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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1788/2006
of 5 December 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 6 December 2006.

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

Done at Brussels, 5 December 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 5 December 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	83,4
	204	45,6
	999	64,5
0707 00 05	052	137,4
	204	74,2
	628	171,8
	999	127,8
0709 90 70	052	150,7
	204	69,8
	999	110,3
0805 10 20	388	46,7
	508	15,3
	528	27,0
	999	29,7
0805 20 10	052	63,6
	204	59,6
	999	61,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	64,1
	388	111,5
	999	87,8
0805 50 10	052	47,5
	388	44,4
	528	40,0
	999	44,0
0808 10 80	388	59,7
	400	97,0
	404	99,8
	508	80,5
	720	52,1
	999	77,8
0808 20 50	052	107,7
	400	111,9
	720	51,2
	999	90,3

⁽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 1789/2006

of 5 December 2006

opening and providing for the administration of the tariff quota for the import of bananas falling under CN code 0803 00 19 originating in ACP countries for the period 1 January to 31 December 2007

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1964/2005 of 29 November 2005 on the tariff rates for bananas ⁽¹⁾, and in particular Article 2 thereof,

Whereas:

- (1) Article 1(2) of Regulation (EC) No 1964/2005 provides that each year from 1 January, an autonomous tariff quota of 775 000 tonnes net weight subject to a zero-duty rate is to be opened for imports of bananas under CN code 0803 00 19 originating in ACP countries.
- (2) The tariff quota provided for by Regulation (EC) No 1964/2005 for 2007 should therefore be opened and the provisions for its administration laid down for the period until 31 December 2007.
- (3) As is the case for non preferential imports, a method of administering the tariff quota should be adopted so as to favour international trade and smoother trade flows. The most appropriate method for this purpose would be that using the quota by chronological order of acceptance of the declarations of release for free circulation (the 'first come, first served' method). Nevertheless, in order to ensure continuity of trade with ACP countries and, therefore, satisfactory supplies for the Community market while avoiding disturbances in trade flows, Commission Regulation (EC) No 219/2006 ⁽²⁾ reserved, on a transitional basis, part of the tariff quota for operators who supplied the Community with ACP bananas in the framework of the import regime previously in force. Taking into account the transitional nature of that provision, it appears appropriate to progressively eliminate it and hence ensuring for 2007 a substantial increase in the part of the tariff quota managed by the first come, first served method, by increasing the proportion of imports carried out under that system from 60 % to 81 %.
- (4) Provision should therefore be made for a total quantity of 146 848 tonnes of the tariff quota to be reserved for the operators who actually imported bananas originating in ACP countries into the Community during 2006. That proportion of the tariff quota should be administered by means of import licences issued to each operator in proportion to the quantities imported on the basis of licences received by these operators under Chapter II of Regulation (EC) No 219/2006.
- (5) In view of the quantities available, a ceiling should be set for the licence application which each operator may lodge for the period until 31 December 2007.
- (6) Access to the rest of the tariff quota should be open to all operators established in the Community on a 'first come, first served' basis in accordance with Articles 308a, 308b and 308c of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾.
- (7) This Regulation should enter into force immediately in order to enable licence applications to be lodged in time.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Bananas,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject

The zero-duty tariff quota for the import of bananas falling under CN code 0803 00 19 originating in ACP countries provided for in Article 1(2) of Regulation (EC) No 1964/2005 is hereby opened for the period 1 January to 31 December 2007.

⁽¹⁾ OJ L 316, 2.12.2005, p. 1.

⁽²⁾ OJ L 38, 9.2.2006, p. 22. Regulation as last amended by Regulation (EC) No 1261/2006 (OJ L 230, 24.8.2006, p. 3).

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

*Article 2***Available quantities**

The quantities available under the tariff quota are set at 775 000 tonnes, of which:

- (a) 146 848 tonnes is to be administered in accordance with Chapter II and have the serial number 09.4164.
- (b) 628 152 tonnes is to be administered in accordance with Chapter III and have the order numbers: 09.1634, 09.1638, 09.1639, 09.1640, 09.1642, 09.1644.

CHAPTER II

**IMPORTS OF THE QUANTITIES PROVIDED FOR IN
ARTICLE 2(A)***Article 3***Import licences**

- 1. All imports under the quantity fixed in Article 2(a) shall be subject to the lodging of an import licence issued in accordance with the provisions of this Chapter.
- 2. Commission Regulation (EC) No 1291/2000 ⁽¹⁾ shall be applicable, with the exception of Article 8(4) and (5), subject to the provisions of this Regulation.

*Article 4***Lodging licence applications**

- 1. Economic operators established in the Community who actually imported bananas originating in ACP countries into the Community in 2006, on the basis of licences issued under Chapter II of Regulation (EC) No 219/2006, shall be entitled to lodge import licence applications.
- 2. The quantities applied for by each operator may not exceed 110 % of the quantity imported on the basis of licences allocated to him under chapter II of Regulation (EC) No 219/2006.
- 3. Import licence applications must be lodged by each operator on 8 and 9 January 2007 with the competent authorities of the Member State which issued him in 2006 with the import licences for the quantities referred to in paragraph 2.

The competent authorities in each Member State shall be as listed in the Annex. That list shall be amended by the Commission at the request of the Member States concerned.

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

4. Licence applications shall be accompanied by a copy of the licence(s) used in 2006 to import bananas originating in ACP countries, duly endorsed, and the documents proving the ACP origin of the quantities under those licences, and the proof of lodging of a security in accordance with Title III of Commission Regulation (EEC) No 2220/85 ⁽²⁾. The security shall be EUR 150 per tonne.

5. Applications not lodged in accordance with this Article shall not be admissible.

6. Box 20 of licence applications and licences shall contain the entry 'licence under Chapter II of Regulation (EC) No 1789/2006'.

*Article 5***Issuing of licences**

- 1. Member States shall notify the Commission not later than 15 January 2007 of the total quantity for which admissible licence applications have been lodged.
- 2. If the quantities applied for exceed the quantity referred to in Article 2(a) the Commission shall, not later than 18 January 2007, set an allocation coefficient to be applied to each application.
- 3. The competent authorities shall issue the import licences from 22 January 2007, where appropriate applying the allocation coefficient referred to in paragraph 2.
- 4. Where, if an allocation coefficient is applied, a licence is issued for a quantity less than that applied for, the security referred to in Article 4(4) shall be released without delay for the quantity not awarded.

*Article 6***Period of validity of licences and Member State notifications**

- 1. The import licences issued in accordance with Article 5(3) shall be valid until 31 December 2007.
- 2. From February 2007 to January 2008 inclusive, Member States shall notify the Commission, not later than the 15th of each month, of the quantities of bananas released into free circulation during the previous month on the basis of licences issued in accordance with Article 5(3).

⁽²⁾ OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 673/2004 (OJ L 105, 14.4.2004, p. 17).

The information referred to in the first subparagraph shall be sent via by the electronic system indicated by the Commission.

3. Member States shall transmit to the Commission, not later than 26 January 2007, the list of operators operating under this Regulation.

The Commission may communicate these lists to the other Member States.

Article 7

Formalities for release for free circulation

1. The customs offices at which the import declarations are lodged with a view to the release into free circulation of bananas shall:

- (a) keep a copy of each import licence and extract therefrom endorsed on acceptance of a declaration of release into free circulation; and
- (b) forward at the end of each fortnight a second copy of each import licence and extract endorsed to their Member State authorities listed in the Annex.

2. The authorities referred to in paragraph 1(b) shall, at the end of each fortnight, forward a copy of the licences and extracts received to the competent authorities of the Member States listed which issued those documents.

3. Where there is doubt as to the authenticity of the licence, the extract, or any information in or signatures on the documents presented, or as to the identity of the operators completing the formalities for release into free circulation or for the account of whom those formalities are completed, and where irregularities are suspected, the customs offices at which those documents were presented shall immediately inform the competent authorities of their Member State thereof. The latter shall immediately forward that information to the competent authorities of the Member State which issued the documents and to the Commission, for the purposes of a thorough check.

4. On the basis of the information received under paragraphs 1, 2 and 3, the Member States' competent authorities listed in

the Annex shall carry out the additional checks needed to ensure the proper administration of the tariff quota arrangements, in particular verification of the quantities imported under those arrangements, by means of a precise comparison of the licences and extracts issued with the licences and extracts used. To that end, they shall verify in particular the authenticity and conformity of the documents used and that the documents have been used by operators.

CHAPTER III

IMPORTS OF THE QUANTITIES PROVIDED FOR IN ARTICLE 2(B)

Article 8

Administration

1. The quantity provided for in Article 2(b) shall be divided into six tranches, each of 104 692 tonnes, as follows:

Order number	Quota period
09.1634	1 January to 28 February
09.1638	1 March to 30 April
09.1639	1 May to 30 June
09.1640	1 July to 31 August
09.1642	1 September to 31 October
09.1644	1 November to 31 December

2. The tranches provided for in paragraph 1 shall be administered in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

CHAPTER IV

FINAL PROVISIONS

Article 9

Entry into force

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

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

Done at Brussels, 5 December 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Competent authorities of the Member States:

Belgium

Bureau d'intervention et de restitution belge/Belgisch
Interventie- en Restitutiebureau
Rue de Trèves, 82/Trierstraat 82
B-1040 Bruxelles/Brussel

France

Office de développement de l'économie agricole des
départements d'outre-mer (Odeadom)
46-48, rue de Lagny
F-93104 Montreuil Cedex

Czech Republic

Státní zemědělský intervenční fond
Ve Smečkách 33
CZ-110 00 Praha 1

Ireland

Department of Agriculture & Food
Crops Policy & State Bodies Division
Agriculture House (3W)
Kildare Street
Dublin 2
Ireland

Denmark

Ministeriet for Fødevarer, Landbrug og Fiskeri
Direktoratet for Fødevareerhverv; Eksportstøttekontoret
Nyropsgade 30
DK-1780 København V

Italy

Ministero del Commercio internazionale
Direzione generale per la Politica commerciale — Div. II
Viale Boston, 25
I-00144 Roma

Germany

Bundesanstalt für Landwirtschaft und Ernährung
Referat 322
Deichmanns Aue 29
D-53179 Bonn

Cyprus

Υπουργείο Εμπορίου, Βιομηχανίας και Τουρισμού
Μονάδα Αδειών Εισαγωγών — Εξαγωγών
CY 1421 Κύπρος

Estonia

Põllumajanduse Registrite ja Informatsiooni Amet
Toetuste osakond, kaubandustoetuste büroo
Narva mnt 3
EE-51009 Tartu

Ministry of Commerce, Industry and Tourism
Import & Export Licensing Unit
CY 1421 Cyprus

Latvia

Zemkopības ministrijas
Lauku atbalsta dienests
Tirdzniecības mehānismu departaments
Licenču daļa
Republikas laukums 2
LV-1981 Rīga

Greece

OKEPEKE (ex-GEDIDAGEP)
Directorate Fruits and Vegetables, Wine and Industrial
Products
241, Acharnon Street
GR-10446 Athens

Lithuania

Nacionalinė mokėjimo agentūra
Užsienio prekybos departamentas
Blindžių g. 17
LT-08111 Vilnius

ΟΠΕΚΕΠΕ

Δ/ση οπωροκηπευτικών, αμπελοοινικών και βιομηχανικών
προϊόντων
Αχαρνών 2
Τ.Κ. 10446, Αθήνα

Spain

Ministerio de Industria, Turismo y Comercio
Secretaría General de Comercio Exterior
Paseo de la Castellana, 162
E-28046 Madrid

Luxembourg

Direction des douanes et accises
Division 'douane/valeur'
26, place de la Gare
L-1616 Luxembourg

Hungary

Magyar Kereskedelmi Engedélyezési Hivatal
Margit krt. 85
HU-1024 Budapest

Malta

Ministeru għall-Affarijiet Rurali u l-Ambjent
Divizjoni tas-Servizzi Agrikoli u Zvilupp Rurali
Agenzija tal-Pagamenti
Trade Mechanisms
Centru Nazzjonali tas-Servizzi Agrikoli u Zvilupp Rurali
Għammieri
Marsa CMR 02 Malta

The Netherlands

Produktschap Tuinbouw
Louis Pasteurlaan 6
Postbus 280
2700 AG Zoetermeer
Nederland

Austria

Agrarmarkt Austria
Dresdner Straße 70
A-1200 Wien

Poland

Agencja Rynku Rolnego
Biuro Administrowania Obrotem Towarowym z
Zagranicą
ul. Nowy Świat 6/12
00-400 Warszawa
Polska

Portugal

Ministério das Finanças e da Administração Pública
Direcção-Geral das Alfândegas e dos Impostos Especiais
sobre o Consumo
Direcção de Serviços de Licenciamento
Rua Terreiro do Trigo — Edifício da Alfândega
P-1149-060 Lisboa

Slovenia

Agencija RS za kmetijske trge in razvoj podeželja
Oddelek za zunanjo trgovino
Dunajska cesta 160
SI-1000 Ljubljana

Slovakia

Pôdohospodárska platobná agentúra
Dobrovičova 12
815 26 Bratislava
Slovenská republika

Finland

Maa- ja Metsätalousministeriö
PL 30
FIN-00023 Valtioneuvosto, Helsinki

Sweden

Jordbruksverket
Interventionsenheten
S-551 82 Jönköping

United Kingdom

Rural Payment Agency
External Trade Division
Lancaster House
Hampshire Court
Newcastle Upon Tyne
NE4 7YH
United Kingdom

Bulgaria

Министерство на земеделието и горите
Дирекция „Маркетинг и регулаторни режими“
Бул. „Христо Ботев“, 55
София, 1040
България

Ministry of Agriculture and Forestry
Marketing and Regulatory Regimes Directorate
55, Hristo Botev blvd.
Sofia, 1040

Romania

Agentia de Plati si Interventie pentru Agricultura
Directia de Masuri de Piata – Comert Exterior
B-dul Carol I nr. 17, sector 2
Bucuresti
Romania

COMMISSION REGULATION (EC) No 1790/2006**of 5 December 2006****approving operations to check conformity to the marketing standards applicable to fresh fruit and vegetables carried out in Turkey prior to import into the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

implementation of the administrative cooperation procedure provided for in Article 7(8) of Regulation (EC) No 1148/2001.

Having regard to the Treaty establishing the European Community,

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular Article 10 thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

- (1) Article 7 of Commission Regulation (EC) No 1148/2001 of 12 June 2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables ⁽²⁾ lays down the conditions for the approval of checking operations performed by certain third countries which so request prior to import into the Community.

Checks on conformity to the marketing standards applicable to fresh fruit and vegetables carried out by Turkey prior to import into the Community are hereby approved in accordance with Article 7 of Regulation (EC) No 1148/2001.

Article 2

- (2) The Turkish authorities sent the Commission a request for the approval of checking operations performed under the responsibility of the General Directorate of Standardisation for Foreign Trade. This request states that the aforementioned inspection bodies have the necessary staff, equipment and facilities to carry out checks, that they use methods equivalent to those referred to in Article 9 of Regulation (EC) No 1148/2001 and that the fresh fruit and vegetables exported from Turkey to the Community meet the Community marketing standards.

Details of the official authority and inspection body in Turkey, as referred to in the second subparagraph of Article 7(2) of Regulation (EC) No 1148/2001, are given in Annex I to this Regulation.

Article 3

- (3) The information sent by the Member States to the Commission shows that, in the period 2001 to 2005, the incidence of non-conformity with marketing standards among imports from Turkey of fresh fruit and vegetables was low.

The certificates referred to in the second subparagraph of Article 7(3) of Regulation (EC) No 1148/2001, issued following the checks referred to in Article 1 of this Regulation, must be drawn up on forms in conformity with the model set out in Annex II to this Regulation.

Article 4

- (4) Checks on conformity carried out by Turkey should therefore be approved with effect from the date of

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

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 156, 13.6.2001, p. 9. Regulation as last amended by Regulation (EC) No 408/2003 (OJ L 62, 6.3.2003, p. 8).

It shall apply from the date of publication in the C series of the *Official Journal of the European Union* of the notice referred to in Article 7(8) of Regulation (EC) No 1148/2001, relating to the establishment of administrative cooperation between the Community and Turkey.

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

Done at Brussels, 5 December 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Official authority referred to in Article 7(2) of Regulation (EC) No 1148/2001:*General Directorate of Standardisation for Foreign Trade*

General Director: Mr. Yavuz MOLLASALİHOĞLU
Head of the Department for Agriculture: Mrs. Çiğdem KILIÇKAYA
Address: İnönü Bulv. No: 36 Oda no: 2118 06510 Emek/Ankara
Tel. (90-312) 212 58 99
Fax (90-312) 212 68 64, (90-312) 205 09 18
E-mail: kilickayac@dtm.gov.tr

Inspection body referred to in Article 7(2) of Regulation (EC) No 1148/2001:*Regional Directorate of Western Anatolia*

Regional Director: Mr. Muzaffer ERTÜRK
Address: Gazi Bulv. No: 126 Kat:1 35230 Basmane/İzmir
Tel. (90-232) 483 40 26
Fax (90-232) 48 37 72
E-mail: izmirbolge@dtm.gov.tr

Regional Directorate of Southern Anatolia

Regional Director: Mr. Şükrü ÇALIŞKAN
Address: Çakmak Cad. Buğdaycı Apt. No:27 Kat:6/32 Mersin
Tel. (90-324) 237 97 18
Fax (90-324) 237 19 59
E-mail: mersinbolge@dtm.gov.tr

Regional Directorate of Southeastern Anatolia

Regional Director: Mr. M. Zihni DOĞAN
Address: Yeni Valilik Binası Kat:5 No:555 27330 Gaziantep
Tel. (90-342) 230 78 52
Fax (90-342) 221 21 44
E-mail: gaziantepbolge@dtm.gov.tr

Regional Directorate of Marmara

Regional Director: Mr. Çağatay ÖZTÜRK
Address: Dış Ticaret Kompleksi D Blok K-1-2 Çobançeşme Mevkii Sanayi Cad
Yenibosna – Bahçelievler/İstanbul
Tel. (90-212) 454 08 20
Fax (90-212) 454 08 22
E-mail: istanbulbolge@dtm.gov.tr

Regional Directorate of Eastern Black Sea

Regional Director: Mr. Ö. Naci GENÇTÜRK
Address: Hükümet Konağı Üst Zemin Kat 61040 Trabzon
Tel. (90-462) 230 19 82
Fax (90-462) 229 73 09
E-mail: izmirbolge@dtm.gov.tr

Regional Directorate of Central Anatolia

Regional Director: Mr. Caner SOLMAZ
Address: Mithatpaşa Cad. No: 18/4 Kızılay/Ankara
Tel. (90-312) 430 61 08
Fax (90-312) 430 61 09
E-mail: ankarabolge@dtm.gov.tr

ANNEX II

Model certificate referred to in Article 7(3) of Regulation (EC) No 1148/2001

1. İhracatçının Unvanı, Vergi No (Exporter's name, tax No.)	 KONTROL BELGESİ CONFORMITY CERTIFICATE No İşbu belge sadece Kontrol Dairelerince kullanılır (This certificate is for the exclusive use of control services)		
2. Ambalaj Üstünde Görülen Ambalajcı veya İmalatçı Firma (İhracatçıdan farklı ise) (Producer or packer as indicated on packing) (if other than exporter)	T.C. BAŞBAKANLIK DIŞ TİCARET MÜSTEŞARLIĞI (REPUBLIC OF TURKEY, PRIME MINISTRY, UNDERSECRETARIAT OF FOREIGN TRADE) BÖLGE MÜDÜRLÜĞÜ (..... REGIONAL DIRECTORATE) DTS Denetmenleri Grup Başkanlığı (...Group of Inspectors of Standardisation for Foreign Trade)		
5. Nakil Vasıtası (Identification of means of transport)	3. Menşe Ülke ve Şehir (Country and city of origin)	4. Gideceği Ülke (Country of destination)	6. İlgili Ulusal Mevzuat (Space reserved for national regulations)
7. Ambalaj Çeşidi ve Sayısı (Number and kind of packages)	8. Ürünün Türü ve Çeşidi (Nature and variety of product)	9. Kalite Sınıfı (Quality class)	10. Partinin Ağırlığı Brüt/Net (Total weight in kg gross/net)
11. Örnekleme suretiyle yapılan kontrolde, yukarıda vasıfları yazılı partinin, kontrol anında yürürlükte olan standartlara uygun bulunduğu tasdik olunur (It is certified that following inspection by sampling the above consignment conformed with the standards in force at the time of inspection) Çıkış Gümrüğü (Customs office of departure) Bu Kontrol Belgesi:/...../200. tarihi bitimine kadar geçerlidir (This conformity certificate is valid until:/...../200.) Kontrol Tarihi:/...../200. (date of inspection:/...../200.) Kontrolü Yapanlar: (Inspected by:) Kaşe, İmza, Mühür (Stamp — Signature — Seal)			

COMMISSION DIRECTIVE 2006/124/EC

of 5 December 2006

amending Council Directive 92/33/EEC on the marketing of vegetable propagating and planting material other than seed and Council Directive 2002/55/EC on the marketing of vegetable seed

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material other than seed ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ⁽²⁾, and in particular Articles 2(2) and 45 thereof,

Whereas:

- (1) Directive 2002/55/EC does not include all the vegetable genera and species covered by Directive 92/33/EEC. It is appropriate to extend the scope of Directive 2002/55/EC so that it applies to the same genera and species as Directive 92/33/EEC.
- (2) Directives 2002/55/EC and 92/33/EEC do not include *Zea mays* L. (popcorn or sweetcorn), a plant which is largely grown in certain new Member States. It is appropriate to extend the scope of both Directives to *Zea mays* L. Although maize, including popcorn and sweetcorn, is classified as a cereal under the legislation concerning the common agricultural policy, seed for sowing of sweet corn and popcorn must be submitted to the specific legislation concerning the marketing of seed of vegetables.
- (3) In the light of the development of scientific knowledge, a number of the botanical names used in Directives 92/33/EEC and 2002/55/EC have been shown to be incorrect or of doubtful authenticity. Those names should be aligned with those normally accepted internationally.
- (4) Directives 92/33/EEC and 2002/55/EC should therefore be amended accordingly.

- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The genera and species listed in Annex II to Directive 92/33/EEC are replaced by those listed in the Annex to this Directive.

Article 2

Directive 2002/55/EC is amended as follows:

1. The genera and species listed in Article 2(1)(b) are replaced by those listed in the Annex to this Directive.
2. Point 3(a) of Annex II is amended as follows:

- (a) The following entries are inserted in alphabetical order:

' <i>Allium fistulosum</i>	97	0,5	65'
' <i>Allium sativum</i>	97	0,5	65'
' <i>Allium schoenoprasum</i>	97	0,5	65'
' <i>Rheum rhabarbarum</i>	97	0,5	70'
' <i>Zea mays</i>	98	0,1	85';

- (b) '*Brassica oleracea* (other subspecies)' is replaced by '*Brassica oleracea* (other than cauliflower)';
- (c) '*Brassica pekinensis*' is replaced by '*Brassica rapa* (Chinese cabbage)';
- (d) '*Brassica rapa*' is replaced by '*Brassica rapa* (turnip)';

⁽¹⁾ OJ L 157, 10.6.1992, p. 1. Directive as last amended by Commission Decision 2005/55/EC (OJ L 22, 26.1.2005, p. 17).

⁽²⁾ OJ L 193, 20.7.2002, p. 33. Directive as last amended by Directive 2004/117/EC (OJ L 14, 18.1.2005, p. 18).

- (e) '*Lycopersicon lycopersicum*' is replaced by '*Lycopersicon esculentum*'.

3. Point 2 of Annex III is amended as follows:

- (a) The following entries are inserted in alphabetical order:

' <i>Allium fistulosum</i>	15'
' <i>Allium sativum</i>	20'
' <i>Allium schoenoprasum</i>	15'
' <i>Rheum rhabarbarum</i>	135'
' <i>Zea mays</i>	1 000';

- (b) '*Brassica pekinensis*' is deleted;

- (c) '*Lycopersicon lycopersicum*' is replaced by '*Lycopersicon esculentum*'.

Article 3

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

They shall apply the provisions from 1 July 2007. However, they may postpone until 31 December 2009 the application of the provisions in respect of the official acceptance of varieties belonging to *Allium cepa* L. (aggregatum group), *Allium fistulosum* L., *Allium sativum* L., *Allium schoenoprasum* L., *Rheum rhabarbarum* L. and *Zea mays* L.

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 20th day following its publication in the *Official Journal of the European Union*.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 5 December 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

' <i>Allium cepa</i> L.	
— <i>Cepa</i> Group	Onion Echalion
— <i>Aggregatum</i> Group	Shallot
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion
<i>Allium porrum</i> L.	Leek
<i>Allium sativum</i> L.	Garlic
<i>Allium schoenoprasum</i> L.	Chives
<i>Anthriscus cerefolium</i> (L.) Hoffm.	Chervil
<i>Apium graveolens</i> L.	Celery Celeriac
<i>Asparagus officinalis</i> L.	Asparagus
<i>Beta vulgaris</i> L.	Beetroot including Cheltenham beet Spinach beet or Chard
<i>Brassica oleracea</i> L.	Curly kale Cauliflower Sprouting broccoli or Calabrese Brussels sprouts Savoy cabbage White cabbage Red cabbage Kohlrabi
<i>Brassica rapa</i> L.	Chinese cabbage Turnip
<i>Capsicum annuum</i> L.	Chilli or Pepper
<i>Cichorium endivia</i> L.	Curled-leaved endive Plain-leaved endive
<i>Cichorium intybus</i> L.	Witloof chicory Large-leaved chicory or Italian chicory Industrial chicory
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon
<i>Cucumis melo</i> L.	Melon
<i>Cucumis sativus</i> L.	Cucumber Gherkin
<i>Cucurbita maxima</i> Duchesne	Gourd
<i>Cucurbita pepo</i> L.	Marrow or Courgette
<i>Cynara cardunculus</i> L.	Globe artichoke Cardoon

<i>Daucus carota</i> L.	Carrot Fodder carrot
<i>Foeniculum vulgare</i> Mill.	Fennel
<i>Lactuca sativa</i> L.	Lettuce
<i>Lycopersicon esculentum</i> Mill.	Tomato
<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill	Parsley
<i>Phaseolus coccineus</i> L.	Runner bean
<i>Phaseolus vulgaris</i> L.	Dwarf French bean Climbing French bean
<i>Pisum sativum</i> L. (partim)	Wrinkled pea Round pea Sugar pea
<i>Raphanus sativus</i> L.	Radish Black radish
<i>Rheum rhabarbarum</i> L.	Rhubarb
<i>Scorzonera hispanica</i> L.	Scorzonera or Black salsify
<i>Solanum melongena</i> L.	Aubergine or Egg plant
<i>Spinacia oleracea</i> L.	Spinach
<i>Valerianella locusta</i> (L.) Laterr.	Corn salad or Lamb's lettuce
<i>Vicia faba</i> L. (partim)	Broad bean
<i>Zea mays</i> L. (partim)	Sweet corn Popcorn'

COMMISSION DIRECTIVE 2006/125/EC**of 5 December 2006****on processed cereal-based foods and baby foods for infants and young children****(Text with EEA relevance)****(Codified version)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

namely processed cereal-based foods and baby foods, should be laid down.

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Directive 96/5/EC of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Directive should be codified.

(2) Processed cereal-based foods and baby foods for infants and young children are used as part of a diversified diet and do not constitute the sole source of nourishment of infants and young children.

(3) There is a great variety of the products in question reflecting the widely varied diet of infants being weaned and young children owing to social and cultural circumstances existing in the Community.

(4) The essential composition of the products in question must be appropriate for the nutritional requirements of infants and young children in good health as established by generally accepted scientific data, account being taken of the abovementioned factors.

(5) The essential nutritional requirements for the composition of the two broad categories of these products,

(6) Although, because of the nature of such products, a number of mandatory requirements and other restrictions as to the level of vitamins, minerals and other nutrients should be imposed, it should be allowed that such nutrients are added voluntarily by manufacturers, provided that they use exclusively certain substances to be specified by this Directive.

(7) The use of the products to which such nutrients have been voluntarily added at levels currently observed in the Community do not appear to result in excessive intakes of those nutrients by infants and young children. Attention should be paid to any future developments of the situation, and if necessary, appropriate measures should be taken.

(8) Different rules on the maximum levels of pesticide residues in processed cereal-based foods and baby foods cause trade barriers between certain Member States.

(9) Maximum levels for pesticide residues stipulated in Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables ⁽⁴⁾, in Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ⁽⁵⁾, in Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin ⁽⁶⁾, and in Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables ⁽⁷⁾, are without prejudice to specific provisions applicable to processed cereal-based foods and baby foods.

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

⁽²⁾ OJ L 49, 28.2.1996, p. 17. Directive as last amended by Directive 2003/13/EC (OJ L 41, 14.2.2003, p. 33).

⁽³⁾ See Annex VIII, Part A.

⁽⁴⁾ OJ L 340, 9.12.1976, p. 26. This Directive is repealed by Regulation (EC) No 396/2005 of the European Parliament and of the Council (OJ L 70, 16.3.2005, p. 1).

⁽⁵⁾ OJ L 221, 7.8.1986, p. 37. This Directive is repealed by Regulation (EC) No 396/2005.

⁽⁶⁾ OJ L 221, 7.8.1986, p. 43. This Directive is repealed by Regulation (EC) No 396/2005.

⁽⁷⁾ OJ L 350, 14.12.1990, p. 71. This Directive is repealed by Regulation (EC) No 396/2005.

- (10) Taking into account the Community's international obligations, in cases where the relevant scientific evidence is insufficient, the precautionary principle allows the Community to provisionally adopt measures on the basis of available pertinent information, pending an additional assessment of risk and a review of the measure within a reasonable period of time.
- (11) On the basis of the two opinions given by the Scientific Committee for Food on 19 September 1997 and 4 June 1998 there are at present doubts as to the adequacy of existing acceptable daily intake values (ADI) of pesticides and pesticide residues for the protection of the health of infants and young children. Therefore, as far as foodstuffs for particular nutritional uses intended for infants and young children are concerned, it is appropriate to adopt a very low common limit for all pesticides pending case-by-case scientific screening and evaluation of substances. This very low common limit should be fixed at 0,01 mg/kg which normally is in practice the minimum detectable level.
- (12) Severe limitations on pesticide residues should be required. With careful selection of raw materials, and given that processed cereal-based foods and baby foods undergo extensive processing during their manufacture, it is feasible to produce products containing very low levels of pesticide residues. However, in the case of a small number of pesticides or metabolites of pesticides even a maximum residue level of 0,01 mg/kg might, under worst-case intake conditions, allow infants and young children to exceed the ADI. This is the case for pesticides or metabolites of pesticides with an ADI lower than 0,0005 mg/kg body weight.
- (13) This Directive establishes the principle of the prohibition of the use of these pesticides in the production of agricultural products intended for processed cereal-based foods and baby foods. However, this prohibition does not necessarily guarantee that products are free from such pesticides, since some pesticides contaminate the environment and their residues may be found in the products concerned.
- (14) The health of infants and young children can be better protected by applying additional requirements which can be enforced by analysis regardless of a product's origin.
- (15) Most of the pesticides which have ADI values lower than 0,0005 mg/kg body weight are already prohibited in the Community. The prohibited pesticides should not be detectable in processed cereal-based foods and baby foods by state of the art analytical methods. However, some pesticides degrade slowly and still contaminate the environment. They might be present in processed cereal-based foods and baby foods even if they have not been used. For the purposes of control, a harmonised approach should be followed.
- (16) Pending Commission Decisions on whether they satisfy the safety requirements of Article 5 of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽¹⁾, the continued use of authorised pesticides should be permitted as long as their residues comply with the maximum residue levels established in this Directive. The latter should be set at levels ensuring that their respective ADI values are not exceeded by infants and young children under worst-case intake conditions.
- (17) The use of novel food ingredients should be dealt with horizontally for all foodstuffs in a separate measure.
- (18) This Directive reflects current knowledge about the products concerned. Any amendment, to allow for innovation based on scientific and technical progress, should be decided by the procedure referred to in Article 13(2) of Directive 89/398/EEC.
- (19) In view of the persons for whom the products are intended, the necessary microbiological criteria and maximum levels for contaminants should be laid down.
- (20) Pursuant to Article 7(1) of Directive 89/398/EEC, the products covered by this Directive are subject to the general rules laid down by Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁽²⁾.
- (21) In this Directive the additions and exceptions to those general rules should be adopted and expanded upon, where appropriate.
- ⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Regulation (EC) No 396/2005.
- ⁽²⁾ OJ L 109, 6.5.2000, p. 29. Directive as last amended by Directive 2003/89/EC (OJ L 308, 25.11.2003, p. 15).

- (22) In particular, the nature and destination of the products covered by this Directive require nutritional labelling showing the energy value and principal nutrients they contain. On the other hand, the method of use should be specified in accordance with point 9 of Article 3(1) and Article 11 of Directive 2000/13/EC, in order to prevent inappropriate uses liable to harm the health of infants.
- (23) Whilst claims not specifically prohibited may generally be made for the products in question in conformity with the rules applicable for all foodstuffs, such claims should, where appropriate, take into account the compositional criteria specified in this Directive.
- (24) On the provisions liable to affect public health, the consultation in accordance with Article 4 of Directive 89/398/EEC has taken place.
- (25) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health.
- (26) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex VIII, Part B,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive is a 'specific Directive' within the meaning of Article 4(1) of Directive 89/398/EEC.

2. This Directive covers foodstuffs for particular nutritional use fulfilling the particular requirements of infants and young children in good health in the Community and are intended for use by infants while they are being weaned, and by young children as a supplement to their diet and/or for their progressive adaptation to ordinary food. They comprise:

- (a) 'processed cereal-based foods' which are divided into the following four categories:
- (i) simple cereals which are or have to be reconstituted with milk or other appropriate nutritious liquids;
 - (ii) cereals with an added high protein food which are or have to be reconstituted with water or other protein-free liquid;

(iii) pastas which are to be used after cooking in boiling water or other appropriate liquids;

(iv) rusks and biscuits which are to be used either directly or, after pulverisation, with the addition of water, milk or other suitable liquids;

(b) 'baby foods' other than processed cereal-based foods.

3. This Directive does not apply to milks intended for young children.

Article 2

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

- (a) 'infants' means children under the age of 12 months;
- (b) 'young children' means children aged between one and three years;
- (c) 'pesticide residue' means the residue in processed cereal-based foods and baby foods of a plant protection product, as defined in point 1 of Article 2 of Directive 91/414/EEC, including its metabolites and products resulting from its degradation or reaction.

Article 3

Member States shall ensure that the products referred to in Article 1(2) are marketed within the Community only if they conform to the rules laid down in this Directive.

Article 4

Processed cereal-based foods and baby foods shall be manufactured from ingredients whose suitability for particular nutritional use by infants and young children has been established by generally accepted scientific data.

Article 5

1. Processed cereal-based foods shall comply with the compositional criteria specified in Annex I.

2. Baby foods which are described in Annex II shall comply with the compositional criteria specified therein.

Article 6

Only the nutritional substances listed in Annex IV may be added in the manufacture of processed cereal-based foods and baby foods.

The purity criteria for those substances shall be laid down at a later stage.

Article 7

1. Processed cereal-based foods and baby foods shall not contain any substance in such quantity as to endanger the health of infants and young children. Necessary maximum levels for substances other than those referred to in paragraphs 2 and 3 shall be established.

2. Processed cereal-based foods and baby foods shall not contain residues of individual pesticides at levels exceeding 0,01 mg/kg, except for those substances for which specific levels have been set in Annex VI, in which case these specific levels shall apply.

Analytical methods for determining the levels of pesticide residues shall be generally acceptable standardised methods.

3. The pesticides listed in Annex VII shall not be used in agricultural products intended for the production of processed cereal-based foods and baby foods.

However, for the purpose of control:

- (a) pesticides listed in Table 1 of Annex VII are considered not to have been used if their residues do not exceed a level of 0,003 mg/kg. This level, which is considered to be the limit of quantification of the analytical methods, shall be kept under regular review in the light of technical progress;
- (b) pesticides listed in Table 2 of Annex VII are considered not to have been used if their residues do not exceed a level of 0,003 mg/kg. This level shall be kept under regular review in the light of data on environmental contamination.

4. The levels referred to in paragraphs 2 and 3 shall apply to the products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers.

5. For pesticides listed in Annex VI, where a decision concerning the non-inclusion of an active substance in Annex I to Directive 91/414/EEC is taken, Annex VI and Annex VII to this Directive shall be amended accordingly.

6. Microbiological criteria shall be established as necessary.

Article 8

1. The labelling of the products concerned shall bear in addition to the particulars provided for in Article 3 of Directive 2000/13/EC, the following mandatory particulars:

- (a) a statement as to the appropriate age from which the product may be used, regard being had to its composition, texture or other particular properties. The stated age shall not be less than four months for any product. Products recommended for use from the age of four months may indicate that they are suitable from that age unless independent persons having qualifications in medicine, nutrition or pharmacy, or other professionals responsible for maternal and child care, advise otherwise;
- (b) information as to the presence or absence of gluten if the indicated age from which the product may be used is below six months;
- (c) the available energy value expressed in kJ and kcal, and the protein, carbohydrate and lipid content, expressed in numerical form, per 100 g or 100 ml of the product as sold and, where appropriate, per specified quantity of the product as proposed for consumption;
- (d) the average quantity of each mineral substance and of each vitamin governed by a specific level as specified in Annex I and Annex II respectively, expressed in numerical form, per 100 g or 100 ml of the product as sold and, where appropriate, per specified quantity of the product as proposed for consumption;
- (e) instructions for appropriate preparation, when necessary, and a statement as to the importance of following those instructions.

2. The labelling may bear:

- (a) the average quantity of the nutrients set out in Annex IV when such declaration is not covered by the provisions of paragraph 1(d), expressed in numerical form, per 100 g or 100 ml of the product as sold and, where appropriate, per specified quantity of the product as proposed for consumption;
- (b) in addition to numerical information, information on vitamins and minerals shown in Annex V, expressed as a percentage of the reference values given therein, per 100 g or 100 ml of the product as sold, and where appropriate, per specified quantity of the product as proposed for consumption, provided that the quantities present are at least equal to 15 % of the reference values.

Article 9

Directive 96/5/EC, as amended by the Directives listed in Annex VIII, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex VIII, Part B.

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

Article 10

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

Article 11

This Directive is addressed to the Member States.

Done at Brussels, 5 December 2006.

For the Commission

The President

José Manuel BARROSO

ANNEX I

ESSENTIAL COMPOSITION OF PROCESSED CEREAL-BASED FOODS FOR INFANTS AND YOUNG CHILDREN

The requirements concerning nutrients refer to the products ready for use marketed as such or reconstituted as instructed by the manufacturer.

1. CEREAL CONTENT

Processed cereal-based foods are prepared primarily from one or more milled cereals and/or starchy root products.

The amount of cereal and/or starchy root shall not be less than 25 % of the final mixture on a dry weight for weight basis.

2. PROTEIN

2.1. For products mentioned in Article 1(2)(a)(ii) and (iv), the protein content shall not exceed 1,3 g/100 kJ (5,5 g/100 kcal).

2.2. For products mentioned in Article 1(2)(a)(ii), the added protein shall not be less than 0,48 g/100 kJ (2 g/100 kcal).

2.3. For biscuits mentioned in Article 1(2)(a)(iv), made with the addition of a high protein food, and presented as such, the added protein shall not be less than 0,36 g/100 kJ (1,5 g/100 kcal).

2.4. The chemical index of the added protein shall be equal to at least 80 % of that of the reference protein (casein as defined in Annex III), or the protein efficiency ratio (PER) of the protein in the mixture shall be equal to at least 70 % of that of the reference protein. In all cases, the addition of amino acids shall be permitted solely for the purpose of improving the nutritional value of the protein mixture, and only in the proportions necessary for that purpose.

3. CARBOHYDRATES

3.1. If sucrose, fructose, glucose, glucose syrups or honey are added to products mentioned in Article 1(2)(a)(i) and (iv):

— the amount of added carbohydrates from these sources shall not exceed 1,8 g/100 kJ (7,5 g/100 kcal),

— the amount of added fructose shall not exceed 0,9 g/100 kJ (3,75 g/100 kcal).

3.2. If sucrose, fructose, glucose syrups or honey are added to products mentioned in Article 1(2)(a)(ii):

— the amount of added carbohydrates from these sources shall not exceed 1,2 g/100 kJ (5 g/100 kcal),

— the amount of added fructose shall not exceed 0,6 g/100 kJ (2,5 g/100 kcal).

4. LIPIDS

4.1. For products mentioned in Article 1(2)(a)(i) and (iv), the lipid content shall not exceed 0,8 g/100 kJ (3,3 g/100 kcal).

4.2. For products mentioned in Article 1(2)(a)(ii), the lipid content shall not exceed 1,1 g/100 kJ (4,5 g/100 kcal). If the lipid content exceeds 0,8 g/100 kJ (3,3 g/100 kcal):

— the amount of lauric acid shall not exceed 15 % of the total lipid content,

— the amount of myristic acid shall not exceed 15 % of the total lipid content,

— the amount of linoleic acid (in the form of glycerides = linoleates) shall not be less than 70 mg/100 kJ (300 mg/100 kcal) and shall not exceed 285 mg/100 kJ (1 200 mg/100 kcal).

5. MINERALS

5.1. Sodium

- sodium salts may only be added to processed cereal-based foods for technological purposes,
- the sodium content of processed cereal-based foods shall not exceed 25 mg/100 kJ (100 mg/100 kcal).

5.2. Calcium

- 5.2.1. For products mentioned in Article 1(2)(a)(ii), the amount of calcium shall not be less than 20 mg/100 kJ (80 mg/100 kcal).
- 5.2.2. For products mentioned in Article 1(2)(a)(iv), manufactured with the addition of milk (milk biscuits) and presented as such, the amount of calcium shall not be less than 12 mg/100 kJ (50 mg/100 kcal).

6. VITAMINS

- 6.1. For processed cereal-based foods, the amount of thiamin shall not be less than 25 µg/100 kJ (100 µg/100 kcal).
- 6.2. For products mentioned in Article 1(2)(a)(ii):

	Per 100 kJ		Per 100 kcal	
	Minimum	Maximum	Minimum	Maximum
Vitamin A (µg RE) ⁽¹⁾	14	43	60	180
Vitamin D (µg) ⁽²⁾	0,25	0,75	1	3

⁽¹⁾ RE = all trans retinol equivalents.

⁽²⁾ In the form of cholecalciferol, of which 10 µg = 400 i.u. of vitamin D.

These limits shall also be applicable if vitamins A and D are added to other processed cereal-based foods.

7. MAXIMUM LIMITS FOR VITAMINS, MINERALS AND TRACE ELEMENTS, IF ADDED

The requirements concerning nutrients refer to the products ready for use, marketed as such or reconstituted as instructed by the manufacturer, except for potassium and calcium for which the requirements refer to the product as sold.

Nutrient	Maximum per 100 kcal
Vitamin A (µg RE)	180
Vitamin E (mg α-TE) ⁽¹⁾	3
Vitamin D (µg)	3
Vitamin C (mg)	12,5/25 ⁽²⁾
Thiamin (mg)	0,5
Riboflavin (mg)	0,4
Niacin (mg NE) ⁽³⁾	4,5
Vitamin B6 (mg)	0,35
Folic acid (µg)	50
Vitamin B12 (µg)	0,35

Nutrient	Maximum per 100 kcal
Pantothenic acid (mg)	1,5
Biotin (µg)	10
Potassium (mg)	160
Calcium (mg)	80/180 ⁽⁴⁾ /100 ⁽⁵⁾
Magnesium (mg)	40
Iron (mg)	3
Zinc (mg)	2
Copper (µg)	40
Iodine (µg)	35
Manganese (mg)	0,6

⁽¹⁾ α-TE = d-α-tocopherol equivalent.

⁽²⁾ Limit applicable to products fortified with iron.

⁽³⁾ NE = Niacin equivalents = mg nicotinic acid + mg tryptophan/60.

⁽⁴⁾ Limit applicable to products mentioned in Article 1(2)(a)(i) and (ii).

⁽⁵⁾ Limit applicable to products mentioned in Article 1(2)(a)(iv).

ANNEX II

ESSENTIAL COMPOSITION OF BABY FOODS FOR INFANTS AND YOUNG CHILDREN

The requirements concerning nutrients refer to the products ready for use, marketed as such or reconstituted as instructed by the manufacturer.

1. PROTEIN

1.1. If meat, poultry, fish, offal or other traditional source of protein are the only ingredients mentioned in the name of the product, then:

- the named meat, poultry, fish, offal or other traditional protein source, in total, shall constitute not less than 40 % by weight of the total product,
- each named meat, poultry, fish, offal or other traditional source of protein shall constitute not less than 25 %, by weight, of total named protein sources,
- the total protein from the named sources shall not be less than 1,7 g/100 kJ (7 g/100 kcal).

1.2. If meat, poultry, fish, offal or other traditional source of protein, singularly or in combination, are mentioned first in the name of the product, whether or not the product is presented as a meal, then:

- the named poultry, fish, offal or other traditional protein source, in total, shall constitute not less than 10 % by weight of the total product,
- each named meat, poultry, fish, offal or other traditional source of protein shall constitute not less than 25 % by weight, of total named protein sources,
- the protein from the named sources shall not be less than 1 g/100 kJ (4 g/100 kcal).

1.3. If meat, poultry, fish, offal or other traditional source of protein, singularly or in combination are mentioned, but not first, in the name of the product, whether or not the product is presented as a meal, then:

- the named meat, poultry, fish, offal or other traditional protein source, in total, shall constitute not less than 8 % by weight of the total product,
- each named meat, poultry, fish, offal or other traditional source of protein shall constitute not less than 25 %, by weight, of total named protein sources,
- the protein from the named sources shall not be less than 0,5 g/100 kJ (2,2 g/100 kcal),
- the total protein in the product from all sources shall not be less than 0,7 g/100 kJ (3 g/100 kcal).

1.4. If cheese is mentioned together with other ingredients in the name of a savoury product, whether or not the product is presented as a meal, then:

- the protein from the dairy sources shall not be less than 0,5 g/100 kJ (2,2 g/100 kcal),
- the total protein in the product from all sources shall not be less than 0,7 g/100 kJ (3 g/100 kcal).

1.5. If the product is designated on the label as a meal, but does not mention meat, poultry, fish, offal or other traditional source of protein in the name of the product, the total protein in the product from all sources shall not be less than 0,7 g/100 kJ (3 g/100 kcal).

- 1.6. Sauces presented as an accompaniment to a meal shall be exempt from the requirements of points 1.1 to 1.5 inclusive.
- 1.7. Sweet dishes that mention dairy products as the first or only ingredient in the name shall contain not less than 2,2 g dairy protein/100 kcal. All other sweet dishes shall be exempt from the requirements in 1.1 to 1.5.
- 1.8. The addition of amino acids shall be permitted solely for the purpose of improving the nutritional value of the protein present, and only in the proportions necessary for that purpose.

2. CARBOHYDRATES

The quantities of total carbohydrates present in fruit and vegetable juices and nectars, fruit-only dishes, and desserts or puddings shall not exceed:

- 10 g/100 ml for vegetable juices and drinks based on them,
- 15 g/100 ml for fruit juices and nectars and drinks based on them,
- 20 g/100 g for fruit-only dishes,
- 25 g/100 g for desserts and puddings,
- 5 g/100 g for other non-milk-based drinks.

3. FAT

3.1. For products referred to in point 1.1:

If meat or cheese are the only ingredients or are mentioned first in the name of a product, the total fat in the product from all sources shall not exceed 1,4 g/100 kJ (6 g/100 kcal).

3.2. For all other products, the total fat in the product from all sources shall not exceed 1,1 g/100 kJ (4,5 g/100 kcal).

4. SODIUM

- 4.1. The final sodium content in the product shall be either not more than 48 mg/100 kJ (200 mg/100 kcal) or not more than 200 mg per 100 g. However if cheese is the only ingredient mentioned in the name of the product, the final sodium content in the product shall not be more than 70 mg/100 kJ (300 mg/100 kcal).
- 4.2. Sodium salts may not be added to products based on fruit, nor to desserts, puddings except for technological purposes.

5. VITAMINS

Vitamin C

In a fruit juice, nectar, or vegetable juice the final content of vitamin C in the product shall be either not less than 6 mg/100 kJ (25 mg/100 kcal) or not less than 25 mg per 100 g.

Vitamin A

In vegetable juices, the final content of vitamin A in the product shall be not less than 25 µg RE/100 kJ (100 µg RE/100 kcal).

Vitamin A shall not be added to other baby foods.

Vitamin D

Vitamin D shall not be added to baby foods.

6. MAXIMUM LIMITS FOR VITAMINS, MINERALS AND TRACE ELEMENTS, IF ADDED

The requirements concerning nutrients refer to the products ready for use, marketed as such or reconstituted as instructed by the manufacturer, except for potassium and calcium for which the requirements refer to the product as sold.

Nutrient	Maximum per 100 kcal
Vitamin A (µg RE)	180 ⁽¹⁾
Vitamin E (mg α-TE)	3
Vitamin C (mg)	12,5/25 ⁽²⁾ /125 ⁽³⁾
Thiamin (mg)	0,25
Riboflavin (mg)	0,4
Niacin (mg NE)	4,5
Vitamin B6 (mg)	0,35
Folic acid (µg)	50
Vitamin B12 (µg)	0,35
Pantothenic acid (mg)	1,5
Biotin (µg)	10
Potassium (mg)	160
Calcium (mg)	80
Magnesium (mg)	40
Iron (mg)	3
Zinc (mg)	2
Copper (µg)	40
Iodine (µg)	35
Manganese (mg)	0,6

⁽¹⁾ In accordance with the provisions of point 5.

⁽²⁾ Limit applicable to products fortified with iron.

⁽³⁾ Limit applicable to fruit-based dishes, fruit juices, nectars and vegetable juices.

ANNEX III

AMINO ACID COMPOSITION OF CASEIN

	(g per 100 g of protein)
Arginine	3,7
Cystine	0,3
Histidine	2,9
Isoleucine	5,4
Leucine	9,5
Lysine	8,1
Methionine	2,8
Phenylalanine	5,2
Threonine	4,7
Tryptophan	1,6
Tyrosine	5,8
Valine	6,7

ANNEX IV

NUTRITIONAL SUBSTANCES

1. VITAMINS

Vitamin A

Retinol

Retinyl acetate

Retinyl palmitate

Beta carotene

Vitamin D

Vitamin D2 (= ergocalciferol)

Vitamin D3 (= cholecalciferol)

Vitamin B1

Thiamin hydrochloride

Thiamin mononitrate

Vitamin B2

Riboflavin

Riboflavin-5'-phosphate, sodium

Niacin

Nicotinamide

Nicotinic acid

Vitamin B6

Pyridoxine hydrochloride

Pyridoxine-5-phosphate

Pyridoxine dipalmitate

Pantothenic Acid

D-pantothenate, calcium

D-pantothenate, sodium

Dexpanthenol

Folate

Folic acid

Vitamin B12

Cyanocobalamin

Hydroxocobalamin

Biotin

D-biotin

Vitamin C

L-ascorbic acid

Sodium L-ascorbate

Calcium L-ascorbate

6-palmityl-L-ascorbic acid (ascorbyl palmitate)

Potassium ascorbate

Vitamin K

Phylloquinone (Phytomenadione)

Vitamin E

D-alpha tocopherol

DL-alpha tocopherol

D-alpha tocopherol acetate

DL-alpha tocopherol acetate

2. AMINO ACIDS

L-arginine

L-cystine

L-histidine

L-isoleucine

L-leucine

L-lysine

L-cysteine

} and their hydrochlorides

L-methionine

L-phenylalanine

L-threonine

L-tryptophan

L-tyrosine

L-valine

3. OTHERS

Choline

Choline chloride

Choline citrate

Choline bitartrate

Inositol

L-carnitine

L-carnitine hydrochloride

4. SALTS OF MINERALS AND TRACE ELEMENTS

Calcium

Calcium carbonate

Calcium chloride

Calcium salts of citric acid

Calcium gluconate

Calcium glycerophosphate

Calcium lactate

Calcium oxide

Calcium hydroxide

Calcium salts of orthophosphoric acid

Magnesium

Magnesium carbonate

Magnesium chloride

Magnesium salts of citric acid

Magnesium gluconate

Magnesium oxide

Magnesium hydroxide

Magnesium salts of orthophosphoric acid

Magnesium sulphate

Magnesium lactate

Magnesium glycerophosphate

Potassium

Potassium chloride

Potassium salts of citric acid

Potassium gluconate

Potassium lactate

Potassium glycerophosphate

Iron

Ferrous citrate

Ferric ammonium citrate

Ferrous gluconate

Ferrous lactate

Ferrous sulphate

Ferrous fumarate

Ferric diphosphate (ferric pyrophosphate)

Elemental iron (carbonyl + electrolytic + hydrogen-reduced)

Ferric saccharate

Sodium ferric diphosphate

Ferrous carbonate

Copper

Copper-lysine complex

Cupric carbonate

Cupric citrate

Cupric gluconate

Cupric sulphate

Zinc

Zinc acetate

Zinc chloride

Zinc citrate

Zinc lactate

Zinc sulphate

Zinc oxide

Zinc gluconate

Manganese

Manganese carbonate

Manganese chloride

Manganese citrate

Manganese gluconate

Manganese sulphate

Manganese glycerophosphate

Iodine

Sodium iodide

Potassium iodide

Potassium iodate

Sodium iodate

ANNEX V

REFERENCE VALUES FOR NUTRITION LABELLING FOR FOODS INTENDED FOR INFANTS AND YOUNG CHILDREN

Nutrient	Labelling reference value
Vitamin A	(µg) 400
Vitamin D	(µg) 10
Vitamin C	(mg) 25
Thiamin	(mg) 0,5
Riboflavin	(mg) 0,8
Niacin equivalents	(mg) 9
Vitamin B6	(mg) 0,7
Folate	(µg) 100
Vitamin B12	(µg) 0,7
Calcium	(mg) 400
Iron	(mg) 6
Zinc	(mg) 4
Iodine	(µg) 70
Selenium	(µg) 10
Copper	(mg) 0,4

ANNEX VI

SPECIFIC MAXIMUM RESIDUE LEVELS OF PESTICIDES OR METABOLITES OF PESTICIDES IN PROCESSED CEREAL-BASED FOODS AND BABY FOODS

Chemical name of the substance	Maximum residue level (mg/kg)
Cadusafos	0,006
Demeton-S-methyl/demeton-S-methyl sulfone/oxydemeton-methyl (individually or combined, expressed as demeton-S-methyl)	0,006
Ethoprophos	0,008
Fipronil (sum of fipronil and fipronil-desulfinyl, expressed as fipronil)	0,004
Propineb/propylenethiourea (sum of propineb and propylenethiourea)	0,006

ANNEX VII

PESTICIDES WHICH SHALL NOT BE USED IN AGRICULTURAL PRODUCTION INTENDED FOR THE PRODUCTION OF PROCESSED CEREAL-BASED FOODS AND BABY FOODS

Table 1

Chemical name of the substance (residue definition)
Disulfoton (sum of disulfoton, disulfoton sulfoxide and disulfoton sulfone expressed as disulfoton)
Fensulfothion (sum of fensulfothion, its oxygen analogue and their sulfones, expressed as fensulfothion)
Fentin, expressed as triphenyltin cation
Haloxypop (sum of haloxypop, its salts and esters including conjugates, expressed as haloxypop)
Heptachlor and <i>trans</i> -heptachlor epoxide, expressed as heptachlor
Hexachlorobenzene
Nitrofen
Omethoate
Terbufos (sum of terbufos, its sulfoxide and sulfone, expressed as terbufos)

Table 2

Chemical name of the substance
Aldrin and dieldrin, expressed as dieldrin
Endrin

ANNEX VIII

PART A

**Repealed Directive with its successive amendments
(referred to in Article 9)**

Commission Directive 96/5/EC	(OJ L 49, 28.2.1996, p. 17)
Commission Directive 98/36/EC	(OJ L 167, 12.6.1998, p. 23)
Commission Directive 1999/39/EC	(OJ L 124, 18.5.1999, p. 8)
Commission Directive 2003/13/EC	(OJ L 41, 14.2.2003, p. 33)

PART B

**List of time-limits for transposition into national law
(referred to in Article 9)**

Directive	Time-limit for transposition	Permission of trade in products complying with this Directive	Prohibition of trade in products not complying with this Directive
96/5/EC	30 September 1997	1 October 1997	31 March 1999
98/36/EC	31 December 1998	1 January 1999	1 January 2000
1999/39/EC	30 June 2000	30 June 2000	1 July 2002
2003/13/EC	6 March 2004	6 March 2004	6 March 2005

ANNEX IX

CORRELATION TABLE

Directive 96/5/EC	This Directive
Article 1(1), (2) and (3)	Article 1(1), (2) and (3)
Article 1(4), introductory phrase	Article 2, introductory phrase
Article 1(4), first indent	Article 2(a)
Article 1(4), second indent	Article 2(b)
Article 1(4), third indent	Article 2(c)
Article 2	Article 3
Article 3	Article 4
Article 4	Article 5
Article 5	Article 6
Article 6(1)	Article 7(1)
Article 6(2), first subparagraph	Article 7(2), first subparagraph
Article 6(2), second subparagraph	Article 7(4)
Article 6(2), third subparagraph	Article 7(2) second subparagraph
Article 6(3)(a), first subparagraph, introductory phrase	Article 7(3), introductory phrase
Article 6(3)(a), first subparagraph, (i)	Article 7(3)(a)
Article 6(3)(a), first subparagraph, (ii)	Article 7(3)(b)
Article 6(3)(a), second subparagraph	Article 7(4)
Article 6(3)(b)	Article 7(5)
Article 6(4)	Article 7(6)
Article 7	Article 8
Article 8	—
—	Article 9
Article 9	Article 10
Article 10	Article 11
Annex I, introductory phrase	Annex I, introductory phrase
Annex I, points 1, 2 and 3	Annex I, points 1, 2 and 3
Annex I, point 4	Annex I, point 4
Annex I, point 4.1	Annex I, point 4.1
Annex I, point 4.2	Annex I, point 4.2
Annex I, point 4.2(a)	Annex I, point 4.2, first indent

Annex I, point 4.2(b)	Annex I, point 4.2, second indent
Annex I, point 4.2(c)	Annex I, point 4.2, third indent
Annex I, points 5 and 6	Annex I, points 5 and 6
Annex II, introductory phrase	Annex II, introductory phrase
Annex II, point 1	Annex II, point 1
Annex II, points 1.1-1.3	Annex II, points 1.1-1.3
Annex II, point 1.3a	Annex II, point 1.4
Annex II, point 1.4	Annex II, point 1.5
Annex II, point 1.4a	Annex II, point 1.6
Annex II, point 1.4b	Annex II, point 1.7
Annex II, point 1.5	Annex II, point 1.8
Annex II, points 2 to 5	Annex II, points 2 to 5
Annex III	Annex III
Annex IV	Annex IV
Annex V	Annex V
Annex VI	Annex I, point 7, and Annex II, point 6
Annex VII	Annex VI
Annex VIII	Annex VII
—	Annex VIII
—	Annex IX

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 30 November 2006

providing exceptional Community financial assistance to Kosovo

(2006/880/EC)

THE COUNCIL OF THE EUROPEAN UNION,

framework conducive to the creation of a sound economy based on market principles.

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

Having regard to the proposal from the Commission,

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

Whereas:

(3) Since its establishment, UNMIK has transferred significant areas of competence to the Provisional Institutions of Self Government (PISG). In particular, responsibility for the budget has been transferred from UNMIK to the Ministry of Economy and Finance within the PISG, with the Special Representative of the UN Secretary-General retaining the ultimate power of approving the budget.

(4) On 24 October 2005, the UN Security Council approved the UN Secretary-General's proposal to launch the political process to determine the future status of Kosovo.

(1) The United Nations Security Council adopted Resolution 1244 (1999) (UNSCR 1244 (1999)) on 10 June 1999 aiming at promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo within the former Federal Republic of Yugoslavia.

(2) The International Community, basing itself upon UNSCR 1244 (1999), has set up an international security presence (KFOR) and an interim civil administration — the United Nations Interim Mission in Kosovo (UNMIK). UNMIK consists of four components (pillars) and the European Union is funding the fourth pillar responsible for economic reconstruction and development. UNMIK, and particularly Pillar IV thereof, has achieved substantial progress in setting up an institutional, legal and policy

(5) The authorities of Kosovo entitled to receive Community assistance and responsible for agreeing to and fulfilling the financial and economic conditions attached to this assistance are therefore UNMIK and the PISG or, when the future status of Kosovo will have been determined, the institution or institutions designated to take on these tasks and responsibilities.

(6) Within the stabilisation and association process, which is the framework for EU relations with the region, it is desirable to support efforts to sustain political and economic stabilisation in Kosovo, with a view to evolving towards the development of a full cooperation relationship with the Community making the European future of Kosovo more tangible.

⁽¹⁾ Opinion delivered on 12 October 2006 (not yet published in the Official Journal).

- (7) The Community has already found it an appropriate measure to help ease Kosovo's financial constraints in exceptionally difficult circumstances and, pursuant to Council Decision 2000/140/EC of 14 February 2000 providing exceptional Community assistance to Kosovo⁽¹⁾ and Council Decision 2001/511/EC of 27 June 2001 on further exceptional financial assistance to Kosovo⁽²⁾, provided exceptional financial assistance in the form of straight grants amounting to EUR 35 million and EUR 30 million in 2000 and 2001 respectively. The last payment under such assistance was released in December 2002.
- (8) This exceptional financial assistance complements other Community assistance programmes for the western Balkans.
- (9) In November 2005 the authorities of Kosovo agreed with the International Monetary Fund (IMF) a Letter of Intent and a Memorandum of Economic and Financial Policies laying out a fiscal framework for 2006, including medium-term orientations. They completed in the beginning of March 2006 a medium-term expenditure framework. The framework identifies budget and off-budget financing needs in 2006 to 2008. Accordingly, it is estimated that budget external financial assistance of some EUR 81 million (EUR 14 million in 2006 and EUR 67 million in 2007, respectively) would be needed until the end of 2007.
- (10) Although economic activity resumed after the conflict, Kosovo is at a low level of economic development. Kosovo is not in a position to borrow either domestically or on the international financial market and under its current status it is not eligible for membership in the international financial institutions. It may therefore not benefit from lending assistance associated with their programmes.
- (11) In view of current arrangements under UNSCR 1244 (1999), given Kosovo's relatively low level of economic development and its precarious public finance and external accounts, financial assistance from the Community in the form of straight grants, in liaison with other donors, continues to be the appropriate form of support.
- (12) Such assistance will provide crucial bridge support pending a settlement of Kosovo's status. It would be unrelated to new status arrangements under negotiation and not pre-empt further Community and international support likely to be required upon status resolution beyond 2007.
- (13) The release of this grant assistance is without prejudice to the powers of the budgetary authority.
- (14) This financial support should be provided after verifying whether the financial and economic conditions to be agreed with the authorities of Kosovo upon approval of this Decision can be satisfactorily fulfilled.
- (15) In order to ensure efficient protection of the Community's financial interests linked to the present financial assistance, it is necessary to provide for appropriate measures by Kosovo in relation to the prevention of and fight against fraud and other irregularities linked to this assistance, as well as for controls by the Commission and audits by the Court of Auditors.
- (16) This assistance should be managed by the Commission in consultation with the Economic and Financial Committee.
- (17) The Treaty does not provide, for the adoption of this Decision, powers other than those of Article 308,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall make available to Kosovo an exceptional financial assistance in the form of a grant of up to EUR 50 million with a view to alleviating the financial situation in Kosovo, supporting the development of a sound economic and fiscal framework, facilitating the continuation and strengthening of essential administrative functions and addressing public investment needs.
2. This Community financial assistance shall be managed by the Commission in consultation with the Economic and Financial Committee and in a manner consistent with the agreements or understandings reached between the IMF and the authorities of Kosovo.
3. The Community financial assistance shall be made available for two years starting from the first day after the entry into force of the Memorandum of Understanding referred to in Article 2(1). However, if circumstances so require, the Commission, after consultation of the Economic and Financial Committee, may decide to extend the availability period by a maximum of one year.

⁽¹⁾ OJ L 47, 19.2.2000, p. 28.

⁽²⁾ OJ L 183, 6.7.2001, p. 42.

Article 2

1. The Commission is empowered to agree with the authorities of Kosovo, after consultation with the Economic and Financial Committee, the economic policy and financial conditions attached to this assistance, to be laid down in a Memorandum of Understanding. These conditions shall be consistent with the agreements or understandings referred to in Article 1(2).

2. Before proceeding with the actual implementation of the Community assistance, the Commission shall monitor the soundness of Kosovo's financial circuits, administrative procedures, as well as the internal and external control mechanisms which are relevant to this Community macro-financial assistance.

3. The Commission shall verify at regular intervals, in collaboration with the Economic and Financial Committee and in coordination with the IMF, that economic policies in Kosovo are in accordance with the objectives of this assistance and that the agreed economic policy and financial conditions are being satisfactorily fulfilled.

Article 3

1. The assistance shall be made available by the Commission to Kosovo in two or, if appropriate, three instalments. The first instalment shall be released after the entry into force of the Memorandum of Understanding referred to in Article 2(1), and on the basis of a satisfactory assessment of the monitoring referred to in Article 2(2).

2. The second and any further instalments shall be released on the basis of a satisfactory compliance with the economic policy and financial conditions referred to in Article 2(1), satisfactory progress towards fulfilling the conditions set out in the Memorandum of Understanding provided for in Article 2(1), and not before three months have elapsed since the release of the previous instalment.

3. The funds shall be paid to the Ministry of Economy and Finance of the PISG, or when the future status of Kosovo will have been determined, to the institution designated to take on its tasks and responsibilities, exclusively in support of Kosovo's budgetary financing needs.

Article 4

The implementation of this assistance shall take place in accordance with the provisions of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the General Budget of the European Communities ⁽¹⁾ and its implementing rules. In particular, the Memorandum of Understanding referred to in Article 2(1) shall provide for appropriate measures by Kosovo related to the prevention of and the fight against fraud, corruption and other irregularities linked to this assistance. It shall also provide for controls by the Commission, including the European Anti-Fraud Office (OLAF), with the right to perform on the spot checks and inspections, and for audits by the Court of Auditors and independent auditors, where appropriate, to be carried out on the spot.

Article 5

At least once a year, and before 15 September, the Commission shall submit to the European Parliament and to the Council a report, including an evaluation on the implementation of this Decision in the previous year.

Article 6

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

Done at Brussels, 30 November 2006.

For the Council
The President
L. HYSSÄLÄ

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

CORRIGENDA**Corrigendum to Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters**

(Official Journal of the European Communities L 281 of 10 November 1979)

The Corrigendum published on page 99 of *Official Journal of the European Union* L 190 of 12 July 2006 is annulled.
