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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1758/2006
of 22 May 2006**

concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and Malaysia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union and amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EEC) No 2658/87⁽¹⁾ established a goods nomenclature, hereinafter referred to as the 'Combined Nomenclature', and set out the conventional duty rates of the Common Customs Tariff.
- (2) By Decision 2006/862/EC of 22 May 2006 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Malaysia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia,

the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union⁽²⁾, the Council approved, on behalf of the Community, the said Agreement with a view to closing negotiations initiated pursuant to Article XXIV:6 of GATT 1994.

- (3) Regulation (EEC) No 2658/87 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Part Two 'Schedule of customs duties' of Annex I to Regulation (EEC) No 2658/87 shall be amended as shown 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, 22 May 2006.

For the Council
The President
J. PRÖLL

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 838/2006 (OJ L 154, 8.6.2006, p. 1).

⁽²⁾ See page 38 of this Official Journal.

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the concessions being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current Regulation. Where ex CN codes are indicated, the concessions are to be determined by application of the CN code and corresponding description taken together.

In Part Two 'Schedule of customs duties' of Annex I to Regulation (EEC) No 2658/87, the following duty rates shall apply for the period indicated:

CN code	Description	Duty rate
'1511 90 19	Solid palm oil fractions, whether or not refined, but not chemically modified, in packing of > 1 kg	An applied rate of 10,0 % (*)
8525 40 99	Other video camera recorders, other than those only able to record sound and images taken by the television camera	Implemented through Council Regulation (EC) No 2114/2005

(*) The lower applied rate indicated above is to be applied for three years or until the implementation of the results of the Doha Development Agenda Round reaches the tariff level above, whichever comes first.'

COUNCIL REGULATION (EC) No 1759/2006**of 28 November 2006****amending Regulation (EC) No 104/2000 on the common organisation of the markets in fishery and aquaculture products**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

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

Whereas:

(1) Expenditure incurred by Member States in accordance with certain provisions of Council Regulation (EC) No 104/2000 ⁽²⁾ is currently subject to the rules laid down by Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽³⁾. The latter has been repealed by Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽⁴⁾, which applies to expenditure by Member States from 16 October 2006.

(2) Article 2(1)(a) of Regulation (EC) No 1290/2005 sets up a European Agricultural Guarantee Fund (hereinafter EAGF).

(3) Article 3(2)(f) of the abovementioned Regulation provides that EAGF is to finance the expenditure relating to fisheries markets in a centralised manner.

(4) Financing expenditure relating to fisheries markets pursuant to Article 3(2)(f) is an implementation of the budget on a centralised basis and is, as such, to comply with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾ and its implementing rules set out by Commission Regulation (EC, Euratom) No 2342/2002 ⁽⁶⁾.

(5) Regulation (EC) No 104/2000 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 35 of Regulation (EC) No 104/2000 shall be replaced by the following:

'Article 35

1. Expenditure incurred by the Member States in accordance with Articles 10, 21, 23, 24, 25 and 27 of this Regulation shall be deemed to be expenditure referred to in Article 3(2)(f) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (*).

2. Financing for the expenditure referred to in paragraph 1 shall be granted in respect of products from a stock or group of stocks only up to the limit of any quantities allocated to the Member State in question from the total volume of allowable catches for the stock or group of stocks in question.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 38(2).

(*) OJ L 209, 11.8.2005, p. 1.'

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

⁽²⁾ OJ L 17, 21.1.2000, p. 22. Regulation as amended by the 2003 Act of Accession.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁴⁾ OJ L 209, 11.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 320/2006 (OJ L 58, 28.2.2006, p. 42).

⁽⁵⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁶⁾ OJ L 347, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1248/2006 (OJ L 227, 19.8.2006, p. 3).

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 apply from 16 October 2006.

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

Done at Brussels, 28 November 2006.

For the Council
The President
E. HEINÄLUOMA

COUNCIL REGULATION (EC, EURATOM) No 1760/2006**of 28 November 2006****introducing, on the occasion of the accession of Bulgaria and Romania to the European Union,
special temporary measures for recruitment of officials of the European Communities**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 283 thereof,

Article 1

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,Having regard to the opinion of the Court of Justice ⁽²⁾,Having regard to the opinion of the Court of Auditors ⁽³⁾,

Whereas:

1. Notwithstanding the second and third paragraphs of Article 4, Article 7(1), the second paragraph of Article 27 and points (a) and (b) of Article 29(1) of the Staff Regulations, vacant posts may be filled after the actual date of accession of the countries concerned, and until 31 December 2011, by the appointment of Bulgarian and Romanian nationals, within the limit of the number of posts allotted and taking into account the budgetary discussions.

2. Appointments to posts shall be made:

(1) On the occasion of the forthcoming accession of Bulgaria and Romania to the European Union, special temporary measures should be adopted that depart from the Staff Regulations of Officials of the European Communities (hereafter referred to as Staff Regulations).

(a) for all grades, after the actual date of accession;

(2) Given the relative sizes of the countries acceding and the number of persons potentially involved, these, albeit temporary, measures should remain in force for a substantial period. 31 December 2011 appears to be the most suitable expiry date in this regard.

(b) except for senior officials, (Directors-General or their equivalent in grade AD 16 or AD 15 and Directors or their equivalent in grade AD 15 or AD 14), following competitions on the basis of both qualifications and tests organised as specified in Annex III to the Staff Regulations.

(3) Given the need to enable the planned recruitments to take place as soon as possible after accession, this Regulation should be adopted before the actual accession date,

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, 28 November 2006.

For the Council

The President

E. HEINÄLUOMA

⁽¹⁾ Opinion delivered on 24 October 2006 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 11 July 2006.

⁽³⁾ Opinion delivered on 14 September 2006.

COMMISSION REGULATION (EC) No 1761/2006**of 30 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 1 December 2006.

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

Done at Brussels, 30 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 30 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	75,7
	204	43,2
	999	59,5
0707 00 05	052	138,0
	204	71,6
	628	171,8
	999	127,1
0709 90 70	052	148,4
	204	69,9
	999	109,2
0805 20 10	204	64,0
	999	64,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	65,3
	400	71,8
	999	68,6
0805 50 10	052	53,7
	388	44,2
	528	50,4
	999	49,4
0808 10 80	388	95,1
	400	104,3
	404	96,2
	508	80,5
	720	70,8
	999	89,4
0808 20 50	052	97,8
	720	68,4
	999	83,1

⁽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 1762/2006**of 30 November 2006****fixing the import duties in the cereals sector applicable from 1 December 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 December 2006.

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

Done at Brussels, 30 November 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

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

ANNEX I

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

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	0,00
1005 10 90	Maize seed other than hybrid	5,16
1005 90 00	Maize other than seed ⁽²⁾	5,16
1007 00 90	Grain sorghum other than hybrids for sowing	0,00

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

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

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

ANNEX II

Factors for calculating duties

(15.11.2006-29.11.2006)

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	155,69 (***)	110,39	172,36	162,36	142,36	158,28
Gulf premium (EUR/t)	—	19,85	—			—
Great Lakes premium (EUR/t)	14,09	—	—			—

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 23,07 EUR/t; Great Lakes–Rotterdam: 29,20 EUR/t.

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

COMMISSION REGULATION (EC) No 1763/2006
of 30 November 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 December 2006.

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

Done at Brussels, 30 November 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 30 November 2006 fixing the corrective amount applicable to the refund on cereals

(EUR/t)								
Product code	Destination	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5	6th period 6
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 1764/2006
of 30 November 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 December 2006.

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

Done at Brussels, 30 November 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 30 November 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 1765/2006
of 30 November 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 December 2006.

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

Done at Brussels, 30 November 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 30 November 2006 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4	5th period 5
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 6	7th period 7	8th period 8	9th period 9	10th period 10	11th period 11
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 1766/2006**of 30 November 2006****fixing the maximum export refund for butter in the framework of the standing invitation to tender
provided for in Regulation (EC) No 581/2004**

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 the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter ⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 28 November 2006.

- (3) 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 permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 28 November 2006, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 December 2006.

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

Done at Brussels, 30 November 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 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 975/2006 (OJ L 176, 30.6.2006, p. 69).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 1814/2005 (OJ L 292, 8.11.2005, p. 3).

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund for export to the destinations referred to in the second subparagraph of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—
Butter	ex 0405 10 19 9700	104,50
Butteroil	ex 0405 90 10 9000	—

COMMISSION REGULATION (EC) No 1767/2006**of 30 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 1748/2006 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 December 2006.

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

Done at Brussels, 30 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 330, 28.11.2006, 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 1 December 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⁾	28,15	11,16
1701 99 10 ⁽²⁾	28,15	6,64
1701 99 90 ⁽²⁾	28,15	6,64
1702 90 99 ⁽³⁾	0,28	0,37

⁽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 1768/2006
of 30 November 2006
fixing the export refunds on cereal-based compound feedingstuffs

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) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds

and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 December 2006.

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

Done at Brussels, 30 November 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. 51.

ANNEX

to the Commission Regulation of 30 November 2006 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	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.

C10: All destinations.

COMMISSION REGULATION (EC) No 1769/2006
of 30 November 2006
fixing production refunds 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 8(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively ⁽²⁾ lays down the conditions for granting production refunds. The basis for calculating the refund is laid down in Article 3 of that Regulation. The refund thus calculated, differentiated where necessary for potato starch, must be fixed once a month and may be amended if the price of maize and/or wheat changes significantly.

- (2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.

- (3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The refund per tonne of starch referred to in Article 3(2) of Regulation (EEC) No 1722/93, is hereby fixed at:

- (a) EUR/tonne 0,00 for starch from maize, wheat, barley and oats;
- (b) EUR/tonne 0,00 for potato starch.

Article 2

This Regulation shall enter into force on 1 December 2006.

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

Done at Brussels, 30 November 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 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1950/2005 (OJ L 312, 29.11.2005, p. 18).

COMMISSION REGULATION (EC) No 1770/2006**of 30 November 2006****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

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 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.

(3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

(4) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to

those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

(5) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.

(6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(7) Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter ⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(8) 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 rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999, shall be fixed as set out in the Annex to this Regulation.

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

⁽²⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Commission Regulation (EC) No 1580/2006 (OJ L 291, 21.10.2006, p. 8).

⁽³⁾ OJ L 308, 25.11.2005, p. 1. Regulation as amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

Article 2

This Regulation shall enter into force on 1 December 2006.

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

Done at Brussels, 30 November 2006.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 1 December 2006 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	0,00	0,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 1898/2005 are exported	25,37	25,37
	(b) on exportation of other goods	31,00	31,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 1898/2005 are exported	80,00	80,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	105,75	105,75
	(c) on exportation of other goods	98,50	98,50

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, to Romania with effect from 1 December 2005, and to the goods listed in Tables I and II to Protocol No 2 the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 1771/2006

of 30 November 2006

fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty

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 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-

term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 December 2006.

⁽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 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 1580/2006 (OJ L 291, 21.1.2006, p. 8).

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 30 November 2006.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 1 December 2006 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

		(EUR/100 kg)	
CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– other (including unprocessed)	—	—
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—

(*) The rates set out in this Annex are not applicable to exports to Bulgaria with effect from 1 October 2004, to Romania with effect from 1 December 2005, and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

COMMISSION REGULATION (EC) No 1772/2006**of 30 November 2006****amending Regulation (EC) No 14/2004 as regards the forecast supply balances for olive oil and pigmeat for Madeira**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1453/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Azores and Madeira and repealing Regulation (EEC) No 1600/92 (Poseima) ⁽¹⁾, and in particular Articles 3(6) and 4(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 14/2004 of 30 December 2003 establishing the supply balances and Community aid for the supply of certain essential products for human consumption, for processing and as agricultural inputs and for the supply of live animals and eggs to the outermost regions under Council Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 ⁽²⁾ establishes forecast supply balances and fixes the Community aid.

(2) Current implementation of the annual supply balances for olive oil and pigmeat for Madeira shows that the

quantities set for supplies of the above products are below requirements owing to unexpectedly higher demand.

(3) The quantities of these products should be brought into line with actual needs.

(4) Regulation (EC) No 14/2004 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the management committee concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 14/2004 is hereby amended as follows:

Parts 3 and 8 of Annex III are replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third 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, 30 November 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 198, 21.7.2001, p. 26. Regulation as last amended by Regulation (EC) No 1690/2004 (OJ L 305, 1.10.2004, p. 1).

⁽²⁾ OJ L 3, 7.1.2004, p. 6. Regulation as last amended by Regulation (EC) No 2022/2005 (OJ L 326, 13.12.2005, p. 3).

ANNEX

Part 3*Vegetable oil*

Forecast supply balance and Community aid for the supply of Community products
per calendar year

MADEIRA

Description	CN code	Quantity (tonnes)	Aid (EUR/tonne)		
			I	II	III
Vegetable oils (except olive oil):					
— vegetable oil	1507 to 1516 (*)	2 700	52	70	(**)
Olive oil:					
— virgin olive oil	1509 10 90				
or		800	52	—	(**)
— olive oil	1509 90 00				

(*) Except 1509 and 1510.

(**) The amount of aid shall be equal to the refund for products falling within the same CN code granted under Article 3(3) of Regulation No 136/66/EEC.

AZORES

Description	CN code	Quantity (tonnes)	Aid (EUR/tonne)		
			I	II	III
Olive oil:					
— virgin olive oil	1509 10 90				
or		400	68	87	(**)
— olive oil	1509 90 00				

(**) The amount of aid shall be equal to the refund for products falling within the same CN code granted under Article 3(3) of Regulation No 136/66/EEC.

Part 8*Pigmeat sector*

Forecast supply balance and Community aid for the supply of Community products
per calendar year

MADEIRA

Description	CN code (*)	Quantity (tonnes)	Aid (EUR/tonne)		
			I	II	III
Meat of domestic swine, fresh, chilled or frozen:	ex 0203	3 000			—
— carcasses and half-carcasses	0203 11 10 9000		95	113	(**)
— hams and cuts thereof	0203 12 11 9100		143	161	(**)
— shoulders and cuts thereof	0203 12 19 9100		95	113	(**)
— fore-ends and cuts thereof	0203 19 11 9100		95	113	(**)
— loins and cuts thereof	0203 19 13 9100		143	161	(**)
— bellies (streaky) and cuts thereof	0203 19 15 9100		95	113	(**)
— other: boned	0203 19 55 9110		176	194	(**)
— other: boned	0203 19 55 9310		176	194	(**)
— carcasses and half-carcasses	0203 21 10 9000		95	113	(**)
— hams and cuts thereof	0203 22 11 9100		143	161	(**)
— shoulders and cuts thereof	0203 22 19 9100		95	113	(**)
— fore-ends and cuts thereof	0203 29 11 9100		95	113	(**)
— loins and cuts thereof	0203 29 13 9100		143	161	(**)
— bellies (streaky) and cuts thereof	0203 29 15 9100		95	113	(**)
— other: boned	0203 29 55 9110		176	194	(**)

(*) The product codes and footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

(**) The amount of aid shall be equal to the refund for products falling within the same CN code, where applicable, under Article 13 of Regulation (EEC) No 2759/75 (OJ L 282, 1.11.1975, p. 1).

COMMISSION REGULATION (EC) No 1773/2006**of 30 November 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 December 2006.

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

Done at Brussels, 30 November 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 30 November 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	0,00
1102 20 10 9400	0,00
1103 11 10 9200	0,00
1103 13 10 9100	0,00
1104 12 90 9100	0,00

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

COMMISSION REGULATION (EC) No 1774/2006**of 30 November 2006****concerning tenders notified in response to the invitation to tender for the export of barley issued
in Regulation (EC) No 935/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

Having regard to the Treaty establishing the European Community,

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.

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,

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

Whereas:

HAS ADOPTED THIS REGULATION:

(1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 935/2006 ⁽²⁾.*Article 1*

No action shall be taken on the tenders notified from 24 to 30 November 2006 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 935/2006.

(2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of 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

Article 2

This Regulation shall enter into force on 1 December 2006.

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

Done at Brussels, 30 November 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 172, 24.6.2006, p. 3.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1775/2006**of 30 November 2006****concerning tenders notified in response to the invitation to tender for the export of common wheat issued in Regulation (EC) No 936/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 936/2006 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of 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 ⁽³⁾, and in particular Article 13(3) thereof,

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (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

No action shall be taken on the tenders notified from 24 to 30 November 2006 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 936/2006.

Article 2

This Regulation shall enter into force on 1 December 2006.

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

Done at Brussels, 30 November 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 172, 24.6.2006, p. 6.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 May 2006

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Malaysia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union

(2006/862/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

- (3) The Commission has finalised negotiations for an Agreement in the form of an Exchange of Letters between the European Community and Malaysia pursuant to Article XXIV:6 and Article XXVIII of the GATT 1994. The said Agreement should therefore be approved,

HAS DECIDED AS FOLLOWS:

Having regard to the proposal from the Commission,

Article 1

Whereas:

- (1) On 22 March 2004 the Council authorised the Commission to open negotiations with certain other Members of the WTO under Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994, in the course of the accessions to the European Union of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.
- (2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.

The Agreement in the form of an Exchange of Letters between the European Community and Malaysia pursuant to Article XXIV:6 and Article XXVIII of the GATT 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, with respect to the withdrawal of specific concessions in relation to the withdrawal of the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community ⁽¹⁾.

Done at Brussels, 22 May 2006.

For the Council

The President

J. PRÖLL

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union*.

AGREEMENT

in the form of an Exchange of Letters between the European Community and Malaysia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union

A. Letter from the European Community

Sir,

Following the initiation of negotiations between the European Communities (EC) and Malaysia under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the EC, the following is agreed between the EC and Malaysia with a view to closing the negotiations opened following the EC's notification of 19 January 2004 pursuant to Article XXIV:6 of GATT 1994:

- 1511 90 19 (Solid palm oil fractions, whether or not refined, but not chemically modified, in packing of > 1 kg.): A lower applied rate of 10,0 %.
- 8525 40 99 (Still-image video cameras): A lower applied rate of 12,5 %.

The lower applied rates indicated above are to be applied for three years.

The exact tariff descriptions of EC-15 shall apply to all tariff lines above.

The EC shall incorporate in its schedule CLX, for the customs territory of EC-25, the concessions that were included in its previous schedule.

This Agreement shall enter into force on the date of signature, following the approval by the parties in accordance with their own procedures.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the European Community



B. Letter from Malaysia

Sir,

Reference is made to your letter stating:

'Following the initiation of negotiations between the European Communities (EC) and Malaysia under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the EC, the following is agreed between the EC and Malaysia with a view to closing the negotiations opened following the EC's notification of 19 January 2004 pursuant to Article XXIV:6 of GATT 1994:

- 1511 90 19 (Solid palm oil fractions, whether or not refined, but not chemically modified, in packing of > 1 kg.): A lower applied rate of 10,0 %.
- 8525 40 99 (Still-image video cameras): A lower applied rate of 12,5 %.

The lower applied rates indicated above are to be applied for three years.

The exact tariff descriptions of EC-15 shall apply to all tariff lines above.

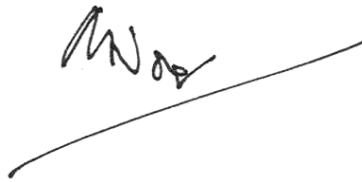
The EC shall incorporate in its schedule CLX, for the customs territory of EC-25, the concessions that were included in its previous schedule.

This Agreement shall enter into force on the date of signature, following the approval by the parties in accordance with their own procedures.'

I hereby have the honour to express my Government's agreement.

Please accept, Sir, the assurance of my highest consideration.

On behalf of Malaysia



COUNCIL DECISION**of 13 November 2006****amending Decision 2004/793/EC concluding the consultation procedure with the Togolese Republic under Article 96 of the Cotonou Agreement**

(2006/863/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, and revised in Luxembourg on 25 June 2005 ⁽²⁾, and in particular Article 96 thereof,

Having regard to the internal agreement between the representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽³⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Decision 2004/793/EC of 15 November 2004 concluding the consultation procedure with the Togolese Republic under Article 96 of the Cotonou Agreement ⁽⁴⁾ lays down a period of 24 months from the date of its adoption for monitoring the appropriate measures.
- (2) The political emergency following President Eyadema's death in 2005 was an unforeseen event that set back the initial timetable for implementing the undertakings given by the Togolese government and prevented the objectives from being attained by the initial deadline, in particular the organisation of early parliamentary elections.

- (3) At the end of this monitoring period many undertakings have been fulfilled and practical steps taken towards fulfilling the main undertakings still outstanding. Nevertheless several important measures concerning essential elements of the Cotonou Agreement have yet to be implemented,

HAS DECIDED AS FOLLOWS:

Article 1

The validity of Decision 2004/793/EC concluding the consultation procedure with the Togolese Republic pursuant to Article 96 of the Cotonou Agreement shall be extended for 12 months, to 15 November 2007. It shall be regularly reviewed every six months.

Article 2

The measures adopted in Decision 2004/793/EC as appropriate measures within the meaning of Article 96(2)(c) of the Cotonou Agreement shall be amended as specified in the draft letter annexed to this Decision.

Article 3

This Decision shall enter into force on the day of its adoption. It shall be published in the *Official Journal of the European Union*.

Done at Brussels, 13 November 2006.

For the Council

The President

E. TUOMIOJA

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 28.10.2005, p. 4.

⁽³⁾ OJ L 317, 15.12.2000, p. 376.

⁽⁴⁾ OJ L 349, 25.11.2004, p. 17.

ANNEX

For the attention of the Prime Minister, head of the government of the Togolese Republic

Prime Minister,

The European Union attaches great importance to Article 9 of the Cotonou Agreement. The ACP-EU partnership is founded on respect for human rights, democratic principles and the rule of law, these being essential elements of the Agreement and thus the basis for relations between us.

In 2004 the European Union felt that the political situation in Togo violated these essential elements and, in April 2004, opened consultations under Article 96 of the Agreement, during which the government gave 22 undertakings. The conclusions of these consultations were communicated to the head of government in a letter dated 15 November 2004.

The appropriate measures provide for a 24-month monitoring period, which ends on 14 November 2006. This period has seen an enhanced political dialogue, illustrated *inter alia* by the joint monitoring missions conducted by the Council and the Commission in July 2005, March 2006 and October 2006.

Monitoring of the undertakings shows that the situation had improved considerably by the end of 2004, only to worsen during the events that followed the death of President Eyadema in 2005. Since June 2005 a policy of openness has been set up, and reports show a considerable and sustained improvement in the situation, as exemplified by the recent comprehensive political agreement, for which we congratulate the authorities and all stakeholders in Togo.

Among the main initiatives taken in the fulfilment of the 22 undertakings, we would highlight in particular:

- the holding of a genuine political dialogue in Togo, which has enabled all parties to address all unresolved issues on the basis of an open agenda. This dialogue resulted in the signing of a comprehensive political agreement by all participants on 20 August last. The agreement signed is intended to lay the foundations for lasting national reconciliation and goes beyond the undertakings given to the European Union. In addition to issues relating to the electoral arrangements and impunity, it addresses the continuation of constitutional and armed-forces reforms,
- the formation of a government of national union, including members of the opposition, as part of the implementation of the Agreement of 20 August,
- the undertaking to prepare for parliamentary elections, the organisation of which was announced by the Commission Electorale Nationale Indépendante (CENI) for June 2007,
- the implementation of the new press code, the efforts to provide more balanced news coverage in the official media and the initial reshuffle in the High Authority for Audiovisual and Communications,
- the adoption of the programme of judicial reform, the release of political prisoners arrested during the events of 2005 and the improvement in prison conditions,
- the signing, on 10 July 2006, of a protocol with the UN High Commissioner for Human Rights concerning the opening of an office in Lomé to help the government and monitor human rights in Togo.

We also welcome the initiatives which go beyond the strict confines of the 22 undertakings. These measures are the reform of the army by separating national defence from internal security missions and the issue of refugees, for whom the first thing to be done is to restore confidence.

There is no doubt that the steps taken will help restore democracy and respect for human rights and go towards fulfilling the undertakings given.

In this context of restoring confidence between the European Union and Togo, we wish to pursue in-depth discussions on the following issues:

- the consolidation of the progress made, which must be confirmed at the next elections,
- the implementation of the electoral arrangements accepted by all the parties and laid down in the comprehensive political agreement, such as may pave the way for free and transparent parliamentary elections,
- the establishment of a legal framework for the financing of political parties,
- the continuation of the decentralisation process,
- dealing with the issue of impunity, including the creation of an Investigation Commission and a Commission to promote national reconciliation, as provided for by paragraphs 2.2 and 2.4 of the comprehensive political agreement, and the guarantees for the observance of human rights, as stated in undertaking 2.1,
- the revision of the articles of association and composition of the National Commission for Human Rights, together with the setting up in Lomé of an office of the United Nations High Commissioner on Human Rights.

Aware of the headway being made in Togo and the ground still to be covered, the European Union has decided to extend the monitoring period for the Decision of 15 November 2004 to 36 months to give the Togolese authorities time to fulfil all the undertakings given. Regular reviews, associating the presidency of the European Union and the European Commission, will be carried out at intervals of not more than six months.

In order to support the reform process which is under way, the European Union wishes to adapt the appropriate measures.

The unexpended balances of the 6th and 7th EDFs will be used according to the objectives laid down in the appropriate measures to support the holding of parliamentary elections, to finance a technical cooperation facility to support, *inter alia*, the fulfilment of the 22 undertakings, to support a programme to reform the justice system and raise awareness of human rights, and to finance a welfare programme of highly labour-intensive works.

Given that the electoral framework has been laid down and the date of the elections has been set, it is possible now to proceed with the notification of the 9th EDF and with the implementation of the 9th EDF and of the 1995-1999 Stabex Funds mutual obligations framework.

I have the honour to remain, Sir, yours faithfully,

Done at Brussels,

For the Council

For the Commission

COMMISSION

COMMISSION DECISION

of 30 November 2006

repealing Commission Decision 2005/613/EC accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of polyester staple fibres originating, *inter alia*, in Saudi Arabia

(notified under document number C(2006) 5776)

(2006/864/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, and in particular Articles 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

B. VOLUNTARY WITHDRAWAL OF AN UNDERTAKING

- (3) The Company advised the Commission in August 2006 that it wished to withdraw its undertaking.

C. REPEAL OF DECISION 2005/613/EC

- (4) In view of the above, the acceptance of the undertaking should be withdrawn and Commission Decision 2005/613/EC should be repealed,

HAS DECIDED AS FOLLOWS:

A. PREVIOUS PROCEDURE

- (1) In March 2005, the Council, by Regulation (EC) No 428/2005 ⁽²⁾, imposed a definitive anti-dumping duty on imports of polyester staple fibres originating in the People's Republic of China and Saudi Arabia, amended the definitive anti-dumping duties in force on imports of the same product originating in the Republic of Korea and terminated the anti-dumping proceeding in respect to imports of the same product originating in Taiwan.
- (2) The Commission, by Decision 2005/613/EC ⁽³⁾, accepted a price undertaking offered by the Saudi Arabian company Saudi Basic Industries Corporation (Sabic) (the 'Company') and all its related companies, including the related producer of the product concerned, Arabian Industrial Fibres Company (Ibn Rushd).

Article 1

Commission Decision 2005/613/EC is hereby repealed.

Article 2

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

Done at Brussels, 30 November 2006.

For the Commission
Peter MANDELSON
Member of the Commission

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ OJ L 71, 17.3.2005, p. 1. Regulation as amended by Regulation (EC) No 1333/2005 (OJ L 211, 13.8.2005, p. 1).

⁽³⁾ OJ L 211, 13.8.2005, p. 20.

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL DECISION 2006/865/CFSP
of 28 November 2006
implementing Joint Action 2005/824/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Joint Action 2005/824/CFSP of 24 November 2005 on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) ⁽¹⁾, and in particular, Article 11(2) thereof in conjunction with the second indent of Article 23(2) of the Treaty on European Union,

Whereas:

- (1) On 24 November 2005 the Council adopted Joint Action 2005/824/CFSP establishing that the EUPM is to be continued until 31 December 2007. The financial reference amount for 2007 is to be decided on an annual basis.
- (2) The mandate of the EUPM will be implemented in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

1. The financial reference amount intended to cover the expenditure related to the implementation of Joint Action 2005/824/CFSP shall be EUR 12 150 000 for 2007.

2. The expenditure financed by the amount referred to in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union, with the exception that any pre-financing shall not remain the property of the Community.

3. Expenditure shall be eligible from 21 November 2006.

Article 2

This Decision shall take effect on the date of its adoption.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 November 2006.

For the Council
The President
E. HEINÄLUOMA

⁽¹⁾ OJ L 307, 25.11.2005, p. 55.

COUNCIL DECISION 2006/866/CFSP**of 30 November 2006****extending the mandate of the Head of Mission of the European Union Monitoring Mission (EUMM)**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 23(2) thereof,

Article 1

The mandate of Ms Maryse DAVIET as Head of Mission of the EUMM is hereby extended until 31 December 2007.

Having regard to Council Joint Action 2002/921/CFSP of 25 November 2002 extending the mandate of the European Union Monitoring Mission ⁽¹⁾, and in particular Article 5(1) thereof,

Article 2

Whereas:

This Decision shall take effect on the date of its adoption.

- (1) On 21 November 2005, the Council adopted Decision 2005/808/CFSP ⁽²⁾ extending the mandate of Ms Maryse DAVIET as Head of Mission of the European Union Monitoring Mission (EUMM). In accordance with this Decision, her mandate expires on 31 December 2006.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

- (2) On 30 November 2006, the Council adopted Joint Action 2006/867/CFSP extending and amending the mandate of the European Union Monitoring Mission (EUMM) until 31 December 2007.

Done at Brussels, 30 November 2006.

- (3) The mandate of the Head of Mission of the EUMM should therefore also be extended,

For the Council
The President
L. HYSSÄLÄ

⁽¹⁾ OJ L 321, 26.11.2002, p. 51. Joint Action as last amended by Joint Action 2005/807/CFSP (OJ L 303, 22.11.2005, p. 61).

⁽²⁾ OJ L 303, 22.11.2005, p. 62.

COUNCIL JOINT ACTION 2006/867/CFSP**of 30 November 2006****extending and amending the mandate of the European Union Monitoring Mission (EUMM)**

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

Joint Action 2002/921/CFSP is hereby amended as follows:

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

1. Article 2(2)(a) shall be replaced by the following:

(1) On 25 November 2002, the Council adopted Joint Action 2002/921/CFSP extending the mandate of the European Union Monitoring Mission ⁽¹⁾ ('the EUMM').

'(a) monitor political and security developments in the area of its responsibility, with a particular focus on Kosovo and Serbia, and neighbouring regions that might be affected by any adverse developments in Kosovo;'.

(2) On 21 November 2005, the Council adopted Joint Action 2005/807/CFSP ⁽²⁾ extending the mandate of the EUMM until 31 December 2006.

2. Article 3(3) shall be replaced by the following:

(3) The EUMM should continue its activities in the Western Balkans in the support of the European Union's policy towards that region, with the principal focus on political and security developments in Kosovo and Serbia, and neighbouring areas that might be affected by any adverse developments in Kosovo.

'3. The Secretary-General/High Representative shall ensure that the EUMM functions flexibly and in a streamlined manner. In that context, he shall regularly re-examine the functions and the geographical territory covered by the EUMM so as to continue to adapt the internal organisation of the EUMM to the priorities of the Union in the Western Balkans. The Commission shall be fully associated. In view of the agreed closure of the entire EUMM by the end of 2007, a full report on the implementation of the EUMM exit strategy shall be presented by mid 2007.'.

(4) The EUMM presence in Albania should end by the end of 2006.

(5) The presence of the EUMM in Montenegro should be reduced to 2 monitors by the end of 2006 and its presence in Montenegro should end by mid 2007.

3. The second paragraph of Article 8 shall be replaced by the following:

(6) The entire EUMM should close down by the end of 2007, and the Council Secretariat should present a full report on the implementation of the EUMM exit strategy by mid 2007.

'It shall apply until 31 December 2007'.

(7) The mandate of the EUMM should therefore be extended and amended accordingly,

Article 3

HAS ADOPTED THIS JOINT ACTION:

The financial reference amount intended to cover the expenditure related to the EUMM between 1 January 2007 and 31 December 2007 shall be EUR 2 318 000. This amount shall also cover expenditure relating to the closing-down of the EUMM.

Article 1

The mandate of the EUMM, as set out in Joint Action 2002/921/CFSP, is hereby extended until 31 December 2007.

Article 4

This Joint Action shall enter into force on the date of its adoption.

⁽¹⁾ OJ L 321, 26.11.2002, p. 51.

⁽²⁾ OJ L 303, 22.11.2005, p. 61.

Article 5

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 30 November 2006.

For the Council

The President

L. HYSSÄLÄ

COUNCIL JOINT ACTION 2006/868/CFSP**of 30 November 2006****amending Joint Action 2004/847/CFSP on the European Union Police Mission in Kinshasa (DRC)
regarding the Integrated Police Unit (EUPOL 'Kinshasa')**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Having regard to the Treaty on European Union and, in particular Article 14 thereof,

Article 1(3) of Joint Action 2004/847/CFSP shall be replaced by the following:

Whereas:

'3. EUPOL "Kinshasa" shall be temporarily reinforced during the electoral process in the Democratic Republic of Congo, in accordance with the provisions set out in Article 3. This reinforcement shall end on 31 December 2006.'

Article 2

- (1) On 9 December 2004, the Council adopted Joint Action 2004/847/CFSP on the European Union Police Mission in Kinshasa (DRC) regarding the Integrated Police Unit (EUPOL 'Kinshasa') ⁽¹⁾.

This Joint Action shall enter into force on the day of its adoption.

Article 3

This Joint Action shall be published in the *Official Journal of the European Union*.

- (2) In Joint Action 2006/300/CFSP it was notably provided that EUPOL 'Kinshasa' would be temporarily reinforced during the electoral process in the DRC.

Done at Brussels, 30 November 2006.

- (3) The temporary reinforcement of EUPOL 'Kinshasa' should be extended until 31 December 2006,

For the Council

The President

L. HYSSÄLÄ

⁽¹⁾ OJ L 367, 14.12.2004, p. 30. Joint Action as last amended by Joint Action 2006/300/CFSP (OJ L 111, 25.4.2006, p. 12).