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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1166/2006**of 31 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 1 August 2006.

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

Done at Brussels, 31 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 31 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
0707 00 05	052	81,5
	388	52,4
	524	46,9
	999	60,3
0709 90 70	052	75,1
	999	75,1
0805 50 10	388	73,4
	524	49,4
	528	55,4
	999	59,4
0806 10 10	052	119,7
	204	133,3
	220	157,6
	400	200,9
	508	55,0
	512	56,7
	624	158,2
	999	125,9
0808 10 80	388	93,7
	400	103,4
	508	75,1
	512	86,3
	524	66,4
	528	82,8
	720	88,9
	800	152,2
	804	100,1
	999	94,3
0808 20 50	052	97,1
	388	104,2
	512	89,4
	528	84,2
	720	32,6
	804	186,0
	999	98,9
0809 20 95	052	308,2
	400	387,6
	999	347,9
0809 30 10, 0809 30 90	052	137,5
	999	137,5
0809 40 05	093	64,8
	098	73,5
	624	131,5
	999	89,9

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

COMMISSION REGULATION (EC) No 1167/2006**of 31 July 2006****on the issue of import licences for frozen thin skirt of bovine animals**

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⁾,

Having regard to Commission Regulation (EC) No 996/97 of 3 June 1997 on the opening and administration of an import tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 ⁽²⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 1(3)(b) of Regulation (EC) No 996/97 fixes the amount of frozen thin skirt which may be imported on special terms in 2006/2007 at 800 tonnes.

- (2) Article 8(3) of Regulation (EC) No 996/97 lays down that the quantities applied for may be reduced. The applications lodged relate to total quantities which exceed the quantities available. Under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is appropriate to reduce proportionally the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

All applications for import licences made pursuant to Article 8 of Regulation (EC) No 996/97 are hereby met to the extent of 0,57372 % of the quantity requested.

Article 2

This Regulation shall enter into force on 1 August 2006.

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

Done at Brussels, 31 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 144, 4.6.1997, p. 6. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

COMMISSION REGULATION (EC) No 1168/2006

of 31 July 2006

implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No 1003/2005

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents⁽¹⁾ and, in particular Article 4(1) and Article 13 thereof,

Whereas:

(1) The purpose of Regulation (EC) No 2160/2003 is to ensure that proper and effective measures are taken to detect and control salmonella and other zoonotic agents at all relevant stages of production, processing and distribution, particularly at the level of primary production, in order to reduce their prevalence and the risk they pose to public health.

(2) Regulation (EC) No 2160/2003 provides for a Community target is to be established for the reduction of the prevalence of all salmonella serotypes with public health significance in laying hens of *Gallus gallus* at the level of primary production. Such reduction is important in view of the strict measures which are to apply to infected flocks in accordance with that Regulation (EC) No 2160/2003 from December 2009 on. In particular, eggs originating from flocks with unknown salmonella status, that are suspected of being infected or from infected flocks may be used for human consumption only if treated in a manner that guarantees the elimination of salmonella serotypes with public health significance in accordance with Community legislation on food hygiene.

(3) Regulation (EC) No 2160/2003 provides that the Community target is to include a numerical expression of the maximum percentage of epidemiological units remaining positive and/or the minimum percentage of reduction in the number of epidemiological units

remaining positive, the maximum time limit within which the target must be achieved and the definition of the testing schemes necessary to verify achievement of the target. It is also to include a definition, where relevant, of serotypes with public health significance.

(4) In order to set the Community target, comparable data on the prevalence of the concerned salmonella serotypes in laying hens of *Gallus gallus* in Member States have been collected in accordance with Commission Decision 2004/665/EC of 22 September 2004 concerning a baseline study on the prevalence of salmonella in laying flocks of *Gallus gallus*⁽²⁾.

(5) Regulation (EC) No 2160/2003 provides that for a transitional period of three years, the Community target for laying hens of *Gallus gallus* is to cover *Salmonella enteritidis* and *Salmonella typhimurium*.

(6) In order to verify achievement of the Community target, it is necessary to organise repeated sampling of flocks.

(7) In accordance with Article 15 of Regulation (EC) No 2160/2003, the European Food Safety Authority (EFSA) was consulted on the setting of the Community target for laying hens of *Gallus gallus*.

(8) Since the adoption of Commission Regulation (EC) No 1003/2005 of 30 June 2005 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No 2160/2003, alternative analysis methods have been developed and validated. In addition salmonella strains detected in breeding flocks should be stored for future phage typing and antimicrobial susceptibility testing. Therefore Regulation (EC) No 1003/2005 should be amended accordingly.

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

⁽¹⁾ OJ L 325, 12.12.2003, p. 1. Regulation as amended by Commission Regulation (EC) No 1003/2005 (OJ L 170, 1.7.2005, p. 12).

⁽²⁾ OJ L 303, 30.9.2004, p. 30.

HAS ADOPTED THIS REGULATION:

Article 1

Community target

1. The Community target referred to in Article 4(1) of Regulation (EC) No 2160/2003 for the reduction of *Salmonella enteritidis* and *Salmonella typhimurium* in adult laying hens of *Gallus gallus* (Community target) shall be as follows:

- (a) An annual minimum percentage of reduction of positive flocks of adult laying hens equal to at least:
- (i) 10 % if the prevalence in the preceding year was less than 10 %;
 - (ii) 20 % if the prevalence in the preceding year was between 10 and 19 %;
 - (iii) 30 % if the prevalence in the preceding year was between 20 and 39 %;
 - (iv) 40 % if the prevalence in the preceding year was 40 % or more;
- or;
- (b) a reduction of the maximum percentage to 2 % or less; however, for Member States with less than 50 flocks of adult laying hens, not more than one adult flock may remain positive.

The first target should be achieved in 2008 based on the monitoring starting in the beginning of that year. With regard to the target in 2008, the results of the baseline study as carried out pursuant to Article 1(1) of Decision 2004/665/EC shall be used as reference referred to in this Article.

2. The testing scheme to verify the progress on the achievement of the Community target is set out in the Annex.

The achievement shall be evaluated taking into account the results of three consecutive years.

When not described in the Annex, the technical specifications referred to in Article 5 of Commission Decision 2004/665/EC

shall be considered as recommendations for the implementation of this point in the national control programmes.

3. The Commission shall consider a review of the testing scheme in the Annex based on the experience gained during the first year of the control programme as referred to in Article 5(1) of Regulation (EC) No 2160/2003 (the national control programme).

Article 2

Amendment to Regulation (EC) No 1003/2005

In the Annex to Regulation (EC) No 1003/2005, the following points 3.4 and 3.5 are inserted:

'3.4. Alternative methods

With regard to samples taken at the initiative of the operator, the methods of analysis provided for in Article 11 of Regulation (EC) No 882/2004 (*), may be used instead of the methods for the preparation of samples, detection methods and serotyping provided for in point 3 of this Annex, if validated in accordance with EN/ISO 16140/2003.

3.5. Storage of strains

At least the strains isolated as part of the official controls, shall be stored for future phage typing or anti-microbial susceptibility testing, using the normal methods for culture collection, which must ensure the integrity of the strains for a minimum period of two years.

(*) OJ L 191, 28.5.2004, p. 1.'

Article 3

Entry into force

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

It shall apply from 1 August 2006.

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

Done at Brussels, 31 July 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Testing scheme necessary to verify the achievement of the Community target for the reduction of *Salmonella enteritidis* and *Salmonella typhimurium* in adult laying hens of *Gallus gallus*, as referred to in Article 1(2)**1. SAMPLING FRAME**

The sampling frame shall cover all flocks of adult laying hens of *Gallus gallus* (laying flocks) referred to in Article 1 of Regulation (EC) No 2160/2003.

2. MONITORING IN LAYING FLOCKS**2.1. Frequency and status of sampling**

Laying flocks shall be sampled at the initiative of the food business operator (operator) and by the competent authority.

Sampling at the initiative of the operator shall take place at least every fifteen weeks. The first sampling shall take place at the age of 24 ± 2 weeks.

Sampling by the competent authority shall take place at least:

- (a) in one flock per year per holding comprising at least 1 000 birds;
- (b) at the age of 24 ± 2 weeks in laying flocks housed in buildings where salmonella was detected in the preceding flock;
- (c) in any case of suspicion of *Salmonella enteritidis* or *Salmonella typhimurium* infection, as a result of the epidemiological investigation of food-borne outbreaks in accordance with Article 8 of Directive 2003/99/EC of the European Parliament and of the Council ⁽¹⁾;
- (d) in all other laying flocks on the holding in case *Salmonella enteritidis* or *Salmonella typhimurium* are detected in one laying flock on the holding;
- (e) in cases where the competent authority considers it appropriate.

A sampling carried out by the competent authority may replace one sampling at the initiative of the operator.

2.2. Sampling protocol

In order to maximise sensitivity of sampling, both faecal material and the environment shall be sampled at least as provided for in (a) and (b):

- (a) In cage flocks, 2×150 grams of naturally pooled faeces shall be taken from all belts or scrapers in the house after running the manure removal system; however, in the case of step cage houses without scrapers or belts 2×150 grams of mixed fresh faeces must be collected from 60 different places beneath the cages in the dropping pits.
- (b) In barn or free-range houses, two pairs of boot swabs or socks be taken, without changing overboots between boot swabs.

In the case of sampling by the competent authority, 250 ml containing at least 100 gram of dust shall be collected from prolific sources of dust throughout the house. If there is not sufficient dust, an additional sample of 150 grams naturally pooled faeces or an additional pair of boot swabs or socks shall be taken.

⁽¹⁾ OJ L 325, 12.12.2003, p. 31.

In the case of sampling referred to in point 2.1(b), (c) and (d), the competent authority shall satisfy itself by conduction further tests as appropriate that the results of examinations for salmonella in birds are not affected by the use of antimicrobials in the flocks.

Where the presence of *Salmonella enteritidis* and *Salmonella typhimurium* is not detected but antimicrobials or bacterial growth inhibitory effect are it shall be accounted for as an infected laying flock for the purpose of the Community target referred to in Article 1(2).

3. EXAMINATION OF THE SAMPLES

3.1. Transport and preparation of the samples

Samples shall be sent by express mail or courier to the laboratories referred to in Article 11 of Regulation (EC) No 2160/2003, on the day of collection. At the laboratory, samples shall be kept refrigerated until examination, which shall be carried out within 48 hours following receipt.

3.1.1. Boot swab samples

- (a) The two pairs of boot swabs ('or socks') shall be carefully unpacked to avoid dislodging adherent faecal material, pooled and placed in 225 ml Buffered Peptone Water (BPW) which has been pre-warmed to room temperature;
- (b) The sample shall be swirled to fully saturate it and culture shall be continued by using the detection method in 3.2.

3.1.2. Other faecal material and dust samples

- (a) The faeces samples shall be pooled and thoroughly mixed and a 25 gram sub-sample shall be collected for culture.
- (b) The 25 gram sub-sample shall be added to 225 ml of BPW which has been pre-warmed to room temperature.
- (c) Culture of the sample shall be continued by using the detection method in 3.2.

If ISO standards on the preparation of faeces for the detection of salmonella are agreed on, they shall be applied and replace the above provisions on sampling preparation.

3.2. Detection method

The method recommended by the Community Reference Laboratory (CRL) for Salmonella in Bilthoven, the Netherlands, for detection shall be used. This method is described in the current version of draft Annex D of ISO 6579 (2002): 'Detection of *Salmonella* spp. in animal faeces and in samples of the primary production stage'. In this method, a semi-solid medium (modified semi-solid Rappaport-Vassiladis medium, MSRV) is used as the single selective enrichment medium.

3.3. Serotyping

At least one isolate from each positive sample shall be serotyped, following the Kaufmann-White scheme.

3.4. Alternative methods

With regard to samples taken at the initiative of the operator, the methods of analysis provided for in Article 11 of Regulation (EC) No 882/2004 ⁽¹⁾, may be used instead of the methods for the preparation of samples, detection methods and serotyping provided for in point 3 of this Annex, if validated in accordance with EN/ISO 16140/2003.

3.5. Storage of strains

At least the strains isolated from samples collected by the competent authority, shall be stored for future phagetyping or anti-microbial susceptibility testing, using the normal methods for culture collection, which must ensure integrity of the strains for a minimum of two years.

⁽¹⁾ OJ L 191, 28.5.2004, p. 1.

4. RESULTS AND REPORTING

A laying flock shall be considered positive for the purpose of verifying the achievement of the Community target, where the presence of *Salmonella enteritidis* and *Salmonella typhimurium* (other than vaccine strains) was detected in one or more samples in the laying flock. Positive laying flocks shall be counted only once, irrespective of the number of sampling and testing operations and only be reported in the first year of detection.

Reporting shall include:

- (a) the total number of flocks of laying hens tested and the number of laying flocks tested for each status of sampling referred to in point 2.1;
- (b) the total number of infected flocks and the results of the testing for each status of sampling referred to in point 2.1;
- (c) explanations on the results, in particular concerning exceptional cases.

The results referred to in this point and any additional relevant information shall be reported as part of the report on trends and sources provided for in Article 9(1) of Directive 2003/99/EC.

COMMISSION REGULATION (EC) No 1169/2006**of 31 July 2006****fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) 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 cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾, allows for the fixing of a corrective amount for the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) 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 corrective amount referred to in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 2006.

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

Done at Brussels, 31 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 31 July 2006 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1	6th period 2
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	0	0	0	0	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	C02	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	C03	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0	0	0	0	—	—
1101 00 15 9130	C01	0	0	0	0	0	—	—
1101 00 15 9150	C01	0	0	0	0	0	—	—
1101 00 15 9170	C01	0	0	0	0	0	—	—
1101 00 15 9180	C01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended. The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

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.

C02: Algeria, Saudi Arabia, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Lybia, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.

C03: All third countries with the exception of Bulgaria, Norway, Romania, Switzerland and Lichtenstein.

COMMISSION REGULATION (EC) No 1170/2006**of 31 July 2006****fixing the export refunds on malt**

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 within 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) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down 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 these rules to the present situation on markets 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 malt listed in Article 1(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 2006.

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

Done at Brussels, 31 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 31 July 2006 fixing the export refunds on malt

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	EUR/t	0,00

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

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

COMMISSION REGULATION (EC) No 1171/2006
of 31 July 2006
fixing the corrective amount applicable to the refund on malt

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 organization of the market in cereals ⁽¹⁾, and in particular Article 15(2),

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) 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⁾ allows for the fixing of a corrective amount for the malt referred

to in Article 1(1)(c) of Regulation (EC) No 1784/2003. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (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

The corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 2006.

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

Done at Brussels, 31 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 31 July 2006 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 2	7th period 3	8th period 4	9th period 5	10th period 6	11th period 7
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

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

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

COMMISSION REGULATION (EC) No 1172/2006**of 31 July 2006****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾ and in particular Article 14(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽³⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

(3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 1785/2003 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

(4) The specific criteria to be used for calculating the export refund on rice are set out in Article 14 of Regulation (EC) No 1785/2003.

(5) 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 Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 August 2006.

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

Done at Brussels, 31 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 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽³⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 31 July 2006 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	0,00
1102 20 10 9200	45,30
1102 20 10 9400	38,83
1103 11 10 9200	0,00
1103 13 10 9100	58,25
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 1173/2006**of 31 July 2006****fixing the import duties in the cereals sector applicable from 1 August 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⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.

- (4) The import duties are applicable until new duties are fixed and enter into force.

- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.

- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 August 2006.

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

Done at Brussels, 31 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 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 1 August 2006

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	5,93
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	37,23
1005 10 90	Maize seed other than hybrid	50,27
1005 90 00	Maize other than seed ⁽²⁾	50,27
1007 00 90	Grain sorghum other than hybrids for sowing	42,22

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(14.7.2006-28.7.2006)

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	157,48 (***)	75,86	154,25	144,25	124,25	92,95
Gulf premium (EUR/t)	—	15,09	—			—
Great Lakes premium (EUR/t)	19,96	—	—			—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 20,81 EUR/t; Great Lakes–Rotterdam: 26,85 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
-
- 0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 1174/2006**of 31 July 2006****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year**

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 markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular of the Article 36,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2006/2007 marketing year are fixed by Commission Regulation (EC) No 1002/2006 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 1131/2006 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 August 2006.

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

Done at Brussels, 31 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 55, 28.2.2006, p. 1.
⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 178, 1.7.2006, p. 36.
⁽⁴⁾ OJ L 201, 25.7.2006, p. 13.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 1 August 2006

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	28,08	2,86
1701 11 90 ⁽¹⁾	28,08	7,49
1701 12 10 ⁽¹⁾	28,08	2,73
1701 12 90 ⁽¹⁾	28,08	7,06
1701 91 00 ⁽²⁾	35,62	7,42
1701 99 10 ⁽²⁾	35,62	3,65
1701 99 90 ⁽²⁾	35,62	3,65
1702 90 99 ⁽³⁾	0,36	0,31

⁽¹⁾ Fixed for the standard quality defined in Annex I.III to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).⁽²⁾ Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 1175/2006**of 31 July 2006****on the issue of system B export licences in the fruit and vegetables sector (lemons)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽²⁾, and in particular Article 6(6) thereof,

Whereas:

(1) Commission Regulation (EC) No 858/2006 ⁽³⁾ fixes the indicative quantities for which system B export licences may be issued.

(2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for

lemons will shortly be exceeded. This overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector.

(3) To avoid this situation, applications for system B licences for lemons after 31 July 2006 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for lemons submitted pursuant to Article 1 of Regulation (EC) No 858/2006, export declarations for which are accepted after 31 July 2006 and before 1 November 2006, are hereby rejected.

Article 2

This Regulation shall enter into force on 1 August 2006.

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

Done at Brussels, 31 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

⁽³⁾ OJ L 159, 19.6.2006, p. 5.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 November 2005

on the signature of the Agreement between the European Community and Ukraine on certain aspects of air services

(2006/529/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) On 5 June 2003 the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.
- (2) The Commission has negotiated, on behalf of the Community, an agreement with Ukraine on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council's authorisation of 5 June 2003.

- (3) Subject to its possible conclusion at a later date, the agreement negotiated by the Commission should be signed,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The President of the Council is hereby authorised to designate the person(s) empowered to sign on behalf of the Community the Agreement between the European Community and Ukraine on certain aspects of air services, subject to its conclusion at a later date.
2. The text of the agreement is attached to this Decision.

Done at Brussels, 29 November 2005.

For the Council
The President
A. JOHNSON

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

THE EUROPEAN COMMUNITY

of the one part, and

UKRAINE

of the other part

(hereinafter referred to as the Parties),

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

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

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

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

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

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

HAVE AGREED AS FOLLOWS:

*Article 1***General provisions**

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

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

1. The provisions in paragraph 2 of shall supersede the corresponding provisions in the articles listed in Annex II(a), in relation to the designation of an air carrier by the Member State concerned, its authorisations and permissions granted by Ukraine.
2. On receipt of a designation by a Member State, Ukraine shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:
 - (i) the air carrier is established, under the Treaty establishing the European Community, in the territory of the designating Member State and has a valid Operating Licence in accordance with European Community law;

- (ii) effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its Air Operators Certificate and the relevant aeronautical authority is clearly identified in the designation; and
- (iii) the air carrier is owned, directly or through majority ownership, and it is effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex III and/or nationals of such other states.

Article 3

Refusal, revocation, suspension or limitation by Ukraine

1. The provisions in paragraph 2 shall supersede the corresponding provisions in the articles listed in Annex III(b), in relation to the refusal, revocation, suspension or limitation of the authorisations or permissions of an air carrier designated by a Member State.
2. Ukraine may refuse, revoke, suspend or limit the authorisations or permissions of an air carrier designated by a Member State where:
 - (i) the air carrier is not established, under the Treaty establishing the European Community, in the territory of the designating Member State or does not have a valid Operating Licence in accordance with European Community law;
 - (ii) effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its Air Operators Certificate, or the relevant aeronautical authority is not clearly identified in the designation; or
 - (iii) the air carrier is not owned, directly or through majority ownership, or it is not effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex III and/or nationals of such other states.

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

Article 4

Safety

1. The provisions in paragraph 2 shall complement the articles listed in Annex II(c).
2. Where a Member State has designated an air carrier whose effective regulatory control is exercised and maintained by

another Member State, the rights of Ukraine under the safety provisions of the agreement between the Member State that has designated the air carrier and Ukraine shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that other Member State and in respect of the operating authorisation of that air carrier.

Article 5

Taxation of aviation fuel

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

Article 6

Tariffs for carriage

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

Article 7

Annexes

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

Article 8

Revision or amendment

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

Article 9

Entry into force

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

2. This Agreement shall apply to all Agreements listed in Annex I(b) upon their entry into force.

2. Should all agreements listed in Annex I be terminated, this Agreement shall terminate at the same time.

Article 10

Termination

1. Should an agreement listed in Annex I be terminated, all provisions of this Agreement that relate to the agreement listed in Annex I concerned shall terminate at the same time.

Article 11

Registration

This Agreement and amendments thereto shall be registered with the International Civil Aviation Organisation.

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

Hecho en Kiev, el uno de diciembre de dos mil cinco.

V Kyjevě dne prvního prosince dva tisíce pět.

Udfærdiget i Kiev den første december to tusind og fem.

Geschehen zu Kiew am ersten Dezember zweitausendundfünf.

Kahe tuhande viienda aasta detsembrikuu esimesel päeval Kiievis.

Κίεβο, μία Δεκεμβρίου δύο χιλιάδες πέντε.

Done at Kiev, on the first day of December, in the year two thousand and five.

Fait à Kiev, le premier décembre deux mille cinq.

Fatto a Kiev, addì primo dicembre duemilacinque.

Kijevā, divtūkstoš piektā gada pirmajā decembrī.

Priimta du tūstančiai penktų metų gruodžio pirmą dieną Kijeve.

Kelt Kievben, a kettőezerötödik év december első napján.

Magħmul f' Kiev, fl-ewwel jum ta' Dicembru tas-sena elfejn u ħamsa.

Gedaan te Kiev, de eerste december tweeduizend vijf.

Sporządzono w Kijowie dnia pierwszego grudnia roku dwutysięcznego piątego.

Feito em Kiev, em um de Dezembro de dois mil e cinco.

V Kyjeve dňa prvého decembra dvetisícpäť.

V Kijevu, prevega decembra leta dva tisoč pet.

Tehty Kiovassa ensimmäisenä päivänä joulukuuta vuonna kaksituhattaviisi.

Som skedde i Kiev den första december tjugohundrafem.

Вчинено в Києві першого грудня дві тисячі п'ятого року

Pour le Royaume de Belgique

Voor het Koninkrijk België

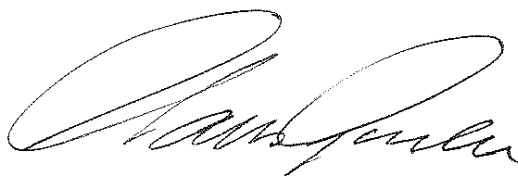
Für das Königreich Belgien



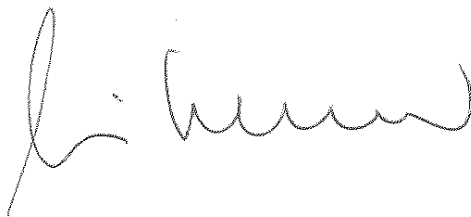
Za Českou republiku



På Kongeriget Danmarks vegne



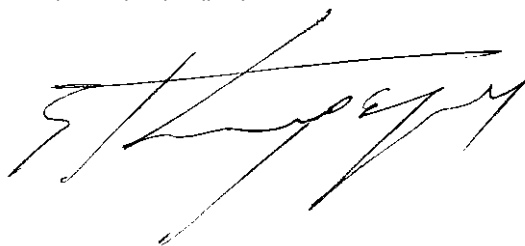
Für die Bundesrepublik Deutschland



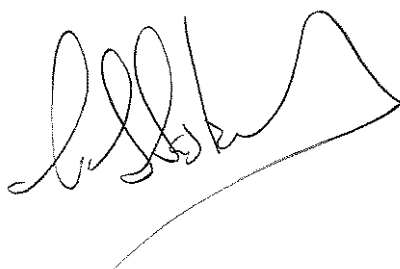
Eesti Vabariigi nimel



Για την Ελληνική Δημοκρατία



Por el Reino de España



Pour la République française

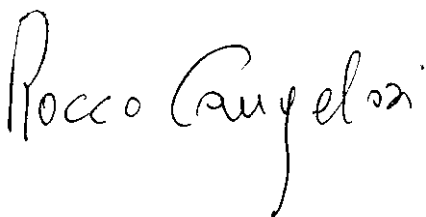


Thar cheann Na hÉireann

For Ireland



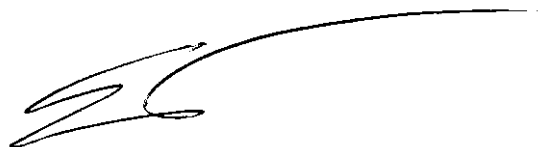
Per la Repubblica italiana



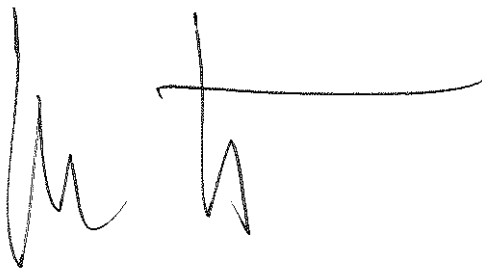
Για την Κυπριακή Δημοκρατία

Ν.γ' Εφ.:-:

Latvijas Republikas vārdā



Lietuvos Respublikos vardu



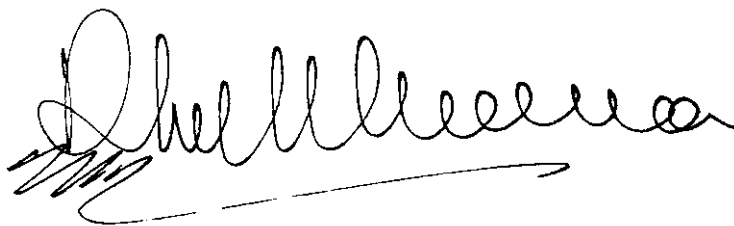
Pour le Grand-Duché de Luxembourg



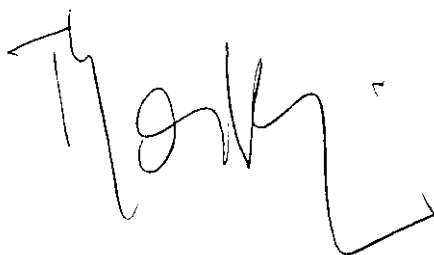
A Magyar Köztársaság részéről



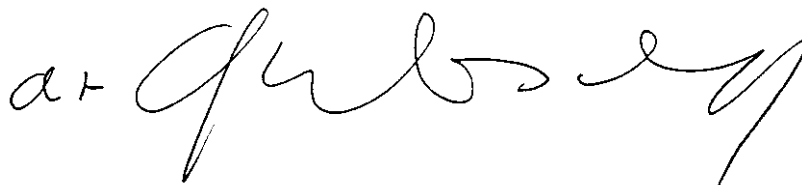
Għar-Repubblika ta' Malta

A stylized handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the bottom.

Voor het Koninkrijk der Nederlanden

A handwritten signature in black ink, featuring a large 'M' and a long horizontal stroke at the bottom.

Für die Republik Österreich

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the bottom.

W imieniu Rzeczypospolitej Polskiej

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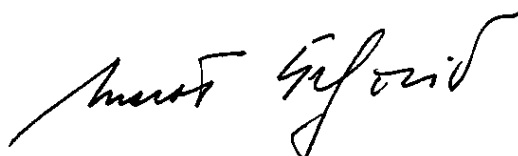
Pela República Portuguesa

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the bottom.

Za Republiko Slovenijo



Za Slovenskú republiku



Suomen tasavallan puolesta

För Republiken Finland



För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



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



За Україну



ANNEX I

List of agreements referred to in Article 1 of this Agreement

- (a) Air services agreements between Ukraine and Member States of the European Community which, at the date of signature of this Agreement, have entered into force or have been signed; and other arrangements between Ukraine and Member States that are being applied provisionally:
- Air Transport Agreement between the Austrian Federal Government and the Government of Ukraine done at Vienna on 15 June 1994, hereinafter referred to 'Ukraine-Austria Agreement' in Annex II,
Last modified by Agreed Minutes done at Vienna on 22 April 2005,
 - Agreement between the Government of the Kingdom of Belgium and the Government of Ukraine on Air Transport signed at Kyiv on 20 May 1996, hereinafter referred to 'Ukraine-Belgium Agreement' in Annex II,
Last modified by Memorandum of Understanding done at Brussels on 6 February 2004,
 - Air Transport Agreement between the Government of the Czech Republic and the Government of Ukraine signed at Kyiv on 1 July 1997, hereinafter referred to 'Ukraine-Czech Republic Agreement' in Annex II,
 - Air Services Agreement between the Government of the Republic of Cyprus and the Government of Ukraine done at Kyiv on 21 February 2000, hereinafter referred to 'Ukraine-Cyprus Agreement' in Annex II,
 - Air Services Agreement between the Government of the Kingdom of Denmark and the Government of Ukraine done at Kyiv on 27 March 2001, hereinafter referred to 'Ukraine-Denmark Agreement' in Annex II,
 - Air Transport Agreement between the Government of the Federal Republic of Germany and the Government of Ukraine done at Kyiv on 10 June 1993, hereinafter referred to 'Ukraine-Germany Agreement' in Annex II,
 - Air Services Agreement between the Government of the Republic of Estonia and the Government of Ukraine done at Tallinn on 6 July 1993, hereinafter referred to 'Ukraine-Estonia Agreement' in Annex II,
 - Agreement between the Government of the Republic of Finland and the Government of Ukraine relating to Air Services done at Helsinki on 5 June 1995, hereinafter referred to 'Ukraine-Finland Agreement' in Annex II,
 - Agreement between the Government of the Republic of France and the Government of Ukraine relating to Air Services done at Kyiv on 3 May 1994, hereinafter referred to 'Ukraine-France Agreement' in Annex II,
 - Air Transport Agreement between the Government of the Hellenic Republic and the Government of Ukraine done at Kyiv on 15 December 1997, hereinafter referred to 'Ukraine-Greece Agreement' in Annex II,
 - Air Transport Agreement between the Government of the Republic of Hungary and the Government of Ukraine done at Kyiv on 19 May 1995, hereinafter referred to 'Ukraine-Hungary Agreement' in Annex II,
 - Air Services Agreement between the Government of the Republic of Italy and the Government of Ukraine done at Rome on 2 May 1995, hereinafter referred to 'Ukraine-Italy Agreement' in Annex II,
 - Air Transport Agreement between the Government of the Republic of Latvia and the Government of Ukraine done at Riga on 23 May 1995, hereinafter referred to 'Ukraine-Latvia Agreement' in Annex II,
 - Air Services Agreement between the Government of the Republic of Lithuania and the Government of Ukraine done at Vilnius on 7 July 1993, hereinafter referred to 'Ukraine-Lithuania Agreement' in Annex II,
Last modified by Protocol signed at Vilnius on 26 May 2003,
 - Agreement between the Government of the Grand Duchy of Luxembourg and the Government of Ukraine relating to Air Services done at Luxembourg on 14 June 1994, hereinafter referred to 'Ukraine-Luxembourg Agreement' in Annex II,
 - Agreement between the Kingdom of the Netherlands and Ukraine for Air Services done at Kyiv on 7 September 1993, hereinafter referred to 'Ukraine-Netherlands Agreement' in Annex II,

- Agreement between the Government of the Republic of Poland and the Government of Ukraine relating to Air Services done at Warsaw on 20 January 1994, hereinafter referred to 'Ukraine-Poland Agreement' in Annex II,
 - Air Services Agreement between the Government of the Slovak Republic and the Government of Ukraine done in Bratislava on 23 May 1994, hereinafter referred to 'Ukraine-Slovak Republic Agreement' in Annex II,
 - Air Services Agreement between the Government of the Republic of Slovenia and the Government of Ukraine done in Ljubljana on 30 March 1999, hereinafter referred to 'Ukraine-Slovenia Agreement' in Annex II,
 - Air Transport Agreement between the Government of Spain and the Government of Ukraine done at Madrid on 7 October 1996, hereinafter referred to 'Ukraine-Spain Agreement' in Annex II,
 - Air Services Agreement between the Government of the Kingdom of Sweden and the Government of Ukraine done at Kyiv on 27 March 2001, hereinafter referred to 'Ukraine-Sweden Agreement' in Annex II,
 - Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ukraine concerning Air Services signed in London on 10 February 1993, hereinafter referred to 'Ukraine-United Kingdom Agreement' in Annex II;
- (b) Air service agreements between Ukraine and Member States of the European Community which, at the date of signature of this Agreement, have been initialled:
- Agreement between the Government of Ireland and the Government of Ukraine on Air Transport initialled at Dublin on 10 December 1992, hereinafter referred to 'Ukraine-Ireland Agreement' in Annex II,
 - Agreement between the Government of the Republic of Malta and the Cabinet of Ministers of Ukraine relating to Air Services initialled in Luqa on 17 June 1998, hereinafter referred to 'Ukraine-Malta Agreement' in Annex II,
 - Air Transport Agreement between the Government of the Portuguese Republic and the Cabinet of Ministers of Ukraine initialled at Lisbon on 18 October 2000, hereinafter referred to 'Ukraine-Portugal Agreement' in Annex II.
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ANNEX II

List of articles in the Agreements listed in Annex I and referred to in Articles 2 to 6 of this Agreement

- (a) Designation by a Member State:
- Article 3, Paragraph 5 of the Ukraine-Austria Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Czech Republic Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Denmark Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Germany Agreement,
 - Article 4, Paragraph 4 of the Ukraine-Estonia Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Finland Agreement,
 - Article 4, Paragraph 3 of the Ukraine-France Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Greece Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Hungary Agreement,
 - Article 3, Paragraph 3 of the Ukraine-Ireland Agreement,
 - Article 4, Paragraph 4 of the Ukraine-Italy Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Latvia Agreement,
 - Article 4, Paragraph 4 of the Ukraine-Lithuania Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Malta Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Netherlands Agreement,
 - Article 4, Paragraph 4 of the Ukraine-Poland Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Portugal Agreement,
 - Article 4, Paragraph 4 of the Ukraine-Slovak Republic Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Slovenia Agreement,
 - Article III, Paragraph 4 of the Ukraine-Spain Agreement,
 - Article 3, Paragraph 4 of the Ukraine-Sweden Agreement,
 - Article 4, Paragraph 4 of the Ukraine-United Kingdom Agreement.
- (b) Refusal, revocation, suspension or limitation of authorisations or permissions:
- Article 4, Paragraph 1(a) of the Ukraine-Austria Agreement,
 - Article 5, Paragraph 1(d) of the Ukraine-Belgium Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Czech Republic Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-Cyprus Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Denmark Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-Estonia Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Finland Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-France Agreement,
 - Article 4, Paragraph 1(b) of the Ukraine-Greece Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Hungary Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-Italy Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-Lithuania Agreement,
 - Article 4, Paragraph 1(c) of the Ukraine-Luxembourg Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Malta Agreement,
 - Article 4, Paragraph 1(c) of the Ukraine-Netherlands Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-Poland Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Portugal Agreement,
 - Article 5, Paragraph 1(a) of the Ukraine-Slovak Republic Agreement,
 - Article 4, Paragraph 1(a) of the Ukraine-Slovenia Agreement,

- Article IV, Paragraph 1(a) of the Ukraine-Spain Agreement,
- Article 4, Paragraph 1(a) of the Ukraine-Sweden Agreement,
- Article 5, Paragraph 1(a) of the Ukraine-United Kingdom Agreement.

(c) Safety:

- Article 9a of the Ukraine-Austria Agreement,
- Article 7 of the Ukraine-Belgium Agreement,
- Article 9 of the Ukraine-Czech Republic Agreement,
- Article 14a of the Ukraine-Denmark Agreement,
- Article 6 of the Ukraine-Estonia Agreement,
- Article 9 of the Ukraine-France Agreement,
- Article 8 of the Ukraine-Greece Agreement,
- Article 5 of the Ukraine-Hungary Agreement,
- Article 7 of the Ukraine-Ireland Agreement,
- Article 10 of the Ukraine-Italy Agreement,
- Article 16a of the Ukraine-Lithuania Agreement,
- Article 6 of the Ukraine-Luxembourg Agreement,
- Article 8 of the Ukraine-Malta Agreement,
- Article 13 of the Ukraine-Netherlands Agreement,
- Article 15 of the Ukraine-Portugal Agreement,
- Article 6 of the Ukraine-Slovak Republic Agreement,
- Article 6 of the Ukraine-Slovenia Agreement,
- Article XI of the Ukraine-Spain Agreement,
- Article 14bis of the Ukraine-Sweden Agreement.

(d) Taxation of aviation fuel:

- Article 7 of the Ukraine-Austria Agreement,
- Article 10 of the Ukraine-Belgium Agreement,
- Article 10 of the Ukraine-Czech Republic Agreement,
- Article 7 of the Ukraine-Cyprus Agreement,
- Article 6 of the Ukraine-Denmark Agreement,
- Article 6 of the Ukraine-Germany Agreement,
- Article 12 of the Ukraine-Estonia Agreement,
- Article 11 of the Ukraine-Finland Agreement,
- Article 11 of the Ukraine-France Agreement,
- Article 11 of the Ukraine-Greece Agreement,
- Article 11 of the Ukraine-Hungary Agreement,
- Article 11 of the Ukraine-Ireland Agreement,
- Article 6 of the Ukraine-Italy Agreement,
- Article 6 of the Ukraine-Latvia Agreement,
- Article 12 of the Ukraine-Lithuania Agreement,
- Article 8 of the Ukraine-Luxembourg Agreement,
- Article 5 of the Ukraine-Malta Agreement,
- Article 9 of the Ukraine-Netherlands Agreement,
- Article 12 of the Ukraine-Poland Agreement,
- Article 6 of the Ukraine-Portugal Agreement,

- Article 12 of the Ukraine-Slovak Republic Agreement,
 - Article 8 of the Ukraine-Slovenia Agreement,
 - Article V of the Ukraine-Spain Agreement,
 - Article 6 of the Ukraine-Sweden Agreement,
 - Article 8 of the Ukraine-United Kingdom Agreement.
- (e) Tariffs for carriage:
- Article 11 of the Ukraine-Austria Agreement,
 - Article 12 of the Ukraine-Belgium Agreement,
 - Article 14 of the Ukraine-Czech Republic Agreement,
 - Article 14 of the Ukraine-Cyprus Agreement,
 - Article 11 of the Ukraine-Denmark Agreement,
 - Article 10 of the Ukraine-Germany Agreement,
 - Article 11 of the Ukraine-Estonia Agreement,
 - Article 10 the Ukraine-Finland Agreement,
 - Article 17 of the Ukraine-France Agreement,
 - Article 14 of the Ukraine-Greece Agreement,
 - Article 10 of the Ukraine-Hungary Agreement,
 - Article 6 of the Ukraine-Ireland Agreement,
 - Article 8 of the Ukraine-Italy Agreement,
 - Article 10 of the Ukraine-Latvia Agreement,
 - Article 10 of the Ukraine-Lithuania Agreement,
 - Article 10 of the Ukraine-Luxembourg Agreement,
 - Article 11 of the Ukraine-Malta Agreement,
 - Article 5 of the Ukraine-Netherlands Agreement,
 - Article 11 of the Ukraine-Poland Agreement,
 - Article 18 of the Ukraine-Portugal Agreement,
 - Article 11 of the Ukraine-Slovak Republic Agreement,
 - Article 12 of the Ukraine-Slovenia Agreement,
 - Article VII of the Ukraine-Spain Agreement,
 - Article 11 of the Ukraine-Sweden Agreement,
 - Article 7 of the Ukraine-United Kingdom Agreement.
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ANNEX III**List of other States referred to in Article 2 of this Agreement**

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

ANNEX IV**Definitions**

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

The expression 'Establishment of a Community air carrier (airline) on the territory of a Member State' implies the effective and real exercise of air transport activity through stable arrangements. The legal form of such an establishment, whether a branch or a subsidiary with legal personality, should not be the determining factor in this respect.

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

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

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

COUNCIL DECISION
of 9 June 2006
on the conclusion of the Agreement between the European Community and Ukraine on certain
aspects of air services
(2006/530/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) By its decision of 5 June 2003 the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.
- (2) The Commission has negotiated, on behalf of the Community, an agreement with Ukraine on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the said Council Decision.
- (3) The Agreement has been signed, on behalf of the Community, on 1 December 2005 subject to its

possible conclusion at a later date, in accordance with the Council Decision of 28 November 2005.

- (4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Agreement between the European Community and Ukraine on certain aspects of air services is hereby approved on behalf of the Community.
2. The text of the Agreement is attached to this Decision ⁽²⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to make the notification provided for in Article 9(1) of the Agreement.

Done at Luxembourg, 9 June 2006.

For the Council
The President
H. GORBACH

⁽¹⁾ Opinion delivered on 14 March 2006 (not yet published in the Official Journal).

⁽²⁾ See page 24 of this Official Journal.