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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1604/2006
of 27 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 28 October 2006.

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

Done at Brussels, 27 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 27 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	65,8
	096	31,6
	204	42,5
	999	46,6
0707 00 05	052	172,3
	204	42,1
	999	107,2
0709 90 70	052	97,9
	204	39,5
	999	68,7
0805 50 10	052	68,9
	388	51,2
	524	56,8
	528	54,7
	999	57,9
0806 10 10	052	94,6
	400	206,2
	508	330,8
	999	240,6
0808 10 80	096	29,0
	388	83,7
	400	115,0
	404	100,4
	800	149,4
	804	153,2
0808 20 50	999	105,1
	052	111,4
	400	199,1
	720	52,2
	999	120,9

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

COMMISSION REGULATION (EC) No 1605/2006**of 27 October 2006****fixing the minimum selling prices for butter for the 19th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies may sell by standing invitation to tender certain quantities of butter from intervention stocks that they hold and may grant aid for cream, butter and concentrated butter. Article 25 of that Regulation lays down that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further laid down

that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure. The amount of the processing security as referred to in Article 28 of Regulation (EC) No 1898/2005 should be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 19th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the minimum selling prices for butter from intervention stocks and the amount of the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 28 October 2006.

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

Done at Brussels, 27 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

ANNEX

Minimum selling prices for butter and processing security for the 19th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005*(EUR/100 kg)*

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	206	210	—	—
		Concentrated	204,1	—	—	—
Processing security		Unaltered	45	45	—	—
		Concentrated	45	—	—	—

COMMISSION REGULATION (EC) No 1606/2006**of 27 October 2006****fixing the maximum aid for cream, butter and concentrated butter for the 19th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies may sell by standing invitation to tender certain quantities of butter of intervention stocks that they hold and may grant aid for cream, butter and concentrated butter. Article 25 of that Regulation lays down that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further laid down

that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure. The amount of the processing security as referred to in Article 28 of Regulation (EC) No 1898/2005 should be fixed accordingly.

- (2) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the 19th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the amount of the maximum aid for cream, butter and concentrated butter and the amount the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 28 October 2006.

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

Done at Brussels, 27 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

ANNEX

Maximum aid for cream, butter and concentrated butter and processing security for the 19th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005

(EUR/100 kg)

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Maximum aid	Butter $\geq 82\%$	17,5	14	—	14
	Butter $< 82\%$	—	13	—	—
	Concentrated butter	20	—	—	—
	Cream	—	—	9	6
Processing security	Butter	19	—	—	—
	Concentrated butter	22	—	—	—
	Cream	—	—	10	—

COMMISSION REGULATION (EC) No 1607/2006**of 27 October 2006****fixing the maximum aid for concentrated butter for the 19th individual invitation to tender opened under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Article 47 of Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 54 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 %.
- (2) An end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is to be lodged to

ensure the taking over of the concentrated butter by the retail trade.

- (3) In the light of the tenders received, the maximum aid should be fixed at the appropriate level and the end-use security should be determined accordingly.
- (4) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the 19th individual tender under the standing invitation to tender opened in accordance with Regulation (EC) No 1898/2005 the maximum amount of the aid for concentrated butter with a minimum fat content of 96 %, as referred to in Article 47(1) of that Regulation, is fixed at 19,27 EUR/100 kg,

The end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is fixed at 21 EUR/100 kg.

Article 2

This Regulation shall enter into force on 28 October 2006.

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

Done at Brussels, 27 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

COMMISSION REGULATION (EC) No 1608/2006**of 27 October 2006****fixing the minimum selling price for butter for the 51st individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10(c) thereof,

Whereas:

(1) Pursuant to Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them.

(2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no

award, in accordance with Article 24a of Regulation (EC) No 2771/1999.

(3) In the light of the tenders received, a minimum selling price should be fixed.

(4) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the 51th individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 24 October 2006, the minimum selling price for butter is fixed at 233,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 28 October 2006.

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

Done at Brussels, 27 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1802/2005 (OJ L 290, 4.11.2005, p. 3).

COMMISSION REGULATION (EC) No 1609/2006

of 27 October 2006

authorising the placing on the market of infant formulae based on hydrolysates of whey protein derived from cows' milk protein for a two-year period

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses ⁽¹⁾, and in particular Article 4(1a) thereof,

Having consulted the European Food Safety Authority,

Whereas:

- (1) Directive 89/398/EEC concerns foodstuffs for particular nutritional uses. The specific provisions applicable to certain groups of foods for particular nutritional uses are laid down by specific Directives.
- (2) Commission Directive 91/321/EEC of 14 May 1991 on infant formulae and follow-on formulae ⁽²⁾ is a specific Directive adopted pursuant to Directive 89/398/EEC. Directive 91/321/EEC lays down compositional requirements for infant formulae.
- (3) The Commission received a application for the placing on the market of an innovative infant formula based on hydrolysates of whey protein derived from cows' milk with a protein content below the minimum of 0,56 g protein/100 kJ (2,25 g protein/100 kcal), as referred to in point 2.2 of Annex I to Directive 91/321/EEC.

(4) On 5 October 2005, the European Food Safety Authority delivered its opinion ⁽³⁾. That opinion stated that infant formula, based on hydrolysates of whey protein derived from cows' milk with a protein content of 0,47 g/100 kJ (1,9 g/100 kcal), is safe and suitable for use as the sole source of nutrition of infants.

(5) Accordingly, pending the amendment of Directive 91/321/EEC, the marketing of that infant formula should be authorised for a two-year period.

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

HAS ADOPTED THIS REGULATION:

Article 1

By the way of derogation from Article 2 and Article 4(1) of Directive 91/321/EEC, the placing on the market of infant formulae based on hydrolysates of cows' milk, as set out in the Annex to this Regulation, is authorised for a two-year period from the date of adoption of this Regulation.

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, 27 October 2006.

For the Commission

Markos KYPRIANOU

Member of the Commisison

⁽¹⁾ OJ L 186, 30.6.1989, p. 27. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 175, 4.7.1991, p. 35. Directive as last amended by Directive 2003/14/EC (OJ L 41, 14.2.2003, p. 37).

⁽³⁾ The EFSA Journal (2005) 280, p. 1-16.

ANNEX

Specifications for the protein source, protein processing and protein quality used in the manufacture of infant formula based on hydrolysates of whey protein derived from cows' milk protein**(1) Protein content**

Protein content = nitrogen content $\times$ 6,25

Minimum	Maximum
0,44 g/100 kJ	0,7 g/100 kJ
(1,86 g/100 kcal)	(3 g/100 kcal)

(2) Protein source

Demineralised sweet whey protein derived from cows' milk after enzymatic precipitation of caseins using chymosin, consisting of:

- (a) 63 % caseino-glycomacropeptide free whey protein isolate with a minimum protein content of 95 % of dry matter and protein denaturation of less than 70 % and a maximum ash content of 3 %; and
- (b) 37 % sweet whey protein concentrate with a minimum protein content of 87 % of dry matter and protein denaturation of less than 70 % and a maximum ash content of 3,5 %.

(3) Protein processing

Two-stage hydrolysis process using a trypsin preparation with a heat treatment step (from 3 to 10 minutes at 80 to 100 °C) between the two hydrolysis steps.

(4) Protein quality

Essential and semi-essential amino acids in breast milk as set out in Annex V to Directive 91/321/EEC.

COMMISSION REGULATION (EC) No 1610/2006**of 27 October 2006****derogating from Regulations (EC) No 327/1998 and (EC) No 1291/2000 as regards certain import licences issued for the July 2006 tranche of tariff quotas for imports of rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV(6) negotiations⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice⁽²⁾, and in particular Article 13(4) thereof,

Whereas:

(1) Under Article 7(4) of Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice⁽³⁾, licences issued for imports of husked, semi-milled and wholly milled rice under the quotas opened by that Regulation are valid from their actual day of issue until the end of the third month thereafter.

(2) Since August 2006, the pattern of imports into the European Union of rice originating in the United States of America has been disturbed by the appearance on the US market of rice contaminated with genetically modified rice known as 'LL RICE 601'.

(3) Under Article 2 of Commission Decision 2006/601/EC of 5 September 2006 on emergency measures regarding the non-authorised genetically modified organism 'LL RICE 601' in rice products⁽⁴⁾, the placing on the

market of long A and long B rice originating in the United States of America is subject to the presentation of an analytical report demonstrating that the product does not contain genetically modified rice 'LL RICE 601'.

(4) In order to prevent the emergency measures laid down by Decision 2006/601/EC preventing the use, during their period of validity, of licences issued for imports of long A and long B rice originating in the United States of America under the July 2006 tranche of the quotas opened by Regulation (EC) No 327/98, their period of validity should be extended until the end of 2006.

(5) In addition, in order to allow the use of licences already issued for 'all country' import quotas and with the United States of America indicated as country of origin, the use of those licences should be authorised for the import of rice originating in all non-member countries.

(6) The use of licences already issued should also be authorised for rice other than long A and long B rice.

(7) Derogations should therefore be made from Regulation (EC) No 327/98 and from Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁵⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 7(4) of Regulation (EC) No 327/98, at the request of their holders, the period of validity of the following import licences shall be extended to 31 December 2006:

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as amended by Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽³⁾ OJ L 37, 11.2.1998, p. 5. Regulation as last amended by Regulation (EC) No 965/2006 (OJ L 176, 30.6.2006, p. 12).

⁽⁴⁾ OJ L 244, 7.9.2006, p. 27.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1282/2006 (OJ L 234, 29.8.2006, p. 4).

(a) import licences for semi-milled and wholly milled rice bearing in Section 8 'United States of America' as the country of origin and issued for the July 2006 tranche of quotas bearing serial numbers 09.4127 and 09.4166, in accordance with Annex X to Regulation (EC) No 327/98, for the following CN codes:

- CN 1006 30 25,
- CN 1006 30 27,
- CN 1006 30 46,
- CN 1006 30 48,
- CN 1006 30 65,
- CN 1006 30 67,
- CN 1006 30 96,
- CN 1006 30 98;

(b) import licences for husked rice bearing in Section 8 'United States of America' as the country of origin and issued for the July 2006 tranche of the quota bearing serial number 09.4148, in accordance with Annex X to Regulation (EC) No 327/98, for the following CN codes:

- CN 1006 20 15,
- CN 1006 20 17,
- CN 1006 20 96,
- CN 1006 20 98.

Article 2

1. Notwithstanding Article 8(1) of Regulation (EC) No 1291/2000, the import licences referred to in Article 1 of

this Regulation may be used to import rice falling within a CN code of which the first six digits correspond with the CN code entered on the licence concerned.

2. Notwithstanding Article 8(3) of Regulation (EC) No 1291/2000, the import licences referred to in Article 1 of this Regulation issued for quotas with the serial numbers 09.4148 and 09.4166 may be used for imports of rice originating in all non-member countries, without prejudice to paragraph 1 of this Article.

Article 3

1. Section 44 of customs declarations for imports under this Regulations shall bear the following words:

'Imported under Commission Regulation (EC) No 1610/2006'

2. Member States shall send the Commission, electronically and by 15 February 2007, the following information:

- (a) the quantities (tonnes) of products imported under this Regulation, broken down by combined nomenclature code (CN code),
- (b) the numbers and the dates of issue of the licences under which those products were imported.

Article 4

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

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

Done at Brussels, 27 October 2006

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1611/2006**of 27 October 2006****amending Regulation (EC) No 832/2006 on the division between deliveries and direct sales of national reference quantities fixed for 2005/2006 in Annex I to Council Regulation (EC) No 1788/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1788/2003 of 29 September 2003 establishing a levy in the milk and milk products sector ⁽¹⁾, and in particular Article 8(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 832/2006 ⁽²⁾ sets out the division between 'deliveries' and 'direct sales' of national reference quantities for the period from 1 April 2005 to 31 March 2006.

(2) The second subparagraph of Article 8(1) of Regulation (EC) No 1788/2003 as added by Council Regulation (EC) No 1406/2006 provides that for the 2005/2006 period the Commission may adapt the division between 'deliveries' and 'direct sales' of the national reference quantities at the request of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia. This request had to be submitted to the Commission before 10 October 2006.

(3) Cyprus, Hungary, Poland and Slovenia have submitted in due time a request stating quantities of the national

reference quantities to be converted from deliveries to direct sales.

(4) It is therefore appropriate to establish a new division between 'deliveries' and 'direct sales' of the national reference quantities for the period from 1 April 2005 to 31 March 2006 for Cyprus, Hungary, Poland and Slovenia.

(5) It is therefore necessary to amend Regulation (EC) No 832/2006.

(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:

Article 1

The Annex to Regulation (EC) No 832/2006 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 27 October 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 123. Regulation last amended by Regulation (EC) No 1406/2006 (OJ L 265, 26.9.2006, p. 8).

⁽²⁾ OJ L 150, 3.6.2006, p. 6.

ANNEX

'ANNEX

(tonnes)

Member States	Deliveries	Direct sales
Belgium	3 241 729,385	68 701,615
Czech Republic	2 678 931,873	3 211,127
Denmark	4 454 890,422	457,578
Germany	27 768 465,858	95 361,430
Estonia	604 421,618	20 061,382
Greece	819 675,000	838,000
Spain	6 049 899,450	67 050,550
France	23 880 183,860	355 614,140
Ireland	5 391 601,672	4 162,328
Italy	10 284 048,141	246 011,859
Cyprus	142 406,081	2 793,919
Latvia	677 568,191	17 826,809
Lithuania	1 520 288,261	126 650,739
Luxembourg	268 554,000	495,000
Hungary	1 834 879,062	112 400,938
Malta	48 698,000	0,000
Netherlands	11 000 292,000	74 400,000
Austria	2 636 060,676	114 329,036
Poland	8 725 543,274	238 473,726
Portugal ⁽¹⁾	1 911 803,000	8 658,000
Slovenia	533 213,850	27 210,150
Slovakia	1 004 991,065	8 324,935
Finland	2 399 925,465	7 862,542
Sweden	3 300 000,000	3 000,000
United Kingdom	14 486 038,657	123 708,344

⁽¹⁾ Except Madeira.

COMMISSION REGULATION (EC) No 1612/2006
of 27 October 2006
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾, allows for the fixing of a corrective amount for the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed according to the same procedure as the refund; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 2006.

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

Done at Brussels, 27 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

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

ANNEX

to the Commission Regulation of 27 October 2006 fixing the corrective amount applicable to the refund on cereals

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

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

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

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

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

COMMISSION REGULATION (EC) No 1613/2006**of 27 October 2006****fixing the export refunds on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 2006.

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

Done at Brussels, 27 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

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

ANNEX

to the Commission Regulation of 27 October 2006 fixing the export refunds on malt

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

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

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

COMMISSION REGULATION (EC) No 1614/2006
of 27 October 2006
fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾ allows for the fixing of a corrective amount for the malt referred

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

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 November 2006.

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

Done at Brussels, 27 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

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

ANNEX

to the Commission Regulation of 27 October 2006 fixing the corrective amount applicable to the refund on malt

(EUR/t)

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

(EUR/t)

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

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

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

COMMISSION REGULATION (EC) No 1615/2006**of 27 October 2006****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

- (3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 1785/2003 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 14 of Regulation (EC) No 1785/2003.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 November 2006.

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

Done at Brussels, 27 October 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽³⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 27 October 2006 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)	
Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	0,00
1102 20 10 9200	5,63
1102 20 10 9400	4,82
1103 11 10 9200	0,00
1103 13 10 9100	7,24
1104 12 90 9100	0,00

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 September 2006

on the conclusion, on behalf of the European Community, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade

(2006/730/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 and Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) Council Decision 2003/106/EC of 19 December 2002 concerning the approval, on behalf of the European Community, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade ⁽²⁾ authorised the President of the Council to designate the person or persons empowered to deposit the instrument of approval on behalf of the Community with the Secretary-General of the United Nations, in accordance with Article 25(1) of that Convention, (hereinafter referred to as 'the Rotterdam Convention') ⁽³⁾. The instrument of approval, together with the Declaration of competence set out in Annex B to that Decision, was lodged with the Depositary on 20 December 2002. The Rotterdam Convention entered into force on 24 February 2004.

- (2) In its judgment of 10 January 2006 in Case C-94/03 (Commission v Council) ⁽⁴⁾, the Court of Justice annulled Decision 2003/106/EC as it was based solely on Article 175(1), in conjunction with Article 300 of the Treaty, ruling that both Articles 133 and 175(1), in conjunction with the relevant provisions of Article 300, were the appropriate legal basis.
- (3) The Court's judgment does not affect the Community's status as Party to the Convention. In accordance with Article 46 of the Vienna Convention on the Law of Treaties, the deposit of a new instrument of ratification is therefore not required. A new Council Decision approving the Rotterdam Convention is however necessary together with an amended Declaration of competence to reflect the change in the legal base, in accordance with Article 25(3) of the Rotterdam Convention.
- (4) To ensure legal certainty and to avoid a legal void, it is appropriate for this Decision to take effect from the date at which Decision 2003/106/EC was adopted,

HAS DECIDED AS FOLLOWS:

Article 1

The Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade signed in Rotterdam on 11 September 1998, (hereinafter referred to as 'the Rotterdam Convention'), is hereby approved on behalf of the Community.

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

⁽²⁾ OJ L 63, 6.3.2003, p. 27.

⁽³⁾ OJ L 63, 6.3.2003, p. 29.

⁽⁴⁾ Not yet reported.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to deposit, on behalf of the Community, the Declaration of competence set out in the Annex to this Decision, in accordance with Article 25(3) of the Rotterdam Convention.

Article 3

This Decision shall take effect from 19 December 2002.

Done at Brussels, 25 September 2006.

For the Council

The President

M. PEKKARINEN

ANNEX

Declaration by the European Community in accordance with Article 25(3) of the Rotterdam Convention

The European Community declares that, in accordance with the Treaty establishing the European Community, and in particular Article 175(1) thereof, it is competent to enter into international agreements, and to implement the obligations resulting therefrom, which contribute to the pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment,
- protecting human health,
- prudent and rational utilisation of natural resources,
- promoting measures at international level to deal with regional or worldwide environmental problems.

The European Community also declares that, in accordance with Article 133 of the Treaty, it has exclusive competence on common commercial policy, concerning, in particular, trade in goods.

Moreover the European Community declares that it has already adopted legal instruments, including Regulation (EC) No 304/2003 of the European Parliament and of the Council of 28 January 2003 concerning the export and import of dangerous chemicals ⁽¹⁾, binding on its Member States, covering matters governed by the Rotterdam Convention, and will submit and update, as appropriate, a list of those legal instruments to the Secretariat of the Rotterdam Convention.

The European Community is responsible for the performance of those obligations resulting from the Rotterdam Convention which are covered by Community law in force.

The exercise of Community competence is, by its nature, subject to continuous development.

⁽¹⁾ OJ L 63, 6.3.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 777/2006 (OJ L 136, 24.5.2006, p. 9).

COMMISSION

COMMISSION DECISION

of 27 October 2006

on the publication with a restriction of the reference of standard EN 13000:2004 'Cranes — Mobile cranes' in accordance with Directive 98/37/EC of the European Parliament and of the Council

(notified under document number C(2006) 5059)

(Text with EEA relevance)

(2006/731/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery ⁽¹⁾ and in particular Article 6(1) thereof,

Having regard to the opinion of the standing committee set up by Article 5 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society Services ⁽²⁾,

Whereas:

(1) Where a national standard transposing a harmonised standard, the reference of which has been published in the *Official Journal of the European Union*, covers one or more essential health and safety requirements set out in Annex I to Directive 98/37/EC, the machine built in accordance with this standard is presumed to meet the essential requirements concerned.

(2) Pursuant to Article 6(1) of Directive 98/37/EC, Germany lodged a formal objection in respect of standard EN

13000:2004, adopted by the European Committee for Standardisation (CEN) on 22 April 2004, the reference of which has not yet been published in the *Official Journal of the European Union*.

(3) Having examined standard EN 13000:2004, the Commission has established that it fails to meet several essential health and safety requirements of Annex I to Directive 98/37/EC, namely requirement 4.2.1.4 (loading control) in conjunction with the requirements 1.1.2(c) (principles of safety integration), 1.2.5 (control mode selection), 1.3.1 (stability), 4.1.2.1 (risks due to lack of stability) and 4.1.2.3 (mechanical strength). Specifically, regarding clauses 4.2.6.3.1, 4.2.6.3.2 and 4.2.6.3.3 of the standard, the measures defined for designing and constructing mobile cranes do not guarantee a sufficiently high level of safety for the foreseeable use of the product. In particular, the standard does not specify adequate protective measures to prevent the misuse of the bridging device for the rated capacity limiter.

(4) In the interest of safety and legal certainty, the publication in the *Official Journal of the European Union* of the reference of standard should therefore be accompanied by an appropriate warning.

(5) Member States should add an identical warning in their national standards transposing standard EN 13000:2004,

⁽¹⁾ OJ L 207, 23.7.1998, p. 1. Directive as amended by Directive 98/79/EC (OJ L 331, 7.12.1998, p. 1).

⁽²⁾ OJ L 204, 21.7.1998, p. 37. Directive as last amended by the 2003 Act of Accession.

HAS ADOPTED THIS DECISION:

publication a warning identical to that set out in the Annex to this Decision.

Article 1

The publication in the *Official Journal of the European Union* of the references of standard EN 13000:2004 'Cranes — Mobile cranes' shall be as set out in the Annex.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 October 2006.

Article 2

Where, pursuant to Article 5(2) of Directive 98/37/EC, Member States publish the references of a national standard transposing harmonised standard EN 13000:2004, they shall add to that

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

(Publication of titles and references of European harmonised standards under Directive)

ESO ⁽¹⁾	Reference and title of the harmonised standard (and reference document)	First publication OJ	Reference of superseded standard	Date of cessation of presumption of conformity of superseded standard Note 1
CEN	EN 13000:2004 Cranes — Mobile cranes	This is the first publication	—	

Warning: This publication does not concern clauses 4.2.6.3.1, 4.2.6.3.2 and 4.2.6.3.3 of this standard, the application of which does not confer a presumption of conformity to the essential health and safety requirement 4.2.1.4 of Annex I to Directive 98/37/EC in conjunction with requirements 1.1.2(c), 1.2.5, 1.3.1, 4.1.2.1 and 4.1.2.3 of that Annex.

⁽¹⁾ ESO: European Standardisation Organisation:

- CEN: rue de Stassart 36, B-1050 Brussels, Tel. (32-2) 550 08 11; fax (32-2) 550 08 19 (<http://www.cenorm.be>);
- CENELEC: rue de Stassart 35, B-1050 Brussels, Tel. (32-2) 519 68 71; fax (32-2) 519 69 19 (<http://www.cenelec.org>);
- ETSI: 650, route des Lucioles, F-06921 Sophia Antipolis, Tel. (33) 492 94 42 00; fax (33) 493 65 47 16 (<http://www.etsi.org>).

Note 1 Generally the date of cessation of presumption of conformity will be the date of withdrawal (dow), set by the European Standardisation Organisation, but attention of users of these standards is drawn to the fact that in certain exceptional cases this can be otherwise.

Note 2.1 The new (or amended) standard has the same scope as the superseded standard. On the date stated, the superseded standard ceases to give presumption of conformity with the essential requirements of the directive.

Note 3 In case of amendments, the referenced standard is EN CCCC:YYYY, its previous amendments, if any, and the new, quoted amendment. The superseded standard (column 3) therefore consists of EN CCCC:YYYY and its previous amendments, if any, but without the new quoted amendment. On the date stated, the superseded standard ceases to give presumption of conformity with the essential requirements of the directive.

Note 4 Presumption of conformity for a product is achieved by complying with the requirements of Part 1 and the relevant Part 2 when this Part 2 is also listed in the OJ under Directive 98/37/EC.

Note:

- Any information concerning the availability of the standards can be obtained either from the European Standardisation Organisations or from the national standardisation bodies of which the list is annexed to the Directive 98/34/EC of the European Parliament and Council ⁽¹⁾ amended by the Directive 98/48/EC ⁽²⁾.
- Publication of the references in the *Official Journal of the European Union* does not imply that the standards are available in all the Community languages.
- This list replaces all the previous lists published in the *Official Journal of the European Union*. The Commission ensures the updating of this list.

More information about harmonised standards on the Internet at <http://europa.eu.int/comm/enterprise/newapproach/standardization/harmstds/>

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.

⁽²⁾ OJ L 217, 5.8.1998, p. 18.'

COMMISSION DECISION

of 27 October 2006

not to publish the reference of standard EN 13683:2003 'Garden equipment — Integrally powered shredders/chippers — Safety' in accordance with Directive 98/37/EC of the European Parliament and of the Council

*(notified under document number C(2006) 5060)***(Text with EEA relevance)**

(2006/732/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to the opinion of the Standing Committee established by Article 5 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services ⁽²⁾,

Whereas:

- (1) Where a national standard transposing a harmonised standard, the reference of which has been published in the *Official Journal of the European Union*, covers one or more essential health and safety requirements set out in Annex I to Directive 98/37/EC, the machine built in accordance with this standard is presumed to meet the essential requirements concerned.
- (2) Pursuant to Article 6(1) of Directive 98/37/EC, Germany lodged a formal objection in respect of standard EN 13683:2003, adopted by the European Committee for Standardisation (CEN) on 8 September 2003, the reference of which has not yet been published in the *Official Journal of the European Union*.
- (3) Having examined standard EN 13683:2003, the Commission has established that it fails to meet essential health and safety requirements 1.1.2.(c) (principles of safety integration), 1.3.8 (choice of protection

against risks related to moving parts) and 1.4.1 (general requirements for guards and protection devices) of Annex I to Directive 98/37/EC. First, the specifications set out in clauses 5.2.1.1 and 5.2.1.2 of the standard on preventing access to the cutting blade from the feed side and from above are not sufficient to avoid contact with the blade. It is possible to remove jammed cuttings whilst the appliance is running and for the hand to come into contact with the cutting blade in doing so. Second, the specifications set out in clause 5.2.2 of the standard on preventing access to the cutting blade from the discharge chute from below are not sufficient. The dimensions of the discharge chute are such that an adult hand could come into contact with the cutting blade.

- (4) The references of standard EN 13683:2003 should therefore not be published in the *Official Journal of the European Union*,

HAS ADOPTED THIS DECISION:

Article 1

The references of standard EN 13683:2003 'Garden equipment — Integrally powered shredders/chippers — Safety' shall not be published in the *Official Journal of the European Union*.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 October 2006.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 207, 23.7.1998, p. 1. Directive as amended by Directive 98/79/EC (OJ L 331, 7.12.1998, p. 1).

⁽²⁾ OJ L 204, 21.7.1998, p. 37. Directive as last amended by the 2003 Act of Accession.

COMMISSION DECISION

of 27 October 2006

not to publish the reference of standard EN ISO 14122-4:2004 'Safety of machinery — Permanent means of access to machinery — Part 4: Fixed ladders' in accordance with Directive 98/37/EC of the European Parliament and of the Council

*(notified under document number C(2006) 5062)***(Text with EEA relevance)**

(2006/733/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to the opinion of the Standing Committee set up under Article 5 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services ⁽²⁾,

Whereas:

- (1) Directive 98/37/EC provides that machinery may be placed on the market and put into service only if it does not endanger the safety of persons, domestic animals or goods, when properly installed and maintained and used for its intended purpose.
- (2) Where a national standard transposing a harmonised standard, the reference of which has been published in the *Official Journal of the European Union*, covers one or more essential health and safety requirements set out in Annex I to Directive 98/37/EC, the machine built in accordance with this standard is presumed to meet the essential requirements concerned.
- (3) Pursuant to Article 6(1) of Directive 98/37/EC, France lodged a formal objection in respect of standard EN ISO 14122-4:2004 adopted by the European Committee for Standardisation (CEN) on 18 March 2003, the reference of which has not yet been published in the *Official Journal of the European Union*.

- (4) Having examined standard EN ISO 14122-4:2004, the Commission has established that the specifications set out in its clauses 4.3.2 (choice of the type of fall protection device) in conjunction with clauses 6.2 (instructions for use) and 6.3 (marking) fail to meet essential requirements 1.1.2(b) (principles of safety integration), 1.5.15 (risk of slipping, tripping or falling) and 1.6.2 (access to operating positions and servicing points) of Annex I to Directive 98/37/EC.
- (5) Specifically, the technical solution described in standard EN ISO 14122-4:2004 — a fall arrester — does not prevent a fall from a fixed ladder. It only limits the consequences of a fall and requires deliberate action on the part of the operator to use personal protective equipment (PPE).
- (6) Fall arresters have several major disadvantages. First, they put constraint on the operator. This may result in operators, and in particular those performing frequent maintenance operations, failing to equip themselves with the PPE before using a fixed ladder. Second, they create secondary hazards in the event of an operator falling and hitting the fixed parts of the machine or installation, if there is not minimum clearance below the operator. Moreover, this unobstructed area must necessarily be larger than the enclosed area required by a cage. Third, they constitute an organisational constraint for companies (management of PPE, need for compatibility between the PPE and the anchorage system). This constraint can lead to malfunctions, which in turn can lead to accidents.
- (7) In contradiction with essential requirement 1.1.2.(b) of Annex I to Directive 98/37/EC, clauses 4.3.2, 6.2 and 6.3 of standard EN ISO 14122-4:2004 put requirements for integrated protective measures (the cage) on the same level as those suitable only for residual risks (PPE).
- (8) The purpose of a standard such as EN ISO 14122-4:2004 is to deal with an aspect of safety relating to a wide range of machinery, and not with specific cases. If, for a specific type of machinery, essential requirements 1.1.2, 1.5.15 and 1.6.2 of Annex I to Directive 98/37/EC cannot be fully satisfied, a standard for that type of machinery may specify the alternative measures to be taken.

⁽¹⁾ OJ L 207, 23.7.1998, p. 1. Directive as amended by Directive 98/79/EC (OJ L 331, 7.12.1998, p. 1).

⁽²⁾ OJ L 204, 21.7.1998, p. 37. Directive as last amended by the 2003 Act of Accession.

- (9) The reference of standard EN ISO 14122-4:2004 should therefore not be published in the *Official Journal of the European Union*,

Article 2

This Decision is addressed to the Member States.

HAS ADOPTED THIS DECISION:

Done at Brussels, 27 October 2006.

Article 1

The reference of standard EN ISO 14122-4:2004 'Safety of machinery — Permanent means of access to machinery — Part 4: Fixed ladders' shall not be published in the *Official Journal of the European Union*.

For the Commission

Günter VERHEUGEN

Vice-President
