion delivered on 13 December 2005 (not yet published in the Official Journal).

⁽²⁾ OJ L 50, 25.2.2003, p. 1.

⁽³⁾ OJ L 316, 15.12.2000, p. 1.

⁽⁴⁾ The date of entry into force of the Agreement shall be the first day of the second month following notification by the contracting parties.

AGREEMENT

between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention

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

of the one part, and

THE KINGDOM OF DENMARK, hereinafter referred to as 'Denmark',

of the other part,

REFERRING to Denmark's participation in the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990, hereinafter referred to as the 'Dublin Convention';

REFERRING to Article 12 of the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or Iceland or Norway;

TAKING INTO ACCOUNT that the Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, hereinafter referred to as the 'Dublin II Regulation', replaces the 'Dublin Convention';

NOTING that the Commission Regulation (EC) No 1560/2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national was adopted on 2 September 2003;

CONSIDERING the importance of the Council Regulation (EC) No 2725/2000 of 11 December 2000 regarding the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention, hereinafter referred to as the 'Eurodac Regulation'. The 'Eurodac Regulation' and the 'Dublin II Regulation' are hereinafter referred to as the 'Regulations';

NOTING that the Council on 28 February 2002 adopted the Regulation (EC) No 407/2002 regarding certain rules to implement the Eurodac Regulation;

REFERRING to the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community (the Protocol on the position of Denmark) pursuant to which the Dublin II Regulation and the Eurodac Regulation shall not be binding upon or applicable in Denmark;

DESIRING that the provisions of the Regulations, future amendments thereto and the implementing measures relating to them should under international law apply to the relations between the Community and Denmark being a Member State with a special position with respect to Title IV of the Treaty establishing the European Community;

STRESSING the importance of proper coordination between the Community and Denmark with regard to the negotiation and conclusion of international agreements that may affect or alter the scope of the Regulations;

STRESSING that Denmark should seek to join international agreements entered into by the Community where Danish participation in such agreements is relevant for the coherent application of the Regulations and this Agreement;

STATING that the Court of Justice of the European Communities should have jurisdiction in order to secure the uniform application and interpretation of this Agreement including the provisions of the Regulations and any implementing Community measures forming part of this Agreement;

REFERRING to the jurisdiction conferred to the Court of Justice of the European Communities pursuant to Article 68(1) of the Treaty establishing the European Community to give rulings on preliminary questions relating to the validity and interpretation of acts of the institutions of the Community based on Title IV of the Treaty, including the validity and interpretation of this Agreement, and to the circumstance that this provision shall not be binding upon or applicable in Denmark, as results from the Protocol on the position of Denmark;

CONSIDERING that the Court of Justice of the European Communities should have jurisdiction under the same conditions to give preliminary rulings on questions concerning the validity and interpretation of this Agreement which are raised by a Danish court or tribunal, and that Danish courts and tribunals should therefore request preliminary rulings under the same conditions as courts and tribunals of other Member States in respect of the interpretation of the Regulations and their implementing measures;

REFERRING to the provision that, pursuant to Article 68(3) of the Treaty establishing the European Community, the Council of the European Union, the European Commission and the Member States may request the Court of Justice of the European Communities to give a ruling on the interpretation of acts of the institutions of the Community based on Title IV of the Treaty, including the interpretation of this Agreement, and the circumstance that this provision shall not be binding upon or applicable in Denmark, according to the Protocol on the position of Denmark;

CONSIDERING that Denmark should, under the same conditions as other Member States in respect of the Regulations and their implementing measures, be accorded the possibility to request the Court of Justice of the European Communities to give rulings on questions relating to the interpretation of this Agreement;

STRESSING that under Danish law the courts in Denmark should — when interpreting this Agreement including the provisions of the Regulations and any implementing Community measures forming part of this Agreement — take due account of the rulings contained in the case-law of the Court of Justice of the European Communities and of the courts of the Member States of the European Communities in respect of provisions of the Regulations and any implementing Community measures;

CONSIDERING that it should be possible to request the Court of Justice of the European Communities to rule on questions relating to compliance with obligations under this Agreement pursuant to the provisions of the Treaty establishing the European Community governing proceedings before the Court;

WHEREAS, by virtue of Article 300(7) of the Treaty establishing the European Community, this Agreement binds Member States; it is therefore appropriate that Denmark, in the case of non-compliance by a Member State, should be able to bring a complaint to the Commission as guardian of the Treaty;

CONSIDERING that Denmark according to Article 3 of the Protocol on the position of Denmark does not bear financial consequences of measures which are not binding upon or applicable in Denmark other than administrative costs, and that Denmark's contribution to the operational costs linked to the establishment and operation of the Central Unit according to Article 3 of the Eurodac Regulation therefore must be determined;

STRESSING that a Protocol according to Article 12 of the Agreement between European Community and Iceland and Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or Iceland or Norway shall ensure the relations between Iceland and Norway on the one hand and Denmark on the other hand regarding the provisions of the Dublin II Regulation and the Eurodac Regulation;

DESIRING that the content of this Protocol is determined by the European Community and Iceland and Norway in parallel with this Agreement, acting with the consent of Denmark,

HAVE AGREED AS FOLLOWS:

Article 1

Aim

1. The aim of this Agreement is to apply the provisions of Council Regulation (EC) No 343/2003 of 18 February 2003 on the criteria and mechanisms for establishing the Member State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union (Dublin II Regulation), Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of Eurodac for the comparison of fingerprints for the effective application of the Dublin Convention (Eurodac Regulation) and their implementing measures to the relation between the Community and Denmark, in accordance with Article 2(1) and 2(2).

2. It is the objective of the Contracting Parties to arrive at a uniform application and interpretation of the provisions of the Regulations and their implementing measures in all Member States.

3. The provisions of Articles 3(1), 4(1) and 5(1) of this Agreement result from the Protocol on the position of Denmark.

Article 2

The Dublin II Regulation and the Eurodac Regulation

1. The provisions of the Dublin II Regulation which is annexed to this Agreement and forms part thereof, together with its implementing measures adopted pursuant to Article 27(2) of the Dublin II Regulation and — in respect of implementing measures adopted after the entry into force of this Agreement — implemented by Denmark as referred to in Article 4 of this Agreement, shall under international law apply to the relations between the Community and Denmark.

2. The provisions of the Eurodac Regulation which is annexed to this Agreement and forms part thereof, together with its implementing measures adopted pursuant to Article 22 or 23(2) of the Eurodac Regulation and — in respect of implementing measures adopted after the entry into force of this Agreement — implemented by Denmark as referred to in Article 4 of this Agreement, shall under international law apply to the relations between the Community and Denmark.

3. The date of entry into force of this Agreement shall apply instead of the date referred to in Article 29 of the Dublin II Regulation, and Article 27 of the Eurodac Regulation.

Article 3

Amendments to the Dublin II Regulation and to the Eurodac Regulation

1. Denmark shall not take part in the adoption of amendments to the Dublin II Regulation and the Eurodac Regulation and no such amendments shall be binding upon or applicable in Denmark.

2. Whenever amendments to the Regulations are adopted Denmark shall notify the Commission of its decision whether or not to implement the content of such amendments. Notification shall be given at the time of the adoption of the amendments or within 30 days hereafter.

3. If Denmark decides that it will implement the content of the amendments the notification shall indicate whether implementation can take place administratively or requires parliamentary approval.

4. If the notification indicates that implementation can take place administratively the notification shall, moreover, state that all necessary administrative measures enter into force on the date of entry into force of the amendments to the Regulations or have entered into force on the date of the notification, whichever date is the latest.

5. If the notification indicates that implementation requires parliamentary approval in Denmark the following rules shall apply:

(a) legislative measures in Denmark shall enter into force on the date of entry into force of the amendments to the Regulations or within 6 months after the notification, whichever date is the latest;

(b) if legislative measures in Denmark have not entered into force on the date the amendments to the Regulations enter into force, Denmark shall to the extent compatible with national law apply the substance of the amendments provisionally;

(c) Denmark shall notify the Commission of the date upon which the implementing legislative measures enter into force and of any particular measures taken with respect to provisional application.

6. A Danish notification that the content of the amendments have been implemented in Denmark, according to paragraph 4 or 5, creates mutual obligations under international law between Denmark and the Community. The amendments to the Regulations shall then constitute amendments to this Agreement and shall be considered annexed hereto.

7. In case:

- (a) Denmark notifies its decision not to implement the content of the amendments, or
- (b) Denmark does not make a notification within the 30 days time limit set out in paragraph 2; or
- (c) legislative measures in Denmark do not enter into force within the time limits set out in paragraph 5,

this Agreement shall be considered terminated unless within 90 days the parties decide otherwise or, in the situation referred to under (c), legislative measures in Denmark enter into force within the same period. Termination shall take effect three months after the expiry of the 90-day period.

8. Requests that have been transmitted in accordance with the Dublin II Regulation before the date of termination of the Agreement as set out in paragraph 7 are not affected hereby.

Article 4

Implementing measures

1. Denmark shall not take part in the adoption of opinions by the Committee referred to Article 27(2) of the Dublin II Regulation and Article 23(2) of the Eurodac Regulation or in the adoption of implementing measures adopted pursuant to Article 22 of the Eurodac Regulation. Implementing measures adopted pursuant to Article 27(2) of the Dublin II Regulation or pursuant to 23(2) of the Eurodac Regulation and implementing measures adopted pursuant to Article 22 of the Eurodac Regulation shall not be binding upon and shall not be applicable in Denmark.

2. Whenever implementing measures are adopted pursuant to Article 27(2) of the Dublin II Regulation and pursuant to Article 22 or 23(2) of the Eurodac Regulation, the implementing measures shall be communicated to Denmark. Denmark shall notify the Commission of its decision whether

or not to implement the content of the implementing measures. Notification shall be given upon receipt of the implementing measures or within 30 days thereafter.

3. The notification shall state that all necessary administrative measures in Denmark enter into force on the date of entry into force of the implementing measures or have entered into force on the date of the notification, whichever date is the latest.

4. A Danish notification that the content of the implementing measures have been implemented in Denmark, creates mutual obligations under international law between Denmark and the Community. The implementing measures will then form part of this Agreement.

5. In case:

- (a) Denmark notifies its decision not to implement the content of the implementing measures, or
- (b) Denmark does not make a notification within the 30-day time limit set out in paragraph 2;

this Agreement shall be considered terminated unless the parties decide otherwise within 90 days. Termination shall take effect three months after the expiry of the 90-day period.

6. Requests that have been transmitted in accordance with the 'Dublin II Regulation' before the date of termination of the Agreement as set out in paragraph 5 are not affected hereby.

7. If in exceptional cases the implementation requires parliamentary approval in Denmark, the Danish notification under paragraph 2 shall indicate this and the provisions of Article 3(5) to (8), shall apply.

Article 5

International agreements which affect the Dublin II Regulation and the Eurodac Regulation

1. International agreements entered into by the Community based on the rules of the Dublin II Regulation and the Eurodac Regulation shall not be binding upon and shall not be applicable in Denmark.

2. Denmark will abstain from entering into international agreements which may affect or alter the scope of the Regulations as annexed to this Agreement concerning the determination of responsibility for examining an asylum application or measures concerning the comparison of fingerprints of third country nationals covered by the Eurodac Regulation unless it is done with the agreement of the Community and satisfactory arrangements have been made with regard to the relationship between this Agreement and the international agreement in question.

3. When negotiating international agreements that may affect or alter the scope of the Regulations as annexed to this Agreement, Denmark will coordinate its position with the Community and will abstain from any actions that would jeopardise the objectives of a Community position within its sphere of competence in such negotiations.

Article 6

Jurisdiction of the Court of Justice of the European Communities in relation to the interpretation of the Agreement

1. Where a question on the validity or interpretation of this Agreement is raised in a case pending before a Danish court or tribunal, that court or tribunal shall request the Court of Justice to give a ruling thereon whenever under the same circumstances a court or tribunal of another Member State of the European Union would be required to do so in respect of the Dublin II Regulation and the Eurodac Regulation and their implementing measures referred to in Article 2(1) and 2(2).

2. Under Danish law, the courts in Denmark shall, when interpreting this Agreement, take due account of the rulings contained in the case-law of the Court of Justice in respect of provisions of the Dublin II Regulation and the Eurodac Regulation and any implementing Community measures.

3. Denmark may, like the Council, the Commission and any Member State, request the Court of Justice to give a ruling on a question of interpretation of this Agreement. The ruling given by the Court of Justice in response to such a request shall not apply to judgments of courts or tribunals of the Member States which have become *res judicata*.

4. Denmark shall be entitled to submit observations to the Court of Justice in cases where a question has been referred to it by a court or tribunal of a Member State for a preliminary ruling concerning the interpretation of any provision referred to in Article 2(1) and 2(2).

5. The Protocol on the Statute of the Court of Justice of the European Communities and its Rules of Procedure shall apply.

6. If the provisions of the Treaty establishing the European Community regarding rulings by the Court of Justice are amended with consequences for rulings in respect of the Dublin II Regulation and the Eurodac Regulation, Denmark may notify the Commission of its decision not to apply the amendments in respect of this Agreement. Notification shall be given at the time of the entry into force of the amendments or within 60 days hereafter.

In such a case this Agreement shall be considered terminated. Termination shall take effect three months after the notification.

7. Requests that have been transmitted in accordance with the Dublin II Regulation before the date of termination of the Agreement as set out in paragraph 6 are not affected hereby.

Article 7

Jurisdiction of the Court of Justice of the European Communities in relation to compliance with the Agreement

1. The Commission may bring before the Court of Justice cases against Denmark concerning non-compliance with any obligation under this Agreement.

2. Denmark may bring a complaint to the Commission as to the non-compliance by a Member State of its obligations by virtue of this Agreement.

3. The relevant provisions of the Treaty establishing the European Community governing proceedings before the Court of Justice as well as the Protocol on the Statute of the Court of Justice of the European Communities and its Rules of Procedure shall apply.

Article 8

Territorial application

This Agreement shall apply to the territories referred to in Article 299 of the Treaty establishing the European Community and in accordance with Article 26 of the 'Eurodac Regulation' and Article 26 of the 'Dublin II Regulation'.

Article 9

Financial contributions regarding Eurodac

As far as administrative and operational costs linked to the installation and operation of the Central Unit of Eurodac are concerned, Denmark shall contribute to the annual budget of the EU an annual sum, calculated on the basis of the budgetary appropriations allocated for that purpose, in accordance with the percentage of the Danish gross national product in relation to the overall gross national product of all participating States.

This provision shall apply from the year of the link-up of Denmark to the Central Unit.

The contribution of Denmark to the initial installation of the Central Unit will amount to a lump sum equivalent to the amount reimbursed on the Danish contribution to the general budget of the European Union, because of its initial non-participation to the Eurodac Regulation.

Article 10

Termination of the Agreement

1. This Agreement shall terminate if Denmark informs the other Member States that it no longer wishes to avail itself of the provisions of Part I of the Protocol on the position of Denmark, under Article 7 of that Protocol.

2. This Agreement may be terminated by either Contracting Party giving notice to the other Contracting Party. Termination shall be effective six months after the date of such notice.

3. Requests that have been transmitted before the date of termination of the Agreement as set out in paragraph 1 or 2 are not affected hereby.

Article 11

Entry into force

1. The Agreement shall be adopted by the Contracting Parties in accordance with their respective procedures.

2. The Agreement shall enter into force on the first day of the second month following the notification by the Contracting Parties of the completion of their respective procedures required for this purpose.

Article 12

Authenticity of texts

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

ANNEX

COUNCIL REGULATION (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

COUNCIL REGULATION (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention.

COMMISSION

COMMISSION DECISION

of 28 February 2006

granting a derogation requested by Austria pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

(notified under document number C(2006) 590)

(Only the German text is authentic)

(2006/189/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽¹⁾, and in particular the third subparagraph of paragraph 2 of Annex III thereto,

Whereas:

(1) If the amount of manure that a Member State intends to apply per hectare each year is different from the one specified in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) thereof, that amount has to be fixed so as not to prejudice the achievement of the objectives specified in Article 1 of that Directive and has to be justified on the basis of objective criteria, such as, in the present case, long growing seasons and crops with high nitrogen uptake.

(2) Austria submitted to the Commission a request for a derogation under the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC.

(3) The requested derogation concerns the intention of Austria to allow the application of 230 kg nitrogen per hectare per year from livestock manure on specific cattle holdings with agricultural land available for manure application cropped by grass, grass catch crops or beet or other crops being undersown by grass with low nitrate leaching potential. Approximately 2 000 farms and 60 000 livestock units corresponding respectively to 3 % of farms and 4 % of livestock units are potentially encompassed by the derogation.

(4) The Austrian legislation implementing Directive 91/676/EEC has been adopted and applies equally to the requested derogation.

(5) The Third Report on the implementation of the Nitrates Directive 2000-2003 in Austria shows that the average winter nitrate concentrations in surface waters were below 25 mg/l at all monitoring points. The average concentration of all sites was 5,8 mg/l NO₃. Average nitrate concentration in groundwater was 19,6 mg/l. In 74 % of the sites the average concentration was lower than 25 mg/l. None of the Austrian lakes is eutrophic. Trend analysis shows that water quality is stable in the majority of the sampling points.

(6) The number of livestock and the utilisation of mineral fertiliser decreased substantially in the period 1990-2003, with a reduction of 21 % in cattle, 12 % in pig and 6 % in poultry number. In the period 2000-2002 nitrogen application was on average, respectively 47,8 kg per hectare and 35,4 kg per hectare per year from livestock manure and from chemical fertilisers, which represent among the lowest figures in the EU, with a trend towards reduction respectively of 7 % and 5 % compared to the period 1996/1999.

(7) Austria, in conformity with Article 3(5) of Directive 91/676/EEC, applies an action programme throughout its whole territory.

(8) The supporting documents presented in the Austrian notification show that the proposed amount of 230 kg per hectare per year of nitrogen from cattle manure is justified on the basis of objective criteria such as long growing seasons and crops with high nitrogen uptake.

(9) The Commission after examination of Austria's request considers that the proposed amount of 230 kg per hectare per year nitrogen from cattle manure will not prejudice the achievement of the objectives of Directive 91/676/EEC, subject to certain strict conditions being met.

⁽¹⁾ OJ L 375, 31.12.1991, p. 1. Directive 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).

- (10) This Decision should be applicable in connection with the present action programme expiring by the end of 2007.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Nitrates Committee set up pursuant to Article 9 of Directive 91/676/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The derogation requested by Austria by letter of 3 November 2005, for the purpose of allowing a higher amount of livestock manure than that provided for in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) thereof, is granted, subject to the conditions laid down in this Decision.

Article 2

Definitions

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

- (a) 'cattle farms' means holdings with more than three livestock units, where at least two-thirds of livestock are cattle,
- (b) 'grass' means permanent or temporary grassland (generally temporary lies less than four years),
- (c) 'crops being undersown by grass': silage cereals, silage maize to be undersown before (maize) or after harvest, by grass which will act as a catch crop, for biological retention of nitrogen residual during winter,
- (d) 'beets' means forage beets.

Article 3

Scope

This Decision applies on an individual basis and subject to the conditions set out in Articles 4, 5 and 6 to cattle farms where the crop rotation includes more than 70 % of particularly nitrogen consuming crops, with a long growing season.

Article 4

Annual authorisation and commitment

1. Farmers who want to benefit from a derogation shall submit an application to the competent authorities annually.
2. Together with the annual application referred to in paragraph 1 they shall undertake in writing to fulfil the conditions provided for in Articles 5 and 6.

Article 5

Application of manure and other fertilisers

1. The amount of livestock manure applied to the land each year on cattle farms, including by the animals themselves, shall not exceed the amount of manure containing 230 kg of nitrogen per hectare, subject to the conditions laid down in paragraphs 2 to 8.
2. The total nitrogen inputs shall comply with the nutrient demand of the considered crop and the supply from the soil. Total nitrogen application from fertilisers shall not exceed 280 kg per hectare per year.
3. A fertilisation plan shall be kept for each farm describing the crop rotation of the farmland and the planned application of manure and nitrogen and phosphate fertilisers. It shall be available in the farm each calendar year by 1 March at the latest.
- The fertilisation plan shall include the following:
- (a) the number of livestock, a description of the housing and storage system, including the volume of manure storage available;
- (b) a calculation of manure nitrogen (less losses in housing and storage) and phosphorus produced in the farm;
- (c) the crop rotation and acreage for each crop, including a sketch map indicating location of individual fields;
- (d) the foreseeable nitrogen and phosphorus crop requirements;
- (e) the amount and the type of manure delivered outside the farm land;
- (f) nitrogen and phosphorus application from manure over each field (parcels of the farm homogeneous regarding cropping and soil type);
- (g) application of nitrogen and phosphorus with chemical and other fertilisers over each field.

Plans shall be revised no later than seven days following any changes in agricultural practices to ensure consistency between plans and actual agricultural practices.

4. Fertilisation accounts shall be prepared by each farm. They shall be submitted to the competent authority for each calendar year.
5. Each farm benefiting from an individual derogation shall accept that the application referred to in paragraph 1 of Article 4, the fertilisation plan and the fertilisation accounts can be subject to control.

6. Periodic nitrogen and phosphorous analysis in soil shall be performed for each farm which benefits from an individual derogation at least once every four years for each homogeneous area of the farm, with regard to crop rotation and soil characteristics. At least one analysis every five hectares of land shall be required.

7. Manure shall not be spread in the autumn before grass cultivation.

8. Fertiliser shall not be applied to land within 30 m of a lake.

Article 6

Land cover

70 % or more of the acreage available for manure application on the cattle holding in question shall be cultivated with grass, grass catch crops or beets and other crops being undersown by grass with low nitrate leaching potential. Farmers benefiting from an individual derogation shall carry out the following measures:

- (a) Grass catch crops shall not be ploughed before 1 March in order to ensure permanent vegetal cover of arable area for recovering subsoil autumn losses of nitrates and limit winter losses.
- (b) Temporary grassland shall be ploughed in spring.
- (c) Crop rotation shall not include leguminous or other plants fixing atmospheric nitrogen. This will however not apply to clover in grassland with less than 50 % clover and to barley and pea undersown with grass.

Article 7

Monitoring

1. Maps showing the percentage of farms, percentage of livestock and percentage of agricultural land covered by individual derogation in each municipality, shall be drawn by the competent authority and shall be updated every year.

Those maps shall be submitted to the Commission annually.

2. A monitoring network for sampling of surface and shallow groundwater shall be established and maintained to assess the impact of derogation on water quality. The existing monitoring network shall be reinforced in the districts with 3 %

or more of farms benefiting from individual derogations over the total number of farms.

3. Survey and nutrient analysis shall provide data on local land use, crop rotations and agricultural practices on farms benefiting from individual derogations. Those data can be used for model-based calculations of the magnitude of nitrate leaching and phosphorus losses from fields where up to 230 kg nitrogen per hectare per year from livestock manure is applied.

4. Monitoring sites shall be established to provide data on nitrogen in water leaving the root zone and entering the groundwater system and on nitrogen losses by surface and subsurface runoff, both under derogation and non derogation conditions.

Article 8

Reporting

1. The competent authority shall submit the results of the monitoring every year to the Commission, with a concise report on water quality evolution and evaluation practice. The report shall provide information on how the evaluation of the implementation of the derogation conditions is carried on through controls at farm level and include information on non compliant farms based on results of administrative and field inspections.

2. The results thus obtained will be taken into consideration by the Commission with regard to an eventual new request for derogation.

Article 9

Application

This Decision shall apply in the context of the Third Austrian Action programme 2004-2007. It shall expire on 31 December 2007.

Article 10

This Decision is addressed to the Republic of Austria.

Done at Brussels, 28 February 2006.

For the Commission

Stavros DIMAS

Member of the Commission

COMMISSION DECISION**of 1 March 2006****amending Decision 97/808/EC on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards floorings***(notified under document number C(2006) 553)***(Text with EEA relevance)****(2006/190/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products ⁽¹⁾, and in particular Article 13(4) thereof,

Whereas:

(1) The table for product family 'FLOORINGS (2/2)' in Annex III of Commission Decision 97/808/EC of 20 November 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards floorings ⁽²⁾ wrongly attributes attestation of conformity system 3 to class F_{FL}.

(2) Decision 97/808/EC should therefore be amended accordingly.

(3) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

HAS ADOPTED THIS DECISION:

Article 1

Annex III to Decision 97/808/EC is amended as set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 March 2006.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 40, 11.2.1989, p. 12. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 331, 3.12.1997, p. 18. Decision as last amended by Decision 2001/596/EC (OJ L 209, 2.8.2001, p. 33).

ANNEX

In Annex III to Decision 97/808/EC the table and the text relating to product family 'FLOORINGS (2/2)', are replaced by the following:

'PRODUCT FAMILY FLOORINGS (2/2)'**Systems of attestation of conformity**

For the products and intended uses listed below, CEN/CENELEC are requested to specify the following systems of attestation of conformity in the relevant harmonised standards:

Products	Intended uses	Levels or classes Reaction to fire	Attestation of conformity systems
Rigid flooring products (A) <i>Components</i> Paving units, tiles mosaics, parquet, decking of mesh or sheet, floor gratings, rigid laminated floorings, wood based products (B) <i>Load bearing systems put on the market as kits</i> Raised access floors, cavity floors	For internal uses including enclosed public transport premises	A1 _{FL} ⁽¹⁾ — A2 _{FL} ⁽¹⁾ — B _{FL} ⁽¹⁾ — C _{FL} ⁽¹⁾	1 ⁽²⁾
		A1 _{FL} ⁽³⁾ — A2 _{FL} ⁽³⁾ — B _{FL} ⁽³⁾ — C _{FL} ⁽³⁾ — D _{FL} — E _{FL}	3 ⁽⁴⁾
		(A1 _{FL} to E _{FL}) ⁽⁵⁾ , F _{FL}	4 ⁽⁶⁾
Resilient and textile floorings Homogenous and heterogeneous resilient floor coverings supplied either in tile, sheet or roll form (textile floor covering including tiles; plastic and rubber sheets (aminoplastic thermosetting floorings); linoleum and cork; anti-static sheet; floor loose laid tiles; resilient laminated floorings)	For internal uses	A1 _{FL} ⁽¹⁾ — A2 _{FL} ⁽¹⁾ — B _{FL} ⁽¹⁾ — C _{FL} ⁽¹⁾	1 ⁽²⁾
		A1 _{FL} ⁽³⁾ — A2 _{FL} ⁽³⁾ — B _{FL} ⁽³⁾ — C _{FL} ⁽³⁾ — D _{FL} — E _{FL}	3 ⁽⁴⁾
		(A1 _{FL} to E _{FL}) ⁽⁵⁾ , F _{FL}	4 ⁽⁶⁾
Resilient and textile floorings Homogenous and heterogeneous resilient floor coverings supplied either in tile, sheet or roll form (textile floor covering including tiles; plastic and rubber sheets (aminoplastic thermosetting floorings); linoleum and cork; anti-static sheet; floor loose laid tiles; resilient laminated floorings)	For external uses	—	4 ⁽⁶⁾
Floor screed materials	For internal uses	A1 _{FL} ⁽¹⁾ — A2 _{FL} ⁽¹⁾ — B _{FL} ⁽¹⁾ — C _{FL} ⁽¹⁾	1 ⁽²⁾
		A1 _{FL} ⁽³⁾ — A2 _{FL} ⁽³⁾ — B _{FL} ⁽³⁾ — C _{FL} ⁽³⁾ — D _{FL} — E _{FL}	3 ⁽⁴⁾
		(A1 _{FL} to E _{FL}) ⁽⁵⁾ , F _{FL}	4 ⁽⁶⁾
	For external uses	—	4 ⁽⁶⁾

⁽¹⁾ Products/materials for which a clearly identifiable stage in the production process results in an improvement of the reaction to fire classification (e.g. an addition of fire retardants or a limiting of organic material).

⁽²⁾ System 1: See Annex III, Section 2, point (i), of Directive 89/106/EEC without audit-testing of samples.

⁽³⁾ Products/materials not covered by footnote 1.

⁽⁴⁾ System 3: See Annex III, Section 2, point (iii), of Directive 89/106/EEC, second possibility.

⁽⁵⁾ Products/materials that do not require to be tested for reaction to fire (e.g. Products/materials of Classes A1 according to Commission Decision 96/603/EC (OJ L 267, 19.10.1996, p. 23)).

⁽⁶⁾ System 4: See Annex III, Section 2, point (ii), of Directive 89/106/EEC, third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.'

COMMISSION DECISION**of 1 March 2006****declaring operational the Regional Advisory Council for the Baltic Sea under the common fisheries policy**

(2006/191/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2004/585/EC of 19 July 2004 establishing Regional Advisory Councils under the common fisheries policy ⁽¹⁾, and in particular Article 3(3) thereof,

Having regard to the recommendation transmitted by Denmark on 13 December 2005 on behalf of Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden,

Whereas:

- (1) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy ⁽²⁾ and Decision 2004/585/EC provide the framework for the establishment and operation of Regional Advisory Councils.
- (2) Article 2 of Decision 2004/585/EC establishes a Regional Advisory Council to cover the Baltic Sea in International Council for the Exploration of the Seas (ICES) areas IIIb, IIIc and IIId as defined in Council Regulation (EEC) No 3880/91 ⁽³⁾.
- (3) In accordance with Article 3(1) of Decision 2004/585/EC, representatives of the fisheries sector and other interests groups submitted a request concerning the operation of that Regional Advisory Council to Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden.

- (4) As required by Article 3(2) of Decision 2004/585/EC, the Member States concerned determined whether the application concerning the Regional Advisory Council for the Baltic Sea was in conformity with the provisions laid down in that Decision. On 13 December 2005, the Member States concerned transmitted a recommendation on that Regional Advisory Council to the Commission.

- (5) The Commission has evaluated the application by the interested parties and the recommendation in the light of Decision 2004/585/EC and the aims and principles of the Common Fisheries Policy, and considers that the Regional Advisory Council for the Baltic Sea is ready to become operational,

HAS DECIDED AS FOLLOWS:

Sole Article

The Regional Advisory Council for the Baltic Sea, established by Article 2(1)(a) of Decision 2004/585/EC, shall be operational as from 13 March 2006.

Done at Brussels, 1 March 2006.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 256, 3.8.2004, p. 17.

⁽²⁾ OJ L 358, 31.12.2002, p. 59.

⁽³⁾ 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).