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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1103/2006
of 18 July 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 19 July 2006.

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

Done at Brussels, 18 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 18 July 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	096	42,0
	999	42,0
0707 00 05	052	96,5
	999	96,5
0709 90 70	052	80,2
	999	80,2
0805 50 10	052	61,1
	388	67,3
	524	54,8
	528	56,6
	999	60,0
0808 10 80	388	88,6
	400	104,8
	404	83,4
	508	87,7
	512	84,7
	524	45,3
	528	83,7
	720	46,9
	804	102,3
0808 20 50	999	80,8
	388	105,0
	512	101,6
	528	86,5
	720	32,3
	804	120,7
0809 10 00	999	89,2
	052	128,7
0809 20 95	999	128,7
	052	286,0
	400	373,1
	404	426,8
0809 30 10, 0809 30 90	999	362,0
	052	129,4
0809 40 05	999	129,4
	052	60,3
	624	135,7
	999	98,0

⁽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 1104/2006**of 18 July 2006****amending Regulation (EC) No 831/2002 implementing Council Regulation (EC) No 322/97 on Community Statistics, concerning access to confidential data for scientific purposes****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics ⁽¹⁾ and in particular Article 17(2) and Article 20(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 831/2002 ⁽²⁾ establishes, for the purpose of enabling statistical conclusions to be drawn for scientific purposes, the conditions under which access to confidential data transmitted to the Community authority may be granted. It enumerates the different surveys and data sources to which it applies.

(2) There is a growing demand by researchers and scientific community in general to have access for scientific purposes also to confidential data from the Structure of Earnings Survey. The Structure of Earnings Survey represents EU-wide harmonised structural data on gross earnings, hours paid and annual days of paid holiday leave which are collected every four years under Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and on labour costs ⁽³⁾. Access to this confidential data would largely benefit the research work on earnings of individuals and their relation with the characteristics of the employer. This survey should therefore be added to the enumeration in Regulation (EC) No 831/2002.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Statistical Confidentiality,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 831/2002 is amended as follows:

⁽¹⁾ OJ L 52, 22.2.1997, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 133, 18.5.2002, p. 7.

⁽³⁾ OJ L 63, 12.3.1999, p. 6. Regulation as amended by Regulation (EC) No 1882/2003.

1. Article 5(1) is replaced by the following:

'1. The Community authority may grant access on its premises to confidential data obtained from the following surveys or statistical data sources:

— European Community Household Panel,

— Labour Force Survey,

— Community Innovation Survey,

— Continuing Vocational Training Survey,

— Structure of Earnings Survey.

However, on the request of the national authority which provided the data, access to data from that national authority shall not be granted for a specific research project.'

2. Article 6(1) is replaced by the following:

'1. The Community authority may release sets of anonymised microdata obtained from the following surveys or statistical data sources:

— European Community Household Panel,

— Labour Force Survey,

— Community Innovation Survey,

— Continuing Vocational Training Survey,

— Structure of Earnings Survey.

However, on the request of the national authority which provided the data, access to data from that national authority shall not be granted for a specific research project.'

Article 2

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

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

Done at Brussels, 18 July 2006.

For the Commission
Joaquín ALMUNIA
Member of the Commission

COMMISSION REGULATION (EC) No 1105/2006
of 18 July 2006
fixing the aid for dried fodder for the 2005/06 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1786/2003 of 29 September 2003 on the common organisation of the market in dried fodder ⁽¹⁾, and in particular Article 20 thereof,

Whereas:

- (1) Article 4(2) of Regulation (EC) No 1786/2003 lays down the amount of the aid for dried fodder to be paid to processors for up to the maximum guaranteed quantity established in Article 5(1) of that Regulation.
- (2) The quantities notified to the Commission by the Member States for the 2005/06 marketing year under the second subparagraph of Article 33(1) of Commission Regulation (EC) No 382/2005 of 7 March 2005 laying down detailed rules for the application of Council Regulation (EC) No 1786/2003 on the common organisation of the market in dried fodder ⁽²⁾ include quantities in stock on 31 March 2006 for which, under Article 34a of that Regulation, aid may be paid for the 2005/06 marketing year.
- (3) Under Article 6(4) of Commission Regulation (EC) No 785/95 of 6 April 1995 laying down detailed rules for the application of Council Regulation (EC) No 603/95 on the common organisation of the market in dried fodder ⁽³⁾, in conjunction with the second paragraph of Article 36 of Regulation (EC) No 382/2005, quantities not taken into account for the 2004/05 marketing year

because of late notification by one Member State should also be included for the 2005/06 marketing year.

- (4) The notifications show that the maximum guaranteed quantity for dried fodder has not been exceeded.
- (5) The aid for dried fodder is therefore EUR 33 per tonne, in accordance with Article 4(2) of Regulation (EC) No 1786/2003.
- (6) For those Member States applying an optional transitional period in accordance with Article 71 of Council Regulation (EC) No 1782/2003 ⁽⁴⁾, the aid provided for in the second subparagraph of paragraph 2 of that Article should be fixed, in accordance with Article 35 of Regulation (EC) No 382/2005.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for dried fodder for the 2005/06 marketing year shall be as laid down in the Annex.

Article 2

This Regulation shall enter into force on the third 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, 18 July 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 114. Regulation as last amended by Regulation (EC) No 456/2006 (OJ L 82, 21.3.2006, p. 1).

⁽²⁾ OJ L 61, 8.3.2005, p. 4. Regulation as amended by Regulation (EC) No 432/2006 (OJ L 79, 16.3.2006, p. 12).

⁽³⁾ OJ L 79, 7.4.1995, p. 5. Regulation repealed by Regulation (EC) No 382/2005.

⁽⁴⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 953/2006 (OJ L 175, 29.6.2006, p. 1).

ANNEX

Aid for dried fodder**2005/06 marketing year**

Member State	Aid referred to in Article 4 of Regulation (EC) No 1786/2003 EUR/t	Aid referred to in the second subparagraph of Article 71(2) of Regulation (EC) No 1782/2003 EUR/t
Belgium	—	
Czech Republic	33,00	
Denmark	33,00	
Germany	33,00	
Greece	33,00	22,233
Spain	33,00	23,036
France	33,00	35,535
Ireland	33,00	
Italy	33,00	
Lithuania	33,00	
Luxembourg	—	
Hungary	33,00	
Netherlands	33,00	35,830
Austria	33,00	
Poland	33,00	
Portugal	33,00	
Slovakia	33,00	
Finland	33,00	35,830
Sweden	33,00	
United Kingdom	33,00	

COMMISSION REGULATION (EC) No 1106/2006**of 18 July 2006****fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.
- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.

(4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.

(5) The negotiations within the framework of the Europe Agreements between the European Community and Romania and Bulgaria aim in particular to liberalise trade in products covered by the common organisation of the market concerned. For those two countries export refunds should therefore be abolished.

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

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 July 2006.

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

Done at Brussels, 18 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 19 July 2006 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	22,88 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	21,55 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	22,88 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	21,55 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2488
1701 99 10 9100	S00	EUR/100 kg	24,88
1701 99 10 9910	S00	EUR/100 kg	23,42
1701 99 10 9950	S00	EUR/100 kg	23,42
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,2488

NB: The destinations are defined as follows:

S00: all destinations except Albania, Croatia, Bosnia and Herzegovina, Bulgaria, Romania, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia.

^(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 application of 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 multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) 318/2006.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 July 2006

requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters

(notified under documents number C(2006) 1887 and number C(2006) 1887 COR)

(Text with EEA relevance)

(2006/498/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

- (1) Pursuant to Directive 2001/95, producers are obliged to place only safe products on the market.
- (2) According to Article 13 of Directive 2001/95/EC, if the Commission becomes aware that certain products present a serious risk to the health and safety of consumers, it may, under certain conditions, adopt a Decision requiring Member States to take temporary measures aimed in particular to restrict or make subject to particular conditions the placing on the market of such products, to ban their marketing and introduce the accompanying measures required to ensure that the ban is complied with, or to require their withdrawal or recall from the market.
- (3) Such a Decision is contingent upon the facts that Member States differ significantly on the approach

adopted or to be adopted to deal with the risk concerned; that the risk cannot, in view of the nature of the safety issue, be dealt with in a manner compatible with the degree of urgency of the case under other procedures laid down by the specific Community legislation applicable to the products concerned; and that the risk can be eliminated effectively only by adopting appropriate measures applicable at Community level, in order to ensure a consistent and high level of protection of the health and safety of consumers and the proper functioning of the internal market.

- (4) Lighters are products which are inherently hazardous since they produce a flame or heat and since they contain a flammable fuel. They pose a serious risk when being misused by children, which may result in fires, injuries or even deaths. Taking account of the inherently hazardous nature of lighters, the very high number of items placed on the market and the foreseeable conditions of use, the seriousness of the risk posed by lighters to children's safety should be dealt with in relation to their possible use in play by children.
- (5) The serious risk posed by lighters is confirmed by the available data and information on fires in the EU related to children playing with lighters. A report published by the United Kingdom Department of Trade and Industry in February 1997 entitled 'European research — accidents caused by children under five playing with cigarette lighters and matches' estimated a total of about 1 200 fires, 260 injuries and 20 deaths per year in the EU for 1997. More recent information confirms that a significant number of serious accidents, including deaths, are still caused in the EU by children playing with non-resistant lighters.

⁽¹⁾ OJ L 11, 15.1.2002, p. 4.

- (6) Legislation establishing child-resistance requirements for lighters equivalent to those set out in this Decision exist in Australia, Canada, New Zealand and the United States of America (US). Before setting up the legislation, a survey was launched in the US. The US Consumer Product Safety Commission's 1993 proposal for a Regulation for lighters estimated that, per year, lighters used by children caused more than 5 000 fires, 1 150 injuries and 170 deaths in the US.
- (7) The US child-resistance requirement was introduced in 1994. In 2002 a US study on the effectiveness of the requirement reported a 60 % reduction in fires, injuries and deaths.
- (8) Consultation of the Member States in the Committee established by Article 15 of Directive 2001/95/EC has established that Member States differ significantly on the approach to deal with the risk posed by non-child-resistant lighters.
- (9) Two technical standards relate to the safety of lighters: the European and International Standard EN ISO 9994:2002 'Lighters — Safety Specification', which establishes specifications on quality, reliability and safety of the lighters combined with appropriate manufacturing test procedures, but which does not include child-resistance specifications, and the European standard EN 13869:2002 'Lighters — Child-resistance for lighters — Safety requirements and test methods', which establishes child-resistance specifications.
- (10) The references of EN ISO 9994:2002 were published by the Commission in the *Official Journal of the European Union* ⁽¹⁾ in accordance with the procedure laid down in Article 4 of Directive 2001/95/EC giving presumption of conformity with the general safety requirement of Directive 2001/95/EC for the risks covered by this standard. In order to deal with child-resistance, some Member States considered that the Commission should publish in the Official Journal also the references of EN 13869:2002. However, other Member States considered that EN 13869:2002 should first be substantially revised.
- (11) In the absence of Community measures on child-resistance of lighters and on the prohibition of novelty lighters some Member States may adopt divergent national measures. The introduction of such measures would inevitably result in an uneven level of protection and in intra-Community barriers to trade in lighters.
- (12) There is no specific Community legislation applicable to lighters. The risk cannot be dealt with effectively under other procedures laid down in specific rules of Community law, taking into account the nature of the safety problem concerned, and in a manner compatible with the degree of urgency of the case. It is therefore necessary to resort to a Decision according to Article 13 of Directive 2001/95/EC.
- (13) In view of the serious risk from lighters and in order to ensure a consistent high level of consumer health and safety protection throughout the EU as well as to avoid barriers to trade, a temporary Decision in accordance with Article 13 of Directive 2001/95/EC should be adopted. Such Decision should rapidly make the placing on the market of lighters subject to the condition that they be child-resistant. Such Decision should prevent further damages and deaths, pending a permanent solution which should be based on an international consensus.
- (14) The child-resistance requirement of this Decision should cover disposable lighters, because such lighters pose a particularly high degree of risk of child misuse. A US study of 1987, 'Harwood's study', demonstrated that on average 96 % of the accidents caused by children playing with lighters were due to disposable lighters. Very few accidents involved lighters other than disposable ones, namely the so-called luxury and semi-luxury lighters which are designed, manufactured and placed on the market such as to ensure a continual expected safe use over a long period of time, and which are covered by a written guarantee and benefit from an after-sales service for replacement or repair of their parts over their life time, and which are characterised by a sophisticated design using expensive material, a luxury image and a low degree of substitutability with other lighters, and a distribution in outlets in accordance with the prestige and luxury image of the brand. These results are consistent with the fact that people are likely to pay more attention to higher value lighters intended to be used for a long time period.
- (15) All lighters that resemble by any means to another object commonly recognised as appealing to or intended for use by children should be banned. This includes, but is not limited to, lighters the shape of which resembles cartoon characters, toys, guns, watches, telephones, musical instruments, vehicles, human body or parts of the human body, animals, food or beverages, or that play musical notes, or have flashing lights or moving objects or other entertaining features, usually called 'novelty lighters', which pose a high risk of misuse by children.

⁽¹⁾ OJ C 100, 24.4.2004, p. 20.

- (16) In order to facilitate the application of the child-resistance requirement by producers of lighters, it is appropriate to make reference to the relevant specifications of the European standard EN 13869:2002, so that lighters complying with the corresponding specifications of the national standards which transpose that European standard are presumed to conform to the child-resistance requirement of this Decision. With the same aim, lighters complying with the relevant rules of the non-EU countries where child-resistance requirements equivalent to those established by this Decision are in force should also be presumed to conform to the child-resistance requirement of this Decision.
- (17) The consistent and effective enforcement of the child-resistance requirement established by this Decision requires the submission by producers to the competent authorities at their request of test reports on child-resistance delivered by testing bodies accredited by the accreditation bodies which are members of international accreditation organisations or otherwise recognised by the authorities to that end or delivered by testing bodies recognised for executing this type of test by the authorities of the countries where safety requirements equivalent to those established by this Decision are applied. Lighter producers should provide on request without delay to the competent authorities established under Article 6 of the Directive 2001/95/EC all the documents needed. If the producer is unable to provide such documentation within the delay established by the competent authority, the lighters should be withdrawn from the market.
- (18) According to Article 5(2) of Directive 2001/95/EC distributors should help to ensure compliance of the lighters they supply with the child-resistance requirement established by this Decision. In particular they should cooperate with the competent authorities by providing them on request the documentation needed to trace the origin of the lighters.
- (19) The shortest possible transition periods should be allowed for the application by producers of the measures established by this Decision, consistent with the need to prevent further accidents while taking into account technical constraints and ensuring proportionality. Transitional periods are also required for the Member States to ensure that the measures are efficiently applied, given the high volume of lighters marketed annually in the EU and the multiple distribution channels used for such marketing. Therefore, the obligation for producers to place only child-resistant lighters on the market should apply 10 months from the date of notification of this Decision while the obligation to supply only child-resistant lighters to consumers should apply one year after the entry into force of the ban on placing on the market of such lighters. Therefore, the latter obligation will be established when revising this Decision, one year after its adoption.
- (20) Article 13(3) of Directive 2001/95/EC prohibits the export from the Community of the dangerous products which have been the subject of a Decision. However, taking into account the structure of the market for lighters as regards the number of producers worldwide, the volume of exports and imports and the globalisation of markets, an export ban would not improve the safety of consumers located in Third Countries which do not apply child-resistance requirements, since the exports from the EU would be replaced by non-child resistant lighters from non-EU countries. The application of article 13(3) should therefore be suspended until an international standard on child resistance is adopted. This should be without prejudice to the application of measures in third countries where child-resistance requirements are in force.
- (21) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 15 of Directive 2001/95/EC,
- HAS ADOPTED THIS DECISION:
- Article 1*
- For the purposes of this Decision:
1. 'lighter' shall mean a manually operated flame-producing device employing a fuel, normally used for deliberately igniting in particular cigarettes, cigars and pipes, and which may foreseeably be used to ignite materials such as paper, wicks, candles and lanterns, manufactured with an integral supply of fuel, whether intended to be refuelled or not.
- Without prejudice to the prohibition of the placing on the market of novelty lighters established in Article 2(2) of this Decision, this definition shall not apply to refillable lighters for which producers provide on request to the competent authorities the necessary documentation substantiating that the lighters are designed, manufactured and placed on the market such as to ensure a continual expected safe use over a lifetime of at least five years, subject to repair, and which fulfill in particular all of the following requirements:
- a written guarantee from the producer of at least two years for each lighter, in accordance with Directive 1999/44/EC of the European Parliament and of the Council ⁽¹⁾,
 - the practical possibility to be repaired and safely refilled over the entire lifetime, including in particular a repairable ignition mechanism,
- ⁽¹⁾ OJ L 171, 7.7.1999, p. 12.

- Parts that are not consumable, but are likely to wear out or fail in continual use after the guarantee period, are accessible for replacement or repair by an authorised or specialised after-sales service centre based in the European Union;
- 2. 'novelty lighter' shall mean any lighter as defined in specification 3.2 of European Standard EN 13869:2002;
- 3. 'child-resistant lighter' shall mean a lighter designed and manufactured in such a way that it cannot, under normal or reasonably foreseeable conditions of use, be operated by children younger than 51 months of age because of, for instance, the force needed to operate it or because of its design or the protection of its ignition mechanism, or the complexity or sequence of operations needed for the ignition.

Shall be presumed to be child-resistant:

- (a) lighters which conform to national standards transposing European Standard EN 13869:2002, as far as the specifications other than those in paragraphs 3.1, 3.4 and 5.2.3 of the Standard are concerned;
- (b) lighters which conform to the relevant rules of the non-EU countries where child-resistance requirements equivalent to those established by this Decision are in force.
- 4. 'model of lighter' shall mean lighters from the same producer that do not differ in design or other characteristics in any manner that may affect child-resistance;
- 5. 'child-resistance test' shall mean a systematic test of child-resistance of a given model of lighter, on a sample of the lighters considered, in particular tests made in accordance with national standards transposing European Standard EN 13869:2002, as far as the specifications other than those in paragraphs 3.1, 3.4 and 5.2.3 of the Standard are concerned, or in accordance with the testing requirements of the relevant rules of non-EU countries where child-resistance requirements equivalent to those established by this Decision are in force;
- 6. 'producer' shall have the meaning as defined in Article 2(e) of Directive 2001/95/EC;
- 7. 'distributor' shall have the meaning as defined in Article 2(f) of Directive 2001/95/EC.

Article 2

1. Member States shall ensure that only lighters which are child-resistant are placed on the market as of 10 months from the date of notification of this Decision.
2. As of the same date referred to in paragraph 1 above, Member States shall prohibit the placing on the market of novelty lighters.

Article 3

1. As of 10 months from the date of notification of this Decision, Member States shall require the following from producers, as a condition for placing lighters on the market:
 - (a) to keep and provide on request without delay to the competent authorities established under Article 6 of the Directive 2001/95/EC, a report of a child-resistance test for each model of lighters with samples of the lighters of the tested model, certifying the child-resistance of the model of lighters placed on the market;
 - (b) to attest on request to the competent authorities that all lighters in each of the batches placed on the market conform to the model tested and provide on request to the authorities the documentation on the testing and control programme supporting such an attestation;
 - (c) to continuously monitor conformity of the lighters produced with the technical solutions adopted to ensure child-resistance, using appropriate testing methods and to maintain at the disposal of the competent authorities the production records necessary to show that all lighters produced conform to the model tested;
 - (d) to keep and provide on request without delay to the competent authorities a new report of a child-resistance test if any changes are made to a model of lighter that may adversely affect the ability of the model to meet the requirements of this Decision.
2. As of 10 months from the date of notification of this Decision, Member States shall require distributors to keep and provide without delay to the competent authorities on request the documentation necessary to identify any person from whom they have been supplied with the lighters they place on the market, in order to ensure traceability of the producer of the lighters throughout the supply chain.
3. Lighters for which producers and distributors do not provide the documentation mentioned in paragraphs 1 and 2 above within the deadline fixed by the competent authorities, shall be withdrawn from the market.

Article 4

1. Reports of a child-resistance test referred to in Article 3 shall include in particular:

- (a) the name, address and principal place of business of the manufacturer wherever he is located, and of the importer if the lighters are imported;
- (b) a complete description of the lighter, including size, shape, weight, fuel, fuel capacity, ignition mechanism, and child-resistance devices, design, technical solutions and other features that make the lighter child-resistant in accordance with the definitions and requirements of this Decision. In particular this will include a detailed description of all dimensions, force requirements, or other features that could affect the child-resistance of the lighter, including the manufacturer's tolerances for each such feature;
- (c) a detailed description of the tests and of the results obtained, the dates of the tests, the location where the tests have been performed, the identity of the organisation that conducted the tests and details of the qualification and competence of such organisation to conduct the tests concerned;
- (d) the identification of the place where the lighters are or have been manufactured;
- (e) the location where the documentation required by this Decision is kept;
- (f) references of the accreditation or recognition of the testing body.

2. Reports of a child-resistance test referred to in Article 3 shall be established by either:

- (a) testing bodies accredited as fulfilling the requirements established by EN ISO/IEC 17025:2005 'General requirements for the competence of testing and calibration laboratories', by a member of the International Laboratory Accreditation Cooperation (ILAC) for executing child-resistance tests on lighters or otherwise recognised to that end by the competent authority of a Member State;
- (b) testing bodies whose reports of a child-resistance test are accepted by one of the countries where child-resistance requirements equivalent to those established by this Decision are applied.

For information purposes, a list of the bodies referred to in paragraphs (a) and (b) above will be published and updated as necessary by the Commission.

Article 5

The prohibition referred to in Article 13(3) of Directive 2001/95/EC shall not apply.

Article 6

1. Member States shall take the necessary measures to comply with this Decision within four months from the date of notification of this Decision and publish those measures. They shall forthwith inform the Commission thereof.

2. This Decision shall be applicable until 12 months from the date of notification of this Decision.

3. On the basis of the experience acquired and progress made in view of a permanent measure, the Commission shall decide whether to prolong for additional periods the validity of this Decision, whether the Decision, in particular Articles 1(1), 1(3) and 4, should be amended and whether the suspension in Article 5 should be lifted. In particular, for Article 1(3), the Commission shall decide whether other international standards or national rules or standards or other technical specifications, in particular specifications concerning alternative methods or criteria to establish child-resistance of lighters, may be recognised as being equivalent to the child-resistance requirement established by this Decision. The decisions referred to in this paragraph shall be taken in accordance with Article 15(2) of Directive 2001/95/EC.

4. Within the framework of activities referred to in Article 10 of Directive 2001/95/EC on general product safety the Commission will, in advance of the deadline for the implementation of this Decision by the Member States, establish guidelines with the aim of facilitating the practical application of the Decision.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 14 July 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

(Acts adopted under Title V of the Treaty on European Union)

POLITICAL AND SECURITY COMMITTEE DECISION MONUC SPT/1/2006

of 30 May 2006

on the acceptance of third States' contributions to the European Union military operation in support of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) during the election process

(2006/499/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular third subparagraph of Article 25 thereof,

Having regard to Council Joint Action 2006/319/CFSP of 27 April 2006 on the European Union military operation in support of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) during the election process ⁽¹⁾ (Operation EUFOR RD Congo), and in particular Article 10(2) thereof,

Whereas:

- (1) At the request of the Political and Security Committee and in accordance with the tasking by the European Union Military Committee (EUMC), the EU Operation Commander and EU Force Commander held the Force Generation and Manning Conferences on 3 and 10 May 2006.
- (2) Following recommendations on a contribution from Turkey by the EU Operation Commander and the EUMC, the contribution from Turkey should be accepted.
- (3) In accordance with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the

European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications,

HAS DECIDED AS FOLLOWS:

Article 1

Third States' contributions

Following the Force Generation and Manning Conferences, the contribution from Turkey shall be accepted for the EU military operation in the Democratic Republic of the Congo in support of MONUC during the election process.

Article 2

Entry into force

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

Done at Brussels, 30 May 2006.

For the Political and Security Committee
The Chairperson
F.J. KUGLITSCH

⁽¹⁾ OJ L 116, 29.4.2006, p. 98.