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Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1747/2006 of 27 November 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

Commission Regulation (EC) No 1748/2006 of 27 November 2006 amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year 3

★ **Commission Regulation (EC) No 1749/2006 of 27 November 2006 amending Regulation (EC) No 1445/95 on rules of application for import and export licences in the beef and veal sector** 5

★ **Commission Regulation (EC) No 1750/2006 of 27 November 2006 concerning the authorisation of selenomethionine as a feed additive ⁽¹⁾** 9

★ **Commission Directive 2006/119/EC of 27 November 2006 amending for the purposes of adapting to technical progress Directive 2001/56/EC of the European Parliament and of the Council concerning heating systems for motor vehicles and their trailers ⁽¹⁾** 12

★ **Commission Directive 2006/120/EC of 27 November 2006 correcting and amending Directive 2005/30/EC amending, for the purposes of their adaptation to technical progress, Directives 97/24/EC and 2002/24/EC of the European Parliament and of the Council, relating to the type-approval of two or three-wheel motor vehicles ⁽¹⁾** 16

II Acts whose publication is not obligatory

Council

2006/848/EC:

★ **Council Decision of 17 July 2006 on the signing and provisional application of the Agreement between the European Community and the Eastern Republic of Uruguay on certain aspects of air services** 18

Agreement between the European Community and the Oriental Republic of Uruguay on certain aspects of air services 19

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

2006/849/EC:

★ Council Decision of 20 November 2006 amending and extending Decision 2001/923/EC establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the Pericles programme) 28

2006/850/EC:

★ Council Decision of 20 November 2006 extending to the non-participating Member States the application of Decision 2006/849/EC amending and extending Decision 2001/923/EC establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the Pericles programme) 30

Commission

2006/851/Euratom:

★ Commission Recommendation of 24 October 2006 on the management of financial resources for the decommissioning of nuclear installations, spent fuel and radioactive waste 31

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1747/2006
of 27 November 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 November 2006.

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

Done at Brussels, 27 November 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 November 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	63,9
	096	65,2
	204	34,5
	999	54,5
0707 00 05	052	114,3
	204	71,5
	628	171,8
	999	119,2
0709 90 70	052	155,8
	204	97,6
	999	126,7
0805 20 10	204	63,1
	999	63,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	65,9
	400	71,8
	999	68,9
0805 50 10	052	56,0
	528	29,1
	999	42,6
0808 10 80	388	107,1
	400	110,6
	404	96,2
	720	87,4
	999	100,3
0808 20 50	052	97,8
	720	55,9
	999	76,9

⁽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 1748/2006**of 27 November 2006****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾,

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

Whereas:

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

for the 2006/2007 marketing year are fixed by Commission Regulation (EC) No 1002/2006 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 1710/2006 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 November 2006.

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

Done at Brussels, 27 November 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 55, 28.2.2006, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 179, 1.7.2006, p. 36.

⁽⁴⁾ OJ L 321, 21.11.2006, p. 3.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 28 November 2006

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	23,66	4,47
1701 11 90 ⁽¹⁾	23,66	9,70
1701 12 10 ⁽¹⁾	23,66	4,28
1701 12 90 ⁽¹⁾	23,66	9,27
1701 91 00 ⁽²⁾	26,52	11,97
1701 99 10 ⁽²⁾	26,52	7,45
1701 99 90 ⁽²⁾	26,52	7,45
1702 90 99 ⁽³⁾	0,27	0,38

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

⁽²⁾ Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.

⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 1749/2006**of 27 November 2006****amending Regulation (EC) No 1445/95 on rules of application for import and export licences in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 33(12) thereof,

Whereas:

(1) Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽²⁾ sets out the conditions for the operation of the system of import and export licences in the beef and veal sector.

(2) Since the start of 2005, the level of export refunds in the beef and veal sector has been reduced several times. The level of the security for export licences with advance fixing of the refund has not, however, been adapted to this new situation. The levels of that security should be adapted to take account of these reductions, maintaining a ratio between the level of the security and the level of the refund similar to that which applied prior to the reduction of the refunds.

(3) Exports in the beef and veal sector have been declining steadily since 2000. In the interests of simplification and efficient management, in the current context it would also appear appropriate to review the rules for issuing those export licences which do not have to be issued immediately. In this context, the communication by the Member States to the Commission of applications for export licences should be limited to one notification per week. Similarly, the quantities for which export licences may, at the request of the operator, be issued immediately should be increased from 22 to 25 tonnes.

(4) Commission Regulation (EC) No 1741/2006 ⁽³⁾ lays down the conditions for granting the special export refund on boned meat of adult male bovine animals placed under the customs warehousing procedure prior to export. To allow the smooth operation of that system, it should be laid down that licences which are to be

issued immediately, with a validity restricted to five working days, do not allow access to the customs warehousing procedure prior to export provided for in Regulation (EC) No 1741/2006.

(5) For the same reasons, it should also be laid down that the reduction of the refund provided for in Article 18(3) of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽⁴⁾ where the destination of the beef and veal has changed from that initially indicated on the export certificate does not apply to the beef and veal placed under that system.

(6) Regulation (EC) No 1445/95 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1445/95 is hereby amended as follows:

1. Article 9(1) is amended as follows:

(a) in point (a), 'ECU 44' is replaced by 'EUR 26';

(b) in point (b), 'ECU 29' is replaced by 'EUR 15';

(c) in point (c), 'ECU 16' is replaced by 'EUR 9'.

2. Article 10 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Applications for export licences with advance fixing of the refund as referred to in Article 8(1) may be lodged with the competent authorities from Monday to Friday each week.'

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

⁽²⁾ OJ L 143, 27.6.1995, p. 35. Regulation last amended by Regulation (EC) No 1713/2006 (OJ L 321, 21.11.2006, p. 11).

⁽³⁾ OJ L 329, 25.11.2006, p. 7.

⁽⁴⁾ OJ L 102, 17.4.1999, p. 11. Regulation last amended by Regulation (EC) No 1713/2006.

Export licences shall be issued on the Wednesday following the week in which the application is lodged, provided that none of the particular measures referred to in paragraphs 2 or 2a have since been taken by the Commission.

However, licences applied for within the framework of Article 16 of Regulation (EC) No 1291/2000 shall be issued immediately.

By way of derogation from the second subparagraph, the Commission may, in accordance with the procedure laid down in Article 43(2) of Regulation (EC) No 1254/1999, set a day other than Wednesday for the issuing of export licences when it is not possible to respect this day.;

(b) paragraph 5 is replaced by the following:

‘5. Notwithstanding paragraph 1, licences in respect of applications for a quantity not exceeding 25 tonnes of products falling within CN codes 0201 and 0202 shall be issued immediately. In such cases, notwithstanding Article 8, the term of validity of the licences shall be limited to five working days from their actual day of issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000, and box 20 of licence applications and licences shall indicate at least one of the entries listed in Annex IIIa to this Regulation.’

3. In Article 11, the following paragraph 2 is added:

‘2. The second indent of Article 18(3)(b) of Commission Regulation (EC) No 800/1999 (*) shall not apply to special export refunds granted to products falling within CN codes 0201 30 00 91 00 and 0201 30 00 91 20 of the agricultural product nomenclature for export refunds established by

Commission Regulation (EEC) No 3846/87 (**) where these products have been placed under the customs warehousing procedure in accordance with Article 4 of Commission Regulation (EC) No 1741/2006 (***).

(*) OJ L 102, 17.4.1999, p. 11.

(**) OJ L 366, 24.12.1987, p. 1.

(***) OJ L 329, 25.11.2006, p. 7.’

4. In the first indent of Article 13(1), the words ‘and Thursday’ are deleted.

5. Annex IIIa, as set out in the Annex to this Regulation, is added.

6. Annex IV is amended as follows:

(a) ‘Addressee: DG VI/D/2; Fax (32-2) 296 60 27’ is replaced by:

‘Addressee: DG AGRI/D/2; Fax (32-2) 292 17 22; e-mail: AGRI-EXP-BOVINE@ec.europa.eu’;

(b) In the title of Part A, ‘Thursday’ is deleted.

Article 2

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

It shall apply from 1 January 2007.

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

Done at Brussels, 27 November 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

‘ANNEX IIIa

Entries referred to in Article 10(5)

- *In Bulgarian:* „Сертификат, валиден пет работни дни и неизползваем за поставяне на обезкостено говеждо месо от възрастни мъжки животни от рода на едрия рогат добитък под режим митнически склад съгласно член 4 от Регламент (ЕО) № 1741/2006“
- *In Spanish:* “Certificado válido durante cinco días hábiles, no utilizable para colocar la carne de vacuno deshuesada de bovinos machos pesados bajo el régimen de depósito aduanero de conformidad con el artículo 4 del Reglamento (CE) nº 1741/2006”
- *In Czech:* „Licence platná po dobu pěti pracovních dní a nepoužitelná pro propuštění vykostěného masa z dospělého skotu samčího pohlaví do režimu uskladňování v celním skladu podle článku 4 nařízení (ES) č. 1741/2006“
- *In Danish:* »Licens er gyldig i fem arbejdsdage og kan ikke benyttes til at anbringe udbenet oksekød af voksne handyr under den toldoplagsordning, der er omhandlet i artikel 4 i forordning (EF) nr. 1741/2006.«
- *In German:* „Fünf Arbeitstage gültige und für die Unterstellung von entbeintem Fleisch ausgewachsener männlicher Rinder unter das Zollagervverfahren gemäß Artikel 4 der Verordnung (EG) Nr. 1741/2006 nicht verwendbare Lizenz.“
- *In Estonian:* “Litsents kehtib viis päeva ja seda ei saa kasutada täiskasvanud isasveiste konditustatud liha enne eksportimist tolliladustamisprotseduurile suunamisel vastavalt määruse (EÜ) nr 1741/2006 artiklile 4.”
- *In Greek:* “Πιστοποιητικό το οποίο ισχύει πέντε εργάσιμες ημέρες και δεν χρησιμοποιείται για την υπαγωγή κρεάτων χωρίς κόκκαλα από αρσενικά ενήλικα βοοειδή υπό το καθεστώς της τελωνειακής αποταμίευσης σύμφωνα με το άρθρο 4 του κανονισμού (ΕΚ) αριθ. 1741/2006”
- *In English:* “Licence valid for five working days and not useable for placing boned meat of adult male bovine animals under the customs warehousing procedure in accordance with Article 4 of Regulation (EC) No 1741/2006.”
- *In French:* “Certificat valable cinq jours ouvrables et non utilisable pour le placement de viandes bovines désossées de gros bovins mâles sous le régime de l'entrepôt douanier conformément à l'article 4 du règlement (CE) nº 1741/2006.”
- *In Italian:* “Titolo valido cinque giorni lavorativi e non utilizzabile ai fini dell'assoggettamento di carni bovine disossate di bovini maschi adulti al regime di deposito doganale conformemente all'articolo 4 del regolamento (CE) n. 1741/2006”
- *In Latvian:* “Sertifikāts ir derīgs piecas darbdienu un saskaņā ar Regulas (EK) Nr. 1741/2006 4. pantu nav izmantojams pieauguša liellopa gaļas bez kauliem novietošanai muitas režīma noliktavās.”
- *In Lithuanian:* „Penkias darbo dienas galiojanti ir jaučių mėsos be kaulo muitinio sandėliavimo procedūrai įforminti pagal Reglamento (EB) Nr. 1741/2006 4 straipsnį nenaudojama licencija“
- *In Hungarian:* »Az engedély öt munkanapig érvényes és nem használható fel arra, hogy kifejelett, hímivarú szarvasmarhafélékből származó kicsontozott húst vámraktározási eljárás alá helyezzenek az 1741/2006/EK rendelet 4. cikkével összhangban.«
- *In Maltese:* ‘Licenzja valida għal hames granet tax-xogħol, u mhux utillizzabbli għat-tqeghid tal-laħam disussat ta’ annimali bovini adulti rġiel taħt il-proċedura tal-ħżin doganali skond l-Artikolu 4 tar-Regolament (KE) Nru 1741/2006’
- *In Dutch:* „Dit certificaat heeft een geldigheidsduur van vijf werkdagen en mag niet worden gebruikt om rundvlees zonder been van volwassen mannelijke runderen onder het stelsel van douane entrepots te plaatsen overeenkomstig artikel 4 van Verordening (EG) nr. 1741/2006“.
- *In Polish:* »Pozwolenie ważne pięć dni roboczych, nie może być stosowane do objęcia procedurą składu celnego wołowiny bez kości pochodzącej z dorosłego bydła płci męskiej zgodnie z art. 4 rozporządzenia (WE) nr 1741/2006«
- *In Portuguese:* “Certificado válido durante cinco dias úteis, não utilizável para a colocação de carne de bovino desossada de bovinos machos adultos sob o regime de entreposto aduaneiro em conformidade com o artigo 4.º do Regulamento (CE) nº 1741/2006.”

-
- *In Romanian:* «Licență valabilă timp de cinci zile lucrătoare și care nu poate fi utilizată pentru a plasa carnea de vită și mînzat dezosată de la bovine adulte masculi în regimul de antrepozitare vamală în conformitate cu articolul 4 din Regulamentul (CE) nr. 1741/2006.»
- *In Slovak:* ‚Povolenie platné päť pracovných dní a nepoužiteľné na umiestnenie vykoseného mäsa dospelých samcov hovädzieho dobytku do režimu colného skladu v súlade s článkom 4 nariadenia (ES) č. 1741/2006.‘
- *In Slovene:* ‚Dovoljenje je veljavno pet delovnih dni in se ne uporablja za dajanje odkoščenega mesa odraslega goveda moškega spola v postopek carinskega skladiščenja v skladu s členom 4 Uredbe (ES) št. 1741/2006.‘
- *In Finnish:* ‘Todistus on voimassa viisi työpäivää. Sitä ei voida käyttää asetuksen (EY) N:o 1741/2006 4 artiklan mukaiseen täysikasvuisten urospuolisten nautaeläinten luuttomaksi leikatun lihan asettamiseen tullivara-astointimenettelyyn.’
- *In Swedish:* ‘Licens giltig under fem arbetsdagar; får inte användas för att låta urbenade styckningsdelar från fullvuxna handjur av nötkreatur omfattas av tullagerförandet enligt artikel 4 i förordning (EG) nr 1741/2006.’
-

COMMISSION REGULATION (EC) No 1750/2006
of 27 November 2006
concerning the authorisation of selenomethionine as a feed additive
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽²⁾.

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.

(2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex. That application was accompanied by the particulars and documents required under Article 7(3) of that Regulation.

(3) The application concerns authorisation of the preparation selenomethionine as a feed additive for all species, to be classified in the additive category 'nutritional additives'.

(4) The method of analysis included in the application for authorisation in accordance with Article 7(3)(c) of Regulation (EC) No 1831/2003 concerns the determination of the active substance of the feed additive in feed. The method of analysis referred to in the Annex to this Regulation is therefore not to be understood as a Community method of analysis within the meaning of Article 11 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April

(5) The European Food Safety Authority (the Authority) concluded in its opinion of 19 April 2006 that selenomethionine does not have an adverse effect on animal health, human health or the environment ⁽³⁾. It further concluded that selenomethionine not present any other risk which would, in accordance with Article 5(2) of Regulation (EC) No 1831/2003, exclude authorisation. According to that opinion, the use of that preparation can be considered as a source of bio available Se and fulfils the criteria of a nutritional additive for all species. The opinion of the Authority recommends appropriate measures for user safety. It does not consider that there is a need for specific requirements of post market monitoring. This opinion also verifies the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003. The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.

(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

The preparation specified in the Annex, belonging to the additive category 'nutritional additives' and to the functional group 'compounds of trace elements', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

⁽²⁾ OJ L 165, 30.4.2004, p. 1, corrected by OJ L 191, 28.5.2004, p. 1. Regulation as amended by Commission Regulation (EC) No 776/2006 (OJ L 36, 24.5.2006, p. 3).

⁽³⁾ Opinion of the Scientific Panel on Additives and Products or Substances used in Animal Feed on the safety and efficacy of the product Sel-Plex® as a feed additive according with Regulation (EC) No 1831/2003. Adopted on 19 April 2006. The EFSA Journal (2006) 348, p. 1.

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 November 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Maximum content of element (Se) in mg/kg of complete feedingstuff with a moisture content of 12 %			
Category of nutritional additives. Functional group: compounds of trace elements									
3b8.10	—	Organic form of Selenium produced by <i>Saccharomyces cerevisiae</i> CNCM I-3060 (Selenised yeast inactivated)	Characterisation of the additive: Organic selenium mainly selenomethionine (63 %) and low molecular weight seleno-components (34-36 %) content of 2 000-2 400 mg Se/kg (97-99 % of organic selenium) Analytical method ⁽¹⁾ Zeeman graphite furnace Atomic Absorption Spectrometry (AAS) or Hydrid AAS	All species	—		0,50 (total)	The additive shall be incorporated in compound feedingstuffs in form of a premixture. For user safety: breathing protection during handling and safety glasses and gloves	10 years from the date of entry into force of this Regulation

⁽¹⁾ Details of the analytical methods are available at the following address of the Community Reference Laboratory: www.irmm.jrc.be/html/crlfaa/

COMMISSION DIRECTIVE 2006/119/EC**of 27 November 2006****amending for the purposes of adapting to technical progress Directive 2001/56/EC of the European Parliament and of the Council concerning heating systems for motor vehicles and their trailers****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

*Article 1***Amendment to Directive 2001/56/EC**

Directive 2001/56/EC is amended in accordance with the text set out in the Annex to this Directive.

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾ and in particular Article 13(2) thereof,

*Article 2***Transitional provisions**

Whereas:

- (1) Directive 2001/56/EC of the European Parliament and of the Council ⁽²⁾ is one of the separate directives under the EC type-approval procedure which has been established by Directive 70/156/EEC. Directive 2001/56/EC lays down requirements for the type-approval of vehicles fitted with combustion heaters and of combustion heaters as components.
 - (a) refuse to grant EC type-approval or national type-approval;
 - (b) prohibit the registration, sale or entry into service of a vehicle of that type.
- (2) United Nations ECE Regulation No 122 concerning the approval of vehicles of categories M, N and O with regard to their heating systems entered into force on 18 January 2006. Since this regulation is applicable to the Community, it is necessary to provide equivalence between the requirements laid down in Directive 2001/56/EC and those laid down in United Nations ECE Regulation No 122. Therefore, the specific requirements set out in Annex 9 to United Nations ECE Regulation No 122, concerning the heating systems of vehicles transporting dangerous goods, shall be introduced in Directive 2001/56/EC.
 - (a) refuse to grant EC type-approval or national type-approval;
 - (b) prohibit the sale or entry into service of a component of that type.
- (3) Directive 2001/56/EC should therefore be amended accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress established under Article 13 of Directive 70/156/EEC,

⁽¹⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Directive 2006/40/EC of the European Parliament and of the Council (OJ L 161, 14.6.2006, p. 12).

⁽²⁾ OJ L 292, 9.11.2001, p. 21. Directive as last amended by the Commission Directive 2004/78/EC (OJ L 231, 30.6.2004, p. 69).

3. With effect from 1 April 2008, in respect of a type of vehicle fitted with an LPG fuelled heating system, or a type of LPG fuelled combustion heater as a component, which does not comply with the requirements laid down in Directive 2001/56/EC as amended by this Directive, Member States shall refuse to grant EC type-approval and may refuse to grant national type-approval.

*Article 3***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 September 2007 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. 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.

*Article 4***Entry into force**

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

*Article 5***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 27 November 2006.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Directive 2001/56/EC is amended as follows:

1. The following line is added at the end of the 'list of Annexes':

'Annex IX Additional provisions applicable to certain vehicles as defined in Directive 94/55/EC'

2. Annex VIII is amended as follows:

- (a) The title of section 1 is replaced by the following:

'1. LPG HEATING SYSTEMS FOR ROAD USE IN MOTOR VEHICLES'

- (b) Point 1.1.6.2 is replaced by the following:

'1.1.6.2. no uncontrolled release due to an accidental disconnection can occur. Means shall be provided to stop the flow of LPG by installing a device directly after, or in, a cylinder or container mounted regulator, or, if the regulator is mounted remote from the cylinder or container, a device shall be installed directly before the hose or pipe from the cylinder or container and an additional device shall be installed in, or after, the regulator.'

- (c) The title of Section 2 is replaced by the following:

'2. LPG HEATING SYSTEMS FOR STATIONARY USE ONLY IN MOTOR VEHICLES AND THEIR TRAILERS'

3. The following Annex IX is added:

'ANNEX IX

ADDITIONAL PROVISIONS APPLICABLE TO CERTAIN VEHICLES AS DEFINED IN DIRECTIVE 94/55/EC (*)

1. SCOPE

This annex applies to vehicles to which specific requirements concerning combustion heaters and their installation laid down in Directive 94/55/EC apply.

2. DEFINITIONS

For the purpose of this Annex, the definitions of the vehicle designations EX/II, EX/III, AT, FL and OX set out in Chapter 9.1 of Annex B to Directive 94/55/EC apply.

3. TECHNICAL PROVISIONS

- 3.1. **General (EX/II, EX/III, AT, FL and OX vehicles)**

- 3.1.1. The combustion heaters and their exhaust gas routing shall be designed, located, protected or covered so as to prevent any unacceptable risk of heating or ignition of the load. This requirement shall be considered as fulfilled if the fuel tank and the exhaust system of the appliance conform to the provisions set out in the points 3.1.1.1 and 3.1.1.2. Compliance with those provisions shall be verified on the completed vehicle.

- 3.1.1.1. Any fuel tanks for supplying the appliance shall meet the following requirements:

- (a) in the event of any leakage, the fuel shall drain to the ground without coming into contact with hot parts of the vehicle or the load;
- (b) fuel tanks containing petrol shall be equipped with an effective flame trap at the filler opening or with a closure enabling the opening to be kept hermetically sealed.

- 3.1.1.2. The exhaust system as well as the exhaust pipes shall be so directed or protected to avoid any danger to the load through heating or ignition. Parts of the exhaust system situated directly below the fuel tank (diesel) shall have a clearance of at least 100 mm or be protected by a thermal shield.
- 3.1.2. The combustion heater shall be switched on manually. Programming devices shall be prohibited.
- 3.2. **EX/II and EX/III vehicles**
Combustion heaters using gaseous fuels are not permitted.
- 3.3. **FL vehicles**
- 3.3.1. The combustion heaters shall be put out of operation by at least the following methods:
- (a) intentional manual switching off from the driver's cab;
 - (b) stopping of the vehicle engine; in this case the heating device may be restarted manually by the driver;
 - (c) start-up of a feed pump on the motor vehicle for the dangerous goods carried.
- 3.3.2. After running is permitted after the combustion heaters have been put out of operation. For the methods set out in points (b) and (c) of paragraph 3.3.1 the supply of combustion air shall be interrupted by suitable measures after an after-running cycle of not more than 40 seconds. Only heaters for which proof has been furnished that the heat exchanger is resistant to the reduced after-running cycle of 40 seconds for the time of their normal use shall be used.

(*) OJ L 319, 21.12.1994 p. 7.

COMMISSION DIRECTIVE 2006/120/EC**of 27 November 2006****correcting and amending Directive 2005/30/EC amending, for the purposes of their adaptation to technical progress, Directives 97/24/EC and 2002/24/EC of the European Parliament and of the Council, relating to the type-approval of two or three-wheel motor vehicles****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 97/24/EC of the European Parliament and of the Council of 17 June 1997 on certain components and characteristics of two- or three-wheel motor vehicles ⁽¹⁾, and in particular Article 7 thereof,

Having regard to Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two- and three-wheel motor vehicles and repealing Council Directive 92/61/EEC ⁽²⁾, and in particular Article 17 thereof,

Whereas:

- (1) Commission Directive 2005/30/EC contains some errors which must be corrected.
- (2) It is necessary to clarify with the retroactive effect that Article 3(1) of Directive 2005/30/EC concerns new replacement catalytic converters, which comply with Directive 97/24/EC as amended by Directive 2005/30/EC.
- (3) Editorial corrections should also be made in Annex I to Directive 2005/30/EC.
- (4) Furthermore, it is necessary to make clear, by way of a new provision, that the sale or installation on a vehicle of replacement catalytic converters which are not of a type in respect of which a type-approval has been granted in compliance with Directive 97/24/EC, as amended by 2005/30/EC, is forbidden after a certain transitional period.
- (5) Directive 2005/30/EC should therefore be corrected and amended accordingly.

- (6) The measures provided for this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2005/30/EC is corrected as follows:

1. Article 3(1) is replaced by the following:

‘1. With effect from 18 May 2006 Member States shall not, in respect of new replacement catalytic converters complying with the requirements of Directive 97/24/EC as amended by this Directive and which are intended to be fitted on vehicles that have been type-approved in accordance with Directive 97/24/EC:

- (a) refuse to grant EC type-approval pursuant to Article 4(1) of Directive 2002/24/EC;
- (b) prohibit the sale or installation on a vehicle.’

2. In Annex I, ‘section 5 of Annex VI’ is replaced by ‘section 4a of Annex VI’ throughout the text.

Article 2

The following paragraph 3 is added to Article 3 of Directive 2005/30/EC:

‘3. With effect from 1 January 2009, Member States shall refuse the sale or installation on a vehicle of replacement catalytic converters which are not of a type in respect of which a type-approval has been granted in compliance with Directive 97/24/EC, as amended by this Directive.’

⁽¹⁾ OJ L 226, 18.8.1997, p. 1. Directive as last amended by Commission Directive 2006/27/EC (OJ L 66, 8.3.2006, p. 7).

⁽²⁾ OJ L 124, 9.5.2002, p. 1. Directive as last amended by Commission Directive 2005/30/EC (OJ L 106, 27.4.2005, p. 17).

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 September 2007 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. 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.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 27 November 2006.

For the Commission

Günter VERHEUGEN

Vice-President

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 Eastern Republic of Uruguay on certain aspects of air services

(2006/848/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Article 1

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,

The signing of the Agreement between the European Community and the Eastern Republic of Uruguay on certain aspects of air services is hereby approved on behalf of the Community, subject to the conclusion of the said Agreement.

Having regard to the proposal from the Commission,

The text of the Agreement is attached to this Decision.

Article 2

Whereas:

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

(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.

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

(2) On behalf of the Community, the Commission has negotiated an Agreement with the Eastern Republic of Uruguay 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.

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.

(3) Subject to its possible conclusion at a later date, the Agreement negotiated by the Commission should be signed and provisionally applied,

For the Council
The President
E. TUOMIOJA

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

THE EUROPEAN COMMUNITY,

of the one part,

and

THE ORIENTAL REPUBLIC OF URUGUAY (hereinafter referred to as Uruguay),

of the other part,

(hereinafter referred to as the Parties),

NOTING that bilateral air service agreements have been signed between several Member States of the European Community and Uruguay containing provisions contrary to European 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 States providing for the possibility for the nationals of such third States 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 Uruguay, 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 Uruguay 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, in the light of the above, provisions in bilateral air service agreements concluded between Member States of the European Community and Uruguay 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 to affect the balance between Community air carriers and air carriers of Uruguay, 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. 'LACAC Member States' shall mean Member States of the Latin American Civil Aviation Commission.
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 and limitation of authorisations

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 Uruguay, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively. The provisions in paragraphs 4 and 5 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 Uruguay, its authorisations and permissions granted by the Member State, 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, Uruguay 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 Operators Certificate and the relevant aeronautical authority is clearly identified in the designation; and

(iii) the air carrier is owned, directly or through majority ownership, and it is effectively controlled by Member States and/or nationals of Member States, or by other States listed in Annex III and/or nationals of such other States.

3. Uruguay may refuse, revoke, suspend or limit the authorisations or permissions of an air carrier designated by a Member State where:

- (i) the air carrier is not established, under the Treaty establishing the European Community, in the territory of the designating Member State or does not have a valid Operating Licence in accordance with European Community law; or
- (ii) effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its Air Operators Certificate, or the relevant aeronautical authority is not clearly identified in the designation; or
- (iii) the air carrier is not owned and effectively controlled directly or through majority ownership by Member States and/or nationals of Member States, or by other States listed in Annex III and/or nationals of such other States; or
- (iv) Uruguay demonstrates that, by exercising traffic rights under this Agreement on a route that includes a point in another Member State, the airline would be circumventing restrictions on traffic rights imposed by a bilateral agreement between Uruguay and that other Member State; or
- (v) the airline holds an Air Operators Certificate issued by a Member State and there is no bilateral air services agreement between Uruguay and that Member State, and traffic rights to that Member State have been denied to the air carrier designated by Uruguay.

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

4. On receipt of a designation by Uruguay, a Member State shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

- (i) the air carrier is established in the territory of Uruguay; and

(ii) Uruguay has and maintains effective regulatory control of the airline and is responsible for issuing its Air Operators Certificate; and

(iii) the air carrier is owned and effectively controlled directly or through majority ownership by LACAC Member States and/or nationals of LACAC Member States, unless more favourable provisions have been agreed in the bilateral air services agreement between that Member State and Uruguay.

5. A Member State may refuse, revoke, suspend or limit the authorisation or permissions of an air carrier designated by Uruguay where:

- (i) the air carrier is not established in Uruguay; or
- (ii) effective regulatory control of the air carrier is not exercised or not maintained by Uruguay or Uruguay is not responsible for issuing its Air Operators Certificate; or
- (iii) the air carrier is not owned and effectively controlled directly or through majority ownership by LACAC Member States and/or nationals of LACAC Member States, unless more favourable provisions have been agreed in the bilateral air services agreement between that Member State and Uruguay; or
- (iv) the air carrier is already authorised to operate under a bilateral agreement between the Member State and another LACAC Member State and the Member State demonstrates that, by exercising traffic rights under this Agreement on a route that includes a point in that other LACAC Member State, it would be circumventing restrictions on the traffic rights imposed by that other agreement.

Article 3

Rights with regard to regulatory control

1. The provisions in paragraph 2 of this Article shall complement 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 Uruguay under the safety provisions of the agreement between the Member State that has designated the air carrier and Uruguay 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 authorisations 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 Uruguay 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.

3. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex II(d) shall prevent Uruguay 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 a Member State that operates between a point in the territory of Uruguay and another point in the territory of Uruguay or in the territory of another LACAC Member State.

Article 5

Tariffs for carriage within the European Community

1. The provisions in paragraph 2 of this Article shall complement the Articles listed in Annex II(e).

2. The tariffs to be charged by the air carrier(s) designated by Uruguay 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. European Community law is applied in a non-discriminatory manner.

Article 6

Compatibility with competition rules

1. The bilateral air services agreements concluded between Member States and Uruguay shall not (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.

2. The provisions listed in Annex II(f) shall not be applied in a way that would be incompatible with paragraph 1 of this Article.

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

The Annexes to this Agreement 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 in 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 contracting 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. Agreements between Member States and Uruguay which, at the date of signature of this Agreement, have not yet entered

into force and are not being applied provisionally are listed in Annex I(b). This Agreement shall apply to all such Agreements and arrangements upon their 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, sign this Agreement.

Done at Montevideo in duplicate, on this third day of November, 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, and Swedish languages. In case of divergence the Spanish text shall prevail over the other language texts.

ANNEX I

LIST OF AGREEMENTS REFERRED TO IN ARTICLE 1 OF THIS AGREEMENT

- (a) Air service agreements between Uruguay 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:

— Agreement between the Oriental Republic of Uruguay and the Federal Republic of Germany on air transport, signed at Montevideo on 31 August 1957, hereinafter referred to as 'Uruguay-Germany Agreement' in Annex II.

Last modified by the Agreed Record done at Bonn on 9 July 1997,

— Agreement between the Government of the Oriental Republic of Uruguay and the Government of the Kingdom of Belgium concerning air services, signed at Montevideo on 5 October 1972, hereinafter referred to as 'Uruguay-Belgium Agreement' in Annex II,

— Agreement between the Government of the Oriental Republic of Uruguay and the Government of the Kingdom of Denmark on air services, signed at Montevideo on 18 December 1981, hereinafter referred to as 'Uruguay-Denmark Agreement' in Annex II,

— Agreement between the Kingdom of Spain and the Oriental Republic of Uruguay on commercial air transport, signed at Montevideo on 13 August 1979, hereinafter referred to as 'Uruguay-Spain Agreement' in Annex II.

Last Modified by the Agreed Record signed at Madrid on 21 October 2005,

— Air Transport Agreement between the Governments of the Kingdom of the Netherlands and the Oriental Republic of Uruguay, signed at The Hague on 21 November 1979, hereinafter referred to as 'Uruguay-Netherlands Agreement' in Annex II,

— Agreement between the Oriental Republic of Uruguay and the Portuguese Republic on air transport, as provided for in Annex II to the Memorandum of Understanding signed in Lisbon on 9 September 1998, hereinafter referred to as 'Uruguay-Portugal Agreement' in Annex II,

— Agreement between the Government of the Oriental Republic of Uruguay and the Government of the United Kingdom of Great Britain and Northern Ireland, as provided for in Annex B to the Agreed Record signed at London on 6 February 1998, hereinafter referred to as 'Uruguay-United Kingdom Agreement' in Annex II,

— Agreement between the Government of the Oriental Republic of Uruguay and the Government of the Kingdom of Sweden on air services, signed at Montevideo on 18 December 1981, hereinafter referred to as 'Uruguay-Sweden Agreement' in Annex II.

- (b) Air service agreements and other arrangements initialled or signed between Uruguay and Member States of the European Community which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally:

— Draft Agreement between the Government of the Oriental Republic of Uruguay and the Federal Government of Austria on air transport, as provided for in Annex B to the Protocol signed at Montevideo on 28 February 1996, hereinafter referred to as 'Draft Uruguay-Austria Agreement' in Annex II,

— Draft Air Transport Agreement between the Kingdom of Spain and the Oriental Republic of Uruguay, as provided for in Annex to the Agreed Record signed at Madrid on 21 October 2005, hereinafter referred to as 'Draft Revised Uruguay-Spain Agreement' in Annex II.

ANNEX II

LIST OF ARTICLES IN THE AGREEMENTS LISTED IN ANNEX I AND REFERRED TO IN ARTICLES 2 TO 5 OF THIS AGREEMENT

(a) Designation:

- Article 3 of the Uruguay-Germany Agreement,
- Article 3 of the Draft Uruguay-Austria Agreement,
- Article 3 of the Uruguay-Belgium Agreement,
- Article 3 of the Uruguay-Denmark Agreement,
- Article 3 of the Uruguay-Spain Agreement,
- Article 3 of the Draft Revised Uruguay-Spain Agreement,
- Article 3 of the Uruguay-Netherlands Agreement,
- Article 3 of the Uruguay-Portugal Agreement,
- Article 4 of the Uruguay-United Kingdom Agreement,
- Article 3 of the Uruguay-Sweden Agreement;

(b) Refusal, revocation, suspension or limitation of authorisations or permissions:

- Article 4 of the Uruguay-Germany Agreement,
- Article 4 of the Draft Uruguay-Austria Agreement,
- Article 3 of the Uruguay-Belgium Agreement,
- Article 4 of the Uruguay-Denmark Agreement,
- Article 4 of the Uruguay-Spain Agreement,
- Article 4 of the Draft Revised Uruguay-Spain Agreement,
- Article 5 of the Uruguay-Netherlands Agreement,
- Article 4 of the Uruguay-Portugal Agreement,
- Article 5 of the Uruguay-United Kingdom Agreement,
- Article 4 of the Uruguay-Sweden Agreement;

(c) Safety:

- Annex 3 to the Agreed Record signed at Bonn on 9 July 1997 — as applied provisionally in the framework of the Uruguay-Germany Agreement,
- Article 17 of the Uruguay-Portugal Agreement,
- Article 14 of the Uruguay-United Kingdom Agreement;

(d) Taxation of aviation fuel:

- Article 6 of the Uruguay-Germany Agreement,
- Article 7 of the Draft Uruguay-Austria Agreement,
- Article 4 of the Uruguay-Belgium Agreement,
- Article 9 of the Uruguay-Denmark Agreement,
- Article 6 of the Uruguay-Spain Agreement,
- Article 5 of the Draft Revised Uruguay-Spain Agreement,
- Article 7 of the Uruguay-Netherlands Agreement,
- Article 6 of the Uruguay-Portugal Agreement,
- Article 8 of the Uruguay-United Kingdom Agreement,
- Article 9 of the Uruguay-Sweden Agreement;

(e) Tariffs for carriage within the European Community:

- Article 9 of the Uruguay-Germany Agreement,
- Article 11 of the Draft Uruguay-Austria Agreement,
- Article 9 of the Uruguay-Belgium Agreement,
- Article 6 of the Uruguay-Denmark Agreement,
- Article 7 of the Uruguay-Spain Agreement,
- Article 12 of the Uruguay-Netherlands Agreement,
- Article 16 of the Uruguay-Portugal Agreement,
- Article 7 of the Uruguay-United Kingdom Agreement,
- Article 6 of the Uruguay-Sweden Agreement;

(f) Compatibility with competition rules:

- Article 9 of the Uruguay-Germany Agreement,
 - Article 11 of the Draft Uruguay-Austria Agreement,
 - Article 9 of the Uruguay-Belgium Agreement,
 - Article 6 of the Uruguay-Denmark Agreement,
 - Article 7 of the Uruguay-Spain Agreement,
 - Article 12 of the Uruguay-Netherlands Agreement,
 - Article 16 of the Uruguay-Portugal Agreement,
 - Article 6 of the Uruguay-Sweden 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).
-

COUNCIL DECISION**of 20 November 2006****amending and extending Decision 2001/923/EC establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the Pericles programme)**

(2006/849/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third sentence of Article 123(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the European Central Bank ⁽¹⁾,

Whereas:

(1) Article 13(3)(a) of Council Decision 2001/923/EC ⁽²⁾ provided that the Commission was to send to the European Parliament and to the Council by 30 June 2005 a report that was independent of the programme manager, evaluating the relevance, the efficiency and the effectiveness of the programme and a communication on whether this programme should be continued and adapted, accompanied by an appropriate proposal.

(2) The evaluation report provided for in Article 13 of that Decision was issued on 30 November 2004. It concluded that the programme had achieved its objectives and recommended its continuation.

(3) A financial reference amount, within the meaning of point 38 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽³⁾ is included in this Decision for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty.

(4) The continuation of the programme reflects the need for continuing vigilance, training and technical assistance necessary to sustain the protection of the euro against counterfeiting, by providing a stable framework for the planning of Member States programmes, particularly over a period during which new countries adopt the single currency.

(5) In this spirit, the Commission submitted on 8 April 2005 a proposal for the continuation of the Pericles programme ⁽⁴⁾ until 31 December 2011.

(6) Pending final agreement on the Community Financial Framework for 2007-2013, the Council decided to extend the Pericles programme for the year 2006.

(7) In its declaration of 30 January 2006 the Council considered that the Pericles programme has a multi-annual nature and that it should be extended to 2011. To this effect, it invited the Commission to present a proposal for extending the programme for the period starting from 2007, as soon as an agreement on the Financial Framework for 2007-2013 had been reached.

(8) It is appropriate that the Community programmes be in line with the Community's Financial Framework.

(9) In order to avoid overlaps and to ensure consistency and complementarity of actions under the Pericles programme, it is important to develop synergies between actions financed by the Commission, the European Central Bank and Europol.

(10) Consequently, and in view of the need for continuous training and assistance for the protection of the euro, the Pericles programme should be extended until 31 December 2013. Decision 2001/923/EC should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

*Article 1***Amendments**

Decision 2001/923/EC is amended as follows:

1. in Article 1(2), the last sentence shall be replaced by the following:

'It shall run from 1 January 2002 to 31 December 2013.';

⁽¹⁾ OJ C 163, 14.7.2006, p. 7.

⁽²⁾ OJ L 339, 21.12.2001, p. 50. Decision as amended by Decision 2006/75/EC (OJ L 36, 8.2.2006, p. 40).

⁽³⁾ OJ C 139, 14.6.2006, p. 1.

⁽⁴⁾ COM(2005) 127 final.

2. the following subparagraph is added at the end of Article 6:

'The financial reference amount for the implementation of the Community programme of action for the period from 1 January 2007 to 31 December 2013 shall be EUR 7 000 000.;

3. Article 13(3) shall be amended as follows:

(a) in point (a), '30 June 2005' is replaced by '30 June 2013';

(b) point (b) is replaced by the following:

'(b) on completion of the initial and the additional periods of the programme and no later than 30 June 2006 and 2014 respectively, detailed reports on the implementation and the results of the programme setting out in particular the added value of the Community's financial assistance.'

Article 2

Applicability

This Decision shall have effect in the participating Member States as defined in the first indent of Article 1 of Council Regulation (EC) 974/98 of 3 May 1998 on the introduction of the euro ⁽¹⁾.

Article 3

Entry into force

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

It shall apply from 1 January 2007.

Done at Brussels, 20 November 2006.

For the Council

The President

J. KORKEAOJA

⁽¹⁾ OJ L 139, 11.5.1998, p. 1. Regulation as last amended by Regulation (EC) No 1647/2006 (OJ L 309, 9.11.2006, p. 2).

COUNCIL DECISION

of 20 November 2006

extending to the non-participating Member States the application of Decision 2006/849/EC amending and extending Decision 2001/923/EC establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the Pericles programme)

(2006/850/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Article 1

Having regard to the proposal from the Commission,

The application of Decision 2006/849/EC shall be extended to Member States other than the participating Member States as defined in the first indent of Article 1 of Council Regulation (EC) No 974/1998.

Having regard to the opinion of the European Parliament,

Whereas:

Article 2

(1) When adopting Decision 2006/849/EC ⁽¹⁾ the Council indicated that it should apply in the participating Member States as defined in the first indent of Article 1 of Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ⁽²⁾.

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

(2) However, the exchange of information and staff and the assistance and training measures implemented under the Pericles programme should be uniform throughout the Community and the requisite steps should therefore be taken to guarantee the same level of protection for the euro in the Member States where the euro is not the official currency,

Done at Brussels, 20 November 2006.

For the Council
The President
J. KORKEAOJA

⁽¹⁾ See page 28 of this Official Journal.

⁽²⁾ OJ L 139, 11.5.1998, p. 1.

COMMISSION

COMMISSION RECOMMENDATION

of 24 October 2006

on the management of financial resources for the decommissioning of nuclear installations, spent fuel and radioactive waste

(2006/851/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 124 thereof,

Whereas:

- (1) The preamble to the Treaty recognises that the Member States are anxious to create the conditions of safety necessary to eliminate hazards to the life and health of the public.
- (2) Article 2(b) of the Treaty calls on the Community, in particular, to establish uniform safety standards to protect the health of workers and the general public and ensure that they are applied.
- (3) Chapter III of the Treaty lays down basic standards allowing the Community to ensure the protection of the health and safety of workers and the general public against the dangers arising from ionising radiation.
- (4) Council Directive 96/29/Euratom lays down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation ⁽¹⁾.
- (5) Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment ⁽²⁾, calls on the Member States to 'adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location are made subject to an assessment with regard to their effects.'
- (6) Ionising radiation from radioactive materials can have consequences beyond the service life of nuclear installations and beyond national frontiers.
- (7) The safety of workers and of the general public against those risks is of paramount importance to the European Communities. High safety standards should therefore be observed to guarantee that these risks are addressed during and beyond the service life of nuclear installations.
- (8) The European Parliament, the Council and the Commission have underlined ⁽³⁾ 'the need for Member States to ensure that adequate financial resources for decommissioning and waste management activities, which are audited in Member States, are actually available for the purpose for which they have been established and are managed in a transparent way, thus avoiding obstacles to fair competition in the energy market'.
- (9) The Commission has also noted 'the importance of ensuring that funds established for the purpose of decommissioning and waste management activities, which relate to the objectives of the Euratom Treaty, are managed in a transparent way, and used only for the said purpose. In this context, it intends, within the scope of its responsibilities of the Euratom Treaty to publish an annual report on the use of decommissioning and waste management funds. It shall pay particular attention to ensuring the full application of the relevant provisions of Community law' ⁽⁴⁾.
- (10) In its Communication to the European Parliament and the Council ⁽⁵⁾, the Commission noted the need for increased transparency and harmonisation in the management of these financial resources. The Commission has also expressed its intention to present a recommendation in 2005.

⁽¹⁾ OJ L 159, 29.6.1996, p. 1.

⁽²⁾ OJ L 175, 5.7.1985, p. 40. Directive as last amended by Directive 2003/35/EC of the European Parliament and the Council (OJ L 156, 25.6.2003, p. 17).

⁽³⁾ Interinstitutional statement of OJ L 176, 15.7.2003, p. 56.

⁽⁴⁾ Commission statement of OJ L 176, 15.7.2003, p. 56.

⁽⁵⁾ COM(2004) 719, Report on the use of financial resources earmarked for the decommissioning of nuclear power plants, 26.10.2004.

- (11) Decommissioning operations themselves can also pose potential risks to public health and the environment, particularly if the measures necessary to deal with the radiological risks of decommissioning operations are not taken in time.
- (12) In order to address all these risks, safe decommissioning of nuclear installations, including long-term management of radioactive waste and spent fuel, should be ensured.
- (13) Safe decommissioning of nuclear installations, including the long-term management of radioactive waste and spent nuclear fuel, calls for substantial financial resources. A lack of these resources at the time they are needed may adversely affect the decommissioning process. Sufficient financial resources at the appropriate time should be available to allow complete decommissioning at nuclear installations in conformity with safety standards.
- (14) In accordance with the polluter-pays principle, nuclear operators should set aside adequate financial resources for the future decommissioning costs during the productive life of those installations.
- (15) In the context of the specificities of the accession negotiations, the issue of early shutdown of nuclear power reactors deemed not to be economically upgradeable was addressed. Accordingly, the Community has, on its own initiative, taken part in the raising of financial resources and provides economic support, subject to certain conditions, to various decommissioning projects in certain new Member States.
- (16) Article 26 of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, which entered into force on 18 June 2001, specifies that 'each Contracting Party shall take the appropriate steps to ensure the safety of decommissioning of a nuclear facility. Such steps should ensure, *inter alia*, that qualified staff and adequate financial resources are available.' Article 22(ii) of the Convention calls on each Contracting Party to take the appropriate steps to ensure that 'adequate financial resources are available to support the safety of facilities for spent fuel and radioactive waste management during their operating lifetime and for decommissioning.'
- (17) Article 2(c) of the Treaty calls on the Community to facilitate investment and ensure the establishment of the basic installations necessary for the development of nuclear energy in the Community. The development of such energy cannot be dissociated from the process of the decommissioning of such investments or installations. Article 41 of the Treaty requires investment projects relating to nuclear energy to be communicated to the Commission for examination. Council Regulation (Euratom) No 2587/1999 of 2 December 1999 defining the investment projects to be communicated to the Commission in accordance with Article 41 of the Treaty establishing the European Atomic Energy Community ⁽¹⁾ includes decommissioning activities as investment projects to be communicated to and discussed with the Commission. Consequently, persons and undertakings ⁽²⁾ should inform the Commission of decommissioning funding arrangements in respect of newly built nuclear installations.
- (18) Ensuring sufficient financial resources when needed requires a sound and prudent analysis of both the sources for such financing and the costs linked to the decommissioning of such installations. The method of determining the amounts of funding for decommissioning has to take account of technological aspects and nuclear safety constraints.
- (19) In order to ensure the availability of resources when needed for the purposes of decommissioning nuclear installations, transparent management with appropriate external supervision of such financial resources is of paramount importance; this will also help to avoid obstacles to fair competition in the energy market. Various appropriate management possibilities could be in place in order to ensure such objectives. A dedicated national body should be put in place so as to provide an expert judgment concerning fund management and decommissioning cost matters.
- (20) This Recommendation does not create derogations from State aid rules. In this context, State intervention concerns issues covered by the Treaty establishing the European Atomic Energy Community and therefore has to be assessed accordingly. However, to the extent that it is not necessary for or goes beyond the objectives of this Treaty or distorts or threatens to distort competition in the internal market, it has to be assessed under the Treaty establishing the European Community.
- (21) The manner in which these financial resources are invested should be carefully addressed so as to avoid any possible misuse. The investments should be long-term and have a secure risk profile, while at the same time providing adequate protection of the real value of the funds.
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- ⁽¹⁾ OJ L 315, 9.12.1999, p. 1.
- ⁽²⁾ Persons and undertakings engaged in industrial activities listed in Annex II to the Euratom Treaty.

- (22) With a view to ensuring safety, the gathering of appropriate resources to guarantee the decommissioning of nuclear installations should take into account the specific circumstances of certain installations.
- (23) Experience shows that exchange of information between national experts concerning the various approaches to and financial arrangements for decommissioning and waste management is an excellent way of facilitating a common response to safety challenges. In an effort to increase cooperation between the Commission and the Member States, the Commission therefore announces its intention to establish a permanent group on decommissioning funding. The Commission should be assisted by this Decommissioning Funding Group in its proceedings in the context of this Recommendation.
- (24) Without prejudice to the general principle of subsidiarity, a certain degree of harmonisation should be suggested with regard to the concepts used in decommissioning matters. Such harmonisation should be progressed through the Decommissioning Funding Group where commonly agreed interpretations of this Recommendation should be reached for its practical implementation and in particular with a view to harmonisation of methodologies for cost calculation of decommissioning activities.
- (25) The Joint Research Centre, set up on the basis of Article 8 of the Treaty, carries out research programmes in the nuclear field, which may involve ionising risks after the life service of its installations. To guarantee the safety of those installations, the Commission should ensure compliance of this Centre with the recommendations contained herein. In particular, the Commission should verify the adequacy of financing resources for the purposes of decommissioning the installations of the Centre. The Commission departments responsible for nuclear and budgetary matters are the best placed to carry out such tasks,
- (a) '*decommissioning*' shall mean all activities covering the technical decommissioning of the nuclear installation (decontamination, dismantling and demolition) and waste management (management and disposal of radioactive waste and spent fuel) leading to the release of the nuclear installations from radiological restrictions;
- (b) '*decommissioning fund*' shall mean any type of financial resources intended specifically to cover the expenditure necessary for decommissioning nuclear installations;
- (c) '*external decommissioning fund*' shall mean a decommissioning fund managed by a dedicated body independent in its decisions from the contributors to the fund;
- (d) '*internal decommissioning fund*' shall mean a decommissioning fund managed by the operator;
- (e) '*segregated decommissioning fund*' shall mean a decommissioning fund either internal or external, which is identified separately;
- (f) '*operator*' shall mean the legal person who operates the nuclear installation and has the prime responsibility for nuclear safety;
- (g) '*nuclear installation*' shall mean any civilian facility and its land, buildings and equipment in which radioactive materials are produced, processed, used, handled, stored or disposed.

SECTION 3

DECOMMISSIONING OF NUCLEAR INSTALLATIONS

1. All nuclear installations should be decommissioned after permanent shutdown and the management of waste should be properly addressed.
2. Decommissioning activities should be carried out without undue risk to the health and safety of workers and the general public.
3. The polluter pays principle should be fully applied throughout the decommissioning of nuclear installations. In this regard, the primary concern of nuclear operators should be to ensure the availability of adequate financial resources for safe decommissioning by the time the respective nuclear installation is permanently shut down.
4. The financial resources available should be aimed at covering all aspects of decommissioning activities, from technical decommissioning of the installation to waste management.

HEREBY RECOMMENDS:

SECTION 1

AIM

In view of the safety objectives of the Treaty, this Recommendation proposes measures to ensure that adequate financial resources are available at the scheduled time for all decommissioning activities of nuclear installations and for the management of spent fuel and radioactive waste.

SECTION 2

DEFINITIONS

For the purpose of this Recommendation, the following definitions shall apply:

SECTION 4

INSTITUTIONAL AND PROCEDURAL ASPECTS

5. Without prejudice to the provisions of Article 41 of the Treaty and the Regulations in force with regards to its implementation⁽¹⁾, persons and undertakings should report on the planned decommissioning funding regime in the context of the procedure provided for under Article 41 of the Treaty concerning the construction of new nuclear installations.

In the review of the proposed decommissioning funding regime the Commission will — subject to the requirements of Article 44 of the Treaty — consult the Decommissioning Funding Group.

6. Where not already provided for, Member States should set up or appoint a national body capable of providing an expert judgment on fund management and decommissioning cost matters. This body should be independent as regards the contributors to the fund.

The national body should annually review the financial resources gathered and periodically, at least every five years, the decommissioning cost estimates. Any shortfall between cost estimates and resources gathered should be addressed in good time.

Member States should report annually on the conclusions of the proceedings of the relevant national body mentioned above to the Commission.

SECTION 5

DECOMMISSIONING FUNDS

7. Nuclear installations should set up adequate decommissioning funds on the basis of the revenues obtained from their nuclear activities during the designed lifetime.
8. A segregated fund with appropriate control on prudent use should be the preferred option for all nuclear installations. The review of the national body provided for in this Recommendation should play a key role in ensuring proper management and use of the funds.
9. New nuclear installations should set up segregated decommissioning funds with appropriate control on prudent use.

⁽¹⁾ Council Regulation (Euratom) No 2587/1999 of 2 December 1999 defining the investment projects to be communicated to the Commission in accordance with Article 41 of the Treaty establishing the European Atomic Energy Community (OJ L 315, 9.12.1999, p. 1) and Commission Regulation (Euratom) No 1352/2003 of 23 July 2003 amending Regulation (EC) No 1209/2000 determining procedures for effecting the communications prescribed under Article 41 of the Treaty establishing the European Atomic Energy Community (OJ L 192, 31.7.2003, p. 15).

SECTION 6

ESTIMATION OF DECOMMISSIONING COSTS

10. In view of the differences in the use of the decommissioning funds gathered, technical decommissioning of the installation, on the one hand, and waste management, on the other, should be addressed separately, on the basis of separate cost calculations.
11. In order to ensure that adequate financial resources are available, cost calculations should be based upon a prudent choice from the realistically available alternatives and subject to the external supervision and agreement of the national body foreseen in this Recommendation.
12. All cost estimates should be site-specific and based upon best available estimates.
13. If during implementation the decommissioning project proves to be more expensive than the approved cost estimates, the operator should cover the additional expenses. This aspect should be carefully addressed should the operator change during or beyond the lifetime of the nuclear installation.
14. Due attention should be paid to cases arising for historical reasons where a special solution is the most appropriate. This case-by-case approach should be transparent and with the full involvement of the national body provided for in this Recommendation.

SECTION 7

USE OF DECOMMISSIONING FUNDS

15. Financial resources should be used only for the purpose for which they have been established and managed. In this context, due consideration should be given to transparency. All commercially non-sensitive information should be publicly available.
16. A secure risk profile should be sought in the investment of the assets, ensuring that a positive return is achieved over any given period of time.
17. As the operator has no influence on the financial management of an external decommissioning fund, the value of the investments should be guaranteed by the State in order to ensure that adequate funds are available when required, even if a nominal loss is made by the independent manager of the invested amounts by the time these financial resources are to be used. In such cases, the funds should not be supplemented with an amount higher than the loss in the investment.

18. If the management of an internal fund underperforms, the operator should be responsible for ensuring that adequate funds are available when needed.

absence of such a national body, Member States may request the Commission to provide advice concerning the measures to be taken.

19. In the case of nuclear installations whose main purpose is other than the sale of products or services, decommissioning should be properly planned and budgeted so as to allow adequate funding to be available for the safe and timely decommissioning of such installations.

Done at Brussels, 24 October 2006.

20. Budgetary planning should be subject to the review of the national body provided for in this Recommendation. In the

For the Commission
Andris PIEBALGS
Member of the Commission