

Official Journal

of the European Union

L 265

English edition

Legislation

Volume 49

26 September 2006

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1405/2006 of 18 September 2006 laying down specific measures for agriculture in favour of the smaller Aegean islands and amending Regulation (EC) No 1782/2003** 1
- ★ **Council Regulation (EC) No 1406/2006 of 18 September 2006 amending Regulation (EC) No 1788/2003 establishing a levy in the milk and milk products sector** 8
- Commission Regulation (EC) No 1407/2006 of 25 September 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables 10
- ★ **Commission Regulation (EC) No 1408/2006 of 22 September 2006 establishing a prohibition of fishing for cod in ICES zone I, II b by vessels flying the flag of Poland** 12
- ★ **Commission Regulation (EC) No 1409/2006 of 22 September 2006 establishing a prohibition of fishing for cod in ICES zone I, II (Norwegian waters) by vessels flying the flag of France** ... 14
- Commission Regulation (EC) No 1410/2006 of 25 September 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 16

II Acts whose publication is not obligatory

Commission

2006/646/EC:

- ★ **Decision No 1/2006 of the EC-Turkey Customs Cooperation Committee of 26 September 2006 laying down detailed rules for the application of Decision No 1/95 of the EC-Turkey Association Council** 18

2006/647/EC:

- ★ **Commission Recommendation of 22 September 2006 on the efficacy of sunscreen products and the claims made relating thereto (notified under document number C(2006) 4089) ⁽¹⁾** 39

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1405/2006**of 18 September 2006****laying down specific measures for agriculture in favour of the smaller Aegean islands and amending Regulation (EC) No 1782/2003**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The particular geographical situation of some of the Aegean islands imposes additional transport costs in supplying products which are essential for human consumption, for processing or as agricultural inputs. In addition, objective factors arising as a result of insularity and remoteness impose further constraints on economic operators and producers in those Aegean islands that severely handicap their activities. In certain cases, operators and producers suffer from double insularity. Those handicaps can be alleviated by lowering the price of those products. It is therefore appropriate to introduce specific supply arrangements to guarantee supply to the Aegean islands and compensate for the additional costs arising from their remoteness, insularity and distant location.
- (2) The problems experienced by the Aegean islands are accentuated by the small size of the islands. In order to guarantee the effectiveness of the measures envisaged, such measures should only apply to islands known as the 'smaller islands'.
- (3) Community policy to assist local production in the smaller Aegean islands as established by Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products ⁽¹⁾ has involved

a multitude of products and measures for their production, marketing or processing. Those measures have proved effective and have ensured that agricultural activities have been maintained and developed. The Community should continue to support the production lines, which are a key factor in the environmental, social and economic equilibrium of the smaller Aegean islands. Experience has shown that, as in the case of rural development policy, closer partnership with the local authorities can help to address the particular issues affecting the islands concerned in a more targeted way. Support for local production should thus continue to be granted through a general programme at the most appropriate geographical level, and this programme should be submitted to the Commission by Greece.

- (4) In order to achieve the goal of lowering prices in the smaller Aegean islands and mitigating the additional costs of their remoteness, insularity and distant location, while maintaining the competitiveness of Community products, aid should be granted for the supply of Community products to the smaller Aegean islands. Such aid should take account of the additional cost of transport to the smaller Aegean islands and, in the case of agricultural inputs and products intended for processing, the additional costs of insularity and distant location.
- (5) Since the quantities covered by the specific supply arrangements are limited to the supply requirements of the smaller Aegean islands, those arrangements do not impair the proper functioning of the internal market. Nor should the economic advantages of the specific supply arrangements result in the diversion of trade in the products concerned. The dispatch or export of those products from the smaller Aegean islands should therefore be prohibited. However, dispatch or exportation of those products should be authorised where the advantage resulting from the specific supply arrangements is reimbursed or, in the case of processed products, to permit regional trade. Account should also be taken of exports to third countries and exports of processed products corresponding to traditional exports should be authorised accordingly. Moreover, the restriction should not apply to the traditional dispatching of processed products. For the sake of clarity, this Regulation should specify the reference period for defining traditionally exported or dispatched quantities.

⁽¹⁾ OJ L 184, 27.7.1993, p. 1. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

- (6) In order to achieve the objectives of the specific supply arrangements, the economic advantages of the arrangements must be in terms of production costs and must cut prices up to the end-user stage. Such economic advantages should therefore be granted only on condition that they are actually passed on to the end-user and appropriate checks must be carried out.
- (7) To help achieve the goals of developing local agricultural production and the supply of agricultural products, the level of programming of supplies to the islands concerned should be harmonised and the approach of partnership between the Commission and Greece should be systematic. Forecast supply balances should therefore be established by the authorities designated by Greece and submitted to the Commission for approval.
- (8) Farmers in the smaller Aegean islands should be encouraged to supply quality products and the marketing of such products should be assisted.
- (9) A derogation may be granted from the Commission's consistent policy of not authorising State operating aid for the production, processing and marketing of agricultural products listed in Annex I to the Treaty in order to mitigate the specific constraints on farming in the smaller Aegean islands as a result of their remoteness, insularity and distant location, small area, mountainous terrain and climate and their economic dependency on a small number of products.
- (10) Implementation of this Regulation should not jeopardise the level of special support from which the smaller Aegean islands have benefited up to now. In order to be able to carry out the appropriate measures Greece should continue to have at its disposal sums equivalent to the Community support already granted under Regulation (EEC) No 2019/93. The new system of support for agricultural production in the smaller Aegean islands established by this Regulation should be coordinated with the support for the same production lines applied in the rest of the Community and Regulation (EEC) No 2019/93 should therefore be repealed.
- (11) In accordance with the principle of subsidiarity and in the spirit of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers⁽¹⁾ it is appropriate to devolve the management of the specific measures for the smaller Aegean islands to Greece. Those measures may therefore be operated through a support programme submitted by Greece and approved by the Commission.
- (12) Greece has decided to apply the Single Payment Scheme to the whole country as from 1 January 2006. To ensure coordination of the respective arrangements concerning the smaller Aegean islands Regulation (EC) No 1782/2003 should be amended accordingly.
- (13) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾.
- (14) The programme provided for in this Regulation should start on 1 January 2007. However, to enable the programme to start on that date, Greece and the Commission should be permitted to take all the preparatory measures between the date of entry into force of this Regulation and that of the application of the programme,
- HAS ADOPTED THIS REGULATION:
- CHAPTER I
- INTRODUCTORY PROVISIONS**
- Article 1*
- Scope and definition**
1. This Regulation lays down specific measures, in respect of the agricultural products listed in Annex I to the Treaty and the means of agricultural production, to remedy the difficulties caused by the remote and insular nature of the smaller Aegean islands.
2. For the purposes of this Regulation 'smaller islands' mean any islands in the Aegean Sea except the islands of Crete and Evia.
- Article 2*
- Community support programme**
- A Community support programme for the smaller islands shall be established. It shall include:
- (a) specific supply arrangements as provided for in Chapter II, and

⁽¹⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 1156/2006 (OJ L 208, 29.7.2006, p. 3).

⁽²⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

(b) specific measures to assist local lines of agricultural production as provided for in Chapter III.

(d) where applicable, the need not to obstruct the potential development of local products.

CHAPTER II

SPECIFIC SUPPLY ARRANGEMENTS

Article 3

Forecast supply balance

1. Specific supply arrangements are hereby introduced for the agricultural products, which are essential in the smaller islands for human consumption, for the manufacture of other products or as agricultural inputs.

2. A forecast supply balance shall be drawn up stating the quantity of the agricultural products referred to in paragraph 1 needed to meet supply requirements each year. The forecast supply balance shall be established by the authorities designated by Greece and submitted to the Commission for approval.

A separate forecast balance may be drawn up for the requirements of undertakings packaging and processing products intended for the local market, for traditional consignment to the rest of the Community or for export as part of traditional trade flows.

Article 4

Operation of the specific supply arrangements

1. Aid shall be granted for the supply to the smaller islands of the products referred to in Article 3(1).

The amount of aid shall be fixed taking into consideration the additional costs of marketing products in the smaller islands, calculated from the usual ports of shipment in mainland Greece, and from the ports of islands of transit or of loading for the islands of final destination.

2. In implementing the specific supply arrangements, account shall be taken, in particular, of the following:

(a) the specific needs of the smaller islands and the precise quality requirements;

(b) traditional trade flows with ports in mainland Greece and between the islands in the Aegean Sea;

(c) the economic aspect of the proposed aid;

3. Entitlement under the specific supply arrangements shall be subject to the condition that the economic advantages are actually passed on to the end user.

Article 5

Export to third countries and dispatch to the rest of the Community

1. Products covered by the specific supply arrangements may be exported to third countries or dispatched to the rest of the Community only on conditions laid down in accordance with the procedure referred to in Article 15(2).

Those conditions shall include in particular reimbursement of the aid received under the specific supply arrangements.

2. Export to third countries or dispatching to the rest of the Community shall be possible for products processed in the smaller islands from products having benefited from the specific supply arrangements within the limits of traditional exports and traditional dispatches. The quantities that may be exported or dispatched shall be specified in accordance with the procedure referred to in Article 15(2).

No export refund shall be granted for the products thus exported.

Article 6

Detailed rules for the application of the arrangements

Detailed rules for the application of this Chapter shall be adopted in accordance with the procedure referred to in Article 15(2). Such rules shall in particular define the conditions under which Greece may amend the quantities and the resources allocated each year to the various products eligible under the specific supply arrangements and, where necessary, establish a system of delivery certificates.

CHAPTER III

MEASURES TO ASSIST LOCAL AGRICULTURAL PRODUCTS

Article 7

Support measures

1. The support programme shall contain the measures needed to ensure continuity and development of local lines of agricultural production in the smaller islands.

2. The support programme shall be established at the geographical level which Greece deems most appropriate. It shall be prepared by the competent authority designated by Greece, which shall submit it to the Commission for approval after the competent authorities and organisations at the appropriate level have been consulted.

Article 8

Compatibility and consistency

1. Measures taken under the support programme shall be compatible with Community law and be consistent with other Community policies and with the measures taken to implement those policies.

2. Support programme measures shall be consistent with measures implemented under other instruments of the common agricultural policy, and in particular the common organisations of markets, rural development, product quality, animal welfare and protection of the environment.

In particular, no measure under this Chapter may be financed as:

- (a) additional support for premium or aid schemes under a common organisation of the market save in exceptional cases justified by objective criteria;
- (b) support for research projects, measures to support research projects or measures eligible for Community financing under Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾;
- (c) support for measures within the scope of Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽²⁾.

Article 9

Content of support programme

The support programme may include:

- (a) a quantified description of the current agricultural production situation taking into account the results of available evaluations, showing disparities, gaps and potential for development;
- (b) a description of the strategy proposed, the priorities selected, the objectives quantified, and an appraisal

showing the expected economic, environmental and social impact, including effects on employment;

- (c) a schedule for the implementation of the measures and a general indicative financing table showing the resources that may be deployed;
- (d) proof of compatibility and consistency between the various measures under the support programme and the criteria to be used for monitoring and evaluation;
- (e) the steps taken to ensure the support programme is implemented effectively and appropriately, including the arrangements for publicity, monitoring and evaluation, and the provisions for checks and administrative penalties;
- (f) the designation of the competent authority responsible for implementing the support programme and the designation at the appropriate levels of authorities or associated bodies.

Article 10

Monitoring

The procedures and physical and financial indicators for ensuring effective monitoring of the implementation of the support programme shall be adopted in accordance with the procedure referred to in Article 15(2).

CHAPTER IV

ACCOMPANYING MEASURES

Article 11

State aid

1. For the agricultural products to which Articles 87, 88 and 89 of the Treaty apply the Commission may authorise operating aid in the sectors producing, processing and marketing those products, with a view to mitigating the specific constraints on farming in the smaller islands as a result of their remoteness, insularity and distant location.

2. Greece may grant additional financing for the implementation of the support programme. In such cases Greece shall notify the Commission of the State aid and the Commission may approve it in accordance with this Regulation as part of the support programme. Aid thus notified shall be regarded as being notified within the meaning of the first sentence of Article 88(3) of the Treaty.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Decision 2006/53/EC (OJ L 29, 2.2.2006, p. 37).

⁽²⁾ OJ L 227, 21.10.2005, p. 1.

CHAPTER V

FINANCIAL PROVISIONS*Article 12***Financial resources**

1. The measures provided for in this Regulation shall constitute intervention measures to regulate agricultural markets within the meaning of Article 3(1)(b) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾.

2. The Community shall finance the measures provided for in Chapters II and III up to a maximum annual amount of EUR 23,93 million.

3. The amount allocated annually to the specific supply arrangements referred to in Chapter II may not exceed EUR 5,47 million.

CHAPTER VI

GENERAL, TRANSITIONAL AND FINAL PROVISIONS*Article 13***Draft support programme**

1. Greece shall submit a draft support programme to the Commission in the framework of the financial allocation referred to in Article 12(2) and (3) by 31 October 2006 at the latest.

The draft support programme shall comprise a draft forecast supply balance indicating the products, the quantities thereof and the amount of aid for supply from the Community together with a draft programme of support for local production.

2. The Commission shall evaluate the support programme proposed and decide on its approval in accordance with the procedure referred to in Article 15(2).

3. The support programme shall start on 1 January 2007.

*Article 14***Implementing rules**

The measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 15(2). They shall include in particular:

(a) the conditions under which Greece may amend the quantities and levels of aid for supply and the support measures or the allocation of resources allotted to support local production;

(b) the provisions relating to the minimum specifications of the checks and administrative penalties which Greece must apply.

*Article 15***Committee procedure**

1. The Commission shall be assisted by the Management Committee for Direct Payments established by Article 144 of Regulation (EC) No 1782/2003 (hereinafter referred to as the Committee).

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

*Article 16***National measures**

Greece shall take the measures necessary to ensure compliance with this Regulation, in particular as regards checks and administrative penalties, and shall inform the Commission thereof.

*Article 17***Communication and reports**

1. Greece shall communicate to the Commission no later than 15 February each year the appropriations made available to it and which it intends to use in the following year on implementing the support programme.

2. Greece shall submit to the Commission no later than 30 June each year a report on the implementation of the measures provided for in this Regulation over the previous year.

3. Not later than 31 December 2011, and thereafter every five years, the Commission shall submit a general report to the European Parliament and the Council showing the impact of the action taken under this Regulation, accompanied, if applicable, by appropriate proposals.

⁽¹⁾ OJ L 209, 11.8.2005, p. 1. Regulation as amended by Regulation (EC) No 320/2006 (OJ L 58, 28.2.2006, p. 42).

*Article 18***Repeal**

Regulation (EEC) No 2019/93 is hereby repealed with effect from 1 January 2007.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in the Annex to this Regulation.

*Article 19***Transitional measures**

In accordance with the procedure provided for in Article 15(2), the Commission may adopt the necessary transitional measures to ensure a smooth transition from the measures under Regulation (EEC) No 2019/93 to the measures introduced by this Regulation.

*Article 20***Amendment of Regulation (EC) No 1782/2003**

Regulation (EC) No 1782/2003 is hereby amended as follows:

1. Article 70 shall be amended as follows:

(a) in paragraph 1, point (b) shall be replaced by the following:

‘(b) all other direct payments listed in Annex VI granted to farmers in the reference period in the French Overseas Departments, the Azores and Madeira, the Canary Islands and the Aegean Islands.’;

(b) in paragraph 2, the first subparagraph shall be replaced by the following:

‘2. Member States shall grant the direct payments referred to in paragraph 1 within the limit of the ceilings fixed in accordance with Article 64(2), under the conditions established in Title IV, Chapters 3, 6 and 7 to 13.’;

2. in Article 71(2), the first subparagraph shall be replaced by the following:

‘2. Without prejudice to Article 70(2), in the transitional period the Member State concerned shall apply each of the direct payments referred to in Annex VI under the conditions established in Title IV, Chapters 3, 6 and 7 to 13 within the limit of budgetary ceilings corresponding to the component of these direct payments in the national ceiling referred to in Article 41, fixed in accordance with the procedure referred to in Article 144(2).’;

3. in Annexes I and VI the row concerning the ‘Aegean Islands’ shall be deleted.

*Article 21***Entry into force**

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

It shall apply from 1 January 2007. However, Articles 11, 13 and 14 shall apply from the date of its entry into force.

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

Done at Brussels, 18 September 2006.

For the Council
The President
J. KORKEAOJA

ANNEX

Correlation table

Regulation (EEC) No 2019/93	This Regulation
Article 1	Article 1
Article 2	Article 3
Article 3(1)	Article 4(1)
Article 3(2)	Article 4(2)
Article 3(3)	Article 4(3)
Article 3(4)	Article 5(1)
Article 3(5)	Article 5(2)
Article 3a(1)(a)	—
Article 3a(1)(b)	Article 12(3)
Article 3a(1)(c)	Articles 4(3) and 14(b)
Article 3a(1)(d)	Article 6
Article 3a(2)	Article 6
Article 5	Article 7(1)
Article 6	—
Article 8	—
Article 9	—
Article 11	—
Article 12	—
Article 13	—
Article 13a	Article 15
Article 14	Article 12(1)
Article 14a	Article 16
Article 15(1)	Article 17(2)
Article 15(2)	Article 17(3)
Article 16	Article 21

COUNCIL REGULATION (EC) No 1406/2006**of 18 September 2006****amending Regulation (EC) No 1788/2003 establishing a levy in the milk and milk products sector**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

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

Whereas:

(1) According to Article 34(1)(b) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽²⁾, sums which are collected or recovered under Council Regulation (EC) No 1788/2003 ⁽³⁾ shall be regarded as assigned revenue within the meaning of Article 18 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁴⁾.

(2) In order to improve budgetary forecasting and make budgetary management more flexible, it is appropriate to make the levy introduced by Regulation (EC) No 1788/2003 available at the start of the budget year. Provision should be therefore made for the levy due to be paid in the period running from 16 October to 30 November of each year.

(3) In order to make the levy which is payable by Member States in respect of the 2005/2006 period, available at the start of the next budget year, it is appropriate to provide that the provision concerned applies from 1 September 2006.

(4) For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia (hereinafter referred to as the 'new Member States') the

reference quantities for deliveries and direct sales were initially set out in Table (f) of Annex I to Regulation (EC) No 1788/2003. Subsequently and in the light of the conversions requested by producers, those quantities were adapted for each Member State by the Commission in accordance with Article 8 of that Regulation.

(5) The national reference quantities for direct sales were fixed on the basis of the situation before the accession of the new Member States. However, following the restructuring process in the dairy sectors in the new Member States and stricter hygiene provisions for direct sales, it appears that individual producers to a large extent have chosen not to apply for individual reference quantities for direct sales. Consequently, the total individual reference quantities allocated to the producers for direct sales are substantially below the national reference quantities and important unused quantities therefore remain in the national reserves for direct sales.

(6) In order to solve this problem and to make possible the use of the direct sales quantities that may remain unused in the national reserve, it is appropriate to allow in the 2005/2006 period for a single transfer of the reference quantities for direct sales to the reference quantities for deliveries if requested by a new Member State.

(7) Regulation (EC) No 1788/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1788/2003 is amended as follows:

1. In Article 3, paragraph 1 is replaced by the following:

'1. Member States shall be liable to the Community for the levy resulting from overruns of the national reference quantity fixed in Annex I, determined nationally and separately for deliveries and direct sales, and between 16 October and 30 November following the twelve-month period concerned, shall pay it, within the limit of 99 % of the amount due, into the European Agricultural Guidance and Guarantee Fund (EAGGF).';

⁽¹⁾ Opinion delivered on 5 September 2006 (not yet published in the Official Journal).

⁽²⁾ OJ L 209, 11.8.2005, p. 1. Regulation as amended by Regulation (EC) No 320/2006 (OJ L 58, 28.2.2006, p. 42).

⁽³⁾ OJ L 270, 21.10.2003, p. 123. Regulation as last amended by the Act of Accession of 2005.

⁽⁴⁾ OJ L 248, 16.9.2002, p. 1.

2. In Article 8(1), the following subparagraph is added:

'For the 2005/2006 period, in accordance with the same procedure, and for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia, the Commission may also adapt the division between "deliveries" and "direct sales" of the national reference quantities after the end of that period at the request of the Member State concerned. This request shall be submitted to the Commission before 10 October 2006. The Commission shall subsequently adapt the division as soon as possible.'

Article 2

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

Article 1(1) shall apply from 1 September 2006.

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

Done at Brussels, 18 September 2006.

For the Council
The President
J. KORKEAOJA

COMMISSION REGULATION (EC) No 1407/2006**of 25 September 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 26 September 2006.

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

Done at Brussels, 25 September 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 25 September 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	70,2
	096	43,7
	999	57,0
0707 00 05	052	80,1
	999	80,1
0709 90 70	052	87,2
	999	87,2
0805 50 10	052	70,1
	388	62,5
	524	53,8
	528	53,6
	999	60,0
0806 10 10	052	77,3
	400	166,0
	624	112,6
	999	118,6
0808 10 80	388	93,2
	400	96,0
	508	80,0
	512	89,4
	528	74,1
	720	80,0
	800	165,4
	804	91,7
0808 20 50	999	96,2
	052	116,3
	388	86,7
	720	74,4
0809 30 10, 0809 30 90	999	92,5
	052	120,8
	999	120,8
0809 40 05	052	111,4
	066	74,6
	098	29,3
	624	135,3
	999	87,7

⁽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 1408/2006
of 22 September 2006
establishing a prohibition of fishing for cod in ICES zone I, II b by vessels flying the flag of Poland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) 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 ⁽³⁾, lays down quotas for 2006.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2006.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2006 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 22 September 2006.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

⁽³⁾ OJ L 16, 20.1.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1262/2006 (OJ L 230, 24.8.2006, p. 4).

ANNEX

No	32
Member State	Poland
Stock	COD/1/2b.
Species	Cod (<i>Gadus morhua</i>)
Zone	I, IIb
Date	5 September 2006

COMMISSION REGULATION (EC) No 1409/2006**of 22 September 2006****establishing a prohibition of fishing for cod in ICES zone I, II (Norwegian waters) by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) 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 ⁽³⁾, lays down quotas for 2006.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2006.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2006 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 22 September 2006.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

⁽³⁾ OJ L 16, 20.1.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1262/2006 (OJ L 230, 24.8.2006, p. 4).

ANNEX

No	33
Member State	France
Stock	COD/1N2AB.
Species	Cod (<i>Gadus morhua</i>)
Zone	I, II (Norwegian waters)
Date	10 September 2006

COMMISSION REGULATION (EC) No 1410/2006**of 25 September 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 1381/2006 ⁽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 26 September 2006.

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

Done at Brussels, 25 September 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 179, 1.7.2006, p. 36.
⁽⁴⁾ OJ L 256, 20.9.2006, p. 7.

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 26 September 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⁾	22,21	5,20
1701 11 90 ⁽¹⁾	22,21	10,43
1701 12 10 ⁽¹⁾	22,21	5,01
1701 12 90 ⁽¹⁾	22,21	10,00
1701 91 00 ⁽²⁾	29,31	10,58
1701 99 10 ⁽²⁾	29,31	6,06
1701 99 90 ⁽²⁾	29,31	6,06
1702 90 99 ⁽³⁾	0,29	0,36

⁽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.

II

(Acts whose publication is not obligatory)

COMMISSION

DECISION No 1/2006 OF THE EC-TURKEY CUSTOMS COOPERATION COMMITTEE

of 26 September 2006

laying down detailed rules for the application of Decision No 1/95 of the EC-Turkey Association Council

(2006/646/EC)

THE CUSTOMS COOPERATION COMMITTEE,

Having regard to the Agreement of 12 September 1963 establishing an association between the European Economic Community and Turkey,

Having regard to Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the customs union ⁽¹⁾, and in particular Articles 3(6), 13(3) and 28(3) thereof,

Whereas:

the possible refusal of a calculation of the partial relief of duties under the outward processing procedure, based on the value-added method. It is also necessary to allow the customs authorities of the Member States to issue Community 'single authorisations' for approved exporters and to provide for the acceptance by Turkey of A.TR movement certificates established on the basis of such authorisations.

(3) As a consequence of the enlargement of the European Union, there is furthermore a need to insert the text of various endorsements in the new official languages of Community.

(1) The Customs Cooperation Committee is to lay down the appropriate measures necessary to implement the provisions of the Customs Union referred to in Articles 3, 13 and 28 of Decision No 1/95. It adopted for this purpose Decision No 1/2001 of 28 March 2001 amending Decision No 1/96 laying down detailed rules for the application of Decision No 1/95 of the EC-Turkey Association Council ⁽²⁾.

(2) It is necessary to bring the provisions of Decision No 1/2001 into line with recent amendments to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, regarding in particular

(4) Decision No 1/1999 of the EC-Turkey Customs Cooperation Committee of 28 May 1999, on procedures to facilitate the issue of movement certificates EUR.1 and the making out of invoice declarations under the provisions governing preferential trade between the European Union, Turkey and certain European countries ⁽⁴⁾, aims at facilitating the issue of such preferential proofs of origin by either the Community or Turkey in the context of the preferential trade agreements they have both concluded with certain countries and which provide between them for a system of cumulation of origin, based on identical rules of origin and a prohibition of any drawback or suspension from customs duties on the goods concerned. That Decision provides for the use by Community and Turkish exporters of supplier's declarations, stating the Community or Turkish originating status, according to the said rules, of the goods received from suppliers in the other part of the Customs Union and for the related methods of administrative cooperation.

⁽¹⁾ OJ L 35, 13.2.1996, p. 1.

⁽²⁾ OJ L 98, 7.4.2001, p. 31. Decision as last amended by Decision No 1/2003 (OJ L 28, 4.2.2003, p. 51).

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 402/2006 (OJ L 70, 9.3.2006, p. 35).

⁽⁴⁾ OJ L 204, 4.8.1999, p. 43.

- (5) Decision No 1/2000 of the EC-Turkey Customs Cooperation Committee of 25 July 2000, on the acceptance, as proof of Community or Turkish origin, of movement certificates EUR.1 or invoice declarations issued by certain countries that have signed a preferential agreement with the Community or Turkey ⁽¹⁾, aims at ensuring that goods covered by the Customs Union can benefit from the provisions on free circulation laid down in Decision No 1/95, also when they are imported into one part of the customs union accompanied by a proof of origin issued in a country with which both the Community and Turkey have concluded preferential trade agreements, providing between them for a system of cumulation of origin, based on identical rules of origin and a prohibition of any drawback or suspension from customs duties on the goods concerned.
- (6) Decisions No 1/1999 and No 1/2000 were adopted to facilitate the joint application of the customs union and of the preferential trade arrangements between the Community or Turkey and certain countries. Subject to the necessary adaptations to bring them into line with the *acquis communautaire*, it is appropriate to incorporate into this Decision the provisions currently laid down in Decisions No 1/1999 and No 1/2000 and to repeal those Decisions.
- (7) Following the extension of the system of the pan-European cumulation of origin to the other countries which are participants in the Euro-Mediterranean partnership, based on the Barcelona Declaration adopted at the Euro-Mediterranean Conference held on 27 and 28 November 1995, the necessary reference to proofs of origin EUR-MED should be introduced.
- (8) In order to facilitate the implementation of the detailed rules for the application of Decision No 1/95, it is appropriate to replace Decision No 1/2001 by a new Decision,
- HAS ADOPTED THIS DECISION:

TITLE I

GENERAL PROVISIONS

Article 1

This Decision sets out the implementing provisions for Decision No 1/95 of the EC-Turkey Association Council, hereafter referred to as the 'basic Decision'.

Article 2

For the purposes of this Decision:

1. 'third country' shall mean a country or territory which does not belong to the customs territory of the EC-Turkey customs union;
2. 'part of the customs union' shall mean, on the one hand, the customs territory of the Community and, on the other hand, the customs territory of Turkey;
3. 'State' shall mean either a Member State of the Community or Turkey;
4. 'Community Customs Code' shall mean the Community Customs Code established by Council Regulation (EEC) No 2913/92 ⁽²⁾;
5. 'Implementing Provisions of the Community Customs Code' shall mean Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.

⁽¹⁾ OJ L 211, 22.8.2000, p. 16.

⁽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).

TITLE II

CUSTOMS PROVISIONS APPLICABLE TO TRADE IN GOODS BETWEEN THE TWO PARTS OF THE
CUSTOMS UNION

CHAPTER 1

General*Article 3*

Without prejudice to the provisions on free circulation laid down in the basic Decision, the Community Customs Code and its implementing provisions, which are applicable in the customs territory of the Community, and the Turkish Customs Code and its implementing provisions, which are applicable in the customs territory of Turkey, shall apply in trade in goods between the two parts of the customs union under the conditions laid down in this Decision.

Article 4

1. For the implementation of Article 3(4) of the basic Decision, the import formalities shall be considered as having been complied with in the exporting State by the validation of the document necessary to enable the free circulation of the goods concerned.

2. The validation referred to in paragraph 1 shall cause a customs debt on importation to be incurred. It shall also give rise to the application of the commercial policy measures described in Article 12 of the basic Decision and to which the goods may be subject.

3. The moment when a customs debt as referred to in paragraph 2 is incurred shall be deemed to be the moment when the customs authorities accept the export declaration relating to the goods in question.

4. The debtor shall be the declarant. In the event of indirect representation, the person on whose behalf the declaration is made shall also be a debtor.

5. The amount of the customs duties corresponding to the customs debt shall be determined under the same conditions as in the case of a customs debt resulting from the acceptance, on the same date, of the declaration for release for free circulation of the goods concerned for the purpose of ending the inward processing procedure.

CHAPTER 2

Provisions concerning administrative cooperation for the movement of goods*Article 5*

Without prejudice to Articles 11 and 17, proof that the necessary conditions for implementation of the provisions on free circulation laid down in the basic Decision are met shall be provided by documentary evidence issued at the exporter's request by the customs authorities of Turkey or of a Member State.

Article 6

1. The documentary evidence referred to in Article 5 shall be the A.TR. movement certificate. The specimen of this form is contained in Annex 1.

2. The A.TR. movement certificate may be used only when the goods are transported directly between the two parts of the customs union. However, goods constituting one single consignment may be transported through third countries with, should the occasion arise, trans-shipment or temporary warehousing in such countries, provided that they remain under the surveillance of the customs authorities in the country of transit or warehousing and do not undergo operations other than unloading, reloading or any operation designed to preserve them in good condition.

Goods may be transported between the two parts of the customs union by pipeline across third countries.

3. Evidence that the conditions set out in paragraph 2 have been fulfilled shall be supplied to the customs authorities of the importing State by the production of:

(a) a single transport document covering the passage through the third country; or

(b) a certificate issued by the customs authorities of the third country:

(i) giving an exact description of the products;

- (ii) stating the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used; and
 - (iii) certifying the conditions under which the products remained in the third country; or
- (c) failing these, any substantiating documents.

Article 7

1. An A.TR. movement certificate shall be endorsed by the customs authorities of the exporting State when goods to which it relates are exported. It shall be made available to the exporter as soon as actual exportation has been effected or ensured.
2. An A.TR. movement certificate may be endorsed only where it can serve as the documentary evidence required for the purpose of implementing the provisions on free circulation laid down in the basic Decision.
3. The exporter applying for the issue of an A.TR. movement certificate shall be prepared to submit at any time, at the request of the customs authorities of the exporting State where the A.TR. movement certificate is issued, all appropriate documents proving the status of the goods concerned as well as the fulfilment of the other requirements of the basic Decision and this Decision.
4. The issuing customs authorities shall take any steps necessary to verify the status of the goods and the fulfilment of the other requirements of the basic Decision and this Decision. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate. The issuing customs authorities shall also ensure that the certificates are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions.

Article 8

1. An A.TR. movement certificate shall be submitted, within four months of the date of issue by the customs authorities of the exporting State, to the customs authorities of the importing State.

2. A.TR. movement certificates submitted to the customs authorities of the importing State after the final date for submission specified in paragraph 1 may be accepted where the failure to submit these documents by the final date set is due to exceptional circumstances.

3. In other cases of belated presentation, the customs authorities of the importing State shall accept A.TR. movement certificates where the goods were submitted before the said final date.

Article 9

1. A.TR. movement certificates shall be made out in one of the official languages of the Community or in Turkish and in accordance with the provisions of the national law of the exporting State. When certificates are made out in Turkish, they shall also be made out in one of the official languages of the Community. They shall be typed or hand-written in block letters in ink.

2. Each form shall measure 210 × 297 mm. The paper used must be white, sized for writing, not containing mechanical pulp and weighing not less than 25 g/m². It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.

The Member States and Turkey may reserve the right to print the forms themselves or may have them printed by approved printers. In the latter case, each form shall include a reference to such approval. Each form shall bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number by which it can be identified.

3. A.TR. movement certificates shall be completed in accordance with the explanatory note contained in Annex II and any additional rules laid down in the framework of the customs union.

Article 10

1. A.TR. movement certificates shall be submitted to customs authorities in the importing State in accordance with the procedures laid down by that State. These authorities may require a translation of a certificate. They may also require the import declaration to be accompanied by a statement from the importer to the effect that the goods meet the conditions required for the free circulation.

2. The discovery of slight discrepancies between the statements made in the A.T.R. movement certificates and those made in the document submitted to the customs authorities for the purpose of carrying out the import formalities for the goods shall not *ipso facto* render the certificates null and void if it is duly established that the certificates correspond to the goods presented.

3. Obvious formal errors such as typing errors on A.T.R. movement certificates shall not cause these certificates to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in these certificates.

4. In the event of the theft, loss or destruction of an A.T.R. movement certificate, the exporter may apply to the customs authority which issued it for a duplicate to be made on the basis of the export documents in their possession. The duplicate A.T.R. movement certificate issued in this way must be endorsed in Box 8, with one of the following words together with the date of issue and serial number of the original certificate:

ES "DUPLICADO"

CS "DUPLIKÁT"

DA "DUPLIKAT"

DE "DUPLIKAT"

ET "DUPLIKAAT"

EL "ΑΝΤΙΓΡΑΦΟ"

EN "DUPLICATE"

FR "DUPLICATA"

IT "DUPLICATO"

LV "DUBLIKĀTS"

LT "DUBLIKATAS"

HU "MÁSODLAT"

MT "DUPLIKAT"

NL "DUPLICAAT"

PL "DUPLIKAT"

PT "SEGUNDA VIA"

SL "DVOJNIK"

SK "DUPLIKÁT"

FI "KAKSOISKAPPALE"

SV "DUPLIKAT"

TR "İKİNCİ NÜSHADİR".

Article 11

1. By way of derogation from Article 7, a simplified procedure for the issue of A.T.R. movement certificates may be used in accordance with the following provisions.

2. The customs authorities in the exporting State may authorise any exporter (hereinafter referred to as 'approved exporter'), making frequent shipments for which A.T.R. movement certificates may be issued and who offers, to the satisfaction of the competent authorities, all guarantees necessary to verify the status of the goods, not to submit at the time of the export to the customs office of the exporting State either the goods or the application for an A.T.R. movement certificate relating to those goods, for the purpose of obtaining an A.T.R. movement certificate under the conditions laid down in Article 7.

3. The customs authorities shall refuse exporters who do not offer all the guarantees which they consider necessary the authorisation referred to in paragraph 2. The competent authorities may withdraw the authorisation at any time. They shall do so where the approved exporter no longer satisfies the conditions or no longer offers these guarantees.

4. The authorisation to be issued by the customs authorities shall specify in particular:

(a) the office responsible for pre-endorsement of the certificates;

(b) the manner in which the approved exporter must prove that those certificates have been used;

(c) in the cases referred to in paragraph 5(b) the authority competent to carry out the subsequent verification referred to in Article 16.

5. The authorisation shall stipulate, at the choice of the competent authorities that the box reserved for endorsement by the customs must either:

(a) be endorsed beforehand with the stamp of the competent customs office of the exporting State and the signature, which may be a facsimile, of an official of that office; or

(b) be endorsed by the approved exporter with a special stamp which has been approved by the customs authorities of the exporting State and corresponds to the specimen in Annex III. Such stamp may be pre-printed on the forms.

6. In the cases referred to in paragraph 5(a), one of the following phrases shall be entered in box 8 'Remarks' of the A.TR. movement certificate:

ES	"Procedimiento simplificado"
CS	"Zjednodušený postup"
DA	"Forenklet fremgangsmåde"
DE	"Vereinfachtes Verfahren"
ET	"Lihtsustatud tolliprotseduur"
EL	"Απλουστευμένη διαδικασία"
EN	"Simplified procedure"
FR	"Procédure simplifiée"
IT	"Procedura semplificata"
LV	"Vienkāršota procedūra"
LT	"Supaprastinta procedūra"
HU	"Egyszerűsített eljárás"
MT	"Procedura simplifikata"
NL	"Vereenvoudigde regeling"
PL	"Procedura uproszczona"
PT	"Procedimento simplificado"
SL	"Poenostavljen postopek"
SK	"Zjednodušený postup"
FI	"Yksinkertaistettu menettely"
SV	"Förenklat förfarande"
TR	"Basitleştirilmiş prosedür".

7. The completed certificate, bearing the phrase specified in paragraph 6 and signed by the approved exporter, shall be equivalent to a document certifying that the conditions specified in Article 5 have been fulfilled.

Article 12

1. An exporter who frequently exports goods from a Member State of the Community other than the one in which he is established may obtain approved exporter status covering such exports.

For that purpose, he shall submit an application to the competent customs authorities of the Member State in which he is both established and keeps the records containing the evidence proving the status of the goods concerned as well as

the fulfilment of the other requirements of the basic Decision and this Decision.

2. When the authorities referred to in paragraph 1 are satisfied that the conditions set out in Article 11 are fulfilled, and issue the authorisation, they shall notify the customs authorities of the Member States concerned.

3. In cases where the verification address has not been pre-printed in Box 14 of the A.TR. movement certificate, the exporter shall indicate in box 8 'Remarks' of the A.TR. movement certificate a reference to the Member State having issued the authorisation, to which the customs authorities of Turkey shall send their requests for subsequent verification in accordance with Article 16.

Article 13

When goods are placed under the control of a customs office in one part of the customs union, it shall be possible to replace the original A.TR. movement certificate by one or more A.TR. movement certificates for the purpose of sending all or some of these goods elsewhere within the customs territory of the custom union. The replacement A.TR. movement certificate(s) shall be issued by the customs office under whose control the products are placed.

Article 14

1. The customs authorities of the Member States of the Community and of Turkey shall provide each other, through the Commission of the European Communities, with specimen impressions of stamps used in their customs offices for the issue of A.TR. movement certificates and with the addresses of the customs authorities responsible for verifying those certificates.

2. In order to ensure the proper application of this Decision, the Community and Turkey shall assist each other, through the competent customs authorities, in checking the authenticity of A.TR. movement certificates and the correctness of the information given in them.

Article 15

1. Notwithstanding Article 7(1), an A.TR. movement certificate may exceptionally be issued after exportation of the goods to which it relates if:

(a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or

(b) it is demonstrated to the satisfaction of the customs authorities that an A.TR. movement certificate was issued but was not accepted at importation for technical reasons.

2. For the implementation of paragraph 1, the exporter must indicate in his application the place and date of exportation of the products to which the A.TR. movement certificate relates, and state the reasons for his request.

3. The customs authorities may issue an A.TR. movement certificate retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.

4. A.TR. movement certificates issued retrospectively shall be endorsed in Box 8 with one of the following phrases:

ES "EXPEDIDO A POSTERIORI"

CS "VYSTAVENO DODATEČNĚ"

DA "UDSTEDT EFTERFØLGENDE"

DE "NACHTRÄGLICH AUSGESTELLT"

ET "TAGANTJÄRELE VÄLJA ANTUD"

EL "ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ"

EN "ISSUED RETROSPECTIVELY"

FR "DÉLIVRÉ A POSTERIORI"

IT "RILASCIATO A POSTERIORI"

LV "IZSNIEGTS RETROSPEKTĪVI"

LT "RETROSPEKTYVUSIS IŠDAVIMAS"

HU "KIADVA VISSZAMENŐLEGES HATÁLLYAL"

MT "MAHRUĠ RETROSPETTIVAMENT"

NL "AFGEGEVEN A POSTERIORI"

PL "WYSTAWIONE RETROSPEKTYWNIĘ"

PT "EMITIDO A POSTERIORI"

SL "IZDANO NAKNADNO"

SK "VYDANÉ DODATOČNE"

FI "ANNETTU JÄLKIKÄTEEN"

SV "UTFÄRDAT I EFTERHAND"

TR "SONRADAN VERİLMİŞTİR".

Article 16

1. Subsequent verifications of A.TR. movement certificates shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubts as to the authenticity of the certificates, the status of the goods concerned or the fulfilment of the other requirements of the basic Decision or this Decision.

2. For the purposes of implementing the provisions of paragraph 1, the customs authorities of the importing State shall return the A.TR. movement certificate to the customs authorities of the exporting State, and the invoice, if it has been submitted, or a copy of these documents, giving, where appropriate, the reasons for the enquiry. Any documents and information obtained suggesting that the information given on the A.TR. movement certificate is incorrect shall be forwarded in support of the request for verification.

3. The verification shall be carried out by the customs authorities of the exporting State. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate.

4. If the customs authorities of the importing State decide to suspend the granting of treatment, resulting from the provisions on free circulation laid down in the basic Decision, to the goods concerned while awaiting the results of the verification, release of the goods shall be offered to the importer subject to any precautionary measures judged necessary.

5. The customs authorities requesting the verification shall be informed of the results of this verification as soon as possible. These results shall indicate clearly whether the documents are authentic and whether the goods concerned may be considered as in free circulation in the customs union and fulfil the other requirements of the basic Decision and this Decision.

6. If in cases of reasonable doubt there is no reply within 10 months of the date of the verification request or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real status of the goods, the requesting customs authorities shall, except in exceptional circumstances, refuse the treatment resulting from the provisions on free circulation laid down in the basic Decision.

Article 17

1. By way of derogation from Article 5, the provisions on free circulation laid down in the basic Decision also apply to goods imported in one part of the customs union if they are accompanied by a proof of Turkish or Community origin, established in a country, a group of countries or a territory under the provisions of preferential trade agreements, concluded by both the Community and Turkey with this country, group of countries or territory and providing for a system of cumulation of origin implying the application of identical rules of origin and of a prohibition of drawback of, or exemption from, customs duties.

2. The arrangements for administrative cooperation, laid down in the rules of origin of the relevant preferential trade agreements, apply to the proofs referred to in paragraph 1.

Article 18

Where disputes arise in relation to the verification procedures of Article 16 which cannot be settled between the customs authorities requesting a verification and the customs authorities responsible for carrying out this verification, or where they raise a question as to the interpretation of this Decision, they shall be submitted to the Customs Cooperation Committee.

In all cases, the settlement of disputes between the importer and the customs authorities of the importing State shall be under the legislation of the said State.

Article 19

Penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect

information for the purpose of obtaining the treatment resulting from the provisions on free circulation laid down in the basic Decision.

CHAPTER 3

Provisions concerning goods brought by travellers

Article 20

Provided that they are not intended for commercial use, goods brought by travellers from one part of the customs union to the other part of the customs union shall benefit from the provisions on free circulation laid down in the basic Decision without being the subject of the certificate provided for in Chapter 2 when they are declared as goods fulfilling the conditions for free circulation and there is no doubt as to the accuracy of the declaration.

CHAPTER 4

Postal consignments

Article 21

Postal consignments (including postal packages) shall benefit from the provisions on free circulation laid down in the basic Decision without being the subject of the certificate provided for in Chapter 2, provided there is no indication on the packing or on the accompanying documents that the goods contained therein do not comply with the conditions set out in the basic Decision. This indication consists of a yellow label, the specimen of which is contained in Annex IV, affixed in all cases of this kind by the competent authorities of the exporting State.

TITLE III

CUSTOMS PROVISIONS APPLICABLE TO TRADE IN GOODS WITH THIRD COUNTRIES

CHAPTER 1

Provisions concerning the value of goods for customs purposes

Article 22

The costs of transport and insurance, loading and handling charges associated with transport of third country goods after introduction of the goods into the territory of the customs union shall not be taken into consideration for customs valuation purposes, provided they are shown separately from the price actually paid or payable for the said goods.

CHAPTER 2

Outward processing

Article 23

For the purposes of this Chapter, 'triangular traffic' shall mean the system under which the compensating products after outward processing are released for free circulation with partial or total relief from import duties in a part of the customs union other than that from which the goods were temporarily exported.

Article 24

Where compensating or replacement products are released for free circulation under the triangular traffic system, information sheet INF 2 shall be used in order to communicate information on temporary export goods in triangular traffic, in order to obtain partial or total relief for compensating or replacement products.

Article 25

1. Information sheet INF 2 shall be made out, for the quantities of goods entered for the procedure, in an original and one copy on forms which conform to the specimen set out in Annex 71 of the Implementing Provisions of the Community Customs Code, when it is issued in the Community and to the specimen set out *mutatis mutandis* in the Turkish Customs Law on the basis of that Annex, when it is issued in Turkey. The forms shall be completed in one of the official languages of the Community or in the Turkish language. The office of entry shall endorse the original and the copy of the information sheet INF 2. It shall retain the copy and return the original to the declarant.

2. The office of entry which is called upon to endorse the information sheet INF 2 shall indicate, in box 16, the means used to identify the temporary export goods.

3. Where samples are taken or illustrations or technical descriptions used, the office referred to in paragraph 1 shall authenticate such samples, illustrations or technical descriptions by affixing its customs seal either on the items, where their nature permits it, or on the packaging in such a way that it cannot be tampered with.

A label bearing the stamp of the office and reference particulars of the export declaration shall be attached to the samples, illustrations or technical descriptions in a manner which prevents substitution.

The samples, illustrations or technical descriptions, authenticated and sealed in accordance with this paragraph, shall be returned to the exporter, who shall present them with the seals intact when the compensating or replacement products are reimported.

4. Where an analysis is required and the results will not be known until after the customs office has endorsed information

sheet INF 2, the document containing the result of the analysis shall be given to the exporter in a sealed tamper-proof envelope.

Article 26

1. The office of exit shall certify on the original that the goods have left the customs territory and shall return it to the person presenting it.

2. The importer of the compensating or replacement products shall present the original of the information sheet INF 2 and, where appropriate, the means of identification to the office of discharge.

Article 27

1. Where the customs office issuing the information sheet INF 2 considers that additional information to that appearing on the information sheet is required, it shall enter such particulars. Where not enough space remains, an additional sheet shall be annexed. It shall be mentioned on the original.

2. The customs office which endorsed the information sheet INF 2 may be asked to carry out post-clearance verification of the authenticity of the sheet and the accuracy of the particulars which it contains.

3. In the case of successive consignments, the requisite number of information sheets INF 2 may be made out for the quantity of goods or products entered for the arrangements. The initial information sheet may also be replaced with further information sheets or, where only one information sheet is used, the customs office to which the sheet is endorsed may note on the original the quantities of goods or products. Where not enough space remains, an additional sheet shall be annexed which shall be mentioned on the original.

4. The customs authorities may permit the use of recapitulative information sheets INF 2 for triangular traffic trade flows involving a large number of operations which cover the total quantity of imports/exports over a given period.

5. In exceptional circumstances, the information sheet INF 2 may be issued retrospectively but not beyond the expiry of the period required for keeping documents.

Article 28

In the event of theft, loss or destruction of the information sheet INF 2, the operator may ask the customs office, which endorsed it for a duplicate to be issued. The said office shall comply with this request provided it can be shown that the temporary export goods in respect of which the duplicate is requested have not yet been reimported.

The original and copies of the information sheet so issued shall bear one of the following indications:

ES "DUPLICADO"
 CS "DUPLIKÁT"
 DA "DUPLIKAT"
 DE "DUPLIKAT"
 ET "DUPLIKAAT"
 EL "ΑΝΤΙΓΡΑΦΟ"
 EN "DUPLICATE"
 FR "DUPLICATA"
 IT "DUPLICATO"
 LV "DUBLIKĀTS"
 LT "DUBLIKATAS"
 HU "MÁSODLAT"
 MT "DUPLIKAT"
 NL "DUPLICAAT"
 PL "DUPLIKAT"
 PT "SEGUNDA VIA"
 SL "DVOJNIK"
 SK "DUPLIKÁT"
 FI "KAKSOISKAPPALE"
 SV "DUPLIKAT"
 TR "İKİNCİ NÜSHADİR".

Article 29

Partial relief from import duties by taking the cost of the processing operation as the basis of the value for duty shall be granted on request for compensating products which are to be released for free circulation.

Customs authorities shall refuse the calculation of partial relief from import duties under this provision if before the compensating products are released for free circulation it is established that the sole object of the release for free circulation at a zero duty rate of the temporary export goods, which do not originate in one of the parts of the Customs Union, within the meaning of Title II, Chapter 2, Section 1 of the Community Customs Code and Title II, Chapter 2, Section 1 of the Turkish Customs Code, was to benefit from partial relief under this provision.

The rules on the customs value of goods laid down in the Community Customs Code and the Turkish Customs Code shall apply *mutatis mutandis* to the processing costs which shall not take into account the temporary export goods.

CHAPTER 3

Returned goods

Article 30

1. Goods which, having been exported from one part of the customs union, are returned to the other part of the customs union and released for free circulation within a period of three years shall, at the request of the person concerned, be granted relief from import duties.

The three-year period may be exceeded in order to take account of special circumstances.

2. Where, prior to their exportation from the customs territory of one part of customs union, the returned goods had been released for free circulation at reduced or zero import duty because of their use for a particular purpose, exemption from duty under paragraph 1 shall be granted only if they are to be reimported for the same purpose.

Where the purpose for which the goods in question are to be imported is no longer the same, the amount of import duties chargeable upon them shall be reduced by any amount levied on the goods when they were first released for free circulation. Should the latter amount exceed that levied on the entry for free circulation of returned goods, no refund shall be granted.

3. The relief from import duties provided for in paragraph 1 shall not be granted in the case of goods exported from the customs territory of one part of customs union under the outward processing procedure unless those goods remain in the state in which they were exported.

Article 31

The relief from import duties provided for in Article 30 shall be granted only if goods are reimported in the state in which they were exported.

Article 32

Articles 30 and 31 shall apply *mutatis mutandis* to compensating products originally exported or re-exported subsequent to an inward processing procedure.

The amount of import duty legally owed shall be determined on the basis of the rules applicable under the inward processing procedure, the date of re-export of the compensating products being regarded as the date of release for free circulation.

Article 33

Returned goods shall be exempt from import duties even where they represent only a proportion of the goods previously exported from the other part of the customs union.

The same shall apply where the goods consist of parts or accessories belonging to machines, instruments, apparatus or other products previously exported from the other part of the customs union.

Article 34

1. By way of derogation from Article 31, returned goods in one of the following situations shall be exempt from import duties:

- (a) goods which, after having been exported from the other part of the customs union, have received no treatment other than that necessary to maintain them in good condition or handling which alters their appearance only;
- (b) goods which, after having been exported from the other part of the customs union, have received treatment other than that necessary to maintain them in good condition or handling other than that altering their appearance, but which proved to be defective or unsuitable for their intended use, provided that one of the following conditions is fulfilled:

- such treatment or handling was applied to the goods solely with a view to repairing them or restoring them to good condition,

- their unsuitability for their intended use became apparent only after such treatment or handling had commenced.

2. Where returned goods have undergone treatment or handling permitted under paragraph 1(b) and such treatment would have rendered them liable to import duties if they had come under outward processing, the rules in force for charging duty under the said procedure shall apply.

However, if goods have undergone an operation consisting of repair or restoration to good condition which became necessary as a result of unforeseen circumstances which arose outside both parts of customs union, this being established to the satisfaction of the customs authorities, relief from import duties

shall be granted provided that the value of the returned goods is not higher, as a result of such operation, than their value at the time of export from the customs territory of the other part of the customs union.

3. For the purposes of the second subparagraph of paragraph 2:

- (a) 'repair or restoration to good condition which became necessary' shall mean: any operation to remedy operating defects or material damage suffered by goods while they were outside both parts of the customs union, without which the goods could no longer be used in the normal way for the purposes for which they were intended;
- (b) the value of returned goods shall be considered not to be higher, as a result of the operation which they have undergone, than their value at the time of export from the other part of the customs union, when the operation does not exceed that which is strictly necessary to enable them to continue to be used in the same way as at that time.

When the repair or restoration to good condition of goods necessitates the incorporation of spare parts, such incorporation shall be limited to those parts strictly necessary to enable the goods to be used in the same way as at the time of export.

Article 35

When completing the customs export formalities, the customs authorities shall, at the request of the person concerned, issue a document containing the information necessary for identification of the goods in the event of their being returned to the customs territory of one part of the customs union.

Article 36

1. The following shall be accepted as returned goods:

- goods for which the following documents are produced in support of the declaration for release for free circulation:

- (a) the copy of the export declaration returned to the exporter by the customs authorities, or a copy of such document certified true by the said authorities; or

- (b) the information sheet provided for in Article 37.

Where evidence available to the customs authorities at the customs office of reimportation or ascertainable by them from the person concerned indicates that the goods declared for free circulation were originally exported from the other part of the customs union, and at the time satisfied the conditions for acceptance as returned goods, the documents referred to in (a) and (b) shall not be required;

- goods covered by an ATA carnet issued in the other part of the customs union.

These goods may be accepted as returned goods within the limits laid down by Article 30, even when the validity of the ATA carnet has expired.

In all cases, the following formalities shall be carried out:

- verification of the information given in boxes A to G of the reimportation voucher,
- completion of the counterfoil and box H of the reimportation sheet,
- retention of the reimportation voucher.

2. The first indent of paragraph 1 shall not apply to the international movement of packing materials, means of transport or certain goods admitted under specific customs arrangements where autonomous or conventional provisions lay down that customs documents are not required in these circumstances.

Nor shall it apply in cases where goods may be declared for release for free circulation orally or by any other act.

3. Where they consider it necessary, the customs authorities at the customs office of reimportation may ask the person concerned to submit additional evidence, in particular for the purposes of identification of the returned goods.

Article 37

Information sheet INF 3 shall be made out in an original and two copies on forms which conform to the specimens set out in Annex 110 of the Implementing Provisions of the Community Customs Code, when it is issued in the Community and to the specimens set out *mutatis mutandis* in the Turkish Customs Law on the basis of that Annex, when it is issued in Turkey. The forms shall be completed in one of the official languages of the Community or in the Turkish language.

Article 38

1. Information sheet INF 3 shall be issued at the exporter's request by the customs authorities at the customs office of exportation at the time of completion of the export formalities for the goods concerned, if the exporter declares that it is probable that these goods will be returned via a customs office of the other part of the customs union.

2. Information sheet INF 3 may also be issued, at the exporter's request, by the customs authorities at the customs office of exportation after completion of the export formalities for the goods concerned, provided that these authorities can establish, on the basis of the information at their disposal, that the particulars in the exporter's request relate to the goods exported.

Article 39

1. Information sheet INF 3 shall contain all items of information required by the customs authorities for the purpose of identifying the exported goods.

2. Where it is expected that the exported goods will be returned to the other part of the customs union or to both parts of the customs union through several customs offices other than the customs office of exportation, the exporter may ask for several information sheets INF 3 to be issued to cover the total quantity of the goods exported.

Similarly, the exporter may ask the customs authorities which issued an information sheet INF 3 to replace it by several information sheets INF 3 covering the total quantity of goods included in the information sheet INF 3 initially issued.

The exporter may also ask for an information sheet INF 3 to be issued in respect of a proportion only of the exported goods.

Article 40

The original and one copy of information sheet INF 3 shall be returned to the exporter for presentation at the customs office of reimportation. The second copy shall be kept in the official files of the customs authorities that issued it.

Article 41

The customs office of reimportation shall record on the original and on the copy of information sheet INF 3 the quantity of returned goods exempted from import duties, retaining the original and sending the copy, bearing the reference number and the date of declaration for free circulation, to the customs authorities which issued it.

The said customs authorities shall compare this copy with the one in their possession and retain it in their official files.

Article 42

In the event of theft, loss or destruction of the original information sheet INF 3, the person concerned may ask the customs authorities which issued it for a duplicate. They shall comply with this request if the circumstances warrant it. A duplicate so issued shall bear one of the following indications:

ES	"DUPLICADO"
CS	"DUPLIKÁT"
DA	"DUPLIKAT"
DE	"DUPLIKAT"
ET	"DUPLIKAAT"
EL	"ΑΝΤΙΓΡΑΦΟ"
EN	"DUPLICATE"
FR	"DUPLICATA"
IT	"DUPLICATO"
LV	"DUBLIKĀTS"
LT	"DUBLIKATAS"
HU	"MÁSODLAT"
MT	"DUPLIKAT"
NL	"DUPLICAAT"
PL	"DUPLIKAT"
PT	"SEGUNDA VIA"
SL	"DVOJNIK"
SK	"DUPLIKÁT"
FI	"KAKSOISKAPPALE"
SV	"DUPLIKAT"
TR	"İKİNCİ NÜSHADİR".

The customs authorities shall record on the copy of information sheet INF 3 in their possession that a duplicate has been issued.

Article 43

1. At the request of the customs authorities at the customs office of reimportation, the customs authorities at the customs office of exportation shall communicate to the former all the information at their disposal to enable them to determine whether the goods meet the conditions necessary to benefit from the provisions of this chapter.

2. Information sheet INF 3 may be used for the request and the transmission of the information referred to in paragraph 1.

CHAPTER 4

Establishment of proofs of preferential origin in parts of the customs union

Article 44

This Chapter lays down rules intended to facilitate:

- (a) the issue of movement certificates EUR.1 or EUR-MED and the making-out of invoice declarations or invoice declarations EUR-MED under the provisions of preferential trade agreements, concluded by both the Community and Turkey with countries, groups of countries or territories and providing for a system of cumulation of origin implying the application of identical rules of origin and of a prohibition of drawback of, or exemption from, customs duties;
- (b) the administrative cooperation between the customs authorities of the Member States of the Community and of Turkey for that purpose.

Article 45

1. For the implementation of Article 44(a), suppliers of goods in free circulation in the customs union to be delivered between the two parts of the customs union shall provide a declaration, hereinafter referred to as the 'supplier's declaration', concerning the originating status of the goods supplied in relation to the rules of origin provided for in the preferential trade agreements concerned.

2. Supplier's declarations shall be used by exporters as evidence, in particular in support of applications for the issue of movement certificates EUR.1 or EUR-MED or as a basis for making out invoice declarations or invoice declarations EUR-MED.

Article 46

Except in the cases provided for in Article 47, the supplier shall provide a separate declaration for each consignment of goods.

The supplier shall include that declaration on the commercial invoice relating to that consignment or on a delivery note or any other commercial document which describes the goods concerned in sufficient detail to enable them to be identified.

The supplier may provide the declaration at any time, even after the goods have been delivered.

Article 47

1. When a supplier regularly supplies a particular customer with goods whose originating status is expected to remain constant for considerable periods of time, he may provide a single supplier's declaration to cover subsequent shipments of those goods, hereinafter referred to as a 'long-term supplier's declaration'. A long-term supplier's declaration may be issued for a period of up to one year from the date of issue of the declaration.

2. A long-term supplier's declaration may be issued with retroactive effect. In such cases, its validity may not exceed the period of one year from the date on which it came into effect.

3. The supplier shall inform the buyer immediately when the long-term supplier's declaration is no longer valid in relation to the goods supplied.

Article 48

1. The supplier's declaration shall be given in the form prescribed in Annex V or, for long-term suppliers' declarations, in that prescribed in Annex VI.

2. The supplier's declaration shall bear the original signature of the supplier in manuscript and may be made out on a pre-printed form. However, where the invoice and supplier's declaration are drawn up by computer, the supplier's declaration need not be signed in manuscript provided that the supplier gives the client a written undertaking accepting complete responsibility for every supplier's declaration which identifies him as if it had been signed in manuscript by him.

Article 49

1. For the implementation of Article 44(b) the customs authorities of the Member States of the Community and of Turkey shall assist each other in checking the accuracy of the information given in suppliers' declarations.

2. To verify the accuracy or authenticity of a supplier's declaration, the customs authorities of the State, where the proof of the originating status is issued or made out, may call upon the exporter to obtain from the supplier an information certificate INF 4. Information certificate INF 4 shall be made out on forms which conform to the specimen set out in Annex V of Council Regulation (EC) No 1207/2001 ⁽¹⁾, when it

is issued in the Community and to the specimen set out *mutatis mutandis* in the Turkish Customs Law on the basis of that Annex, when it is issued in Turkey. The form shall be completed in one of the official languages of the Community or in the Turkish language. The customs authorities of the State, which must provide the information or which requires it, may request a translation of the information set out in the documents presented to them into the official language or languages of that State.

3. The information certificate INF 4 shall be issued by the customs authorities of the State in which the supplier is established. The said authorities shall have the right to call for any evidence and to carry out any inspection of the supplier's accounts or any other check that they consider necessary.

4. The customs authorities of the State in which the supplier is established shall issue the information certificate INF 4 within three months of receipt of the application submitted to them by the suppliers, indicating whether or not the declaration given by the supplier was correct.

5. The completed certificate shall be given to the supplier to forward to the exporter for transmission to the customs authority of the State where the proof of the originating status is issued or made out.

Article 50

1. A supplier who makes out a supplier's declaration shall keep all the documentary evidence proving the correctness of the declaration for at least three years.

2. A customs authority to which an application for the issue of an information certificate INF 4 has been made shall keep the application form for at least three years.

Article 51

1. Where an exporter is unable to present an information certificate INF 4 within four months of the request of the customs authorities of the State where the proof of the originating status is issued or made out, these authorities may directly ask the customs authorities of the State in which the supplier is established to confirm the originating status of the products concerned in respect of the rules of origin provided for in the preferential trade agreements concerned.

⁽¹⁾ Council Regulation (EC) No 1207/2001 of 11 June 2001 on procedures to facilitate the issue of movement certificates EUR.1, the making-out of invoice declarations and forms EUR.2 and the issue of certain approved exporter authorisations under the provisions governing preferential trade between the European Community and certain countries and repealing Regulation (EEC) No 3351/83 (OJ L 165, 21.6.2001, p. 1. Annex V of the Regulation as corrected by OJ L 170, 29.6.2002, p. 88).

2. For the purposes of paragraph 1, the customs authorities requesting the verification shall send the customs authorities of the State in which the supplier is established all information available to them and give the reasons of form or substance for their enquiry.

In support of their request, they shall provide all documents or information they have obtained, which suggest that the supplier's declaration is inaccurate.

3. When carrying out the verification, the customs authorities of the State in which the supplier is established may call for any evidence, carry out any inspection of the producer's

accounts or conduct any other verification considered appropriate.

4. The customs authorities requesting the verification shall be informed of the results as soon as possible by means of the information certificate INF 4.

5. Where there is no reply within five months of the date of the verification request or where the reply does not contain sufficient information to demonstrate the real origin of the products, the customs authorities of the State, where the proof of the originating status is issued or made out, shall declare invalid that proof on the basis of the documents in question.

TITLE IV

FINAL PROVISIONS

Article 52

Decisions No 1/1999, No 1/2000 and No 1/2001 are hereby repealed. References to provisions of the repealed Decisions shall be construed as references being made to the corresponding provisions of this Decision. Supplier's declarations, including long term supplier's declaration, made before the date of entry into force of this Decision shall remain valid.

Supplier's declarations conforming to the forms in Decision No 1/1999 may continue to be made out for a period of 12 months from the entry into force of this Decision, except where they shall be used by exporters as evidence in support of applications for the issue of movement certificates EUR-MED or as a basis for making out invoice declarations EUR-MED.

This Decision shall enter into force the day following its adoption.

Done at Ankara, 26 September 2006.

For the Customs Cooperation Committee

The President

P. FAUCHERAND

ANNEX I

MOVEMENT CERTIFICATE

1. Exporter (Name, full address, country) ☐		A.TR. No A 000000	
		2. Transport document (Optional) No Date	
3. Consignee (Name, full address, country) (Optional)		4. ASSOCIATION between the EUROPEAN COMMUNITY and TURKEY	
		5. Country of exportation	6. Country of destination ⁽¹⁾
7. Transport details (Optional)		8. Remarks	
9. Item No	10. Marks and numbers; Number and kind of packages (for goods in bulk, indicate the name of the ship of the number of the railway wagon or road vehicle); Description of goods		11. Gross weight (kg) or other measure (hl, m³, etc.)
12. CUSTOMS ENDORSEMENT		13. DECLARATION BY THE EXPORTER	
Declaration certified Stamp Export document ⁽²⁾ : Form No Customs office Issuing country (Place and Date) (Signature)		I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate (Place and Date) (Signature)	

⁽¹⁾ Insert the Member State or Turkey
⁽²⁾ Complete only where the exporting country requires

14. REQUEST FOR VERIFICATION, to: ☐	15. RESULT OF VERIFICATION
Verification of the authenticity and accuracy of this certificate is requested (Place and date) Stamp (Signature)	Verification carried out shows that this certificate ⁽¹⁾ ☐ was issued by the customs office indicated and that the information contained therein is accurate ☐ does not meet the requirements as to authenticity and accuracy (see remarks appended) (Place and date) Stamp (Signature) ⁽¹⁾ Insert X in the appropriate box.
Full address of office making the request	

ANNEX II

EXPLANATORY NOTES FOR THE MOVEMENT CERTIFICATE**I. Rules for completing the movement certificate**

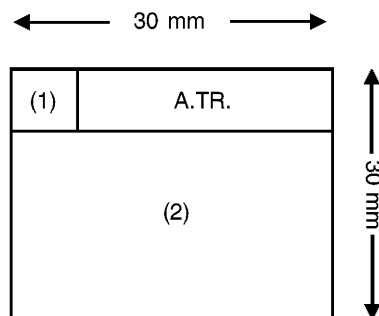
1. The A.TR. movement certificate shall be made out in accordance with the provision of Article 9(1).
2. The A.TR. movement certificate must not contain any erasure or superimposed correction. Any alteration must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and be endorsed by the customs authorities.

A description of the products must be given in the box reserved for this purpose without leaving any blank lines. Where the box is not completely filled, a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

II. Particulars to be entered in the various boxes

1. Enter the full name and address of the person or company concerned.
 2. Where appropriate, enter the number of the transport document.
 3. Where appropriate, enter the full name and address of the person(s) or company(ies) to whom the goods are to be delivered.
 5. Enter the name of the country from which the goods are exported.
 6. Enter the name of the country concerned.
 9. Enter the number of the item in question in relation to the total number of articles on the certificate.
 10. Enter the marks, numbers, quantity and kind of packages and the normal trade description of the goods.
 11. Enter the gross mass of the goods described in the corresponding box 10, expressed in kilograms or other measure (hl, m³, etc).
 12. To be completed by the customs authority. Where appropriate, enter the particulars related to the export document (type and number of the form and names of the customs office and of the issuing country).
 13. Enter the place and date, signature and name of the exporter.
-

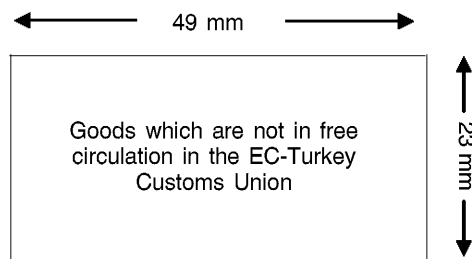
ANNEX III

Special stamp referred to at Article 11(5)

(1) Initials or coat of arms of the exporting State.

(2) Such information as is necessary for the identification of the approved exporter.

ANNEX IV

Yellow label referred to in Article 21

ANNEX V

SUPPLIER'S DECLARATION

The supplier's declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

DECLARATION

I, the undersigned, declare that the goods listed on this document⁽¹⁾
 originate in⁽²⁾ and satisfy the rules of origin governing preferential trade
 with⁽³⁾.

I declare that:

- ☐ Cumulation applied with (name of the country/countries)
☐ No cumulation applied⁽⁴⁾

I undertake to make available to the customs authorities any further supporting documents they require:

.....⁽⁵⁾
⁽⁶⁾
⁽⁷⁾

⁽¹⁾ If only some of the goods listed on the document are concerned, they should be clearly indicated or marked and this marking entered in the declaration as follows: '*... listed on this document and marked ... originate in ...*'.

⁽²⁾ The Community, Turkey or a country, group of countries or territory as referred to in Article 44(a).

⁽³⁾ Country, group of countries or territory as referred to in Article 44(a), concerned.

⁽⁴⁾ Complete and delete where necessary.

⁽⁵⁾ Place and date.

⁽⁶⁾ Name and function in the company.

⁽⁷⁾ Signature.

ANNEX VI

LONG-TERM SUPPLIER'S DECLARATION

The supplier's declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

DECLARATION

I, the undersigned, declare that the goods described below: (1)

..... (2)

which are regularly supplied to (3), originate in (4)

and satisfy the rules of origin governing preferential trade with (5).

I declare that:

☐ Cumulation applied with (name of the country/countries)

☐ No cumulation applied (6)

This declaration is valid for all further shipments of these products dispatched from: to (7).

I undertake to inform immediately if this declaration is no longer valid.

I undertake to make available to the customs authorities any further supporting documents they require.

..... (8)

..... (9)

..... (10)

(1) Description.

(2) Commercial designation as used on the invoices, e.g. model number.

(3) Name of company to which goods are supplied.

(4) The Community, Turkey or country, group of countries or territory as referred to in Article 44(a).

(5) Country, group of countries or territory as referred to in Article 44(a), concerned.

(6) Complete and delete where necessary.

(7) Give the dates. The period should not exceed 12 months.

(8) Place and date.

(9) Name and function, name and address of company.

(10) Signature.

COMMISSION RECOMMENDATION

of 22 September 2006

on the efficacy of sunscreen products and the claims made relating thereto

(notified under document number C(2006) 4089)

(Text with EEA relevance)

(2006/647/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 211 thereof,

Whereas:

(1) Sunscreen products are cosmetic products within the meaning of Article 1(1) of Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products ⁽¹⁾.

(2) Under the first paragraph of Article 2 of Directive 76/768/EEC, cosmetic products placed on the Community market must not cause damage to human health when applied under normal or reasonably foreseeable conditions of use, taking account, in particular, of the product's presentation, its labelling and any instructions for its use.

(3) Article 6(3) of Directive 76/768/EEC obliges Member States to take all measures necessary to ensure that, in the labelling, putting up for sale and advertising of cosmetic products, text, names, trade marks, pictures and figurative or other signs are not used to imply that these products have characteristics which they do not have.

(4) Moreover, under Article 7a of Directive 76/768/EEC, the manufacturer or his agent or the person to whose order a cosmetic product is manufactured or the person responsible for placing an imported cosmetic product on the Community market must, for control purposes, keep information on the proof of the effect claimed for the cosmetic product, where justified by the nature of the effect or product, readily accessible to the competent authorities of the Member State concerned.

(5) In order to contribute to a high level of health protection, guidance should be given as to the impli-

cations of the provisions laid down in Article 6(3) of Directive 76/768/EEC for claims made in respect of the efficacy of sunscreen products.

(6) While industry has already made certain efforts in this respect, it is appropriate to set out examples of claims which should not be made in relation to sunscreen products, precautions that should be observed, and usage instructions that should be recommended for some of the characteristics claimed.

(7) It is also appropriate to address certain other aspects relating to claims made for sunscreen products and the efficacy of such products, namely the minimum efficacy of a sunscreen product in order to ensure a high level of protection of public health and how the labelling of sunscreen products can be kept simple and comprehensible in order to assist the consumer in choosing the appropriate product.

(8) Sun radiation consists *inter alia* of (shorter) ultraviolet B radiation ('UVB radiation') and of (longer) ultraviolet A radiation ('UVA radiation'). The inflammation of the skin ('sun burn') and the resulting reddening of the skin (*erythema*) is mainly caused by UVB radiation. As to the cancer risk, although UVB radiation is the main contributor, the risk generated through UVA radiation cannot be neglected. Furthermore, UVA radiation is cause of premature ageing of the skin. Research also suggests that excessive exposure to UVB radiation as well as UVA radiation impacts on the body's immune system.

(9) Sunscreen products can be effective in preventing sunburn. Scientific findings also suggest that sunscreen products can prevent the damage linked to photo-ageing and that they can protect against induced photo-immunosuppression. Epidemiological studies show that the use of sunscreen products may prevent some types of skin carcinoma.

(10) In order to have these preventive characteristics, sunscreen products need to protect against both UVB and UVA radiation. Therefore, although the sun protection factor refers only to protection against the radiation which causes *erythema* (mainly UVB radiation), sunscreen products should contain both UVB and UVA protection.

⁽¹⁾ OJ L 262, 27.9.1976, p. 169. Directive as last amended by Commission Directive 2006/65/EC (OJ L 198, 20.7.2006, p. 11).

- (11) Even sunscreen products which are very effective and which address both UVB and UVA radiation cannot guarantee full protection against health risks from ultra-violet (UV) radiation. No sunscreen product can filter all UV radiation. Moreover, there is, to date, no conclusive scientific evidence that the use of sunscreen products prevents melanoma. Consequently, sunscreen products should not claim or create the impression that they provide total protection from the risks deriving from over-exposure to UV radiation.
- (12) This holds particularly true for sun exposure of babies and young children. As exposure to sun during childhood is an important contributor to the development of skin cancer at a later age, sunscreen products should not give the impression that they provide sufficient protection for babies and young children.
- (13) Mistaken perceptions of the characteristics of sunscreen products should be addressed through appropriate warnings.
- (14) Based on several studies, the International Agency for Research on Cancer of the World Health Organisation has emphasised the importance of the link between the correct application of sunscreen products and the efficacy of the sun protection factor claimed. In particular, frequent re-application of sunscreen products is crucial. Moreover, in order to reach the protection level indicated by the sun protection factor, sunscreen products have to be applied in quantities similar to the ones used for testing, i.e. 2 mg/cm², which equals 6 teaspoons of lotion (approx. 36 grams) for the body of one average adult person. This quantity is higher than that usually applied by the consumers. Applying a smaller quantity of sunscreen product leads to a disproportionate reduction in protection. For example, if the quantity applied is reduced by half, protection may fall by as much as two-thirds.
- (15) Sunscreen products should be sufficiently effective against UVB and UVA radiation to ensure a high protection of public health. To this end, a sunscreen product should provide a minimum UVB and UVA protection. An increased sun protection factor (i.e. mainly UVB protection) should include an increase in the UVA protection as well. Therefore, the protection against UVA and UVB radiation should be related. Scientific findings show that certain biological damage to the skin can be prevented and reduced if the ratio of the protection factor measured in the persistent pigment darkening test (i.e. addressing mainly UVA radiation) is at least 1/3 of the factor measured by the sun protection factor testing method (i.e. addressing mainly UVB radiation). Moreover, in order to ensure a broad protection, dermatologists recommend a critical wavelength of at least 370 nm.
- (16) In order to ensure reproducibility and comparability of the recommended minimum protection against UVB radiation, the *International Sun Protection Factor Test Method (2006)* as updated in 2006 by the European, Japanese, American and South African industry should be used. In order to assess the minimum protection against UVA radiation, the persistent-pigment darkening method as applied by the Japanese industry and modified by the French health agency *Agence française de sécurité sanitaire des produits de santé — Afssaps* as well as the critical wavelength test should be used. These testing methods have been submitted to the European Committee for Standardisation (CEN) in order to establish European standards in this field ⁽¹⁾.
- (17) While these testing methods should be used as reference methods, preference should be given to *in vitro* testing methods delivering equivalent results, as *in vivo* methods raise ethical concerns. Industry should increase efforts to develop *in vitro* testing methods for the protection against both UVB and UVA radiation.
- (18) Claims concerning the efficacy of sunscreen products should be simple, meaningful and based on identical criteria in order to help the consumer to compare products and to choose the right product for a given exposure and skin type.
- (19) There is in particular a need for a uniform claim on UVA protection in order to facilitate the choice of the consumer for a product protecting against both UVB and UVA radiation.
- (20) A wide variety of numbers used on labels for indicating the sun protection factor does not support the aim of making claims that are simple and meaningful. The increase in protection from one number to the next is negligible, particularly in the high range. Moreover, the increase in protection is only linear in the case of sunburn, that is to say, a product with sun protection factor 30 protects twice as well from sunburn as product with a sun protection factor of 15. However, a product with sun protection factor 15 absorbs 93 % of UVB radiation, and a product with sun protection factor 30 absorbs 97 % of UVB radiation. Finally, sun protection factors above 50 do not substantially increase the protection from UV radiation. Therefore, the range of labelled sun protection factors can be made smaller without reducing the choice of different strengths for the consumer.
- ⁽¹⁾ Standardisation mandate addressed to CEN on methods for testing efficacy of sunscreen products, Mandate M/389, 12 July 2006.

- (21) Labelling using one out of four categories ('low', 'medium', 'high' and 'very high'), provides for a simpler and more meaningful indication of the efficacy of sunscreen products than a variety of different numbers. Therefore, the category should be labelled at least as prominently as the sun protection factor.
- (22) Consumers should be informed about the risks stemming from excessive sun exposure. Moreover, consumers need guidance as to the appropriate sunscreen product in terms of its efficacy taking into consideration the degree of sun exposure and the skin type,
- (c) 'UVB radiation' means sun radiation in the spectrum 290-320 nm;
- (d) 'UVA radiation' means sun radiation in the spectrum 320-400 nm;
- (e) 'critical wavelength' means the wavelength for which the section under the integrated optical density curve starting at 290 nm is equal to 90 % of the integrated section between 290 to 400 nm;

HEREBY RECOMMENDS:

SECTION 1

SUBJECT MATTER AND DEFINITIONS

1. This Recommendation gives guidance on the following:

- (a) in Section 2, on the application of Article 6(3) of Directive 76/768/EEC in relation to some of the characteristics of sunscreen products and the claims made as regards their efficacy;
- (b) in Sections 3, 4 and 5, on the minimum efficacy of sunscreen products in terms of ensuring a high level of protection against UVB and UVA radiation and on the simple and comprehensible labelling of sunscreen products in order to facilitate the choice of the appropriate product for the consumer.

2. For the purposes of this Recommendation, the following definitions apply:

- (a) 'sunscreen product' means any preparation (such as creams, oils, gels, sprays) intended to be placed in contact with the human skin with a view exclusively or mainly to protecting it from UV radiation by absorbing, scattering or reflecting radiation;
- (b) 'claim' means any statement regarding the characteristics of a sunscreen product in the form of text, names, trade marks, pictures and figurative or other signs used in the labelling, putting up for sale and advertising of sunscreen products;

(f) 'minimum *erythmal* dose' means the quantity of *erythema*-effective energy;

(g) 'sun protection factor' means the ratio of minimum *erythmal* dose on skin protected by a sunscreen product to the minimum *erythmal* dose on the same unprotected skin;

(h) 'UVA protection factor' means the ratio of the minimum UVA dose necessary to induce a persistent pigment darkening on the skin protected by a sunscreen product to the minimal UVA dose necessary to induce the minimal darkening effect on the same unprotected skin.

SECTION 2

UVA/UVB PROTECTION, CLAIMS, PRECAUTIONS FOR USE, USAGE INSTRUCTIONS

3. The characteristics and claims referred to in points 4 to 8 should be considered for the purposes of complying with Article 6(3) of Directive 76/768/EEC.
4. Sunscreen products should protect against both UVB and UVA radiation.
5. No claim should be made that implies the following characteristics:
- (a) 100 % protection from UV radiation (such as 'sunblock', 'sunblocker' or 'total protection');
- (b) no need to re-apply the product under any circumstances (such as 'all day prevention').

6. Sunscreen products should display warnings indicating that they do not provide 100 % protection and advice on precautions to be observed in addition to their use. This may include warnings such as:
- (a) 'Do not stay too long in the sun, even while using a sunscreen product';
 - (b) 'Keep babies and young children out of direct sunlight';
 - (c) 'Over-exposure to the sun is a serious health threat'.
7. Sunscreen products should carry instructions for use that will ensure that the claim made for the effectiveness of the product can be achieved. This may include instructions such as:
- (a) 'Apply the sunscreen product before exposure';
 - (b) 'Re-apply frequently to maintain protection, especially after perspiring, swimming or towelling'.
8. Sunscreen products should carry instructions for use to ensure that a sufficient quantity is applied on the skin to achieve the effectiveness claimed for the product. This may be done, for example, by indicating the quantity required through a pictogram, an illustration or a measurement device. Sunscreen products should carry an explanation of the risks involved in applying a reduced quantity, such as, 'Warning: reducing this quantity will lower the level of protection significantly'.
10. The minimum degree of protection provided by sunscreen products should be as follows:
- (a) a UVB protection of sun protection factor 6 as obtained in application of the *International Sun Protection Factor Test Method (2006)* or an equivalent degree of protection obtained with any *in vitro* method;
 - (b) a UVA protection of UVA protection factor of 1/3 of the sun protection factor, as obtained in application of the *persistent pigment darkening method* as modified by the French health agency *Agence française de sécurité sanitaire des produits de santé – Afssaps* or an equivalent degree of protection obtained with any *in vitro* method;
 - (c) a critical wavelength of 370 nm, as obtained in application of the critical wavelength testing method.

SECTION 4

SIMPLE AND MEANINGFUL CLAIMS OF EFFICACY

11. Claims indicating the efficacy of sunscreen products should be simple, unambiguous and meaningful and based on standardised, reproducible criteria.
12. Claims indicating UVB and UVA protection should be made only if the protection equals or exceeds the levels set out under point 10.
13. The efficacy of sunscreen products should be indicated on the label by reference to categories such as 'low', 'medium', 'high' and 'very high'. Each category should be equivalent to a standardised degree of protection against UVB and UVA radiation.
14. The variety of numbers used on labels for indicating the sun protection factors should be restricted in order to facilitate the comparison between different products without reducing the choice for the consumer. The following range of sun protection factors for each category and the respective labelling is recommended:
9. Sunscreen products should provide for a minimum degree of protection against UVB and UVA radiation. The degree of protection should be measured using standardised, reproducible testing methods and take photo-degradation into account. Preference should be given to *in vitro* testing methods.

SECTION 3

MINIMUM EFFICACY

Labelled category	Labelled sun protection factor	Measured sun protection factor (measured in accordance with the principles recommended in point 10 (a))	Recommended minimum UVA protection factor (measured in accordance with principles recommended in point 10 (b))	Recommended minimum critical wavelength (measured in accordance with principles recommended in point 10 (c))
'Low protection'	'6'	6-9,9	1/3 of labelled sun protection factor	370 nm
	'10'	10-14,9		
'Medium protection'	'15'	15-19,9		
	'20'	20-24,9		
	'25'	25-29,9		
'High protection'	'30'	30-49,9		
	'50'	50-59,9		
'Very high protection'	'50 +'	60 ≤		

15. The category of sunscreen products should be indicated on the label at least as prominently as the sun protection factor.

SECTION 5

CONSUMER INFORMATION

16. Consumers should be informed about the risks associated with excessive exposure to UV radiation and of the category of sunscreen products required for a certain degree of sun exposure and a certain type of skin. This may be done, for example, through information on national web-sites, leaflets or press releases.

SECTION 6

ADDRESSEES

17. This Recommendation is addressed to the Member States.

Done at Brussels, 22 September 2006.

For the Commission
Günter VERHEUGEN
Vice-President