

Official Journal

of the European Union

L 286

Volume 49

17 October 2006

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1544/2006 of 5 October 2006 laying down special measures to encourage silkworm rearing (Codified version)** 1
- Commission Regulation (EC) No 1545/2006 of 16 October 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables 4
- ★ **Commission Regulation (EC) No 1546/2006 of 4 October 2006 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security ⁽¹⁾** 6
- ★ **Commission Regulation (EC) No 1547/2006 of 13 October 2006 laying down detailed rules for the application of Council Regulation (EEC) No 2204/90** 8
- Commission Regulation (EC) No 1548/2006 of 16 October 2006 amending the import duties in the cereals sector applicable from 17 October 2006 12
- ★ **Council Directive 2006/79/EC of 5 October 2006 on the exemption from taxes of imports of small consignments of goods of a non-commercial character from third countries (codified version)** 15

II Acts whose publication is not obligatory

Council

2006/695/EC:

- ★ **Council Decision of 17 July 2006 on the signing and provisional application of the Agreement between the European Community and the Republic of Maldives on certain aspects of air services** 19
- Agreement between the European Community and the Republic of Maldives on certain aspects of air services 20

⁽¹⁾ Text with EEA relevance

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1544/2006
of 5 October 2006
laying down special measures to encourage silkworm rearing
(Codified version)

THE COUNCIL OF THE EUROPEAN UNION,

income for farmers in those regions. Measures should therefore be adopted to help to ensure a fair income for silkworm rearers.

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

- (3) To that end, provision should be made for measures to facilitate the adjustment of supply to market requirements, and an aid replacing all national silkworm aids should be granted for silkworm rearing. In view of the characteristic features of silkworm rearing, this aid should take the form of a fixed sum per box of silkworm eggs used.

Having regard to the proposal from the Commission,

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

- (4) Expenses incurred by the Member States as a result of the obligations resulting from this Regulation should be financed by the Community in accordance with the provisions relating to the financing of the common agricultural policy.

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Whereas:

- (5) 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 ⁽⁶⁾,

- (1) Council Regulation (EEC) No 845/72 of 24 April 1972 laying down special measures to encourage silkworm rearing ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Regulation should be codified.

HAS ADOPTED THIS REGULATION:

Article 1

- (2) Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organisation of the market in certain products listed in Annex II to the Treaty ⁽⁵⁾ lays down the measures governing trade in silkworms and silkworm eggs without, however, providing for support measures within the Community. Silkworm rearing is of some importance to the economies of certain regions of the Community. This activity is a source of additional

1. Aid shall be granted for silkworms falling within CN code 0106 90 00 and for silkworm eggs falling within CN code 0511 99 90 reared within the Community.

2. The aid shall be granted to silkworm rearers for each box of silkworm eggs used, on conditions that the boxes contain a minimum quantity of eggs, to be determined, and that the worms have been successfully reared.

3. The aid per box of silkworm eggs used shall be EUR 133,26.

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ Not yet published in the Official Journal.

⁽³⁾ OJ L 100, 27.4.1972, p. 1. Regulation as last amended by Regulation (EC) No 1668/2000 (OJ L 193, 29.7.2000, p. 6).

⁽⁴⁾ See Annex I.

⁽⁵⁾ OJ L 151, 30.6.1968, p. 16. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97. Corrected Regulation published in OJ L 206, 9.6.2004, p. 37).

⁽⁶⁾ OJ L 184, 17.7.1999, p. 23.

Article 2

Detailed rules shall be adopted for the application of this Regulation in accordance with the procedure referred to in Article 4(2).

The detailed rules shall cover in particular the minimum quantity referred to in Article 1(2), the information to be forwarded to the Commission by the Member States and any inspection measures to protect the Community's financial interests from fraud or other irregularities.

Article 3

The silkworm rearing year shall begin on 1 April of each calendar year and end on 31 March of the following calendar year.

Article 4

1 The Commission shall be assisted by the Management Committee for Natural Fibres established by Article 10 of Council Regulation (EC) No 1673/2000 of 27 July 2000 on the common organisation of the markets in flax and hemp grown for fibre ⁽¹⁾, 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 5

The provisions governing the financing of the common agricultural policy shall apply to the products mentioned in Article 1.

Article 6

Regulation (EEC) No 845/72 shall be repealed.

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

Article 7

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

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

Done at Luxembourg, 5 October 2006.

For the Council
The President
K. RAJAMÄKI

⁽¹⁾ OJ L 193, 29.7.2000, p. 16. Regulation as last amended by Regulation (EC) No 953/2006 (OJ L 175, 29.6.2006, p. 1).

ANNEX I

Repealed Regulation with its successive amendments

Council Regulation (EEC) No 845/72	(OJ L 100, 27.4.1972, p. 1)
Commission Regulation (EEC) No 4005/87	(OJ L 377, 31.12.1987, p. 48)
Council Regulation (EEC) No 2059/92	(OJ L 215, 30.7.1992, p. 19)
Council Regulation (EC) No 1668/2000	(OJ L 193, 29.7.2000, p. 6)

ANNEX II

Correlation table

Regulation (EEC) No 845/72	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
—	Article 6
Article 6	Article 7
—	Annex I
—	Annex II

COMMISSION REGULATION (EC) No 1545/2006**of 16 October 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 17 October 2006.

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

Done at Brussels, 16 October 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 16 October 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	73,9
	096	36,2
	204	40,7
	999	50,3
0707 00 05	052	45,8
	096	18,4
	999	32,1
0709 90 70	052	93,3
	999	93,3
0805 50 10	052	59,0
	388	57,7
	524	58,7
	528	54,7
	999	57,5
0806 10 10	052	99,3
	066	54,3
	092	44,8
	096	48,4
	400	191,3
	999	87,6
0808 10 80	388	86,5
	400	101,8
	512	82,4
	800	182,6
	804	101,5
	999	111,0
0808 20 50	052	114,4
	388	102,9
	720	48,0
	999	88,4

⁽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 1546/2006**of 4 October 2006****amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2320/2002 of the European Parliament and the Council of 16 December 2002 establishing common rules in the field of civil aviation security ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

(1) The Commission is required, by virtue of Regulation (EC) No 2320/2002, when necessary, to adopt measures for the implementation of common basic standards for aviation security throughout the Community. Commission Regulation (EC) No 622/2003 of 4 April 2003 laying down measures for the implementation of the common basic standards on aviation security ⁽²⁾ was the first act laying down such measures.

(2) There is a need for measures to make the common basic standards more precise, in particular to address the increased risk of liquid explosives being introduced onto aircraft. These measures should be reviewed every six months in the light of technical developments, operational implications at airports and the impact on passengers.

(3) In accordance with Regulation (EC) No 2320/2002 and in order to prevent acts of unlawful interference, the measures laid down in the Annex to Regulation (EC) No 622/2003 should be secret and should not be published. The same rule necessarily applies to any amending act. Notwithstanding this, passengers shall be clearly informed of rules relating to items prohibited from carriage on aircraft.

(4) Regulation (EC) No 622/2003 should be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 622/2003 is amended as set out in the Annex to this Regulation.

Article 3 of that Regulation shall apply as regards the confidential nature of this Annex.

Article 2

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

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

Done at Brussels, 4 October 2006.

For the Commission

Jacques BARROT

Vice-President

⁽¹⁾ OJ L 355, 30.12.2002, p. 1. Regulation as amended by Regulation (EC) No 849/2004 (OJ L 158, 30.4.2004, p. 1).

⁽²⁾ OJ L 89, 5.4.2003, p. 9. Regulation as last amended by Regulation (EC) No 240/2006 (OJ L 40, 11.2.2006, p. 3).

ANNEX

In accordance with Article 1 the annex is secret and shall not be published in the *Official Journal of the European Union*.

COMMISSION REGULATION (EC) No 1547/2006**of 13 October 2006****laying down detailed rules for the application of Council Regulation (EEC) No 2204/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

these controls should fulfil, particularly with regard to their frequency.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2204/90 of 24 July 1990 laying down additional general rules on the common organisation of the market in milk and milk products as regards cheese ⁽¹⁾, and in particular the second paragraph of Article 1, the second subparagraph of Article 3(3) and Article 5 thereof,

- (5) Article 3(3) of Regulation (EEC) No 2204/90 states that a sum equal to 110 % of the difference between the value of the skimmed milk necessary for producing 100 kilograms of caseins and caseinates resulting from the market price of skimmed milk powder on the one hand and the market price for casein and caseinates on the other hand is due per 100 kilograms for quantities of caseins and caseinates used without authorisation. This sum has to be determined having regard to prices recorded on the markets during a reference period.

Whereas:

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

HAS ADOPTED THIS REGULATION:

- (1) Commission Regulation (EEC) No 2742/90 of 26 September 1990 laying down detailed rules for the application of Council Regulation (EEC) No 2204/90 ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.

Article 1

- (2) The first paragraph of Article 1 of Regulation (EEC) No 2204/90 stipulates that the use of casein and caseinates in the manufacture of cheese is subject to prior authorisation. It is necessary to lay down detailed rules for the grant of such authorisations, having regard to the requirements as regards checks on undertakings. Authorisations should be granted for a limited period, so that the Member States can impose penalties for failure to comply with Community provisions.
- (3) The second paragraph of Article 1 of Regulation (EEC) No 2204/90 stipulates that the maximum percentages of casein and caseinates to be incorporated in cheese must be determined on the basis of objective criteria laid down having regard to what is technologically necessary. It is necessary to determine the said percentages on the basis of data supplied by the Member States. In order to facilitate checks to ensure compliance with this provision, it is advisable to set overall percentages rather than percentages for individual products.
- (4) Article 3(1) of Regulation (EEC) No 2204/90 requires Member States to introduce administrative and physical controls. It is necessary to specify the conditions which

1. Authorisations referred to in Article 1 of Regulation (EEC) No 2204/90 shall be granted for a period of 12 months, at the request of the undertakings concerned, subject to their giving a prior undertaking in writing to accept and comply with the provisions of Article 3(1)(a) and (b) on the one hand, and Article 3(1)(c) on the other, of that Regulation.

2. Authorisations shall be issued with a serial number for each undertaking or, where necessary, for each production unit.

3. Authorisations may cover one or more types of cheese, in accordance with the application made by the undertaking concerned.

Article 2

1. The maximum percentages to be incorporated, as referred to in the second paragraph of Article 1 of Regulation (EEC) No 2204/90, are given in Annex I to this Regulation. They shall apply to the weight of the types of cheese set out in that Annex produced by the undertaking or production unit concerned during a six-month period.

2. The list of products given in Annex I and the maximum percentages relating thereto shall be adjusted to take account of reasoned applications providing evidence that there is a technological need for the addition of casein or caseinates.

⁽¹⁾ OJ L 201, 31.7.1990, p. 7. Regulation as amended by Regulation (EC) No 2583/2001 (OJ L 345, 29.12.2001, p. 6).

⁽²⁾ OJ L 264, 27.9.1990, p. 20. Regulation as last amended by Regulation (EC) No 1815/2005 (OJ L 292, 8.11.2005, p. 4).

⁽³⁾ See Annex II.

Article 3

1. The stock accounts referred to in Article 3(1)(b) of Regulation (EEC) No 2204/90 shall include information as to the origin, composition and quantity of the raw materials used in the manufacture of the cheeses. Member States may require samples to be taken to provide a check on this information. Member States shall ensure that the information collected from undertakings is treated as confidential.

2. The checks referred to in Article 3(1)(c) of Regulation (EEC) No 2204/90 must fulfil the following requirements:

- (a) at least 30 % of the undertakings in receipt of authorisations shall be checked each quarter;
- (b) each undertaking in receipt of an authorisation shall be checked at least once per year, and undertakings producing more than 300 tonnes of cheese per year shall be checked at least twice per year.

3. Within a period of one month from when the infringement was recorded, Member States shall notify the Commission of cases in which casein and/or caseinates have been used either without authorisation or without abiding by the percentages laid down.

Article 4

1. The sum due in accordance with Article 3(3) of Regulation (EEC) No 2204/90 shall be EUR 22,00 per 100 kg of caseins and/or caseinates.

2. The sums recovered in this way shall be paid to the paying departments and agencies and offset by them against expenditure financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund.

Article 5

In addition to the notifications required under Article 3(2) of Regulation (EEC) No 2204/90, Member States shall submit to the Commission before the end of each quarter the following information on the previous quarter:

- (a) the number of authorisations granted and/or revoked;
- (b) the quantities of casein and caseinates declared in respect of these authorisations, broken down by type of cheese.

Article 6

Regulation (EEC) No 2742/90 is repealed.

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

Article 7

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

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

Done at Brussels, 13 October 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Maximum percentages to be incorporated, as referred to in Article 2(1):

- (a) processed cheese falling within CN code 0406 30: 5 %;
- (b) grated processed cheese covered by CN code ex 0406 20: 5 % ⁽¹⁾;
- (c) processed cheese in powdered form covered by CN code ex 0406 20: 5 % ⁽¹⁾.

ANNEX II

Repealed Regulation with its successive amendments

Commission Regulation (EEC) No 2742/90
(OJ L 264, 27.9.1990, p. 20)

Commission Regulation (EEC) No 837/91
(OJ L 85, 5.4.1991, p. 15)

Commission Regulation (EEC) No 2146/92
(OJ L 214, 30.7.1992, p. 23)

Commission Regulation (EC) No 1802/95
(OJ L 174, 26.7.1995, p. 27)

Only concerning references made in the Annex to Regulation (EEC) No 2742/90

Commission Regulation (EC) No 78/96
(OJ L 15, 20.1.1996, p. 15)

Commission Regulation (EC) No 265/2002
(OJ L 43, 14.2.2002, p. 13)

Commission Regulation (EC) No 1815/2005
(OJ L 292, 8.11.2005, p. 4)

⁽¹⁾ Manufactured by a continuous process, without addition of already manufactured processed cheese.

ANNEX III

Correlation table

Regulation (EEC) No 2742/90	This Regulation
Articles 1 to 4	Articles 1 to 4
Article 5, points (1) and (2)	Article 5, points (a) and (b)
—	Article 6
Article 6	Article 7
Annex, indents 1, 2 and 3	Annex I, points (a) (b) and (c)
—	Annex II
—	Annex III

COMMISSION REGULATION (EC) No 1548/2006**of 16 October 2006****amending the import duties in the cereals sector applicable from 17 October 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1538/2006 ⁽³⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) 1538/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1538/2006 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 17 October 2006.

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

Done at Brussels, 16 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 29.9.2003, p. 78. Regulation as amended by Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

⁽³⁾ OJ L 283, 14.10.2006, p. 11.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 17 October 2006

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	0,00
1005 10 90	Maize seed other than hybrid	15,68
1005 90 00	Maize other than seed ⁽²⁾	15,68
1007 00 90	Grain sorghum other than hybrids for sowing	0,00

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

- EUR 3/t, where the port of unloading is on the Mediterranean Sea, or
- EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

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

ANNEX II

Factors for calculating duties

(13.10.2006)

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	157,11 (***)	98,66	168,07	158,07	138,07	127,60
Gulf premium (EUR/t)	—	18,98	—			—
Great Lakes premium (EUR/t)	12,63	—	—			—

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 23,71 EUR/t; Great Lakes–Rotterdam: 32,81 EUR/t.

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

COUNCIL DIRECTIVE 2006/79/EC**of 5 October 2006****on the exemption from taxes of imports of small consignments of goods of a non-commercial character from third countries****(codified version)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Whereas:

(1) Council Directive 78/1035/EEC of 19 December 1978 on the exemption from taxes of imports of small consignments of goods of a non-commercial character from third countries ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality, the said Directive should be codified.

(2) Provision should be made for the exemption from turnover taxes and excise duties of imports of small consignments of goods of a non-commercial character from third countries.

(3) To that end the limits within which such exemption is to be applied should, for practical reasons, be as far as possible the same as those laid down for the Community arrangements for exemption from customs duties in Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty ⁽⁵⁾.

(4) It is necessary to set special limits for certain products because of the high level of taxation to which they are at present subject in the Member States.

(5) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex I, Part B,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Goods in small consignments of a non-commercial character sent from a third country by private persons to other private persons in a Member State shall be exempt on importation from turnover tax and excise duty.

2. For the purposes of paragraph 1, 'small consignments of a non-commercial character' shall mean consignments which:

- (a) are of an occasional nature;
- (b) contain only goods intended for the personal or family use of the consignees, the nature and quantity of which do not indicate that they are being imported for any commercial purpose;
- (c) contain goods with a total value not exceeding EUR 45;
- (d) are sent by the sender to the consignee without payment of any kind.

Article 2

1. Article I shall apply to the goods listed below subject to the following quantitative limits:

- (a) tobacco products
 - (i) 50 cigarettes,
 - or
 - (ii) 25 cigarillos (cigars of a maximum weight of three grams each),
 - or
 - (iii) 10 cigars,
 - or
 - (iv) 50 grams of smoking tobacco;

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ Not yet published in the Official Journal.

⁽³⁾ OJ L 366, 28.12.1978, p. 34. Directive as last amended by the 1994 Act of Accession.

⁽⁴⁾ See Annex I, Part A.

⁽⁵⁾ OJ L 105, 23.4.1983, p. 1. Regulation as last amended by the 2003 Act of Accession.

(b) alcohol and alcoholic beverages:

- (i) distilled beverages and spirits of an alcoholic strength exceeding 22 % vol.; undenatured ethyl alcohol of 80 % vol. and over: one standard bottle (up to 1 litre),

or

- (ii) distilled beverages and spirits, and aperitifs with a wine or alcohol base, tafia, saké or similar beverages of an alcoholic strength of 22 % vol. or less; sparkling wines, fortified wines: one standard bottle (up to 1 litre),

or

- (iii) still wines: two litres;

(c) perfumes: 50 grams,

or

toilet waters: 0,25 litre or eight ounces;

(d) coffee: 500 grams,

or

coffee extracts and essences: 200 grams;

(e) tea: 100 grams,

or

tea extracts and essences: 40 grams.

2. Member States shall have the right to reduce the quantities of the products referred to in paragraph 1 eligible for exemption from turnover tax and excise duties, or to abolish exemption for such products altogether.

Article 3

Any goods listed in Article 2 which are contained in a small consignment of a non-commercial character in quantities exceeding those laid down in the said Article shall be excluded in their entirety from exemption.

Article 4

1. The euro equivalent in national currency which shall apply for the implementation of this Directive shall be fixed once a

year. The rates applicable shall be those obtaining on the first working day of October with effect from 1 January of the following year.

2. Member States may round off the amounts in national currency resulting from the conversion of the amounts in euros provided for in Article 1(2), provided such rounding-off does not exceed EUR 2.

3. Member States may maintain the amount of the exemption in force at the time of the annual adjustment provided for in paragraph 1 if, prior to the rounding-off provided for in paragraph 2, conversion of the amount of the exemption expressed in euros would result in a change of less than 5 % in the exemption expressed in national currency.

Article 5

Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. The Commission shall inform the other Member States thereof.

Article 6

Directive 78/1035/EEC shall be repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex I, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.

Article 7

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

Article 8

This Directive is addressed to the Member States.

Done at Luxembourg, 5 October 2006.

For the Council

The President

K. RAJAMÄKI

ANNEX I

PART A

Repealed Directive with its successive amendments

Council Directive 78/1035/EEC ⁽¹⁾
(O) L 366, 28.12.1978, p. 34)

Council Directive 81/933/EEC
(O) L 338, 25.11.1981, p. 24)

Council Directive 85/576/EEC
(O) L 372, 31.12.1985, p. 30)

only Article 2

PART B

Time-limits for transposition into national law

(referred to in Article 6)

Directive	Time-limit for transposition
78/1035/EEC	1 January 1979
81/933/EEC	31 December 1981
85/576/EEC	30 June 1986

⁽¹⁾ Directive 78/1035/EEC was also amended by the 1994 Act of Accession.

ANNEX II

CORRELATION TABLE

Directive 78/1035/EEC	This Directive
Article 1(1)	Article 1(1)
Article 1(2), first indent	Article 1(2)(a)
Article 1(2), second indent	Article 1(2)(b)
Article 1(2), third indent	Article 1(2)(c)
Article 1(2), fourth indent	Article 1(2)(d)
Article 2(1)(a), from '50 cigarettes' to '50 grams of smoking tobacco'	Article 2(1)(a)(i) to (iv)
Article 2(1)(b)	Article 2(1)(b)
Article 2(1)(b), first indent	Article 2(1)(b)(i)
Article 2(1)(b), second indent	Article 2(1)(b)(ii)
Article 2(1)(b), third indent	Article 2(1)(b)(iii)
Article 2(1)(c), (d) and (e)	Article 2(1)(c), (d) and (e)
Article 2(2)	Article 2(2)
Article 2(3)	—
Article 3	Article 3
Article 4(1)	—
Article 4(2)	Article 4(1)
Article 4(3)	Article 4(2)
Article 4(4)	Article 4(3)
Article 5(1)	—
Article 5(2)	Article 5
—	Article 6
—	Article 7
Article 6	Article 8
—	Annex I
—	Annex II

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 July 2006

on the signing and provisional application of the Agreement between the European Community and the Republic of Maldives on certain aspects of air services

(2006/695/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

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

HAS DECIDED AS FOLLOWS:

Article 1

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

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

The text of the Agreement is attached to this Decision.

Article 2

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

Article 3

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

Article 4

The President of the Council is hereby authorised to make the notification provided for in Article 9(2) of the Agreement.

Done at Brussels, 17 July 2006.

For the Council

The President

E. TUOMIOJA

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

THE EUROPEAN COMMUNITY,

of the one part, and

THE REPUBLIC OF MALDIVES (hereinafter referred to as the Maldives),

of the other part,

(hereinafter referred to as the Parties),

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

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

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

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

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

NOTING that under European Community law air carriers may not, in principle, conclude agreements which may affect trade between Member States of the European Community and which have as their object or effect the prevention, restriction or distortion of competition,

RECOGNISING that provisions in bilateral air service agreements concluded between Member States of the European Community and the Maldives which (i) require or favour the adoption of agreements between undertakings, decisions by associations of undertakings or concerted practices that prevent, distort or restrict competition between air carriers on the relevant routes; or (ii) reinforce the effects of any such agreement, decision or concerted practice; or (iii) delegate to air carriers or other private economic operators the responsibility for taking measures that prevent, distort or restrict competition between air carriers on the relevant routes, may render ineffective the competition rules applicable to undertakings,

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

HAVE AGREED AS FOLLOWS:

Article 1

General provisions

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

Article 2

Designation by a Member State

1. The provisions in paragraphs 2 and 3 of this Article shall supersede the corresponding provisions in the articles listed in Annex II(a) and (b) respectively, in relation to the designation of an air carrier by the Member State concerned, its authorisations and permissions granted by the Maldives, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.
2. On receipt of a designation by a Member State, the Maldives shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:
 - (i) the air carrier is established in the territory, under the Treaty establishing the European Community, of the designating Member State and has a valid Operating Licence in accordance with European Community law; and
 - (ii) effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation; and
 - (iii) the air carrier is owned, directly or through majority ownership, and it is effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex III and/or nationals of such other states.
3. The Maldives may refuse, revoke, suspend or limit the authorisations or permissions of an air carrier designated by a Member State where:

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

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

Article 3

Safety

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the articles listed in Annex II(c).
2. Where a Member State has designated an air carrier whose regulatory control is exercised and maintained by another Member State, the rights of the Maldives under the safety provisions of the agreement between the Member State that has designated the air carrier and Maldives shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that other Member State and in respect of the operating authorisation of that air carrier.

Article 4

Taxation of aviation fuel

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

*Article 5***Tariffs for carriage within the European Community**

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

*Article 6***Compatibility with competition rules**

1. Bilateral air service agreements concluded between Member States and the Maldives shall be without prejudice to the competition rules of the Parties.
2. The provisions listed in Annex II(f) shall be deleted and shall cease to have effect.

*Article 7***Annexes to the Agreement**

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

*Article 8***Revision or amendment**

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

*Article 9***Entry into force and provisional application**

1. This Agreement shall enter into force when the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.
2. Notwithstanding paragraph 1, the Parties agree to provisionally apply this Agreement from the first day of the month following the date on which the Parties have notified each other of the completion of the procedures necessary for this purpose.
3. Agreement between a Member State and the Maldives which, at the date of signature of this Agreement, has not yet entered into force and is not being applied provisionally is listed in Annex I(b). The present Agreement shall apply to that Agreement upon its entry into force or provisional application.

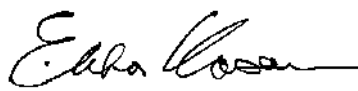
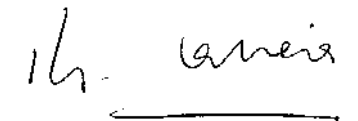
*Article 10***Termination**

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

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

Done at Brussels in duplicate, on the twenty-first day of September in the year two thousand and six in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovene, Spanish, Swedish and Maldivian Dhivehi languages.

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

Por la República de Maldivas
Za Maledivskou republiku
For Republikken Maldiverne
Für die Republik Malediven
Maldiivi Vabariigi nimel
Για τη Δημοκρατία των Μαλδιβών
For the Republic of Maldives
Pour la République des Maldives
Per la Repubblica delle Maldive
Maldivu Republikas vārdā
A Maldív Köztársaság részéről
Għar-Repubblika tal-Maldivi
Voor de Republiek der Maldiven
W imieniu Republiki Malediwów
Pela República das Maldivas
Za Maledivskú republiku
Za Republika Maldivi
Maldiivien tasavallan puolesta
För Republiken Maldiverna



ANNEX I

List of agreements referred to in Article 1 of this Agreement

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

- Air Transport Agreement between the Austrian Federal Government and the Government of the Republic of Maldives done at Malé on 4 February 1997, hereinafter referred to as 'Maldives-Austria Agreement' in Annex II,
- Agreement between the Government of the French Republic et the Government of the Republic of Maldives relating to air services done at Malé on 5 February 2001, hereinafter referred to as 'Maldives-France Agreement' in Annex II,
- Air Transport Agreement between the Federal Republic of Germany and the Republic of Maldives done at Malé on 10 November 1993 hereinafter referred to as 'Maldives-Germany Agreement' in Annex II,
- Agreement between the Government of the Kingdom of the Netherlands and the Government of the Republic of Maldives for air services between and beyond their respective territories done at The Hague on 23 June 1994, hereinafter referred to as 'Maldives-The Netherlands Agreement' in Annex II,
- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Maldives done at Malé on 20 January 1996, hereinafter referred to as 'Maldives-United Kingdom Agreement' in Annex II.

Modified by Memorandum of Understanding done at Malé on 7 September 2000.

(b) Air service agreement initialled or signed between the Maldives and a Member State of the European Community which, at the date of signature of this Agreement, has not yet entered into force and is not being applied provisionally:

- Agreement between the Government of the Italian Republic and the Government of the Republic of Maldives concerning air services initialled at Malé on 20 January 2000, hereinafter referred to as 'Maldives-Italy Agreement' in Annex II.

ANNEX II

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

- (a) Designation by a Member State:
 - Article 3 of the Maldives-Austria Agreement,
 - Article 3 of the Maldives-France Agreement,
 - Article 4 of the Maldives-Italy Agreement,
 - Article 4 of the Maldives-The Netherlands Agreement,
 - Article 4 of the Maldives-United Kingdom Agreement;
 - (b) Refusal, revocation, suspension or limitation of authorisations or permissions:
 - Article 4 of the Maldives-Austria Agreement,
 - Article 4 of the Maldives-France Agreement,
 - Article 5 of the Maldives-Italy Agreement,
 - Article 5 of the Maldives-The Netherlands Agreement,
 - Article 5 of the Maldives-United Kingdom Agreement;
 - (c) Safety:
 - Article 7 of the Maldives-France Agreement,
 - Article 11 of the Maldives-Italy Agreement,
 - Article 14 of the Maldives-The Netherlands Agreement;
 - (d) Taxation of aviation fuel:
 - Article 7 of the Maldives-Austria Agreement,
 - Article 10 of the Maldives-France Agreement,
 - Article 6 of the Maldives-Germany Agreement,
 - Article 6 of the Maldives-Italy Agreement,
 - Article 10 of the Maldives-The Netherlands Agreement,
 - Article 8 of the Maldives-United Kingdom Agreement;
 - (e) Tariffs for Carriage within the European Community:
 - Article 11 of the Maldives-Austria Agreement,
 - Article 14 of the Maldives-France Agreement,
 - Article 10 of the Maldives-Germany Agreement,
 - Article 8 of the Maldives-Italy Agreement,
 - Article 6 of the Maldives-The Netherlands Agreement,
 - Article 7 of the Maldives-United Kingdom Agreement;
 - (f) Compatibility with competition rules:
 - Article 11 (2-6) of the Maldives-Austria Agreement,
 - Article 14 (3-5) of the Maldives-France Agreement,
 - Article 8 (3 and 6) of the Maldives-Italy Agreement,
 - Article 6 (2-5) of the Maldives-The Netherlands Agreement.
-

*ANNEX III***List of other states referred to in Article 2 of this Agreement**

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