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Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1113/2006 of 20 July 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 1114/2006 of 20 July 2006 concerning the classification of certain goods in the Combined Nomenclature** 3

★ **Commission Regulation (EC) No 1115/2006 of 20 July 2006 amending Regulation (EEC) No 3703/85 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish** 6

★ **Commission Regulation (EC) No 1116/2006 of 20 July 2006 prohibiting fishing for anchovy in ICES Sub-area VIII** 8

★ **Commission Regulation (EC) No 1117/2006 of 20 July 2006 on payment of the slaughter premium and additional payments under the veterinary measures prescribing the slaughter of animals in the Netherlands** 9

★ **Commission Regulation (EC) No 1118/2006 of 20 July 2006 on the suspension of the issuing of import licences for New Zealand butter imported under a tariff quota** 11

Commission Regulation (EC) No 1119/2006 of 20 July 2006 fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 1058/2006 13

Commission Regulation (EC) No 1120/2006 of 20 July 2006 fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 1057/2006 14

Commission Regulation (EC) No 1121/2006 of 20 July 2006 fixing the export refunds on cereals and on wheat or rye flour, groats and meal 15

Commission Regulation (EC) No 1122/2006 of 20 July 2006 concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 935/2006	17
Commission Regulation (EC) No 1123/2006 of 20 July 2006 concerning tenders notified in response to the invitation to tender for the export of common wheat issued in Regulation (EC) No 936/2006	18

II Acts whose publication is not obligatory

Council

2006/503/EC:

- ★ **Council Decision of 11 July 2006 amending Decision 2005/231/EC authorising Sweden to apply a reduced rate of taxation to electricity consumed by certain households and service sector companies in accordance with Article 19 of Directive 2003/96/EC** 19

Commission

2006/504/EC:

- ★ **Commission Decision of 12 July 2006 on special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins (notified under document number C(2006) 3113) ⁽¹⁾** 21

2006/505/EC:

- ★ **Commission Decision of 14 July 2006 setting up a Standards Advice Review Group to advise the Commission on the objectivity and neutrality of the European Financial Reporting Advisory Group's (EFRAG's) opinions** 33

2006/506/EC:

- ★ **Commission Decision of 19 July 2006 amending Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community (notified under document number C(2006) 3257) ⁽¹⁾** 36



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1113/2006
of 20 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 21 July 2006.

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

Done at Brussels, 20 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 20 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	111,0
	999	111,0
0709 90 70	052	82,4
	999	82,4
0805 50 10	052	61,1
	388	61,1
	524	49,3
	528	53,6
	999	56,3
0808 10 80	388	87,1
	400	113,1
	404	125,7
	508	93,4
	512	82,7
	524	48,3
	528	71,3
	720	103,7
	800	153,9
	804	106,8
	999	98,6
0808 20 50	388	97,3
	512	88,8
	528	84,5
	720	35,8
	804	120,7
	999	85,4
0809 10 00	052	114,8
	999	114,8
0809 20 95	052	290,5
	400	401,5
	404	426,8
	999	372,9
0809 30 10, 0809 30 90	052	148,1
	999	148,1
0809 40 05	052	60,3
	624	135,9
	999	98,1

⁽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 1114/2006
of 20 July 2006
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3 of that table.

- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months pursuant to Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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, 20 July 2006.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 996/2006 (OJ L 179, 1.7.2006, p. 26).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. Liquid product based on arnica tincture (ratio arnica/extract 1:10), put up for retail sale in a bottle of 50 ml volume and with an alcoholic strength by volume of 45 %. According to the packaging the product is intended for human consumption for uses other than liquor production. Recommended dosage: 30 to 50 drops, diluted in half a glass of water, 2 to 3 times a day.	2208 90 69	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1(d) to Chapter 13, and by the wording of CN codes 2208, 2208 90 and 2208 90 69. Being a beverage the product cannot be classified in Chapter 13. It cannot be regarded as a medicament of heading 3004 because it does not meet the criteria of the Additional Note 1 to Chapter 30. The product has to be classified as a spirituous beverage of heading 2208 (HSEN to heading 2208, third paragraph, item 16).
2. Liquid product put up for retail sale in a bottle of 30 ml volume, with an alcoholic strength by volume of 68 %, containing: — plantain (<i>Plantago lanceolata</i>) leaves, thyme (<i>Thymus vulgaris</i>) and helichrysum (<i>Helichrysum italicum</i>) flowers 2,1 g — dry extract of propolis 84 mg — freeze-dried extract of grindelia (<i>Grindelia robusta</i>) 45 mg — eucalyptus (<i>Eucalyptus globulus</i>) essential oil 10,5 mg — Scotch pine (<i>Pinus sylvestris</i>) essential oil 10,5 mg — alcohol — water According to the packaging the product could be used to improve respiration and is intended for human consumption. Recommended dosage: 25 drops, diluted in a little water, 3 times a day.	2208 90 69	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 2208, 2208 90 and 2208 90 69. The product cannot be regarded as a medicament of heading 3004 because it does not meet the criteria of the Additional Note 1 to Chapter 30. The product has to be classified as a spirituous beverage of heading 2208 (HSEN to heading 2208, third paragraph, item 16).
3. Liquid product put up for retail sale in a bottle of 30 ml volume, with an alcoholic strength by volume of 70 %, containing: — propolis (min 38 mg/ml total flavonoids expressed as galangin) 16 % by weight — alcohol — water According to the packaging the product could be used to enhance the throat's natural defences and is intended for human consumption. Recommended dosage: 40 to 60 drops per day in a teaspoon of sugar or honey.	2208 90 69	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1(a) to Chapter 30, and by the wording of CN codes 2208, 2208 90 and 2208 90 69. The product cannot be regarded as a medicament of Chapter 30. The product has to be classified as a spirituous beverage of heading 2208 (HSEN to heading 2208, third paragraph, item 16).

(1)	(2)	(3)
4. Liquid product put up for retail sale in a bottle of 30 ml volume, with an alcoholic strength by volume of 70 %, containing: — hydroalcoholic extract of propolis (standardized with native dry extract of propolis 0,6 g — alcohol — water According to the packaging the product is intended for human consumption in a recommended dosage of 25 drops once or twice a day, diluted in half a glass of water. It can also be used as a mouthwash, by diluting 25 drops in water as desired.	2208 90 69	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 3 to Chapter 33, and by the wording of CN codes 2208, 2208 90 and 2208 90 69. The product cannot be regarded as a mouthwash of heading 3306 because it is not put up in a form clearly specialised to such use (HSEN General, fourth paragraph (b) to Chapter 33). The product has to be classified as a spirituous beverage of heading 2208 (HSEN to heading 2208, third paragraph, item 16).
5. Liquid product based on glycerine macerate of blackcurrant (<i>Ribes nigrum</i>) buds (ratio drug/extract 1:20), put up for retail sale in a bottle of 100 ml volume, with an alcoholic strength by volume of 38 %. According to the packaging the product is intended for human consumption for uses other than liquor production. Recommended dosage: 50 to 150 drops, diluted in a little water, per day.	2208 90 69	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1(d) to Chapter 13, and by the wording of CN codes 2208, 2208 90 and 2208 90 69. Being a beverage the product cannot be classified in Chapter 13. The product has to be classified as a spirituous beverage of heading 2208 (HSEN to heading 2208, third paragraph, item 16).
6. Product put up for retail sale in a spray bottle of 30 ml volume, with an alcoholic strength by volume of 20 %, containing — hydro alcoholic extract of propolis 86,75 % — honey 13 % — natural flavouring (lemon) 0,1 % — xanthan gum 0,1 % — lemon (<i>Citrus limonum</i>) essential oil 0,05 % The product is packaged as a mouth spray for oral hygiene. It is sprayed directly into the mouth.	3306 90 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2 to Section VI, Note 3 to Chapter 33, and by the wording of CN codes 3306 and 3306 90 00. The product is put up in a form clearly specialised to be used for oral hygiene (HSEN to Chapter 33, General, fourth paragraph, item (b)).

COMMISSION REGULATION (EC) No 1115/2006**of 20 July 2006****amending Regulation (EEC) No 3703/85 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 2(3) and Article 3(4) thereof,

Having regard to Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products ⁽²⁾, and in particular Article 8(4) and Article 9 thereof,

Whereas:

- (1) Regulation (EC) No 2406/96 lays down common marketing standards for certain fishery products. Detailed rules for applying those standards are laid down in Commission Regulation (EEC) No 3703/85 ⁽³⁾.
- (2) Article 9 of Regulation (EC) No 2406/96 provides for the possibility of grading pelagic species on the basis of a system of sampling so as to ensure compliance with the common marketing standards for these species.
- (3) Following the amendment to Regulation (EC) No 2406/96 by Commission Regulation (EC) No 790/2005 ⁽⁴⁾, common marketing standards were also fixed for sprat.

(4) The detailed rules for the grading and weighing for pelagic species laid down by Regulation (EEC) No 3703/85 do currently not apply to sprat. That Regulation should therefore be amended in order to cover that species also.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3703/85 is amended as follows:

1. in Annex I, the entry set out in the Annex to this Regulation is added;
2. in Annex II, the following entry is added:

‘8. Sprat of the species *Sprattus sprattus*’.

Article 2

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

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

Done at Brussels, 20 July 2006.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22. Regulation as amended by the 2003 Act of Accession.

⁽²⁾ OJ L 334, 23.12.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 790/2005 (OJ L 32, 26.5.2005, p. 15).

⁽³⁾ OJ L 351, 28.12.1985, p. 63. Regulation as amended by Regulation (EEC) No 3506/89 (OJ L 342, 24.11.1989, p. 11).

⁽⁴⁾ OJ L 132, 26.5.2005, p. 15.

ANNEX

Species	Size	Volume m ³	Coefficients
'Sprat	1	1	0,92'

**COMMISSION REGULATION (EC) No 1116/2006
of 20 July 2006
prohibiting fishing for anchovy in ICES Sub-area VIII**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 51/2006 of 22 December 2005 fixing for 2006 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽¹⁾, and in particular Article 5(3) thereof;

Whereas:

- (1) The Community's fishing effort for vessels fishing for anchovy in the Bay of Biscay ICES Sub-area VIII (Bay of Biscay) is laid down provisionally in Annex IA to Regulation (EC) No 51/2006.
- (2) Pursuant to Article 5(3) of that Regulation the Commission shall immediately stop fishing activities concerning anchovy in ICES Sub-area VIII if STECF advises that the spawning stock biomass at spawning time in 2006 is less than 28 000 tonnes.

- (3) STECF has estimated the spawning stock biomass at spawning time in 2006 to 18 640 tonnes.

- (4) As the anchovy spawning stock biomass at spawning time in 2006 is below the threshold of 28 000 tonnes, the fishery has to be prohibited for the remainder of 2006,

HAS ADOPTED THIS REGULATION:

Article 1

Fishing for anchovy in the ICES Sub-area VIII shall be prohibited from the date of entry into force fixed by Article 2 until 31 December 2006. In ICES Sub-Area VIII it shall also be prohibited to retain on board, tranship or land anchovy caught after the date of entry into force of this Regulation.

Article 2

This Regulation shall enter into force on the 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, 20 July 2006.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 16, 20.1.2006, p. 1. Regulation as last amended by Regulation (EC) No 941/2006 (OJ L 173, 27.6.2006, p. 1).

COMMISSION REGULATION (EC) No 1117/2006**of 20 July 2006****on payment of the slaughter premium and additional payments under the veterinary measures
prescribing the slaughter of animals in the Netherlands**

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 the second indent of Article 50 thereof,

Whereas:

(1) During the outbreaks, in the Netherlands, of foot-and-mouth disease in 2001 and bovine spongiform encephalopathy in 2000 to 2003, bovine animals were sent for slaughter in the slaughterhouse.

(2) Payment of the slaughter premium as provided for in Article 11 of Regulation (EC) No 1254/1999 and the related additional payments as provided for in Article 14 of that Regulation for livestock slaughtered in a slaughterhouse was suspended by the Dutch authorities. However, producers of those animals could have received those direct payments provided that the eligibility requirements for the animals concerned were met.

(3) In order to satisfy the legitimate expectations of producers, the slaughter premium and the additional payments should be allowed to be paid up to 15 October 2006 for livestock slaughtered in a slaughterhouse during 2001 in the course of the foot-and-mouth disease outbreak under Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease ⁽²⁾.

(4) For the same reason, this possibility should also be provided for in the case of livestock slaughtered in a slaughterhouse during 2000, 2001, 2002 and 2003 as part of the measures to control bovine spongiform encephalopathy adopted under Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain

live animals and products with a view to the completion of the internal market ⁽³⁾ and Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽⁴⁾.

(5) The provisions of Regulation (EC) No 1254/1999 governing direct payments were repealed by Council Regulation (EC) No 1782/2003 ⁽⁵⁾ with effect from 1 January 2005. As a result, the measures provided for in this Regulation may no longer be authorised on the basis of those provisions, which raises a specific practical problem.

(6) Payments made under this Regulation should be granted up to maximum ceilings and global amounts.

(7) The amounts of the slaughter premium and the additional payments may have been included in the value of the animals selected for setting the compensation granted under Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽⁶⁾ and Commission Decision 2001/652/EC of 16 August 2001 concerning a financial contribution towards the eradication of foot-and-mouth disease in the Netherlands in 2001 ⁽⁷⁾. In that case payment of the slaughter premium and the additional payments would lead to overcompensation of the beneficiaries. Provision should be made for the competent authorities of the Netherlands to ensure that this is not the case before granting the slaughter premium and the additional payments.

(8) In view of the fact that this Regulation is intended to settle the situation relating to the years 2000 to 2003, provision should be made for it to enter into force immediately.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

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

⁽²⁾ OJ L 315, 26.11.1985, p. 11. Directive last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽³⁾ OJ L 224, 18.8.1990, p. 29. Directive last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽⁴⁾ OJ L 147, 31.5.2001, p. 1. Regulation last amended by Commission Regulation (EC) No 1041/2006 (OJ L 187, 8.7.2006, p. 10).

⁽⁵⁾ OJ L 270, 21.10.2003, p. 1. Regulation last amended by Regulation (EC) No 953/2006 (OJ L 175, 29.6.2006, p. 1).

⁽⁶⁾ OJ L 224, 18.8.1990, p. 19. Decision last amended by Decision 2006/53/EC (OJ L 29, 2.2.2006, p. 37).

⁽⁷⁾ OJ L 230, 28.8.2001, p. 8.

HAS ADOPTED THIS REGULATION:

Article 1

1. The slaughter premium and the additional payments may be granted in the Netherlands until 15 October 2006 for livestock slaughtered in a slaughterhouse in 2001 under Directive 85/511/EEC during the foot-and-mouth disease outbreak.

2. The slaughter premium and the additional payments may also be granted for livestock slaughtered in a slaughterhouse under the measures to control bovine spongiform encephalopathy under Directive 90/425/EEC and Regulation (EC) No 999/2001 during the period of application thereof, from 1 January 2000 at the earliest to 31 December 2003 at the latest.

Article 2

1. For the purposes of granting the slaughter premium, the competent authority of the Netherlands shall ensure that the animals met the following eligibility requirements at the time of slaughter:

- (a) they must have been bulls, steers, cows and heifers from the age of eight months;
- (b) they must have been calves of more than one and less than seven months old.

The premium shall be paid to producers who have kept animals for a minimum retention period of two months ending less than one month before slaughter.

2. The slaughter premium shall be granted within the limit of the unused part of the national ceiling of 1 207 849 adult bovine animals and 1 198 113 calves each year.

The amount of the premium for each eligible animal as referred to in paragraph 1(a) shall be EUR 27 for the 2000 calendar year, EUR 53 for the 2001 calendar year and EUR 80 for the 2002 and 2003 calendar years.

The amount of the premium for each eligible animal as referred to in paragraph 1(b) shall be EUR 17 for the 2000 calendar year, EUR 33 for the 2001 calendar year and EUR 50 for the 2002 and 2003 calendar years.

Article 3

The competent authority of the Netherlands shall make the additional payments per head and slaughter premium unit on the basis of objective criteria including, in particular, the relevant production structures and conditions, in such a way as to ensure equal treatment between producers and avoid distortion of the market or competition. Such payments shall not be linked to fluctuations in market prices.

The additional payments shall be granted within the limit of the unused part of a global amount of EUR 8,4 million for 2000, EUR 16,9 million for 2001 and EUR 25,3 million each for 2002 and 2003.

Article 4

The slaughter premium and the additional payments shall be granted provided that they have not been included in the value used to determine the compensation paid for the animals concerned under Decision 90/424/EEC and Decision 2001/652/EC nor actually paid out in that respect.

Article 5

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

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

Done at Brussels, 20 July 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 1118/2006**of 20 July 2006****on the suspension of the issuing of import licences for New Zealand butter imported under a tariff quota**

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 29(1) thereof,

Whereas:

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

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

(3) The effect of this judgment of the Court of Justice is that it is impossible to effectively operate the arrangements for the import of New-Zealand butter under the tariff quota concerned, in particular as those provisions of Regulation (EC) No 2535/2001 which are unaffected by the judgment are insufficient to ensure that the origin and quality of products purported to be imported under the quota indeed meet the requirements

of the quota and are also insufficient to ensure proper management of the quota notably by control of the utilisation of the quota.

(4) It will therefore be necessary to amend Regulation (EC) No 2535/2001 in order to provide for such requirements whilst ensuring that such amendments meet the requirements as set out in the judgment of the Court of Justice. Such amendments cannot be made immediately, in particular since consultations with interested parties need to take place.

(5) In order to avoid speculation, to prevent the continuance of the discrimination referred to in the judgment of the Court of Justice and to avoid the risks of uncontrolled utilisation of the quota, and the import of products under the quota which do not meet the quality and origin requirements of products eligible under the quota it is therefore necessary to suspend the issuing of licences for New-Zealand butter until such amendments to Regulation (EC) No 2535/2001 may be adopted. For the same reasons it is necessary to do so with effect from the day following the judgment of the Court of Justice, namely 12 July 2006.

(6) However in respect of New-Zealand butter for which an IMA 1 certificate had been issued before 12 July 2006 and had physically left New Zealand before that date, it is necessary to continue to provide for the issuing of import licences in order to protect the legitimate expectations of the operators concerned and to provide for smoother trade flows whilst respecting the judgment of the Court of Justice.

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the provisions of Regulation (EC) No 2535/2001, Member States shall suspend the issuing of import licences for New-Zealand butter as defined in Article 25(1) of that Regulation. This derogation shall not apply to New-Zealand butter for which an IMA 1 certificate was issued before 12 July 2006, and which physically left New Zealand before that date.

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

Article 2

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

It shall apply from 12 July 2006.

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

Done at Brussels, 20 July 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1119/2006**of 20 July 2006****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 1058/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 1058/2006 ⁽²⁾.

(2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95 ⁽³⁾ the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

(4) 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

For tenders notified from 14 to 20 July 2006, pursuant to the invitation to tender issued in Regulation (EC) No 1058/2006, the maximum reduction in the duty on maize imported shall be 30,87 EUR/t and be valid for a total maximum quantity of 80 911 t.

Article 2

This Regulation shall enter into force on 21 July 2006.

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

Done at Brussels, 20 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 192, 13.7.2006, p. 10.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 1558/2005 (OJ L 249, 24.9.2005, p. 6).

COMMISSION REGULATION (EC) No 1120/2006**of 20 July 2006****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 1057/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 1057/2006 ⁽²⁾.
- (2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95 ⁽³⁾, the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

- (4) 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

For tenders notified from 14 to 20 July 2006, pursuant to the invitation to tender issued in Regulation (EC) No 1057/2006, the maximum reduction in the duty on maize imported shall be 31,97 EUR/t and be valid for a total maximum quantity of 100 000 t.

Article 2

This Regulation shall enter into force on 21 July 2006.

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

Done at Brussels, 20 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 192, 13.7.2006, p. 9.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 1558/2005 (OJ L 249, 24.9.2005, p. 6).

COMMISSION REGULATION (EC) No 1121/2006**of 20 July 2006****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (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 export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 July 2006.

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

Done at Brussels, 20 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

**to the Commission Regulation of 20 July 2006 fixing the export refunds on cereals and on wheat or rye flour,
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	0
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	0
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	C01	EUR/t	0
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	0				

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

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

COMMISSION REGULATION (EC) No 1122/2006**of 20 July 2006****concerning tenders notified in response to the invitation to tender for the export of barley issued
in Regulation (EC) No 935/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

Having regard to the Treaty establishing the European Community,

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

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

Whereas:

HAS ADOPTED THIS REGULATION:

(1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 935/2006 ⁽²⁾.

Article 1

No action shall be taken on the tenders notified from 14 to 20 July 2006 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 935/2006.

(2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

Article 2

This Regulation shall enter into force on 21 July 2006.

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

Done at Brussels, 20 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 172, 24.6.2006, p. 3.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1123/2006**of 20 July 2006****concerning tenders notified in response to the invitation to tender for the export of common wheat issued in Regulation (EC) No 936/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 936/2006 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (4) 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

No action shall be taken on the tenders notified from 14 to 20 July 2006 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 936/2006.

Article 2

This Regulation shall enter into force on 21 July 2006.

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

Done at Brussels, 20 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 172, 24.6.2006, p. 6.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 11 July 2006

amending Decision 2005/231/EC authorising Sweden to apply a reduced rate of taxation to electricity consumed by certain households and service sector companies in accordance with Article 19 of Directive 2003/96/EC

(2006/503/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity ⁽¹⁾, and in particular Article 19(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) By Council Decision 2005/231/EC ⁽²⁾ Sweden was authorised to apply a reduced rate of taxation to electricity consumed by certain households and service sector companies in accordance with Article 19 of Directive 2003/96/EC. That authorisation was limited until 31 December 2005. By letter dated 9 December 2005, the Swedish authorities applied to the Commission for an extension of the authorisation, until the end of 2011.

(2) In the northern parts of the country, electricity consumption for heating purposes is higher than elsewhere in the country, the difference being 25 % at present. Therefore, a reduced energy tax rate has been applied in Sweden to electricity used in the northern

parts of the country since July 1981. The percentage of the reduction as compared to the normal rate has however declined since that time.

(3) By reducing the costs of electricity for households and service sector companies in the north of Sweden those consumers are placed on an equal footing with such consumers in the southern parts of the country. Therefore, the measure has regional and cohesion policy objectives.

(4) The reduced level of taxation on electricity for consumption in the north of Sweden, which amounts presently to EUR 22 per MWh, remains much higher than the Community minimum rate set out in Directive 2003/96/EC. Furthermore, the tax reduction should remain proportionate to the extra heating costs borne by households and service sector companies in northern Sweden. That level of taxation should ensure that the incentive effect of taxation to increase energy efficiency is maintained.

(5) The scheme has been reviewed by the Commission and been found not to distort competition or hinder the operation of the internal market and it is not considered incompatible with Community policy on the environment, energy and transport.

(6) Without prejudice to the outcome of the State Aid case N 593/2005 Sweden 'Prolongation of service sector's regionally differentiated energy tax on electricity', it is therefore appropriate to renew, in accordance with the terms of Article 19(2) of Directive 2003/96/EC, the authorisation for Sweden to apply a reduced rate of taxation to electricity for consumption in the north of Sweden, until 31 December 2011.

⁽¹⁾ OJ L 283, 31.10.2003, p. 51. Directive as last amended by Directive 2004/75/EC (OJ L 157, 30.4.2004, p. 100).

⁽²⁾ OJ L 72, 18.3.2005, p. 27.

- (7) It should be ensured that the authorisation under Decision 2005/231/EC, granted for similar reasons but for a short period, continues to apply, without creating a gap between the expiry of that Decision and the taking effect of this Decision.

Article 2

This Decision shall apply from 1 January 2006.

Article 3

- (8) Decision 2005/231/EC should therefore be amended accordingly,

This Decision is addressed to the Kingdom of Sweden.

HAS ADOPTED THIS DECISION:

Done at Brussels, 11 July 2006.

Article 1

In Article 2 of Decision 2005/231/EC, the date '31 December 2005' shall be replaced by the date '31 December 2011'.

For the Council

The President

E. HEINÄLUOMA

COMMISSION

COMMISSION DECISION

of 12 July 2006

on special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins

(notified under document number C(2006) 3113)

(Text with EEA relevance)

(2006/504/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1)(b)(ii) thereof,

Whereas:

(1) The Scientific Committee for Food has noted that aflatoxin B1 is a potent genotoxic carcinogen and, even at extremely low levels, contributes to the risk of liver cancer.

(2) Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs ⁽²⁾ lays down maximum levels for certain contaminants and in particular aflatoxins that are permitted in foodstuffs. Those limits for aflatoxins have been regularly exceeded in certain foodstuffs from certain third countries.

(3) Such contamination constitutes a serious threat to public health within the Community and it is therefore appropriate to adopt special conditions at Community level.

(4) Commission Decision 2000/49/EC of 6 December 1999 repealing Decision 1999/356/EC and imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt ⁽³⁾ lays down special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt.

(5) Commission Decision 2002/79/EC of 4 February 2002 imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China ⁽⁴⁾ lays down special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China.

(6) Commission Decision 2002/80/EC of 4 February 2002 imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey ⁽⁵⁾, lays down special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey.

(7) Commission Decision 2003/493/EC of 4 July 2003 imposing special conditions on the import of Brazil nuts in shell originating in or consigned from Brazil ⁽⁶⁾ lays down special conditions on the import of Brazil nuts in shell originating in or consigned from Brazil.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

⁽²⁾ OJ L 77, 16.3.2001, p. 1. Regulation as last amended by Regulation (EC) No 199/2006 (OJ L 32, 4.2.2006, p. 34).

⁽³⁾ OJ L 19, 25.1.2000, p. 46. Decision as last amended by Decision 2004/429/EC (OJ L 154, 30.4.2004, p. 19, corrected by OJ L 189, 27.5.2004, p. 13).

⁽⁴⁾ OJ L 34, 5.2.2002, p. 21. Decision as last amended by Decision 2004/429/EC.

⁽⁵⁾ OJ L 34, 5.2.2002, p. 26. Decision as last amended by Decision 2004/429/EC.

⁽⁶⁾ OJ L 168, 5.7.2003, p. 33. Decision as amended by Decision 2004/428/EC (OJ L 154, 30.4.2004, p. 14, corrected by OJ L 189, 27.5.2004, p. 8).

- (8) Commission Decision 2005/85/EC of 26 January 2005 imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran⁽⁷⁾, lays down special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran
- (9) Many of the special conditions for imports of the foodstuffs covered by Decisions 2000/49/EC, 2002/79/EC, 2002/80/EC, 2003/493/EC and 2005/85/EC from Brazil, China, Egypt, Iran and Turkey are the same. Accordingly, in the interest of clarity of Community legislation, it is appropriate to set out the special conditions for the import of those foodstuffs from those third countries due to contamination of those products by aflatoxins in a single Decision.
- (10) Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽⁸⁾ establishes at Community level a harmonised framework of general rules for the organisation of official controls.
- (11) For some foodstuffs from certain third countries, specific additional measures are necessary.
- (12) The measures provided for in this Decision, in particular as regards foodstuffs from Iran and Brazil, have a significant impact on the control resources of the Member States. It is therefore appropriate to require that all costs resulting from sampling, analysis, storage and all costs resulting from official measures taken as regards non-compliant consignments related to the official controls of foodstuffs from Iran and Brazil pursuant to this Decision are to be borne by the importers or food business operators concerned.
- (13) From the findings of the Commission's Food and Veterinary Office (FVO) mission, it may be concluded that Brazil cannot currently ensure reliable analytical results or guarantee lot integrity in respect of certification of consignments of unshelled Brazil nuts. Furthermore, it may also be concluded that current official controls on returned lots are inadequate. It is therefore appropriate to restrict the analyses to the official laboratory which can provide guarantees as regards the analytical results and to impose strict conditions regarding the return of non-conforming lots. In the event that those strict conditions are not complied with, subsequent non-conforming lots should be destroyed.
- (14) In the interests of public health, Member States should keep the Commission informed through quarterly reports of all results of official controls carried out in respect of consignments of foodstuffs covered by this Decision. Such reports shall be in addition to the notification obligations under the rapid alert system for food and feed established by Regulation (EC) No 178/2002.
- (15) It is important to ensure that the sampling and analysis of consignments of foodstuffs covered by this Decision are performed in a harmonised manner throughout the Community. Accordingly the sampling and analysis to be performed under this Decision should be carried out in accordance with the provisions of Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs⁽⁹⁾.
- (16) The operation of this Decision should be kept under review on the basis of the guarantees provided by the competent authorities of the third countries concerned and of the results of the official controls carried out by Member States in order to assess whether the special conditions provide a sufficient level of protection of public health within the Community and whether they are still needed.
- (17) Decisions 2000/49/EC, 2002/79/EC, 2002/80/EC, 2003/493/EC and 2005/85/EC should accordingly be repealed.

⁽⁷⁾ OJ L 30, 3.2.2005, p. 12.

⁽⁸⁾ OJ L 165, 30.4.2004, p. 1, corrected by OJ L 191, 28.5.2004, p. 1. Regulation as amended by Commission Regulation (EC) No 776/2006 (OJ L 136, 24.5.2006, p. 3).

⁽⁹⁾ OJ L 70, 9.3.2006, p. 12.

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

HAS ADOPTED THIS DECISION:

Article 1

Scope

This Decision shall apply to the foodstuffs referred to in points (a) to (e) and to processed and compound foodstuffs derived from or containing the foodstuffs referred to in points (a) to (e).

Foodstuffs shall be considered as containing the foodstuffs when such foodstuffs are listed as ingredients on the label or packaging in accordance with Article 6 of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to labelling, presentation and advertising of foodstuffs ⁽¹⁰⁾:

(a) the following foodstuffs imported from Brazil:

(i) Brazil nuts in shell falling within category CN code 0801 21 00;

(ii) mixtures of nuts or dried fruits falling within CN code 0813 50 and containing Brazil nuts in shell;

(b) the following foodstuffs imported from China:

(i) peanuts falling within CN code 1202 10 90 or 1202 20 00;

(ii) peanuts falling within CN code 2008 11 94 (in immediate packings of a net content exceeding 1 kg) or 2008 11 98 (in immediate packings of a net content not exceeding 1 kg);

(iii) roasted peanuts falling within CN codes 2008 11 92 (in immediate packings of a net content exceeding 1 kg) or 2008 11 96 (in immediate packings of a net content not exceeding 1 kg);

(c) the following foodstuffs imported from Egypt:

(i) peanuts falling within CN code 1202 10 90 or 1202 20 00;

(ii) peanuts falling within CN code 2008 11 94 (in immediate packings of a net content exceeding 1 kg) or 2008 11 98 (in immediate packings of a net content not exceeding 1 kg);

(iii) roasted peanuts falling within CN codes 2008 11 92 (in immediate packings of a net content exceeding 1 kg) or 2008 11 96 (in immediate packings of a net content not exceeding 1 kg);

(d) the following foodstuffs imported from Iran:

(i) pistachios falling within CN code 0802 50 00;

(ii) roasted pistachios falling within CN codes 2008 19 13 (in immediate packings of a net content exceeding 1 kg) and 2008 19 93 (in immediate packings of a net content not exceeding 1 kg);

(e) the following foodstuffs imported from Turkey:

(i) dried figs falling within CN code 0804 20 90;

(ii) hazelnuts (*Corylus* sp) in shell or shelled falling within CN code 0802 21 00 or 0802 22 00;

(iii) pistachios falling within CN code 0802 50 00;

(iv) mixtures of nuts or dried fruits falling within CN code 0813 50 and containing figs, hazelnuts or pistachios;

(v) fig paste and hazelnut paste falling within CN code 2007 99 98;

(vi) hazelnuts, figs and pistachios, prepared or preserved, including mixtures falling within CN code 2008 19;

(vii) flour, meal and powder of hazelnuts, figs and pistachios falling within CN code 1106 30 90;

(viii) cut, sliced and broken hazelnuts.

⁽¹⁰⁾ OJ L 109, 6.5.2000, p. 29. Directive as last amended by Directive 2003/89/EC (OJ L 308, 25.11.2003, p. 15).

*Article 2***Definitions**

For the purposes of this Decision, the definitions laid down in Articles 2 and 3 of Regulation (EC) No 178/2002 and in Article 2 of Regulation (EC) No 882/2004 shall apply.

'Designated points of import' means the points through which the foodstuffs referred to in Article 1 may only be imported into the Community. An exhaustive list of designated points of import is provided in Annex II.

*Article 3***Results of sampling and analysis and health certificate**

1. Member States may only permit imports of the foodstuffs referred to in Article 1 (hereafter referred to as foodstuffs), where the consignment is accompanied by the results of sampling and analysis and a health certificate ⁽¹¹⁾ in accordance with the model set out in Annex I, completed, signed and verified by an authorised representative of:

- (a) the Ministério da Agricultura, Pecuária e Abastecimento (MAPA) for foodstuffs from Brazil;
- (b) the State Administration for Entry-Exit inspection and Quarantine of the People's Republic of China for foodstuffs from China;
- (c) the Egyptian Ministry of Agriculture for foodstuffs from Egypt;
- (d) the Iranian Ministry of Health for foodstuffs from Iran;
- (e) the General Directorate of protection and Control of the Ministry of Agriculture and Rural Affairs of the Republic of Turkey for foodstuffs from Turkey.

⁽¹¹⁾ Health certificates shall be drawn up in a language understood by the certifying officer, enabling the certifying officer to be fully aware of the significance of the contents of each certificate they sign and in a language understood by the control official of the country of import.

2. The health certificate provided for in paragraph 1 shall only be valid for imports of foodstuffs into the Community no later than four months from the date of issue of the health certificate.

3. The competent authorities in each Member State shall ensure that the foodstuffs are subject to documentary checks to ensure that the requirement of the results of sampling and analysis and the health certificate provided for in paragraph 1 are complied with. The documentary check must take place at the point of first introduction into the territory of the Community.

4. Where a consignment of foodstuffs is not accompanied by the results of sampling and analysis and the health certificate provided for in paragraph 1, the consignment may not enter the Community for onward transit to the designated point of import nor be imported into the Community and must be re-dispatched to the country of origin or destroyed.

5. The sampling and the analysis provided for in paragraph 1 must be performed in accordance with the provisions of Regulation (EC) No 401/2006.

6. Each consignment of foodstuffs shall be identified with a code which corresponds to the code on the sampling results of the sampling and analysis and health certificate referred to in paragraph 1. Each individual bag, or other packaging form, of the consignment shall be identified with that code.

*Article 4***Designated points of import into the Community**

1. Foodstuffs may only be imported into the Community through one of the designated points of import listed in Annex II.

2. The competent authorities in each Member State shall ensure that the designated points of import ⁽¹²⁾ listed in Annex II comply with following requirements:

- (a) the presence of trained staff to perform official controls on consignments of foodstuffs;

⁽¹²⁾ The requirements apply to the designated points of import or to the place where the sampling effectively takes place in case where the consignment is transported from the point of import under official control to that place to perform the sampling.

(b) the availability of detailed instructions regarding sampling and the sending of the samples to the laboratory, in accordance with provisions in Annex I of Regulation (EC) No 401/2006;

(c) the possibility to perform the unloading and the sampling in a sheltered place at the designated point of import; it must be possible to place the consignment of the foodstuffs under the official control of the competent authority from the designated point of import onwards in cases where the consignment has to be transported in order to perform the sampling;

(d) the availability of storage rooms, warehouses to store detained consignments of foodstuffs in good conditions during the period of detention awaiting the results of analysis;

(e) the availability of unloading equipment and appropriate sampling equipment;

(f) the availability of an accredited official laboratory⁽¹³⁾ for aflatoxin analysis, situated at a place to which the samples can be transported within a short period of time; the laboratory must have the appropriate grinding equipment for homogenising 10 to 30 kg samples⁽¹⁴⁾. The laboratory must be able to analyse the sample within a reasonable period of time in order to comply with the 15 working day maximum period of detention for consignments.

3. Member States shall ensure that food business operators must make available sufficient human resources and logistics to unload the consignment of foodstuffs, thus enabling representative sampling to take place.

In the case of special transport and/or specific packaging forms, the operator/responsible food business operator must make available to the official inspector the appropriate sampling

equipment insofar as the sampling cannot be representatively performed with the usual sampling equipment.

Article 5

Official control

1. The competent authorities in each Member State shall take a sample for analysis, in accordance with the provisions of Annex I of Regulation (EC) No 401/2006 from consignments of foodstuffs for analysis of aflatoxin B1 and total aflatoxin contamination before release for free circulation from the designated point of import into the Community.

2. The sampling for analysis referred to in paragraph 1 shall be carried out on:

(a) each consignment of foodstuffs from Brazil;

(b) approximately 10 % of the consignments of foodstuffs from China;

(c) approximately 20 % of the consignments of foodstuffs from Egypt;

(d) each consignment of foodstuffs from Iran;

(e) approximately 5 % of the consignments for each category of hazelnuts referred to in point (e)(ii), (iv) and (vi) of Article 1 and derived products from such hazelnuts from Turkey and approximately 10 % of the consignments of other categories of foodstuffs from Turkey.

3. Any consignment of foodstuffs which is to be subjected to sampling and analysis may be held before release for free circulation from the designated point of import into the Community for a maximum period of 15 working days from the moment the consignment is offered for import and physically available for sampling.

The competent authorities of the importing Member State shall issue an accompanying official document establishing that the consignment of foodstuffs has been subjected to sampling and analysis and indicating the results of the analysis.

⁽¹³⁾ Laboratory that is accredited and is an official laboratory (belonging to the competent authority structure) or a laboratory designated by the competent authority.

⁽¹⁴⁾ The grinding step for homogenisation as part of sample preparation, can be performed outside the laboratory, but the premise where the grinding is performed must have the appropriate grinding equipment, environment and protocol for homogenisation.

4. Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of foodstuffs. This report shall be submitted during the month following each quarter (April, July, October, and January).

Article 6

Splitting of a consignment

If a consignment is split, copies of the health certificate provided for in Article 3(1) and the official document provided for in Article 5(3), and certified by the competent authority of the Member State on whose territory the splitting has taken place, shall accompany each part of the split consignment up to and including the wholesale stage.

Article 7

Additional conditions as regards imports of foodstuffs from Brazil

1. The analysis provided for in Article 3(1) must be performed by the official control laboratory for the analysis of aflatoxins in foodstuffs from Brazil, the Laboratório de Controle de Qualidade de Segurança Alimentar (LACQSA) in Belo Horizonte, Brazil.

2. Consignments of unshelled Brazil nuts not complying with the maximum levels for aflatoxin B1 and aflatoxin total, established by Regulation (EC) No 466/2001 may only be returned to the country of origin where, for each individual non-conforming consignment, the Ministério da Agricultura, Pecuária e Abastecimento (MAPA) provides the following in writing:

(a) explicit agreement for the return of the consignment concerned, and indicating the consignment code;

(b) a commitment to put the returned consignment under official control from the date of arrival onwards;

(c) a concrete indication of:

(i) the destination of the returned consignment;

(ii) the intended treatment of the returned consignment; and

(iii) the intended sampling and analysis to be performed on the returned consignment.

However, if the conditions provided for in points (a), (b) and (c) are not complied with by the Ministério da Agricultura, Pecuária e Abastecimento (MAPA), all subsequent consignments that do not comply with the maximum levels for aflatoxin B1 and aflatoxin total, established by Regulation (EC) No 466/2001 shall be destroyed by the competent authorities of the importing Member State.

Article 8

Additional conditions as regards imports of foodstuffs from Brazil and Iran

1. All costs resulting from sampling, analysis, storage and issuing of accompanying official documents and of copies of health certificate and accompanying documents pursuant to Articles 3(1) and 5(3) for foodstuffs from Brazil and Iran as referred to in points (a) and (d) of Article 1 and to processed and compound foodstuffs derived from or containing the foodstuffs referred to in these points, shall be borne by the food business operator responsible for the consignment or its representative.

2. All costs related to official measures taken by the competent authorities as regards non-compliance of consignments of foodstuffs from Brazil and Iran as referred to in points (a) and (d) of Article 1 and to processed and compound foodstuffs derived from or containing the foodstuffs referred to in these points shall be borne by the food business operator responsible for the consignment or its representative.

Article 9

Review

This Decision shall be reviewed on the basis of the reports provided for in Article 5(4) and guarantees provided by the competent authorities of countries exporting the foodstuffs and of the results of the sampling and analysis carried out by Member States in order to assess whether the conditions set out in Articles 3, 4, 5, 6, 7 and 8 provide a sufficient level of protection of public health within the Community and whether they are still necessary.

*Article 10***Repeals**

Decisions 2000/49/EC, 2002/79/EC, 2002/80/EC, 2003/493/EC and 2005/85/EC are hereby repealed.

*Article 11***Applicability**

This Decision shall apply from 1 October 2006.

Member States shall adopt and publish the necessary measures to comply with this Decision. They shall forthwith inform the Commission thereof.

*Article 12***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 12 July 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

Health Certificate for the importation into the European Community of (*)

Consignment code Certificate No

According to the provisions of Commission Decision 2006/504/EC on special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins,

The
(competent authority referred to in Article 3(1))

CERTIFIES:

that the of this consignment, code No (insert consignment code No) composed of:

.....
.....

(description of consignment, product, number and type of packages, gross or net weight)

embarked at
(embarkation place)

by
(identification of transporter)

going to
(place and country of destination)

which comes from the establishment

.....
.....
(name and address of establishment)

have been produced, sorted, handled, processed, packaged and transported in line with good hygiene practices.

From this consignment, (number of samples) samples were taken on (date),
subjected to laboratory analysis on (date) in the (name
of laboratory), to determine the level of aflatoxin B1 and level of total aflatoxin contamination, and the details of sampling,
methods of analysis used and all results are attached.

This certificate is valid until

Done at on

Stamp and signature of
Authorised representative of competent authority referred to in Article 3(1)

(*) Product and country of origin.

ANNEX II

List of designated points of import through which foodstuffs covered by Article 1 may be imported into the Community

Member State	Designated points of import
Belgium	Antwerpen, Zeebrugge, Brussel/Bruxelles, Aalst
Czech Republic	Celní úřad Praha D5
Denmark	All Danish ports and airports
Germany	HZA Lörrach — ZA Weil am Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München — ZA München-Flughafen, HZA Berlin — ZA Dreilinden, HZA Frankfurt (Oder) — ZA Frankfurt (Oder) Autobahn, HZA Frankfurt (Oder) — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremen — ZA Bremerhaven, HZA Hamburg-Hafen — ZA Waltershof, HZA Hamburg-Stadt, HZA Itzehoe — ZA Hamburg-Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig — ZA Braunschweig-Broitzem, HZA Hannover — ZA Hamburger Allee, HZA Koblenz — ZA Hahn-Flughafen, HZA Oldenburg — ZA Wilhelms-haven, HZA Bielefeld — ZA Eckendorfer Straße Bielefeld, HZA Erfurt — ZA Eisenach, HZA Potsdam — ZA Ludwigsfelde, HZA Potsdam — ZA Berlin — Flughafen Schönefeld, HZA Potsdam — ZA Berlin, Flughafen Tegel, HZA Augsburg — ZA Memmingen, HZA Ulm — ZA Ulm (Donautal), HZA Karlsruhe — ZA Karlsruhe, HZA Gießen — ZA Gießen, HZA Gießen — ZA Marburg, HZA Singen — ZA Bahnhof, HZA Lörrach — ZA Weil am Rhein — Schusterinsel, HZA Hamburg-Stadt — ZA Oberelbe, HZA Hamburg-Stadt — ZA Oberelbe — Abfertigungsstelle Billbrook, HZA Hamburg-Stadt — ZA Oberelbe — Abfertigungsstelle Großmarkt, HZA Düsseldorf — ZA Düsseldorf Nord, HZA Köln — ZA Köln Niehl
Estonia	All Estonian customs offices
Greece	Athina, Pireas, Elefsina, Athina International Airport, Thessaloniki, Volos, Patra, Iraklion Kritis, Larisa, Katerini, Veria, Drama, Serres, Kavala, Xanthi, Alexandroupolis, Rodos
Spain	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almeria (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cadiz (Puerto), Cartagena (Puerto), Castellon (Puerto), Ceuta (Puerto), Gijón (Puerto), Huelva (Puerto), Irun (Carretera), La Coruña (Puerto), La Junquera (Carretera) Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Malaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcia (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhone), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire-Atlantique), Agen (Lot-et-Garonne), Port de la Pointe des Galets à la Réunion
Ireland	Dublin Port, Shannon Airport
Italy	Ufficio Sanità Marittima ed Aerea di Ancona Ufficio Sanità Marittima ed Aerea di Bari Ufficio Sanità Marittima ed Aerea di Genova Ufficio Sanità Marittima di Livorno Ufficio Sanità Marittima ed Aerea di Napoli Ufficio Sanità Marittima di Cagliari Ufficio Sanità Marittima di Ravenna Ufficio Sanità Marittima di Savona Ufficio Sanità Marittima di Salerno Ufficio Sanità Marittima e aerea di Trieste, compresa Dogana di Ferneti-Interporto Monrupino Ufficio di Sanità Marittima di La Spezia Ufficio di Sanità Marittima e Aerea di Venezia Ufficio di Sanità Marittima e Aerea di Reggio Calabria

Member State	Designated points of import
Cyprus	Limassol Port, Larnaca Airport
Latvia	Grebneva — road with Russia Terehova — road with Russia Pāternieki — road with Byelorussia Silene — road with Byelorussia Daugavpils — railway commodity station Rēzekne — railway commodity station Liepāja — seaport Ventspils — seaport Rīga — seaport Rīga — airport Rīga Rīga — Latvian Post
Lithuania	Road: Kybartai, Lavoriškės, Medininkai, Panemunė, Šalčininkai Airport: Vilnius Seaport: Malkų įlankos, Molo, Pilies Railway: Kena, Kybartai, Pagėgiai
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg Administration des douanes et accises, bureau Luxembourg-Aéroport, Niederanven
Hungary	Ferihegy — Budapest — airport Záhony — Szabolcs-Szatmár-Bereg — road Eperjeske — Szabolcs-Szatmár-Bereg — railway Nagylak — Csongrád — road Lökösháza — Békés — railway Röszke — Csongrád — road Kelebia — Bács-Kiskun — railway Letenye — Zala — road Gyékényes — Somogy — railway Mohács — Baranya — port All Hungarian Chief Customs Offices
Malta	Malta Freeport, the Malta International Airport and the Grand Harbour
Netherlands	All harbours and airports and all border stations
Austria	Zollamt Feldkirch, Zollamt Graz, Zollstellen Nickelsdorf und Sopron/Bahnhof im Bereich des Zollamtes Eisenstadt, Zollamt Wien, Zollamt Wels, Zollamt Flughafen Wien, Zollamt Salzburg, Zollamt Villach
Poland	Bezledy — Warmińsko-Mazurskie — road border point Kuźnica Białostocka — Podlaskie — road border point Bobrowniki — Podlaskie — road border point Koroszczyn — Lubelskie — road border point Dorohusk — Lubelskie — road and railway border point Gdynia — Pomorskie — seaport border point Gdańsk — Pomorskie — seaport border point Medyka — Przemyśl — Podkarpackie — railway border point Medyka — Podkarpackie — road border point Korczowa — Podkarpackie — road border point Jasionka — Podkarpackie — airport border point Szczecin — Zachodniopomorskie — seaport border point Świnoujście — Zachodniopomorskie — seaport border point Kołobrzeg — Zachodniopomorskie — seaport border point

Member State	Designated points of import
Portugal	Lisboa, Leixões Sines, Alverca, Riachos, Setúbal, Bodadela, Lisbon airport, Porto airport
Slovenia	Obrežje — road border crossing Koper — port border crossing Dobova — railway border crossing Brnik — airport border crossing Jelšane — road border crossing Ljubljana — railway and road border crossing Gruškovje — road border crossing Sežana — railway and road border crossing
Slovakia	Customs Offices: Banská Bystrica, Bratislava, Košice, Žilina, Nitra, Prešov, Trnava, Trenčín, Čierna nad Tisou
Finland	All Finnish Customs Offices
Sweden	Göteborg, Stockholm, Helsingborg, Landvetter, Arlanda
United Kingdom	Belfast, Dover, Felixstowe, Gatwick Airport, Goole, Harwich, Heathrow Airport, Hull, Ipswich, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Base, Manchester International Freight Terminal, Manchester (Ellesmere Port only), Southampton, Teesport

COMMISSION DECISION

of 14 July 2006

setting up a Standards Advice Review Group to advise the Commission on the objectivity and neutrality of the European Financial Reporting Advisory Group's (EFRAG's) opinions

(2006/505/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas:

- (1) The high level of transparency and comparability of financial reporting for all publicly traded Community companies is necessary for building an integrated capital market which operates effectively, smoothly and efficiently.
- (2) In order to contribute to a better functioning of the internal market Regulation (EC) No 1606/2002 of the European Parliament and of the Council⁽¹⁾ provides that the companies listed on regulated market are required to prepare their consolidated accounts in accordance with a single set of global accounting standards, commonly refereed to as International Financial Reporting Standards (IFRS). The Regulation, in its recital 10, foresees the creation of an accounting technical committee to provide support and expertise to the Commission in the assessment of international accounting standards.
- (3) The European Financial Reporting Advisory Group (EFRAG) was founded in March 2001 by the organisations representing preparers, users and accountancy professions involved in the financial reporting process; EFRAG provides opinions on whether the standard or interpretation to be endorsed complies with the Community law and, in particular, the requirements of Regulation (EC) No 1606/2002 as regards understandability, relevance, reliability and comparability as well as the true and fair principle as set out in Council Directives 78/660/EEC⁽²⁾ and 83/349/EEC⁽³⁾.
- (4) As EFRAG is a private body it is important for the high quality, transparency and credibility of the endorsement process to establish appropriate institutional infrastructure ensuring that its endorsement advice is objective and well-balanced.
- (5) In this context, the Commission considers that a Standards Advice Review Group composed of independent experts and high level representatives from National Standard Setters should therefore be established to serve as a body to reflect on the endorsement advice submitted by the EFRAG with a view to assessing whether its content is well-balanced and objective,

HAS ADOPTED THIS DECISION:

Article 1

A group of non-governmental experts in accounting, hereinafter referred to as 'the group', is hereby established.

*Article 2***Task**

The role of the group shall be to advise the Commission, before it takes a decision on endorsement, on whether EFRAG's opinions on endorsement of International Financial Reporting Standards (IFRS) and Interpretations by the International Financial Reporting Committee (IFRICs) are well-balanced and objective.

*Article 3***Membership — Appointment**

1. The group shall comprise of maximum seven members.
2. The Commission shall appoint the members of the group from independent experts whose experience and competence in the accounting area, in particular in financial reporting issues, are widely recognised at Community level. The members shall be selected on the basis of eligible proposals submitted following the call for applications published on the website of DG Internal Market and Services.

⁽¹⁾ OJ L 243, 11.9.2002, p. 1.

⁽²⁾ OJ L 222, 14.8.1978, p. 11. Directive as last amended by Directive 2006/43/EC of the European Parliament and of the Council (OJ L 157, 9.6.2006, p. 87).

⁽³⁾ OJ L 193, 18.7.1983, p. 1. Directive as last amended by Directive 2006/43/EC.

3. The Commission will take the following criteria into account when assessing applications:

- proven competence and high level technical experience, including at European and/or international level, in the accounting area, in particular in financial reporting issues,
- independence,
- the need for balanced composition in terms of geographical origin, gender ⁽¹⁾, the functions and size of businesses or bodies concerned.

4. The members shall be appointed in a personal capacity and shall advise the Commission independently of any outside influence. The members shall not participate in the work of EFRAG either before the appointment to the group or during their term of office.

5. Members shall each year sign an undertaking to act in the public interest and a declaration indicating the absence or existence of any interest which may undermine their independence and objectivity.

6. Members of the group are appointed for a 3-year renewable term of office. The rules of procedure of the group may foresee partial replacement of the members every year in groups of 2 or 3.

7. In the event of resignation of a member of the group during the term of office as well as when a member is no longer capable of contributing effectively to the group's deliberations or does not comply with the conditions set out in paragraphs 3 and 4, or Article 287 of the Treaty, the Commission shall appoint a new member of the group in accordance with paragraphs 3 and 4 for the remainder of his/her term of office.

8. The names of members appointed by the Commission shall be published on the Internet website of the DG Internal Market and Services. The names of members shall be collected, processed and published in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²⁾.

Article 4

Operation

1. The group shall be chaired by one of its members. The chairman will be selected by a simple majority for a period of one year.

2. The representative of the Commission will assist in the meetings of the group and may take part in the debates. Other Commission officials interested in the matters discussed by the group may also attend its meetings.

3. Upon receiving EFRAG's opinion on endorsement of IFRS or IFRICs, the group shall give its advice on whether the opinion of EFRAG is objective and well-balanced.

4. The group shall deliver its advice to the Commission within a short time, which should not be longer than three weeks from the date of receiving EFRAG's opinion. In exceptional circumstances, in particular when the issue is complex, this period may be extended to four weeks.

5. The final advice of the group shall be published on the Internet website of the Commission.

6. When the group identifies a particular concern, the chairman of the group shall enter into a dialog with EFRAG with a view to resolve the matter, before the group issues its final advice. The Commission may assist in the discussions between the group and EFRAG with the aim to establish a balanced solution.

7. The Chairman of Technical Expert Group (TEG) of EFRAG may attend the meetings of the group as an observer. The chairman or the representative of the Commission may also ask other experts or observers with specific competence on a subject on the agenda to participate in the group's deliberations if this is useful and/or necessary.

8. Information obtained by participating in the deliberations of the group shall not be divulged if, in the opinion of the Commission, that information relates to confidential matters.

⁽¹⁾ Commission Decision 2000/407/EC of 19 June 2000 relating to gender balance within the committees and expert groups established by it (OJ L 154, 27.6.2000, p. 34).

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

9. The group shall adopt its rules of procedure on the basis of the standard rules of procedure adopted by the Commission ⁽¹⁾.

10. In addition to documents mentioned in this Article, the Commission may publish on the Internet, in the original language of the document concerned, any summary, conclusion, or partial conclusion or working document of the group.

Article 5

Meeting expenses

The Commission shall reimburse travel and, where appropriate, subsistence expenses for members, experts and observers in connection with the group's activities in accordance with the Commission's rules on the compensation of external experts.

The members, experts and observers shall not be remunerated for the services they render.

Meeting expenses are reimbursed within the limits of the annual budget allocated to the group by the responsible Commission services.

Article 6

Applicability

The decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

It shall apply until 13 July 2009. The Commission shall decide on a possible extension before that date.

Done at Brussels, 14 July 2006.

For the Commission

Charlie McCREEVY

Member of the Commission

⁽¹⁾ Annex III of document SEC(2005) 1004.

COMMISSION DECISION

of 19 July 2006

amending Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community*(notified under document number C(2006) 3257)***(Text with EEA relevance)**

(2006/506/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ⁽³⁾, and in particular Article 66(2) thereof,

Whereas:

- (1) Following an outbreak of highly pathogenic avian influenza of the subtype H5N1 in a poultry flock on its territory, Hungary has taken the appropriate measures as provided for in Commission Decision 2006/415/EC of 14 June 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC ⁽⁴⁾.
- (2) In the light of the further development of the epidemiological situation in Hungary it is necessary to prolong the measures established for areas A and B in accordance with point (b)(iii) of Article 4(4) of Decision 2006/415/EC.

(3) Denmark has notified to the Commission that all control measures in relation to an outbreak of highly pathogenic avian influenza of the subtype H5N1 in a backyard poultry holding have been ceased by 30 June 2006 and therefore the measures established in accordance with Article 4(2) of that Decision for areas A and B are no longer necessary.

(4) It is therefore necessary to amend Parts A and B of the Annex to Decision 2006/415/EC accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2006/415/EC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 July 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33, corrected by OJ L 195, 2.6.2004, p. 12).

⁽²⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽³⁾ OJ L 10, 14.1.2006, p. 16.

⁽⁴⁾ OJ L 164, 16.6.2006, p. 51.

ANNEX

The Annex to Decision 2006/415/EC is replaced by the following:

'ANNEX

PART A

Area A as established in accordance with Article 4(2):

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)
		Code (if available)	Name	
HU	HUNGARY		In the county of Bács-Kiskun the municipalities of: KISKŐRÖS KECEL IMREHEGY ORGOVÁNY KASKANTYÚ BÓCSA SOLTVADKERT TÁZLÁR PIRTÓ KISKUNHALAS JAKABSZÁLLÁS BUGACPUSZTAHÁZA BUGAC SZANK KISKUNMAJSA-BODOGLÁR HARKAKÖTÖNY FÜLÖPJAKAB MÓRICGÁT PETŐFISZÁLLÁS JÁSZSZENTLÁSZLÓ KISKUNMAJSA KISKUNFÉLEGYHÁZA GÁTÉR PÁLMONOSTORA KÖMPÖC CSÓLYOSPÁLOS	31.8.2006
			In the county Csongrád the municipalities of: ÜLLÉS BORDÁNY ZSOMBÓ SZATYMAZ SÁNDORFALVA FELGYŐ FORRÁSKÚT BALÁSTYA DÓC KISTELEK ÓPUSZTASZER CSONGRÁD BAKS CSENGELE PUSZTASZER CSANYTELEK TÖMÖRKÉNY	31.8.2006

PART B

Area B as established in accordance with Article 4(2):

ISO Country Code	Member State	Area B		Date until applicable Article 4(4)(b)
		Code (if available)	Name	
HU	HUNGARY	ADNS 00003 00006	The counties of: BÁCS-KISKUN CSONGRÁD'	31.8.2006