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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 722/2006
of 12 May 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 13 May 2006.

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

Done at Brussels, 12 May 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 12 May 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	100,5
	204	92,4
	212	153,3
	999	115,4
0707 00 05	052	94,0
	628	155,5
	999	124,8
0709 90 70	052	112,0
	204	25,1
	999	68,6
0805 10 20	204	34,0
	212	64,4
	220	40,9
	400	20,3
	448	50,4
	624	48,0
	999	43,0
0805 50 10	052	43,6
	388	50,9
	508	40,3
	528	56,7
	624	54,7
	999	49,2
0808 10 80	388	86,3
	400	124,0
	404	104,4
	508	79,6
	512	81,7
	524	84,1
	528	94,9
	720	79,5
	804	111,1
	999	94,0

⁽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 723/2006**of 12 May 2006****fixing the minimum selling prices for butter for the 9th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies may sell by standing invitation to tender certain quantities of butter from intervention stocks that they hold and may grant aid for cream, butter and concentrated butter. Article 25 of that Regulation lays down that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further laid down

that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure. The amount of the processing security as referred to in Article 28 of Regulation (EC) No 1898/2005 should be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 9th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the minimum selling prices for butter from intervention stocks and the amount of the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 13 May 2006.

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

Done at Brussels, 12 May 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

ANNEX

Minimum selling prices for butter and processing security for the 9th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005*(EUR/100 kg)*

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	210	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	79	—	—
		Concentrated	—	—	—	—

COMMISSION REGULATION (EC) No 724/2006**of 12 May 2006****fixing the maximum aid for cream, butter and concentrated butter for the 9th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies may sell by standing invitation to tender certain quantities of butter of intervention stocks that they hold and may grant aid for cream, butter and concentrated butter. Article 25 of that Regulation lays down that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further laid down

that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure. The amount of the processing security as referred to in Article 28 of Regulation (EC) No 1898/2005 should be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 9th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the amount of the maximum aid for cream, butter and concentrated butter and the amount the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 13 May 2006.

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

Done at Brussels, 12 May 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

ANNEX

Maximum aid for cream, butter and concentrated butter and processing security for the 9th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005*(EUR/100 kg)*

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Maximum aid	Butter $\geq 82\%$	28,5	25	28	25
	Butter $< 82\%$	—	24,4	—	24,4
	Concentrated butter	34	30,5	34	30,5
	Cream	—	—	14	10,6
Processing security	Butter	31	—	31	—
	Concentrated butter	37	—	37	—
	Cream	—	—	15	—

COMMISSION REGULATION (EC) No 725/2006**of 12 May 2006****fixing the maximum aid for concentrated butter for the 9th individual invitation to tender opened under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Article 47 of Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 54 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 %.
- (2) An end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is to be lodged to

ensure the taking over of the concentrated butter by the retail trade.

- (3) In the light of the tenders received, the maximum aid should be fixed at the appropriate level and the end-use security should be determined accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 9th individual tender under the standing invitation to tender opened in accordance with Regulation (EC) No 1898/2005 the maximum amount of the aid for concentrated butter with a minimum fat content of 96 %, as referred to in Article 47(1) of that Regulation, is fixed at 32,8 EUR/100 kg,

The end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is fixed at 36 EUR/100 kg.

Article 2

This Regulation shall enter into force on 13 May 2006.

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

Done at Brussels, 12 May 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

COMMISSION REGULATION (EC) No 726/2006**of 12 May 2006****fixing the minimum selling price for butter for the 41st individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10(c) thereof,

Whereas:

- (1) Pursuant to Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them.
- (2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no

award, in accordance with Article 24a of Regulation (EC) No 2771/1999.

- (3) In the light of the tenders received, a minimum selling price should be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 41st individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 9 May 2006, the minimum selling price for butter is fixed at 255,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 13 May 2006.

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

Done at Brussels, 12 May 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1802/2005 (OJ L 290, 4.11.2005, p. 3).

COMMISSION REGULATION (EC) No 727/2006**of 12 May 2006****opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 2006 to 30 June 2007)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 32(1) thereof,

Whereas:

(1) The WTO schedule CXL requires the Community to open an annual import tariff quota of 50 700 tonnes of frozen beef intended for processing. Moreover, as a result of the negotiations which led to the Agreement in the form of an Exchange of Letters between the European Community and Australia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union ⁽²⁾, approved by Council Decision (EC) No 2006/106/EC ⁽³⁾, the Community undertook to incorporate in its schedule for all Member States an increase of 4 003 tonnes of that import tariff quota.

(2) Implementing rules should be laid down for the quota year 2006/2007, starting on 1 July 2006. However, in view of the forthcoming entry into force of the Treaty of Accession of Bulgaria and Romania to the European Union, without prejudice to Article 39 of that Treaty, and in order to enable operators of those countries to benefit from this quota as of the date of their accession, the quota period should be divided into two sub-periods and the quantity available under this quota should be staggered over these periods, taking into account the traditional trade patterns between the Community and the supplier countries within this quota.

(3) The import of frozen beef under the tariff quota is subject to customs import duties and to the conditions laid down under serial number 13 of Annex 7 to Part three of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁴⁾.

(4) So as to avoid speculation, access to the quota should be allowed only to active processors carrying out processing in a processing establishment approved in accordance with Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽⁵⁾, or, subject to the entry into force of the Treaty of Accession of Bulgaria and Romania to the European Union on 1 January 2007, to processing establishments in those countries who have been approved for export into the Community of processed meat products in accordance with Article 12 of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽⁶⁾.

(5) Imports into the Community under the tariff quota are subject to presentation of an import licence in accordance with the first subparagraph of Article 29(1) of Regulation (EC) No 1254/1999. It should be possible to issue licences following allocations of import rights on the basis of applications from eligible processors. The provisions of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁷⁾ and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁸⁾ should apply to import licences issued under this Regulation.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 47, 17.2.2006, p. 54.

⁽³⁾ OJ L 47, 17.2.2006, p. 52.

⁽⁴⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 426/2006 (OJ L 79, 16.3.2006, p. 1).

⁽⁵⁾ OJ L 139, 30.4.2004, p. 55 (corrected version in OJ L 226, 25.6.2004, p. 22). Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).

⁽⁶⁾ OJ L 139, 30.4.2004, p. 206 (corrected version in OJ L 226, 25.6.2004, p. 83). Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1856/2005 (OJ L 297, 15.11.2005, p. 7).

⁽⁸⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

- (6) In order to prevent speculation, import licences should be issued to processors solely for the quantities for which they have been allocated import rights. Moreover, for the same reason, security should be lodged together with the application for import rights. The application for import licences corresponding to the allocated rights should be a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽¹⁾.
- (7) The application of the tariff quota requires strict surveillance of imports and effective checks as to their use and destination. The processing should therefore be authorised only in the establishment referred to in the import licence.
- (8) A security should be lodged in order to ensure that the imported meat is used according to the tariff quota specifications. The amount of that security should be fixed taking into account the difference between the customs duties applicable within and outside the quota.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

An import tariff quota of 54 703 tonnes, bone-in equivalent of frozen beef falling within CN code 0202 20 30, 0202 30 10, 0202 30 50, 0202 30 90 or 0206 29 91 and intended for processing in the Community (hereinafter referred to as 'the quota') is hereby opened for the period from 1 July 2006 to 30 June 2007 subject to the conditions laid down in this Regulation.

Article 2

1. For the purposes of this Regulation, an A-product shall mean a processed product falling within CN code 1602 10, 1602 50 31, 1602 50 39 or 1602 50 80, not containing meat other than that of animals of the bovine species, with a collagen/protein ratio of no more than 0,45 and containing by weight at least 20 % of lean meat excluding offal and fat with meat and jelly accounting for at least 85 % of the total net weight.

⁽¹⁾ OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 673/2004 (OJ L 105, 14.4.2004, p. 17).

The collagen content shall be considered to be the hydroxyproline content multiplied by the factor 8. The hydroxyproline content shall be determined according to ISO method 3496-1994.

The lean bovine meat content excluding fat shall be determined in accordance with the procedure laid down in the Annex to Commission Regulation (EEC) No 2429/86 ⁽²⁾.

Offal includes the following: heads and cuts thereof (including ears), feet, tails, hearts, udders, livers, kidneys, sweetbreads (thymus glands and pancreas), brains, lungs, throats, thick skirts, spleens, tongues, caul, spinal cords, edible skin, reproductive organs (i.e. uteri, ovaries and testes), thyroid glands, pituitary glands.

The product shall be subjected to a heat treatment sufficient to ensure the coagulation of meat proteins in the whole of the product which may not show any traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.

2. For the purposes of this Regulation, a B-product shall mean a processed product containing beef, other than:

- (a) the products specified in Article 1(1)(a) of Regulation (EC) No 1254/1999, or
- (b) the products referred to under paragraph 1.

However, a processed product falling within CN code 0210 20 90 which has been dried or smoked so that the colour and consistency of the fresh meat has totally disappeared and with a water/protein ratio not exceeding 3.2 shall be considered to be a B-product.

Article 3

1. The overall quantity referred to in Article 1 shall be divided into two quantities and staggered as follows:

- (a) 43 000 tonnes of frozen beef intended for the manufacture of A-products, of which:
- (i) 30 000 tonnes for the period from 1 July 2006 to 31 December 2006;
- (ii) 13 000 tonnes for the period from 1 January 2007 to 30 June 2007;

⁽²⁾ OJ L 210, 1.8.1986, p. 39.

(b) 11 703 tonnes of frozen beef intended for the manufacture of B-products, of which:

(i) 8 200 tonnes for the period from 1 July 2006 to 31 December 2006;

(ii) 3 503 tonnes for the period from 1 January 2007 to 30 June 2007.

2. The quota shall bear the following order numbers:

— 09.4057 for the quantities referred to in paragraph 1(a),

— 09.4058 for the quantities referred to in paragraph 1(b).

3. The customs import duties to apply on frozen beef under the quota are set out in Annex I.

Article 4

1. The application for import rights under the quota may only be lodged by, or on behalf of processing establishments approved under Article 4 of Regulation (EC) No 853/2004 and which have been active in production of processed products containing beef at least once since 1 July 2005.

Subject to the entry into force of the Treaty of Accession of Bulgaria and Romania to the European Union on 1 January 2007, processing establishments in those countries approved under Article 12 of Regulation (EC) No 854/2004 to export to the Community and which have been active in production of processed products containing beef at least once since 1 July 2005 may apply for import rights in relation to the quantities available for the second sub-period of this quota as referred to in Article 3(1)(a)(ii) and (b)(ii).

For each quantity referred to in Article 3(1) only one application for import rights which shall not exceed 10 % of each quantity available may be accepted in respect of each approved processing establishment.

Applications for import rights may be presented only in the Member State in which the processor is registered for VAT purposes.

2. A security of EUR 6 per 100 kg shall be lodged together with the application for import rights.

3. The evidence of compliance with the conditions laid down in the first and second subparagraphs of paragraph 1 shall be submitted together with the application for import rights.

The competent national authority shall decide what is acceptable documentary evidence of compliance with those conditions.

However, operators that provided that evidence together with their application for import rights in relation to the quantities available for the first sub-period of this quota as referred to in Article 3(1)(a)(i) and (b)(i), are exempted from the obligation to provide such evidence in case of applications for import rights in relation to the quantities available for the second sub-period of this quota as referred to in Article 3(1)(a)(ii) and (b)(ii).

Article 5

1. Each application for import rights for production of A-products or B-products shall be expressed in bone-in equivalence.

For the purpose of this paragraph 100 kilograms of bone-in beef equals 77 kilograms of boneless beef.

2. Applications for import rights for production of either A-products or B-products shall reach the competent authority:

(a) no later than the second Friday following the date of publication of this Regulation in the *Official Journal of the European Union* by 13.00 Brussels time at the latest, for applications related to the first sub-period as referred to in Article 3(1)(a)(i) and (b)(i);

(b) no later than 13:00, Brussels time, on 12 January 2007 for applications related to the second sub-period as referred to in Article 3(1)(a)(ii) and (b)(ii).

3. Member States shall forward to the Commission no later than the second Friday following the end of the respective periods for the submission of applications referred to in paragraph 2 a list of applicants and quantities applied for under each of the two categories together with the approval numbers of the processing establishments concerned.

All communications, including nil returns, shall be sent by fax or e-mail using the forms set out in Annexes II and III.

4. The Commission shall decide as soon as possible to what extent applications are accepted, where necessary as a percentage of the quantity applied for.

Article 6

1. Any import of frozen beef for which import rights have been allocated pursuant to Article 5(4) shall be subject to presentation of an import licence.

2. As to the security referred to in Article 4(2) the application for import licences corresponding to the allocated import rights shall be a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

Where in application of Article 5(4) the Commission fixes a reduction coefficient the security lodged shall be released in respect of the import rights applied for which exceed the allocated import rights.

3. Import rights allocated to processors entitle them to import licences for quantities equivalent to the rights allocated.

Licence applications may be lodged solely:

(a) in the Member State in which the application for import rights has been lodged;

(b) by processors or on behalf of processors to whom import rights have been allocated.

4. A security shall be lodged with the competent authority at the time of import ensuring that the processor having been allocated import rights processes the entire quantity of meat imported into the required finished products in his establishment specified in the licence application, within three months of the day of import.

The amounts of the security are fixed in Annex IV.

Article 7

Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, except otherwise provided in this Regulation.

Article 8

1. The licence application and the licence shall contain the following information:

(a) in box 8, the country of origin;

(b) in box 16, one of the eligible CN codes referred to in Article 1;

(c) in box 20, at least one of the entries listed in Annex V.

2. Import licences shall be valid for 120 days from the actual date of issue within the meaning of Article 23(1) of Regulation (EC) No 1291/2000. However, no licence shall be valid after 30 June 2007.

3. In application of Article 50(1) of Regulation (EC) No 1291/2000, the full Common Customs Tariff duty applicable on the date of release for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.

Article 9

Member States shall set up a system of physical and documentary checks to ensure that, within three months of the date of import, all meat is processed in the processing establishment and into the category of product specified on the import licence concerned.

The system shall include physical checks of quantity and quality at the start of the processing, during the processing and after the processing operation is completed. To this end, processors shall at any time be able to demonstrate the identity and use of the imported meat through appropriate production records.

Technical verification of the production method by the competent authority may, to the extent necessary, make allowance for drip losses and trimmings.

In order to verify the quality of the finished product and establish its conformity with the processor's formula for the composition of the product, Member States shall take representative samples and analyse those products. The costs of such operations shall be borne by the processor concerned.

Article 10

1. The security referred to in Article 6(4) shall be released in proportion to the quantity for which, within seven months of the day of import, proof has been furnished to the satisfaction of the competent authority that all or part of the imported meat has been processed into the relevant products within three months following the day of import in the designated establishment.

However, if processing took place after the three-month time limit referred to in the first subparagraph, the security shall be released minus a 15 % reduction plus 2 % of the remaining amount for each day by which the time limit has been exceeded.

If proof of processing is established within the seven-month time limit referred to in the first subparagraph and produced within 18 months following those seven months the amount forfeited, less 15 % of the security amount, shall be repaid.

2. The amount not released of the security referred to in Article 6(4) shall be forfeited and retained as a customs duty.

Article 11

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

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

Done at Brussels, 12 May 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

IMPORT DUTIES

Product (CN code)	For manufacture of A products	For manufacture of B products
0202 20 30	20 %	20 % + 994,5 EUR/1 000 kg/net
0202 30 10	20 %	20 % + 1 554,3 EUR/1 000 kg/net
0202 30 50	20 %	20 % + 1 554,3 EUR/1 000 kg/net
0202 30 90	20 %	20 % + 2 138,4 EUR/1 000 kg/net
0206 29 91	20 %	20 % + 2 138,4 EUR/1 000 kg/net

ANNEX II

EC Fax: (32 2) 292 17 34

E-mail: AGRI-IMP-BOVINE@cec.eu.int

Application of Article 5(1) and (2) of Regulation (EC) No 727/2006

A-product — Order No 09.4057

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI D.2 — IMPLEMENTATION OF MARKET MEASURES

APPLICATION FOR IMPORT RIGHTS

Date: Quota Period:

Member State:

Number of applicant ⁽¹⁾	Applicant (name and address)	Approval number	Quantity (in tones bone-in)
Total			

Member State: Fax

Tel.

E-mail:

(¹) Continuous numbering.

ANNEX III

EC Fax: (32 2) 292 17 34

E-mail: AGRI-IMP-BOVINE@cec.eu.int

Application of Article 5(1) and (2) of Regulation No (EC) 727/2006

B-product — Order No 09.4058

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI D.2 — IMPLEMENTATION OF MARKET MEASURES

APPLICATION FOR IMPORT RIGHTS

Date: Quota Period:

Member State:

Number of applicant ⁽¹⁾	Applicant (name and address)	Approval number	Quantity (in tones bone-in)
Total			

Member State: Fax

Tel.

E-mail:

⁽¹⁾ Continuous numbering.

ANNEX IV

AMOUNTS OF SECURITY ⁽¹⁾*(in EUR/1 000 kg net)*

Product (CN code)	For manufacture of A products	For manufacture of B products
0202 20 30	1 414	420
0202 30 10	2 211	657
0202 30 50	2 211	657
0202 30 90	3 041	903
0206 29 91	3 041	903

⁽¹⁾ The exchange rate to be applied shall be the exchange rate on the day preceding the lodging of the security.

ANNEX V

Entries referred to in Article 8(1)(c)

- *in Spanish:* Certificado válido en ... (Estado miembro expedidor)/carne destinada a la transformación ... (productos A) (productos B) (táchese lo que no proceda) en ... (designación exacta y número de registro del establecimiento en el que vaya a procederse a la transformación)/Reglamento (CE) n° 727/2006
- *in Czech:* Licence platná v ... (vydávající členský stát)/Maso určené ke zpracování ... (výrobky A) (výrobky B) (nehodící se škrtněte) v (přesné určení a číslo schválení zpracovatelského zařízení, v němž se má zpracování uskutečnit)/nařízení (ES) č. 727/2006
- *in Danish:* Licens gyldig i ... (udstedende medlemsstat)/Kød bestemt til forarbejdning til (A-produkter) (B-produkter) (det ikke gældende overstreges) i ... (nøjagtig betegnelse for den virksomhed, hvor forarbejdningen sker)/forordning (EF) nr. 727/2006
- *in German:* In ... (ausstellender Mitgliedstaat) gültige Lizenz/Fleisch für die Verarbeitung zu (A-Erzeugnissen) (B-Erzeugnissen) (Unzutreffendes bitte streichen) in ... (genaue Bezeichnung des Betriebs, in dem die Verarbeitung erfolgen soll)/Verordnung (EG) Nr. 727/2006
- *in Estonian:* Litsents on kehtiv ... (välja andev liikmesriik)/Liha töötlemiseks ... (A toode) (B toode) (kustuta mittevajalik) ... (ettevõtte asukoht ja loanumber, kus toimub töötlemine/määrus (EÜ) nr 727/2006
- *in Greek:* Η άδεια ισχύει ... (κράτος μέλος έκδοσης)/Κρέας που προορίζεται για μεταποίηση ... (προϊόντα A) (προϊόντα B) (διαγράφεται η περιττή ένδειξη) ... (ακριβής περιγραφή και αριθμός έγκρισης της εγκατάστασης όπου πρόκειται να πραγματοποιηθεί η μεταποίηση)/Κανονισμός (ΕΚ) αριθ. 727/2006
- *in English:* Licence valid in ... (issuing Member State)/Meat intended for processing ... (A-products) (B-products) (delete as appropriate) at ... (exact designation and approval No of the establishment where the processing is to take place)/Regulation (EC) No 727/2006
- *in French:* Certificat valable ... (État membre émetteur)/viande destinée à la transformation de ... (produits A) (produits B) (rayer la mention inutile) dans ... (désignation exacte et numéro d'agrément de l'établissement dans lequel la transformation doit avoir lieu)/règlement (CE) n° 727/2006
- *in Italian:* Titolo valido in ... (Stato membro di rilascio)/Carni destinate alla trasformazione ... (prodotti A) (prodotti B) (depennare la voce inutile) presso ... (esatta designazione e numero di riconoscimento dello stabilimento nel quale è prevista la trasformazione)/Regolamento (CE) n. 727/2006
- *in Latvian:* Atļauja derīga ... (dalībvalsts, kas izsniedz ievēšanas atļauju)/pārstrādei paredzēta gaļa ... (A produktu) (B produktu) ražošanai (nevajadzīgo nosvītrot) ... (precīzs tā uzņēmuma apzīmējums un apstiprinājuma numurs, kurā notiks pārstrāde)/Regula (EK) Nr. 727/2006
- *in Lithuanian:* Licencija galioja ... (išdavusioji valstybė narė)/Mėsa skirta perdirbimui ... (produktai A) (produktai B) (ištrinti nereikalingą) ... (tikslus įmonės, kurioje bus perdirbama, pavadinimas ir registracijos Nr.)/Reglamentas (EB) Nr. 727/2006
- *in Hungarian:* Az engedély ... (kibocsátó tagállam) területén érvényes./Feldolgozásra szánt hús ... (A-termék) (B-termék) (a nem kívánt törlendő) ... (pontos rendeltetési hely és a feldolgozást végző létesítmény engedélyezési száma)/727/2006/EK rendelet
- *in Dutch:* Certificaat geldig in ... (lidstaat van afgifte)/Vlees bestemd voor verwerking tot (A-producten) (B-producten) (doorhalen wat niet van toepassing is) in ... (nauwkeurige aanduiding en toelatings-nummer van het bedrijf waar de verwerking zal plaatsvinden)/Verordening (EG) nr. 727/2006
- *in Polish:* Pozwolenie ważne w ... (wystawiające państwo członkowskie)/Mięso przeznaczone do przetworzenia ... (produkty A) (produkty B) (niepotrzebne skreślić) w ... (dokładne miejsce przeznaczenia i nr zatwierdzenia zakładu, w którym ma mieć miejsce przetwarzanie)/rozporządzenie (WE) nr 727/2006
- *in Portuguese:* Certificado válido em ... (Estado-Membro emissor)/carne destinada à transformação ... (produtos A) (produtos B) (riscar o que não interessa) em ... (designação exacta e número de aprovação do estabelecimento em que a transformação será efectuada)/Regulamento (CE) n.º 727/2006

- *in Slovak:* Licencia platná v ... (vydávající členský stát)/Mäso určené na spracovanie ... (výrobky A) (výrobky B) (nehodiace sa prečiarknite) v ... (presné určenie a číslo schválenia zariadenia, v ktorom spracovanie prebehne)/nariadenie (ES) č. 727/2006
- *in Slovenian:* Dovoljenje velja v ... (država članica, ki ga je izdala)/Meso namenjeno predelavi ... (proizvodi A) (proizvodi B) (črtaj neustrezno) v ... (točno namembno območje in št. odobritve obrata, kjer bo predelava potekala)/Uredba (ES) št. 727/2006
- *in Finnish:* Todistus on voimassa ... (myöntäjäjäsenvaltio)/Liha on tarkoitettu (A-luokan tuotteet) (B-luokan tuotteet) (tarpeeton poistettava) jalostukseen ... :ssa (tarkka ilmoitus laitoksesta, jossa jalostus suoritetaan, hyväksyntänumero mukaan lukien)/Asetus (EY) N:o 727/2006
- *in Swedish:* Licensen är giltig i ... (utfärdande medlemsstat)/Kött avsett för bearbetning ... (A-produkter) (B-produkter) (stryk det som inte gäller) vid ... (exakt angivelse av och godkännandennummer för anläggningen där bearbetningen skall ske)/Förordning (EG) nr 727/2006
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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 14 March 2006

giving notice to Germany, in accordance with Article 104(9) of the Treaty establishing the European Community, to take measures for the deficit reduction judged necessary in order to remedy the situation of excessive deficit

(2006/344/EC)

THE COUNCIL OF THE EUROPEAN UNION,

solemnly invites all parties, namely the Member States, the Council and the Commission, to implement the Treaty and the Stability and Growth Pact in a strict and timely manner.

Having regard to the Treaty establishing the European Community, and in particular Article 104(9) thereof,

Having regard to the recommendation from the Commission pursuant to Article 104(9) of the Treaty,

- (4) By Decision 2003/89/EC ⁽³⁾, the Council decided, in accordance with Article 104(6) of the Treaty, that an excessive deficit existed in Germany.

Whereas:

- (1) According to Article 104(1) of the Treaty, Member States are to avoid excessive government deficits.

- (2) The Stability and Growth Pact is based on the objective of sound government finances as a means of strengthening the conditions for price stability and for strong sustainable growth conducive to employment creation. The Stability and Growth Pact includes Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure ⁽¹⁾.

- (3) The Resolution of the Amsterdam European Council of 17 June 1997 on the Stability and Growth Pact ⁽²⁾

- (5) In accordance with Article 104(7) of the Treaty and Article 3(4) of Regulation (EC) No 1467/97, the Council addressed a recommendation to Germany on 21 January 2003, calling on Germany to bring the excessive deficit to an end as rapidly as possible and by 2004 at the latest. The recommendation was made public. As stated in the Commission Communication of 14 December 2004, with which the Council concurred on 18 January 2005, in view of the unique circumstances created by the Council conclusions of 25 November 2003 and of the ruling of the European Court of Justice of 13 July 2004, the year 2005 should be considered to be the relevant deadline for the correction of the excessive deficit.

- (6) The general government deficit in Germany has been well above the 3 %-of-GDP Treaty reference value since 2002. The debt-to-GDP ratio has increased from below the 60 % of GDP Treaty reference value in 2001 to a projected 69 % of GDP in 2006.

⁽¹⁾ OJ L 209, 2.8.1997, p. 6. Regulation as amended by Regulation (EC) No 1056/2005 (OJ L 174, 7.7.2005, p. 5).

⁽²⁾ OJ C 236, 2.8.1997, p. 1.

⁽³⁾ OJ L 34, 11.2.2003, p. 16.

- (7) According to data provided by Eurostat, the general government deficit in Germany amounted to 3,3 % of GDP in 2005. These data, pending a further assessment of their quality, are based upon a provisional notification from Germany pursuant to Regulation (EC) No 3605/93 of 22 November 1993 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community⁽¹⁾, submitted to the Commission on 24 February 2006. Additionally, on the basis of information currently available, taking into account the budgetary plans adopted so far by the German government, the general government deficit will also remain above the Treaty reference value in 2006, which confirms that the excessive deficit has not been corrected.
- (8) According to Article 10(3) of Regulation (EC) No 1467/97, if actual data pursuant to Regulation (EC) No 3605/93 indicate that an excessive deficit has not been corrected by a participating Member State within the time limits specified in a recommendation issued under Article 104(7) of the Treaty, the Council shall immediately take a decision under Article 104(9) of the Treaty giving notice to the Member State to take, within a specified time limit, measures for the deficit reduction which is judged necessary by the Council in order to remedy the situation.
- (9) The Commission services' autumn 2005 forecast projected the 2005 deficit at 3,9 % of GDP⁽²⁾. On a no-policy-change basis, the Commission services' forecast projected the deficit at 3,7 % and 3,3 % of GDP in 2006 and 2007 respectively. Real GDP growth was projected at 0,8 % in 2005, 1,2 % in 2006 and 1,6 % in 2007, with the output gap not fully closing over the forecast period. Against this background, and in view of the still fragile economic situation, the German government, following the elections on 18 September 2005, devised a strategy to bring the general government deficit below the Treaty reference value by 2007. The government began to implement this consolidation strategy in December 2005, with the adoption of the first measures foreseen therein. On 22 February 2006, the government adopted the draft federal budget for 2006 and, notably, also adopted the draft law to raise the central VAT rate from 16 % to 19 % as from 1 January 2007.
- (10) On 22 February 2006, the Federal Statistical Office released figures for GDP growth and the general government deficit in 2005, at 0,9 % and 3,3 % of GDP respectively. The difference with respect to the Commission services' autumn forecast can be found to a large extent in better-than-expected revenues towards the end of 2005. The Commission services' interim forecast, published on 21 February 2006, projects real GDP to grow by 1,5 % in 2006, which is slightly above the low potential growth rate. It should be noted that this projection is biased upwards by the expected pre-emptive response of domestic demand to the planned increase in the VAT rate. Taking into account the subsequent economic effects, GDP growth in 2007 is currently expected to be close to 1 %. In line with the above macroeconomic forecast, the nominal deficit is expected to stay slightly above 3 % of GDP in 2006, but to drop clearly below the reference value in 2007. After an improvement of slightly less than 0,5 % between 2004 and 2005, the structural deficit (i.e. the deficit in cyclically-adjusted terms, net of one-off and temporary measures) is projected by Commission services to remain broadly unchanged as a percentage of GDP between 2005 and 2006 and to narrow by at least 1 % of GDP in 2007.
- (11) The following factors should be taken into account in setting the deadline for the correction of the excessive deficit. First, the budgetary adjustment being implemented is embedded in a comprehensive strategy with the planned measures already well advanced in the adoption process, which reduces uncertainty regarding the effectiveness of the consolidation. These measures are of a structural nature and do not contain one-offs. Secondly, the limited effects in terms of reduction of the structural deficit expected in 2006 reflect, at least in part, the fact that some of the measures already implemented will produce results only with a lag. Thirdly, a structural adjustment of at least 1 % of GDP in 2006 and 2007 planned by the government can be considered as consistent with the SGP provisions, including the required annual improvement to the cyclically-adjusted balance net of one-off and temporary measures of at least 0,5 % of GDP as a benchmark. Based on the overall macroeconomic forecast outlined in recital 10, such an adjustment, which needs to be rigorously implemented, would be sufficient to correct the excessive deficit in a permanent and sustainable manner.
- (12) In the light of these factors, it appears that the excessive deficit should be corrected by 2007 at the latest. The benchmark 0,5 % of GDP annual improvement in the structural balance should be respected in cumulative terms in 2006 and 2007.
- ⁽¹⁾ OJ L 332, 31.12.1993, p. 7. Regulation as last amended by Regulation (EC) No 2103/2005 (OJ L 337, 22.12.2005, p. 1).
- ⁽²⁾ This was broadly in line with the figure notified by the German authorities on 1 September 2005 (3,7 % of GDP), the main difference stemming from the securitisation undertaken by the pension office for former post office civil servants, which was not treated as deficit-reducing in the autumn forecast.

- (13) According to the second subparagraph of Article 104(9) of the Treaty, the Council may request Germany to submit reports in accordance with a specific timetable in order to examine the adjustment efforts made in order to comply with this Decision. Germany should submit a report to the Commission by 14 July 2006 at the latest, outlining the measures taken and planned to comply with this Decision. In particular, the report should include a budgetary assessment of the measures, quantifying their effects on the budgetary outcome in both 2006 and 2007, to correct the excessive deficit and analyse possible risks associated with the assumed macroeconomic scenario. The Commission will evaluate this report with a view to assessing progress made towards the correction of the excessive deficit. Germany should submit further reports in line with the deadlines for reporting government deficits and debt provided for by Article 4 of Regulation (EC) No 3605/93.
- (14) Adjustment measures should secure a lasting improvement in the general government balance. In order to ensure a sustained budgetary consolidation towards Germany's medium-term objective of a balanced budget in structural terms, a reduction in the structural deficit of at least 0,5 % of GDP per year is necessary after the correction of the excessive deficit,

HAS ADOPTED THIS DECISION:

Article 1

1. Germany shall put an end to the present excessive deficit situation as rapidly as possible and at the latest by 2007.
2. In 2006 and 2007, Germany shall ensure a cumulative improvement in its cyclically-adjusted balance net of one-off and temporary measures of at least one percentage point.

Article 2

1. Germany shall submit to the Commission, by 14 July 2006 at the latest, a report outlining the measures taken to comply with this Decision. The Commission will evaluate this report with a view to assessing progress made towards the correction of the excessive deficit.
2. Germany shall submit further reports to the Commission, by 1 October 2006, 1 April 2007, 1 October 2007 and 1 April 2008, examining progress made in complying with this Decision.

Article 3

Germany shall take the necessary measures to ensure that budgetary consolidation towards its medium-term objective of a balanced budget in structural terms is sustained through a reduction in the structural deficit of at least 0,5 % of GDP per year after the excessive deficit has been corrected.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 14 March 2006.

For the Council
The President
K.-H. GRASSER

COUNCIL DECISION**of 27 March 2006****on the signing and provisional application of the Agreement between the European Community and the Republic of Moldova on certain aspects of air services**

(2006/345/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Council authorised the Commission on 5 June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.
- (2) On behalf of the Community, the Commission has negotiated an Agreement with the Republic of Moldova on certain aspects of air services, hereinafter referred to as 'the Agreement', in accordance with the mechanisms and directives in the Annex to the Council Decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.
- (3) Subject to its conclusion at a later date, the Agreement should be signed and provisionally applied,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Agreement between the European Community and the Republic of Moldova on certain aspects

of air services is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

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

Article 3

Pending its entry into force, the Agreement shall be applied provisionally from the first day of the first month following the date on which the Parties have notified each other of the completion of the necessary procedures for this purpose.

Article 4

The President of the Council is hereby authorised to make the notification provided in Article 8(2) of the Agreement.

Done at Brussels, 27 March 2006.

For the Council

The President

H. GORBACH

AGREEMENT**between the European Community and the Republic of Moldova on certain aspects of air services**

THE EUROPEAN COMMUNITY,

of the one part, and

THE REPUBLIC OF MOLDOVA, (hereinafter referred to as Moldova)

of the other part,

(hereinafter referred to as the Parties)

NOTING that bilateral air service agreements have been concluded between several Member States of the European Community and Moldova containing provisions contrary to European Community law,

NOTING that the European Community has exclusive competence with respect to several aspects that may be included in bilateral air service agreements between Member States of the European Community and third countries,

NOTING that under European Community law Community air carriers established in a Member State have the right to non-discriminatory access to air routes between the Member States of the European Community and third countries,

HAVING REGARD to the agreements between the European Community and certain third countries providing for the possibility for the nationals of such third countries to acquire ownership in air carriers licensed in accordance with European Community law,

RECOGNISING that provisions of the bilateral air service agreements between Member States of the European Community and Moldova, which are contrary to European Community law, must be brought into conformity with it in order to establish a sound legal basis for air services between the European Community and Moldova and to preserve the continuity of such air services,

NOTING that it is not a purpose of the European Community, as part of these negotiations, to increase the total volume of air traffic between the European Community and Moldova, to affect the balance between Community air carriers and air carriers of Moldova, or to negotiate amendments to the provisions of existing bilateral air service agreements concerning traffic rights,

HAVE AGREED AS FOLLOWS:

*Article 1***General provisions**

1. For the purposes of this Agreement, definitions are listed in Annex IV.
2. References in each of the Agreements listed in Annex I to nationals of the Member State that is a party to that Agreement shall be understood as referring to nationals of the Member States of the European Community.
3. References in each of the Agreements listed in Annex I to air carriers or airlines of the Member State that is a party to that Agreement shall be understood as referring to air carriers or airlines designated by that Member State.

*Article 2***Designation by a Member State**

1. The provisions in paragraphs 2 and 3 of this Article shall supersede the corresponding provisions in the Articles listed in

Annex II(a) and (b) respectively, in relation to the designation of an air carrier by the Member State concerned, its authorisations and permissions granted by Moldova, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.

2. On receipt of a designation by a Member State, Moldova shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

- (i) the air carrier is established, under the Treaty establishing the European Community, in the territory of the designating Member State and has a valid Operating Licence in accordance with European Community law;
- (ii) effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation; and

(iii) the air carrier is owned, directly or through majority ownership, and it is effectively controlled by Member States and/or nationals of Member States, and/or by other States listed in Annex III and/or nationals of such other States.

3. Moldova may refuse, revoke, suspend or limit the authorisations or permissions of an air carrier designated by a Member State where:

- (i) the air carrier is not established, under the Treaty establishing the European Community, in the territory of the designating Member State or does not have a valid Operating Licence in accordance with European Community law;
- (ii) effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its Air Operator's Certificate, or the relevant aeronautical authority is not clearly identified in the designation; or
- (iii) the air carrier is not owned, directly or through majority ownership, or it is not effectively controlled by Member States and/or nationals of Member States, and/or by other States listed in Annex III and/or nationals of such other States.

In exercising its right under this paragraph, Moldova shall not discriminate between Community air carriers on the grounds of nationality.

Article 3

Safety

1. The provisions in paragraph 2 of this Article shall complement the Articles listed in Annex II(c).

2. Where a Member State has designated an air carrier whose regulatory control is exercised and maintained by another Member State, the rights of Moldova under the safety provisions of the Agreement between the Member State that has designated the air carrier and Moldova shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that other Member State and in respect of the operating authorisation of that air carrier.

Article 4

Taxation of aviation fuel

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the Articles listed in Annex II(d).

2. Notwithstanding any other provision to the contrary, nothing in each of the Agreements listed in Annex II(d) shall prevent a Member State from imposing, on a non-discriminatory basis, taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of Moldova that operates between a point in the territory of that Member State and another point in the territory of that Member State or in the territory of another Member State.

Article 5

Tariffs for carriage within the European Community

1. The provisions in paragraph 2 of this Article shall complement the articles listed in Annex II(e).

2. The tariffs to be charged by the air carrier(s) designated by Moldova under an agreement listed in Annex I containing a provision listed in Annex II(e) for carriage wholly within the European Community shall be subject to European Community law.

Article 6

Annexes to the Agreement

The Annexes to this Agreement shall form an integral part thereof.

Article 7

Revision or amendment

The Parties may, at any time, revise or amend this Agreement by mutual consent.

Article 8

Entry into force and provisional application

1. This Agreement shall enter in force on the date of the receipt of the latest written notification of the Parties on the completion of their internal procedures necessary for the entry into force of this Agreement.

2. Pending its entry into force in accordance with paragraph 1, the Parties shall apply this Agreement from the first day of the month following the date on which the Parties have notified each other of the completion of the necessary internal procedures to that effect.

3. Agreements and other arrangements between Member States and Moldova which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally are listed in Annex I(b). This Agreement shall apply to all such Agreements and arrangements upon their entry into force or provisional application.

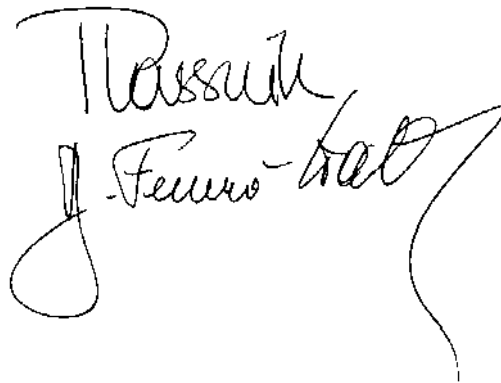
*Article 9***Termination**

1. In the event that an Agreement listed in Annex I is terminated, all provisions of this Agreement that relate to the Agreement listed in Annex I concerned shall terminate at the same time.
2. In the event that all Agreements listed in Annex I are terminated, this Agreement shall terminate at the same time.

IN WITNESS WHEREOF, the undersigned, being duly authorised, have signed this Agreement.

Done at Luxembourg in two original copies, on this eleventh day of April in the year two thousand and six, in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and Moldavian languages.

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



Por la República de Moldavia
Za Moldavskou republiku
For Republikken Moldova
Für die Republik Moldau
Moldova Vabariigi nimel
Για τη Δημοκρατία της Μολδαβίας
For the Republic of Moldova
Pour la République de Moldavie
Per la Repubblica moldova
Moldovas Republikas vārdā
Moldovas Respublikos vardu
A Moldovai Köztársaság részéről
Ghar-Repubblika tal-Moldovja
Voor de Republiek Moldavië
W imieniu Republiki Mołdowy
Pela República da Moldávia
Za Moldavskú republiku
Za Republika Moldavija
Moldovan tasavallan puolesta
För Republiken Moldavien
Pentru Republica Moldova



ANNEX I

List of agreements referred to in Article 1 of this Agreement

- (a) Air service agreements between Republic of Moldova and Member States of the European Community which, at the date of signature of this Agreement, have been concluded, signed and/or are being applied provisionally:

— Air Transport Agreement between the Austrian Federal Government and the Government of the Republic of Moldova signed at Vienna on 20 July 1993 (hereinafter referred to as Moldova — Austria Agreement);

Last modified by Memorandum of Understanding done at Vienna on 10 October 2002;

— Agreement between the Government of the Republic of Cyprus and the Government of the Republic of Moldova concerning air services, signed at Chisinau on 15 July 2002 (hereinafter referred to as Moldova — Cyprus Agreement);

— Air Transport Agreement between the Government of the Czech Republic and the Government of the Republic of Moldova, signed at Chisinau on 24 February 2004 (hereinafter referred to as Moldova — Czech Republic Agreement);

— Air Transport Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Moldova, signed at Chisinau on 21 May 1999 (hereinafter referred to as Moldova — Germany Agreement);

— Air Transport Agreement between the Government of the Hellenic Republic and the Government of the Republic of Moldova, done at Athens on 29 March 2004 (hereinafter referred to as Moldova — Greece Agreement);

— Air Transport Agreement between the Government of the Republic of Hungary and the Government of the Republic of Moldova, signed at Budapest on 19 April 1995 (hereinafter referred to as Moldova — Hungary Agreement);

— Agreement between the Government of the Italian Republic and the Government of the Republic of Moldova concerning air services, signed at Rome on 19 September 1997 (hereinafter referred to as Moldova — Italy Agreement);

Last modified by Memorandum of Understanding signed at Rome on 26 January 2005;

— Air Services Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Moldova, signed at Vilnius on 5 April 1996 (hereinafter referred to as Moldova — Lithuania Agreement);

Last amended by Exchange of Notes signed at Chisinau on 8 November 2004;

— Agreement between the Government of the Kingdom of the Netherlands and the Government of the Union of Soviet Socialist Republics concerning air services, signed on 17 June 1958 endorsed through the common declaration regarding bilateral treaties in relations between the Kingdom of the Netherlands and the Republic of Moldova signed in Chisinau on 29 October 1996 (hereinafter referred to as Moldova — Netherlands Agreement);

— Agreement between the Government of the Republic of Poland and the Government of the Republic of Moldova concerning civil air transport signed at Warsaw on 27 July 1995 (hereinafter referred to as Moldova — Poland Agreement);

— Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Moldova relating to Air Services, initialled at Kishinev on 18 November 1994 (hereinafter referred to as Moldova — UK Agreement);

(b) Air service agreements and other arrangements initialled or signed between Moldova and Member States of the European Community which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally:

- Air Transport Agreement between the Government of the Republic of Estonia and the Government of the Republic of Moldova, initialled at Tallin on 23 September 1999 (hereinafter referred to as Moldova — Estonia Agreement);
 - Agreement between the Government of the Republic of France and the Government of the Republic of Moldova relating to Air Transport initialled at Chisinau on 29 July 1999 (hereinafter referred to as Moldova — France Agreement);
 - Air Services Agreement between the Government of the Republic of Latvia and the Government of the Republic of Moldova, initialled at Riga on 28 April 2004 (hereinafter referred to as Moldova — Latvia Agreement);
 - Agreement between the Portuguese Republic and the Republic of Moldova relating to Air Services, initialled at Lisbon on 17 February 2005 (hereinafter referred to as Moldova — Portugal Agreement).
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ANNEX II

List of Articles in the Agreements listed in Annex I and referred to in Articles 2 to 5 of this Agreement

(a) Designation by a Member State:

- Article 3(5) of the Moldova — Austria Agreement;
- Article 4(3) of the Moldova — Cyprus Agreement;
- Article 3(4) of the Moldova — Czech Republic Agreement;
- Article 3(4) of the Moldova — Estonia Agreement;
- Article 3(2) of the Moldova — France Agreement;
- Article 3(2)(b) of the Moldova — Greece Agreement;
- Article 3(4) of the Moldova — Hungary Agreement;
- Article 1(2) of the Moldova — Netherlands Agreement;
- Article 3(4) of the Moldova — Poland Agreement;
- Article 4(4) of the Moldova — UK Agreement;

(b) Refusal, revocation, suspension or limitation of authorisations or permissions:

- Article 4(1)(a) of the Moldova — Austria Agreement;
- Article 5(1)(a) of the Moldova — Cyprus Agreement;
- Article 4(1)(b) of the Moldova — Czech Republic Agreement;
- Article 4 of the Moldova — Estonia Agreement;
- Article 4(1) of the Moldova — France Agreement;
- Article 4(1)(b) of the Moldova — Greece Agreement;
- Article 4(1)(a) of the Moldova — Hungary Agreement;
- Article 4(1)(a) of the Moldova — Lithuania Agreement;
- Article 4(1)(a) of the Moldova — Poland Agreement;
- Article 5(1)(a) of the Moldova — UK Agreement;

(c) Safety:

- Article 13 of the Moldova — Cyprus Agreement;
- Article 8 of the Moldova — Czech Republic Agreement;
- Article 12 of the Moldova — Estonia Agreement;
- Article 8 of the Moldova — France Agreement;
- Article 12 of the Moldova — Germany Agreement;
- Article 7 of the Moldova — Greece Agreement;
- Article 16 of the Moldova — Latvia Agreement;

(d) Taxation of aviation fuel:

- Article 7 of the Moldova — Austria Agreement;
- Article 7 of the Moldova — Cyprus Agreement;
- Article 9 of the Moldova — Czech Republic Agreement;
- Article 6 of the Moldova — Estonia Agreement;
- Article 10 of the Moldova — France Agreement;

- Article 6 of the Moldova — Germany Agreement;
- Article 10 of the Moldova — Greece Agreement;
- Article 6 of the Moldova — Hungary Agreement;
- Article 7 of the Moldova — Latvia Agreement;
- Article 6 of the Moldova — Lithuania Agreement;
- Article 9 of the Moldova — Poland Agreement;
- Article 8 of the Moldova — UK Agreement;

(e) Tariffs for carriage within the European Community:

- Article 11 of the Moldova — Austria Agreement;
 - Article 16 of the Moldova — Cyprus Agreement;
 - Article 13 of the Moldova — Czech Republic Agreement;
 - Article 10 of the Moldova — Estonia Agreement;
 - Article 14 of the Moldova — France Agreement;
 - Article 10 of the Moldova — Germany Agreement;
 - Article 13 of the Moldova — Greece Agreement;
 - Article 13 of the Moldova — Hungary Agreement;
 - Article 8 of the Moldova — Italy Agreement;
 - Article 11 of the Moldova — Latvia Agreement;
 - Article 10 of the Moldova — Lithuania Agreement;
 - Article 8 of the Moldova — Poland Agreement;
 - Article 7 of the Moldova — UK Agreement.
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*ANNEX III***List of other states referred to in Article 2 of this Agreement**

- (a) The Republic of Iceland (under the Agreement on the European Economic Area);
 - (b) The Principality of Liechtenstein (under the Agreement on the European Economic Area);
 - (c) The Kingdom of Norway (under the Agreement on the European Economic Area);
 - (d) The Swiss Confederation (under the Agreement between the European Community and the Swiss Confederation on Air Transport).
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ANNEX IV

Definitions

The expression 'Member State' means any Member State of the European Community.

The expression 'Establishment of a Community air carrier (airline) on the territory of a Member State' implies the effective and real exercise of air transport activity through stable arrangements. The legal form of such an establishment should not be the determining factor in this respect, whether it is a branch or a subsidiary with legal personality. When an undertaking is established on the territory of several Member States, as defined by the Treaty, it should ensure, in order to avoid any circumvention of national law, that each of the establishments fulfils the obligations which may, in accordance with Community law, be imposed by the national law applicable to its activities ⁽¹⁾.

The expression 'Operating licence' means an authorisation granted by the Member State responsible to an undertaking, permitting it to carry out carriage by air of passengers, mail and/or cargo, as stated in the operating licence, for remuneration and/or hire.

The expression 'Air operator's certificate' means a document issued to an undertaking or a group of undertakings by the competent authorities which affirms that the operator in question has the professional ability and organisation to secure the safe operation of aircraft for the aviation activities specified in the certificate.

Evidence of 'effective regulatory control' is predicated upon but is not limited to: the air carrier holds a valid Operating Licence issued by the competent authorities, and meets the criteria for the operation of international air services established by the competent authorities, such as proof of financial fitness, ability to meet, where relevant, public interest requirement, obligations for assurance of service etc., and the licensing Member State has and maintains aviation safety and security oversight programmes in compliance with standards of the International Civil Aviation Organisation at least.

⁽¹⁾ Regulation (EC) No 847/2004 of the European Parliament and of the Council of 29 April 2004 on the negotiation and implementation of air service agreements between Member States and third countries (OJ L 157, 30.4.2004, p. 7). Corrected version in OJ L 195, 2.6.2004, p. 3.