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Price: EUR 22

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1801/2006**of 30 November 2006****on the conclusion of the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3), thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) The European Community and the Islamic Republic of Mauritania have negotiated and initialled a Fisheries Partnership Agreement providing Community fishermen with fishing opportunities in the waters falling within the sovereignty of the Islamic Republic of Mauritania, (hereinafter referred to as the Partnership Agreement).
- (2) It is in the Community's interest to approve the Partnership Agreement.

- (3) The method for allocating the fishing opportunities among the Member States should be defined,

HAS ADOPTED THIS REGULATION:

Article 1

The Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania is hereby approved on behalf of the Community.

The text of the Partnership Agreement is attached to this Regulation.

Article 2

1. The fishing opportunities set out in the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement (hereafter referred to as the Protocol), shall be allocated among the Member States as follows:

Fishing category	GT or maximum number of licences per licence period	Member State	GT, licences or annual catch ceiling by Member State
Category 1: Fishing vessels specialising in crustaceans other than crawfish and crab	9 440 GT	Spain	7 183 GT
		Italy	1 371 GT
		Portugal	886 GT
Category 2: Black hake trawlers and bottom longliners	3 600 GT	Spain	3 600 GT
Category 3: Vessels fishing for demersal species other than black hake with gear other than trawls	2 324 GT	Spain	1 500 GT
		United Kingdom	800 GT
		Malta	24 GT

⁽¹⁾ Opinion delivered on 16 November 2006 (not yet published in the Official Journal).

Fishing category	GT or maximum number of licences per licence period	Member State	GT, licences or annual catch ceiling by Member State
Category 4: Pelagic freezer trawlers fishing for demersal species	750 GT	Greece	750 GT
Category 5: Cephalopods	18 600 GT 43 licences	Spain	39 licences
		Italy	4 licences
Category 6: Crawfish	300 GT	Portugal	300 GT
Category 7: Freezer tuna seiners	36 licences	Spain	15 licences
		France	20 licences
		Malta	1 licence
Category 8: Pole-and-line tuna vessels and surface longliners	31 licences	Spain	23 licences
		France	5 licences
		Portugal	3 licences
Category 9: Pelagic freezer trawlers	22 licences for a maximum ceiling of 440 000 tonnes	Netherlands	190 000 tonnes
		Lithuania	120 500 tonnes
		Latvia	73 500 tonnes
		Germany	20 000 tonnes
		United Kingdom	10 000 tonnes
		Portugal	6 000 tonnes
		France	10 000 tonnes
		Poland	10 000 tonnes
Category 10: Crab fishing	300 GT	Spain	300 GT
Category 11: Non-freezer pelagic vessels	15 000 GT per month, averaged over the year		

2. Under the Protocol, unused category 11 fishing opportunities (non-freezer pelagic vessels) may be used by category 9 (pelagic freezer trawlers) at a rate of a maximum 25 licences per month.

3. If licence applications for category 9 (pelagic freezer trawlers) exceed the maximum permitted number per reference period, the Commission shall give priority to forwarding applications from vessels which made most use of licences in the ten months preceding that licence application.

4. For category 11 (non-freezer pelagic vessels), the Commission shall forward licence applications once it has received an annual fishing plan detailing applications by vessel (specifying the number of GT planned for each month of

activity, for every month of the year) and sent to the Commission not later than 1 March of the year during which the fishing plan applies.

In the event of applications for more than 15 000 GT per month averaged over the year, the award shall be carried out on the basis of the table of applications and of the fishing plans referred to in the first subparagraph.

5. The management of fishing opportunities shall be conducted in full accordance with Article 20 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾.

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

If licence applications from these Member States do not cover all the fishing opportunities laid down by the Protocol, the Commission may take into consideration licence applications from any other Member State.

Article 3

The Member States whose vessels fish under the Partnership Agreement shall notify the Commission of the quantities of each stock caught within the Mauritanian fishing zone in accordance with Commission Regulation (EC) No 500/2001 of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the moni-

toring of catches taken by Community fishing vessels in third country waters and on the high seas ⁽¹⁾.

Article 4

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Partnership Agreement in order to bind the Community ⁽²⁾.

Article 5

This Regulation shall enter into force on the seventh 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 Council
The President
L. HYSSÄLÄ

⁽¹⁾ OJ L 73, 15.3.2001, p. 8.

⁽²⁾ Plus the sum of the contributions to be paid by shipowners as provided for in Chapter III of Annex I, paid directly to Mauritania into the account provided for in Chapter IV of Annex I, which is estimated at EUR 22 million per year.

FISHERIES PARTNERSHIP AGREEMENT
between the European Community and the Islamic Republic of Mauritania

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

and

THE ISLAMIC REPUBLIC OF MAURITANIA,

hereinafter referred to as 'Mauritania',

hereinafter referred to as the 'Parties',

CONSIDERING the close relationship of cooperation between the Community and Mauritania, particularly in the context of the Cotonou Agreement establishing a relationship of close cooperation between the European Community and its Member States, of the one part, and Mauritania, of the other part, and their mutual desire to intensify that relationship,

RECALLING that the Community and Mauritania are signatories to the United Nations Convention on the Law of Sea and that, in accordance with that Convention, Mauritania has established an exclusive economic zone extending 200 nautical miles from its shores within which it exercises its sovereign rights for the purpose of exploring, conserving and managing the resources of that zone,

DETERMINED to cooperate, in their mutual interest, in particular on the basis of the principles established by the Code of conduct for responsible fisheries adopted at the FAO Conference in 1995, in promoting the introduction of responsible fisheries to ensure the long term conservation and sustainable exploitation of living marine resources, in particular by reinforcing the control system covering fishing activities as a whole, in order to ensure the effectiveness of the measures for the development and conservation of these resources, and the protection of the marine environment,

CONVINCED that the achievement of their respective economic and social objectives in the fisheries sector will be furthered by close cooperation in scientific and technical research in that sector on terms ensuring the conservation and rational exploitation of fish stocks,

CONVINCED that such cooperation must take the form of initiatives and measures which, whether taken jointly or separately, are complementary and ensure consistent policies and synergy of effort,

DECIDED, to these ends, to contribute, within the framework of Mauritania's sectoral fisheries policy, to promoting the development of a partnership with a view in particular to identifying the most appropriate means of ensuring that this policy is effectively implemented and that economic operators and civil society are involved in the process,

DESIROUS of establishing terms and conditions governing the fishing activities of Community vessels in Mauritanian fishing zones and Community support for the introduction of responsible fishing in those fishing zones,

AWARE of the role played by the sea fisheries sector and related industries in the economic and social development of Mauritania and various regions of the Community,

RESOLVED to pursue closer economic cooperation in the fishing industry and related activities through the setting up and development of investments involving companies from both Parties,

HEREBY AGREE AS FOLLOWS:

Article 1

Scope

This Agreement establishes the principles, rules and procedures governing:

- economic, financial, technical and scientific cooperation in the fisheries sector with a view to establishing responsible fishing in Mauritanian fishing zones to guarantee the conservation and sustainable exploitation of fisheries resources and develop the Mauritanian fisheries sector,
- the conditions governing access by Community fishing vessels to Mauritanian fishing zones,
- the arrangements for policing fisheries in Mauritanian fishing zones with a view to ensuring that the above rules and conditions are complied with, that the measures for the conservation and management of fish stocks are effective and that illegal, undeclared and unregulated fishing is prevented,
- partnerships between companies aimed at developing economic activities in the fisheries sector and related activities, in the common interest,
- the conditions for landing and transhipment of catches made in Mauritanian fishing zones,
- the terms for taking seamen on board Community vessels operating under this Agreement in Mauritanian fishing zones.

Article 2

Definitions

For the purposes of this Agreement, the Annexes and Protocol thereto:

- (a) 'Mauritanian fishing zones' mean the waters over which the Islamic Republic of Mauritania has sovereignty or jurisdiction. The fishing activities by Community vessels provided for in this Agreement shall be carried out only in the zones in which fishing is authorised under Mauritanian law;
- (b) 'the Ministry' means Mauritania's Ministry of Fisheries and the Marine Economy;
- (c) 'Community authorities' means the European Commission;

(d) 'Community vessel' means a fishing vessel flying the flag of a Member State of the Community and registered in the Community;

(e) 'Joint Committee' means a committee made up of representatives of the Community and Mauritania whose functions are described in Article 10 of this Agreement;

(f) 'surveillance authority' means the delegation responsible for fisheries surveillance and protection in Mauritania (DSPCM);

(g) 'the Delegation' means the Delegation of the European Commission to Mauritania;

(h) 'seamen' means all personnel on-board forming part of the crew, irrespective of qualifications (officers, technicians, supervisors, deckhands).

Article 3

Principles and objectives underlying this Agreement

1. The Parties hereby undertake to promote responsible fishing in Mauritanian fishing zones based on the principle of non-discrimination between the different fleets fishing in those zones.
2. The Parties undertake to establish the principles of dialogue and of prior consultations, in particular as regards implementation of the sectoral fisheries policy on the one hand and of Community policies and measures which could have an impact on the Mauritanian fisheries sector industry on the other.
3. The Parties hereby undertake to ensure that this Agreement is implemented in accordance with the principles of good environmental, economic and social governance.
4. The Parties shall also cooperate in carrying out *ex ante*, ongoing and *ex post* evaluations, both jointly and unilaterally, of measures, programmes and actions for the implementation of this Agreement.
5. The employment of Mauritanian seamen on-board Community vessels shall be governed by the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work, which shall apply as of right to the corresponding contracts and general terms of employment. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

*Article 4***Scientific cooperation**

1. During the period covered by the Agreement, the Community and Mauritania shall cooperate to monitor certain issues relating to the state of resources in Mauritanian fishing zones. To this end, an independent Joint Scientific Committee shall be set up. By mutual agreement between the Parties it may be opened by invitation to external scientists. The operating procedures of the Joint Scientific Committee, which shall meet at least once a year, shall be laid down by mutual agreement before the entry into force of this Agreement.

2. Based on the results of the work of the Joint Scientific Committee and the best available scientific advice, the Parties shall consult each other within the Joint Committee provided for in Article 10 and, where necessary and by mutual agreement, take measures to ensure the sustainable management of fisheries resources.

3. The Parties undertake to consult one other, either directly or within the competent international organisations, to ensure the management and conservation of living resources in the Atlantic Ocean, and to cooperate in implementing the relevant scientific research.

*Article 5***Access by Community vessels to fisheries in Mauritanian fishing zones**

1. The fishing activities governed by this Agreement shall be subject to the laws and regulations in force in Mauritania. The Ministry shall notify the Community of any amendments to that legislation. Without prejudice to any provisions which might be agreed between the Parties, Community vessels shall comply with such amendments within one month of their notification.

2. Mauritania undertakes to authorise Community vessels to engage in fishing activities in its fishing zones in accordance with this Agreement, including the Protocol and Annexes thereto.

3. Mauritania shall ensure the effective implementation of the fisheries monitoring provisions in the Protocol. Community vessels shall cooperate with the Mauritanian authorities responsible for carrying out such monitoring.

4. The Community undertakes to take all the appropriate steps required to ensure that its vessels comply with this Agreement and the legislation governing fisheries in the waters over which Mauritania has jurisdiction, in accordance with the United Nations Convention on the Law of the Sea.

*Article 6***Conditions governing fishing activities**

1. Community vessels may fish in the Mauritanian fishing zones only if they are in possession of a fishing licence issued under this Agreement. The exercise of fishing activities by Community vessels shall be subject to the holding of a licence issued by the competent Mauritanian authorities at the request of the competent Community authorities. The procedures for the issue of licences and for the payment of fees and contributions to scientific observers' expenses, and any other conditions to which fishing activities by Community vessels in Mauritanian fishing zones may be subject, are set out in the Annexes hereto.

2. For fishing categories not covered by the Protocol in force, and for exploratory fishing, licences may be granted to Community vessels by the Ministry. However, the granting of these licences remains dependent on a favourable opinion from the two Parties.

3. The Protocol to this Agreement sets out the fishing opportunities granted by Mauritania to Community vessels in Mauritanian fishing zones and the financial contribution referred to in Article 7 of this Agreement.

4. The Parties shall ensure the proper implementation of these procedures and conditions by appropriate administrative cooperation between their competent authorities.

*Article 7***Financial contribution**

1. The Community shall grant Mauritania a financial contribution in accordance with the terms and conditions laid down in the Protocol and Annexes. This contribution shall comprise two elements, namely:

- (a) a financial contribution due for access by Community vessels to Mauritanian fishing zones, without prejudice to the fees due by Community vessels to obtain licences;
- (b) Community financial support for implementing a national fisheries policy based on responsible fishing and on the sustainable exploitation of fisheries resources in Mauritanian waters.

2. The financial support referred to in paragraph 1(b) above shall be determined by mutual agreement in accordance with the Protocol in the light of objectives identified by the two Parties to be achieved in the context of the sectoral fisheries policy in Mauritania.

3. The financial contribution granted by the Community shall be paid each year in accordance with the Protocol and subject to this Agreement and the Protocol in the event of any change to the amount of the contribution as a result of:

- (a) exceptional circumstances;
- (b) a reduction in the fishing opportunities granted to Community vessels, made by mutual agreement for the purposes of managing the stocks concerned, where this is considered necessary for the conservation and sustainable exploitation of resources on the basis of the best available scientific advice;
- (c) an increase in the fishing opportunities granted to Community vessels, made by mutual agreement between the Parties where the best available scientific advice concurs that the state of resources so permits;
- (d) termination of this Agreement under Article 14;
- (e) suspension of the application of this Agreement under Article 15 or the Protocol.

Article 8

Promoting cooperation among economic operators

1. The Parties shall encourage economic, scientific and technical cooperation in the fisheries sector and related sectors. They shall consult one another with a view to co-ordinating the different measures that might be taken to this end.
2. The Parties shall encourage exchanges of information on fishing techniques and gear, preservation methods and the processing of fisheries products.
3. The Parties shall endeavour to create conditions favourable to the promotion of relations between their enterprises in the technical, economic and commercial spheres, by encouraging the establishment of an environment favourable to the development of business and investment.
4. The Parties shall encourage, in particular, the promotion of investments in their mutual interest, in compliance with Mauritanian and Community law.

Article 9

Administrative cooperation

The Parties, desirous of ensuring the effectiveness of the measures for the development and conservation of fishery resources, shall:

- develop administrative cooperation with a view to ensuring that their vessels comply with the provisions of this Agreement and with Mauritanian sea fisheries rules, each on its own behalf,
- cooperate to prevent and combat illegal fishing, in particular through the exchange of information and close administrative cooperation.

Article 10

Joint Committee

1. A Joint Committee set up between the two Parties shall be responsible for monitoring the implementation of this Agreement. The Joint Committee shall also perform the following functions:

- (a) monitoring the performance, interpretation and smooth operation of the application of the Agreement, and the settlement of disputes;
- (b) monitoring and evaluating the implementation of the contribution of the Fisheries Partnership Agreement to the implementation of Mauritania's sectoral fisheries policy;
- (c) providing the necessary liaison for matters of mutual interest relating to fisheries;
- (d) acting as a forum for the amicable settlement of any disputes regarding the interpretation or application of the Agreement;
- (e) reassessing, where necessary, the level of fishing opportunities and, consequently, of the financial contribution;
- (f) any other function that the Parties decide by mutual agreement to confer on it, including with regard to combating illegal fishing and administrative cooperation;
- (g) fixing the practical arrangements for the administrative cooperation provided for in Article 9 of this Agreement;
- (h) monitoring and evaluating the cooperation between economic operators as referred to in Article 8 of this Agreement and proposing, where necessary, ways of promoting it.

2. The Joint Committee shall meet at least once a year, alternately in Mauritania and in the Community, and shall be chaired by the Party hosting the meeting. It shall hold a special meeting at the request of either of the Parties.

Article 11

Area of application

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community applies, under the conditions laid down in that Treaty, and, on the other, to the territory of Mauritania and the waters under Mauritanian jurisdiction.

Article 12

Duration

This Agreement shall apply for six years from the date of its entry into force; it shall be renewable for six-year periods unless notice of termination is given in accordance with Article 14.

Article 13

Settlement of disputes

The Parties shall consult each other on any dispute concerning the interpretation or application of this Agreement.

Article 14

Termination

1. This Agreement may be terminated by either Party in particular in the event of unusual circumstances such as the degradation of the stocks concerned, the discovery of a reduced level of exploitation of the fishing opportunities granted to Community vessels, or failure to comply with undertakings made by the Parties with regard to combating illegal, unreported and unregulated fishing.

2. If the Agreement is terminated for the reasons referred to in paragraph 1 of this Article, the Party concerned shall notify the other Party in writing of its intention to withdraw from the Agreement at least six months before the date of expiry of the initial period or each additional period. If the Agreement is terminated for any reason other than those referred to in

paragraph 1 of this Article, the notification period shall be nine months.

3. Dispatch of the notification referred to in the previous paragraph shall open consultations by the Parties.

4. Payment of the financial contribution referred to in Article 7 for the year in which the termination takes effect shall be reduced proportionately and pro rata temporis.

Article 15

Suspension

1. Application of this Agreement may be suspended at the initiative of one of the Parties in the event of a serious disagreement as to the application of provisions laid down in the Agreement. Suspension of application of the Agreement shall require the interested Party to notify its intention in writing at least three months before the date on which suspension is due to take effect. On receipt of this notification, the Parties shall enter into consultations with a view to resolving their differences amicably.

2. Payment of the financial contribution referred to in Article 7 shall be reduced proportionately and pro rata temporis, according to the duration of the suspension, without prejudice to Article 7(4) of the Protocol.

Article 16

Protocol and Annexes

The Protocol, the Annexes and the Appendices thereto shall form an integral part of this Agreement.

Article 17

Final provisions — Language and entry into force

This Agreement, drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovene, Spanish, Swedish and Arabic languages, each of these texts being equally authentic, shall enter into force on the date on which the Parties notify each other that their procedures have been completed.

PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania

Article 1

Period of application and fishing opportunities

1. For a period of two years from 1 August 2006, the fishing opportunities granted under Articles 5 and 6 of the Agreement shall be as laid down in the table attached to this Protocol. These opportunities form part of the overall fishing effort shown in Annex III laid down by the Mauritanian authorities on the basis of available scientific advice and regularly updated.

2. Paragraph 1 shall apply subject to Articles 4 and 5 of this Protocol.

3. Under Article 6 of the Agreement, vessels flying the flag of a Member State of the European Community may fish in Mauritanian fishing zones only if they are in possession of a fishing licence issued under this Protocol in accordance with the Annexes hereto.

Article 2

Financial contribution — Methods of payment

1. The financial contribution referred to in Article 7 of the Agreement shall be fixed at EUR 86 million per year⁽¹⁾, of which EUR 11 million per year shall be allocated by Mauritania to financial support for the implementation of the national fisheries policy, as provided for in Article 7(1)(b) of the Agreement, including EUR 1 million per year financial support for the Banc d'Arguin National Park (PNBA), for the period referred to in Article 1 of this Protocol.

2. Paragraph 1 shall apply subject to Articles 4, 5, 6, 7, 9, 10 and 13 of this Protocol.

3. The Community shall pay the financial contribution no later than 31 December 2006 in the first year and no later than 1 August in the following years.

4. The financial contribution shall be paid into a single account held by the Islamic Republic of Mauritania's Public Treasury with the Central Bank of Mauritania, the references of which shall be communicated by the Ministry.

⁽¹⁾ Plus the sum of the contributions to be paid by shipowners as provided for in Chapter III of Annex I, paid directly to Mauritania into the account provided for in Chapter IV of Annex I, which is estimated at EUR 22 million per year.

5. Subject to Article 6 of this Protocol, the allocation of this contribution and of the support for the PNBA shall be decided within the framework of the Mauritanian finance act and the Mauritanian State shall have full discretion regarding the use to which it is put.

Article 3

Scientific cooperation

1. The two Parties undertake to promote responsible fishing in Mauritanian fishing zones on the basis of the principles of sustainable management.

2. During the period covered by this Protocol, the two Parties shall cooperate to develop certain issues relating to the state of resources in Mauritanian fishing zones; to this end a Joint Scientific Committee shall meet at least once a year, in accordance with Article 4(1) of the Agreement. At the request of one of the Parties and where needed within the framework of this Agreement, other meetings of this Scientific Committee may also be convened.

3. Based on the conclusions of the work of the Joint Scientific Committee and the best available scientific advice, the two Parties shall consult each other within the Joint Committee provided for in Article 10 of the Agreement and, where necessary and by mutual agreement, adopt measures to ensure the sustainable management of fisheries resources.

4. The remit of the Joint Scientific Committee shall cover in particular the following activities:

(a) drawing up an annual scientific report on the fisheries covered by this Agreement;

(b) identifying and implementing an annual programme dealing with specific scientific issues in order to improve understanding of the state of resources and changes to ecosystems;

(c) studying, under a procedure agreed by consensus within the Committee, scientific questions which arise in the course of implementing this Agreement;

- (d) carrying out, among other things, and as required, exploratory fishing trips to determine the fishing opportunities and exploitation options which guarantee the conservation of resources and their ecosystem.

Article 4

Review of fishing opportunities

1. The fishing opportunities referred to in Article 1 of this Protocol may be increased by mutual agreement provided that the conclusions of the Joint Scientific Committee referred to in Article 4(1) of the Agreement confirm that such an increase will not endanger the sustainable management of Mauritania's resources. In this case the financial contribution referred to in Article 2(1) of this Protocol shall be increased proportionately and pro rata temporis. However, the total amount of the financial contribution paid by the European Community shall not be more than twice the amount indicated in Article 2(1) of this Protocol and shall remain proportionate to the increase in fishing opportunities.

2. Conversely, if the Parties agree to adopt measures as referred to in Article 3(3) of this Protocol resulting in a reduction in the fishing opportunities provided for in Article 1 of this Protocol, the financial contribution shall be reduced proportionately and pro rata temporis. Without prejudice to Article 6 of this Protocol, this financial contribution could be suspended by the Community if it is not possible to use the fishing opportunities provided for in this Protocol.

3. The allocation of the fishing opportunities among different categories of vessels may also be reviewed by mutual agreement between the Parties, provided that any changes comply with recommendations made by the Joint Scientific Committee regarding the management of stocks liable to be affected by such redistribution. The Parties shall agree on the corresponding adjustment of the financial contribution where the redistribution of fishing opportunities so warrants.

4. The adjustments of fishing opportunities provided for in paragraphs 1, 2 and 3 shall be decided by mutual agreement between the two Parties in the Joint Committee provided for in Article 10 of the Agreement.

Article 5

Exploratory fishing

1. The Parties may carry out exploratory fishing trips in Mauritanian fishing zones, subject to an opinion by the Joint Scientific Committee provided for in Article 4 of the Agreement. To this end, they shall hold consultations

whenever one of the Parties so requests and determine, on a case-by-case basis, relevant new resources, conditions and other parameters.

2. Authorisations to carry out exploratory fishing shall be granted for test purposes for a period of no more than six months and in accordance with Article 6(2) of the Agreement. They shall be subject to the payment of a fee.

3. Where the Parties conclude that the exploratory fishing trips have produced positive results, while preserving ecosystems and conserving living marine resources, new fishing opportunities may be awarded to Community vessels following the consultation procedure provided for in Article 4 of this Protocol and until the expiry of the Protocol and in accordance with the allowable effort. The financial contribution shall be increased in accordance with Article 4.

4. Exploratory fishing shall be carried out in close collaboration with the Mauritanian Institute of Oceanographic Research and Fisheries (IMROP). IMROP shall decide the composition of the team of researchers and observers to be taken on board. Their expenses shall be borne by the shipowners. The data produced by exploratory fishing shall be the subject of a report by IMROP which shall be communicated to the Ministry.

5. Catches made during exploratory fishing shall be the property of the shipowner. Catches of species of a non-regulatory size and species which may not be fished, kept on-board or sold under Mauritanian law shall be prohibited.

6. Unless otherwise provided by mutual agreement between the two Parties, vessels operating under exploratory fishing arrangements shall land all their catches in Mauritania.

Article 6

Contribution of the Fisheries Partnership Agreement to the implementation of Mauritania's sectoral fisheries policy

1. The financial support referred to in Article 7(1)(b) of the Agreement amounts to EUR 11 million per year in accordance with Article 2(1) of this Protocol. This financial support shall contribute to the development and implementation of the Stratégie Nationale de Développement durable du secteur des Pêches et de l'Economie Maritime de Mauritanie (national strategy for the sustainable development of Mauritania's fisheries sector and marine economy) with a view to introducing responsible fishing in its waters, and in particular to the areas of activity listed in paragraph 3 below and detailed in Annex IV and to the PNBA.

2. Mauritania shall be responsible for managing the amount corresponding to the financial support referred to in paragraph 1 above, in the light of objectives identified by mutual agreement between the two Parties and of the programming to attain them.

3. Notwithstanding the objectives identified by the two Parties and in accordance with the priorities of the *Stratégie Nationale de Développement durable du secteur des Pêches et de l'Economie Maritime de Mauritanie* and with a view to ensuring sustainable and responsible management of the sector, the two Parties agree to focus on the following areas of assistance:

(a) improving governance in the field of fisheries:

- support for the controlled development of small-scale and coastal fisheries, in particular by setting up, monitoring and evaluating fisheries development plans,
- programmes to promote a better understanding of fishery resources,
- support for fishing effort management,
- setting up specially adapted laboratories within the IMROP, modernising their equipment and developing systems for computerising and analysing statistics;

(b) accelerating the integration of the fisheries sector into Mauritania's national economy:

- developing infrastructure, in particular port infrastructure, by means of investment programmes such as the refurbishment of the port of Nouadhibou and Nouakchott fish market for unloading catches from small-scale fishing,
- financial support for the restructuring of the Mauritanian industrial fleet,
- setting up a programme of modernisation of the small-scale fishing fleet to help it meet health and safety standards, including initiatives such as the replacement, in the long term, of wooden canoes with canoes made of more suitable materials which include means of conserving the catch,
- setting up programmes of support and investment with a view to improving fisheries surveillance, such as the

creation of mooring pontoons in ports for use by the surveillance authority and IMROP only, and setting up a training programme adapted to monitoring techniques and technologies, in particular VMS,

- implementing programmes and initiatives to promote fisheries products, in particular through measures to improve the health and plant-health conditions of the products landed and processed;

(c) developing capacities in the sector and improving governance:

- setting up a programme of training and support for improving safety at sea and rescue services, in particular for the small-scale fleet,
- setting up support programmes for the technical services of Mauritania's Ministry of Fisheries and the Marine Economy involved in managing the sector,
- setting up an action plan to improve the effectiveness of the services involved in managing the sector,
- setting up and developing the system for managing licences and monitoring vessels.

Article 7

Methods of implementing the support for Mauritania's sectoral fisheries policy

1. Without prejudice to Article 6(3) of this Protocol, the European Community and the Ministry shall agree, within the Joint Committee provided for in Article 10 of the Agreement, in accordance with the guidelines laid down in Annex IV and from the entry into force of the Protocol, on:

- (a) the annual and multiannual guidelines steering the implementation of the priorities of Mauritanian fisheries policy aiming to introduce responsible fishing, and in particular those referred to in Article 6(3) of this Protocol;
- (b) the annual and multiannual objectives to be achieved and the criteria and indicators to be used to permit an evaluation of the results obtained, on an annual basis.

2. Any amendment of these guidelines, objectives, criteria and evaluation indicators shall be approved by the two Parties within the Joint Committee.

3. For the first year of application of this Protocol, the allocation by Mauritania of the financial support referred to in Article 6(1) of this Protocol shall be notified to the European Community at the time when the guidelines, objectives, criteria and evaluation indicators are approved within the Joint Committee. For each of the following years, the Ministry shall notify the European Community of this allocation no later than 30 September of the previous year.

4. No later than three months after the anniversary date of the entry into application of this Protocol, the Ministry shall transmit to the Delegation an annual report on the implementation of the results achieved and any difficulties encountered.

The Commission reserves the right to request additional information on these results from the Mauritanian authorities so as to launch consultations with the Mauritanian authorities within the Joint Committee provided for in Article 10 of the Agreement, in order to adopt corrective measures which allow the given objectives to be achieved.

Article 8

Economic integration of Community operators in the Mauritanian fisheries sector

1. The two Parties shall undertake to promote the economic integration of Community operators into the fisheries sector in Mauritania as a whole.

2. In order to develop the fresh products sector, by way of an incentive Mauritania shall grant Community operators landing fish in Mauritanian ports (in particular for the purposes of sales to local industries, adding value to these products in Mauritania or transporting catches made in Mauritanian fishing zones by land) a reduction in the amount of fees, in accordance with Annex I to this Protocol and with the relevant Mauritanian law.

3. The two Parties shall also decide to set up a task force to identify obstacles to direct Community investment in the fisheries sector in Mauritania, and the opportunities for such direct investment or possibilities of supporting such investment, and the measures easing the conditions governing it.

Article 9

Disputes — suspension of application of the Protocol

1. Any dispute between the Parties over the interpretation of this Protocol and its Annexes or its application shall be the subject of consultations between the Parties within the Joint Committee provided for in Article 10 of the Agreement, in a special meeting if necessary.

2. Application of the Protocol may be suspended at the initiative of one of the Parties if the dispute between the two Parties is deemed to be serious and if the consultations held within the Joint Committee under paragraph 1 have not resulted in an amicable settlement.

3. Suspension of application of the Protocol shall require the interested Party to notify its intention in writing at least three months before the date on which suspension is due to take effect.

4. By way of derogation from the suspension procedure provided for in paragraphs 1, 2 and 3, the Community reserves the right to suspend application of the Protocol immediately in the event of failure by Mauritania to comply with commitments made with regard to implementation of its sectoral fisheries policy. Such suspension shall immediately be notified to the Mauritanian authorities.

5. In the event of suspension, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. Once such settlement is reached, application of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and pro rata temporis according to the period during which application of the Protocol was suspended.

Article 10

Suspension of application of the Protocol on grounds of non-payment

Subject to Article 4, if the European Community fails to make the payments provided for in Article 2, application of this Protocol may be suspended on the following terms:

(a) The Ministry shall notify the European Commission of the non-payment. The Commission shall carry out the necessary checks and, where necessary, transmit the payment within no more than 30 working days of the date of receipt of the notification.

(b) If no payment is made and non-payment is not adequately justified within the period provided for in paragraph (a), the competent Mauritanian authorities shall be entitled to suspend application of this Protocol. They shall inform the European Commission of such action forthwith.

(c) Application of the Protocol shall resume as soon as the payments concerned have been made.

*Article 11***National law**

Notwithstanding the provisions of the Agreement, the activities of vessels operating under this Protocol and its Annexes, in particular landing, transshipment, the use of port services and the purchase of supplies, or any other activity shall be governed by the national laws and regulations in force in Mauritania.

*Article 12***Duration**

This Protocol and its Annexes shall apply for a period of two years from 1 August 2006. They may be renewed twice, each time for a period of two years, on the basis of tacit agreement between the Parties, unless notice of termination is given in accordance with Article 13.

*Article 13***Termination**

1. In the event of termination of the Protocol, the Party concerned shall notify the other Party of its intention to withdraw from the Protocol in writing at least six months before the date of expiry of the initial period or each additional period.

2. Dispatch of the notification referred to in the previous paragraph shall open consultations by the Parties.

*Article 14***Entry into force**

This Protocol with its Annexes shall enter into force on the date of the entry into force of the Agreement.

Table of fishing opportunities

Type of fishing											
	Crustaceans			Demersal fishing			Cephalopods	Pelagic fishing			
	Category 1 Crustaceans other than crawfish and crab	Category 10 Crab	Category 6 Crawfish	Category 2 Black hake trawlers and longliners	Category 3 Demersal species other than black hake with gear other than trawls	Category 4 Demersal trawlers targeting species other than black hake	Category 5 Cephalopods	Category 7 Tuna seiners	Category 8 Pole-and-line vessels and longliners	Category 9 Pelagic freezer trawlers ⁽¹⁾	Category 11 Non-freezer pelagic vessels ⁽¹⁾
Maximum GT per licence period	9 440 GT	300 GT	300 GT	3 600 GT	2 324 GT	750 GT	18 600 GT 43 vessels	36 vessels	31 vessels	22 licences	15 000 GT per month, averaged over the year
⁽¹⁾ Unused category 11 fishing opportunities (non-freezer pelagic vessels) may be used by category 9 (pelagic freezer trawlers) at a rate of a maximum 25 licences per month.											

⁽¹⁾ Unused category 11 fishing opportunities (non-freezer pelagic vessels) may be used by category 9 (pelagic freezer trawlers) at a rate of a maximum 25 licences per month.

FISHING CATEGORY 1: FISHING VESSELS SPECIALISING IN CRUSTACEANS OTHER THAN CRAWFISH AND CRAB**1. Fishing zone**

(i) North of latitude 19° 21' 00" N, outside the zone marked by the following points:

20° 46' 30" N	17° 03' 00" W
20° 40' 00" N	17° 07' 50" W
20° 05' 00" N	17° 07' 50" W
19° 35' 50" N	16° 47' 00" W
19° 28' 00" N	16° 45' 00" W
19° 21' 00" N	16° 45' 00" W

(ii) South of latitude 19° 21' 00" N, west of the six-mile line from the low-water mark.

Once the development plan for shrimp is adopted, this zoning may be revised by mutual agreement between the Parties.

2. Authorised gear

Bottom shrimp trawl and other selective types of gear.

The two Parties are to carry out technical trials with a view to drafting rules on selectivity, in particular: (i) selectivity grids for trawls, (ii) selective gear other than trawls. Selective gear are to be put into operation by 31 December 2009, following scientific, technical and economic evaluation of the results of these trials.

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

3. Minimum authorised mesh

50 mm

4. Biological recovery

Two months: September and October.

The two Parties may decide by mutual agreement within the Joint Committee to adjust, increase or reduce the above biological recovery period, and to lay down closed periods in certain zones to protect nursery areas and areas with a high concentration of juvenile fish.

5. By-catches

In accordance with Mauritanian legislation.

Where Mauritanian legislation does not contain any rules on by-catches of certain species, the two Parties shall consult within the Joint Committee to lay down the authorised rate.

6. Authorised tonnage/fees

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Authorised tonnage (GT) per licence period	9 440 GT	9 440 GT	9 440 GT	9 440 GT	9 440 GT	9 440 GT
Fees in EUR per GT per year	268	280	291	303	315	315

7. Comments

The fees are fixed for the two-year period of application of the Protocol, and for the two periods of tacit renewal laid down in Article 12 of the Protocol, giving a total of six years.

Landings and transshipments encouraged under the terms of the Protocol and of Annex I.

FISHING CATEGORY 2: BLACK HAKE TRAWLERS (1) AND BOTTOM LONGLINERS**1. Fishing zone**

1.1. (i) North of latitude 19° 15' 60" N, west of the line joining the following points:

20° 46' 30" N	17° 03' 00" W
20° 36' 00" N	17° 11' 00" W
20° 36' 00" N	17° 36' 00" W
20° 03' 00" N	17° 36' 00" W
19° 45' 70" N	17° 03' 00" W
19° 29' 00" N	16° 51' 50" W
19° 15' 60" N	16° 51' 50" W
19° 15' 60" N	16° 49' 60" W

(ii) South of latitude 19° 15' 60" N as far as latitude 17° 50' 00" N, west of the 18-mile line from the low-water mark.

(iii) South of latitude 17° 50' 00" N, west of the 12-mile line from the low-water mark.

1.2. The zoning during the closed periods for cephalopod fisheries is as follows:

(i) Between Cap Blanc and Cap Timiris, the exclusion zone is defined by the following points:

20° 46' 00" N	17° 03' 00" W
20° 46' 00" N	17° 47' 00" W
20° 03' 00" N	17° 47' 00" W
19° 47' 00" N	17° 14' 00" W
19° 21' 00" N	16° 55' 00" W
19° 15' 60" N	16° 51' 50" W
19° 15' 60" N	16° 49' 60" W

(ii) South of Cap Timiris (south of latitude 19° 15' 60" N) and up to Nouakchott (17° 50' 00" N), the exclusion zone is the 18 mile line from the low-water mark.

(iii) South of Nouakchott (south of latitude 17° 15' 00" N), the exclusion zone is the 12-mile line from the low-water mark.

2. Authorised gear

— Bottom longline;

— bottom trawl for hake.

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

3. Minimum authorised mesh

70 mm for the trawl net.

4. Biological recovery

The two Parties shall agree within the Joint Committee and on the basis of the best available scientific advice approved by the Joint Scientific Committee on the most appropriate biological recovery period.

5. By-catches

In accordance with Mauritanian legislation.

Where Mauritanian legislation does not contain any rules on by-catches of certain species, the two Parties shall consult within the Joint Committee to lay down the authorised rate.

6. Authorised tonnage/fees

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Authorised tonnage (GT) per licence period	3 600 GT	3 600 GT	3 600 GT	3 600 GT	3 600 GT	3 600 GT
Fees in EUR per GT per year	135	142	148	153	159	159

7. Comments

The fees are fixed for the two-year period of application of the Protocol, and for the two periods of tacit renewal laid down in Article 12 of the Protocol, giving a total of six years.

This category does not include freezer trawlers.

Landings and transshipments encouraged under the terms of the Protocol and of Annex I.

FISHING CATEGORY 3: VESSELS FISHING FOR DEMERSAL SPECIES OTHER THAN BLACK HAKE WITH GEAR OTHER THAN TRAWLS**1. Fishing zone**

1.1. (i) North of latitude 19° 48' 50" N, from three nautical miles from the Cap Blanc-Cap Timiris baseline;

(ii) South of latitude 19° 48' 50" N as far as latitude 19° 21' 00" N, west of longitude 16° 45' 00" W;

(iii) South of latitude 19° 21' 00" N, from three nautical miles from the low-water mark.

1.2. The zoning during the closed periods for cephalopod fisheries is as follows:

(i) Between Cap Blanc and Cap Timiris:

20° 46' 00" N	17° 03' 00" W
20° 46' 00" N	17° 47' 00" W
20° 03' 00" N	17° 47' 00" W
19° 47' 00" N	17° 14' 00" W
19° 21' 00" N	16° 55' 00" W
19° 15' 60" N	16° 51' 50" W
19° 15' 60" N	16° 49' 60" W

(ii) South of Cap Timiris (south of latitude 19° 15' 60" N) and up to Nouakchott (17° 50' 00" N), the exclusion zone is the three-mile line from the low-water mark.

(iii) South of Nouakchott (south of latitude 17° 15' 00" N), the exclusion zone is the three-mile line from the low-water mark.

2. Authorised gear

— Longline;

— fixed gillnets with a maximum depth of 7 m and a maximum length of 100 m. Gillnets made of polyamide monofilaments are banned under Mauritanian legislation;

— handline;

— creels;

— seine for fishing for live bait.

3. Minimum authorised mesh

120 mm for the gillnet.

16 mm for live bait fishing; 20 mm from 1 August 2007.

4. By-catches

In accordance with Mauritanian legislation.

Where Mauritanian legislation does not contain any rules on by-catches of certain species, the two Parties shall consult within the Joint Committee to lay down the authorised rate.

5. Authorised tonnage

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Authorised tonnage (GT) per licence period	2 324 GT	2 324 GT	2 324 GT	2 324 GT	2 324 GT	2 324 GT
Fees in EUR per GT per year	233	244	254	264	274	274

6. Comments

The fees are fixed for the two-year period of application of the Protocol, and for the two periods of tacit renewal laid down in Article 12 of the Protocol, giving a total of six years.

The type of fishing gear to be used should be notified when applying for the licence.

Seines may be used only to fish for bait for use in line and creel fishing.

Use of creels is authorised for no more than seven vessels of under 135 GT each.

Landings and transshipments encouraged under the terms of the Protocol and of Annex I.

The two Parties shall agree within the Joint Committee and on the basis of the best available scientific advice approved by the Joint Scientific Committee on the most appropriate biological recovery period.

FISHING CATEGORY 4: PELAGIC FREEZER TRAWLERS FISHING FOR DEMERSAL SPECIES

1. Fishing zone

1.1. (i) North of latitude 19° 15' 60" N, west of the line joining the following points:

20° 46' 30" N	17° 03' 00" W
20° 36' 00" N	17° 11' 00" W
20° 36' 00" N	17° 36' 00" W
20° 03' 00" N	17° 36' 00" W
19° 45' 70" N	17° 03' 00" W
19° 29' 00" N	16° 51' 50" W
19° 15' 60" N	16° 51' 50" W
19° 15' 60" N	16° 49' 60" W

(ii) South of latitude 19° 15' 60" N as far as latitude 17° 50' 00" N, west of the 18-mile line from the low-water mark.

(iii) South of latitude 17° 50' 00" N, west of the 12-mile line from the low-water mark.

2. Authorised gear

Trawl net.

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

3. Minimum authorised mesh

70 mm

4. Biological recovery

Two months: September and October.

The two Parties may decide by mutual agreement within the Joint Committee to adjust, increase or reduce the above biological recovery period, and to lay down closed periods in certain zones to protect nursery areas and areas with a high concentration of juvenile fish.

5. By-catches

In accordance with Mauritanian legislation.

Where Mauritanian legislation does not contain any rules on by-catches of certain species, the two Parties shall consult within the Joint Committee to lay down the authorised rate.

6. Authorised tonnage/fees

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Authorised tonnage (GT) per licence period	750 GT	750 GT	750 GT	750 GT	750 GT	750 GT
Fees in EUR per GT per year	144	150	156	163	169	169

7. Comments

The fees are fixed for the two-year period of application of the Protocol, and for the two periods of tacit renewal laid down in Article 12 of the Protocol, giving a total of six years.

Landings and transshipments encouraged under the terms of the Protocol and of Annex I.

FISHING CATEGORY 5: CEPHALOPODS

1. Fishing zone

North of latitude 19° 15' 60" N, outside the zone marked by the following points:

20° 46' 30" N	17° 03' 00" W
20° 40' 00" N	17° 07' 50" W
19° 57' 00" N	17° 07' 50" W
19° 28' 20" N	16° 48' 00" W
19° 18' 50" N	16° 48' 00" W
19° 18' 50" N	16° 40' 50" W
19° 15' 60" N	16° 38' 00" W

South of latitude 19° 15' 60" N as far as latitude 17° 50' 00" N, west of the nine-mile line from the low-water mark.

South of latitude 17° 50' 00" N, west of the six-mile line from the low-water mark.

2. Authorised gear

Demersal trawling

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

3. Minimum authorised mesh

70 mm

4. Biological recovery

Two months: September and October.

The two Parties may decide by mutual agreement within the Joint Committee, on the basis of the best available scientific advice, to adjust, increase or reduce the above biological recovery period, and to lay down closed periods in certain zones to protect nursery areas and areas with a high concentration of juvenile fish.

5. By-catches

In accordance with Mauritanian legislation.

Where Mauritanian legislation does not contain any rules on by-catches of certain species, the two Parties shall consult within the Joint Committee to lay down the authorised rate.

6. Authorised tonnage/fees

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/2012
Authorised tonnage (GT) per licence period	18 600 GT	18 600 GT	18 600 GT	18 600 GT	18 600 GT	18 600 GT
Fees in EUR per GT per year	321	335	349	363	377	377

7. Comments

The fees are fixed for the two-year period of application of the Protocol, and for the two periods of tacit renewal laid down in Article 12 of the Protocol, giving a total of six years.

The authorised tonnage (GT) may vary by a maximum of 2 %.

Landings and transshipments encouraged under the terms of the Protocol and of Annex I.

FISHING CATEGORY 6: CRAWFISH**1. Fishing zone**

1.1. North of latitude 19° 21' 00" N, 20 nautical miles from the Cap Blanc-Cap Timiris baseline.

1.2. South of latitude 19° 21' 00" N, 15 nautical miles from the low-water mark.

2. Authorised gear

Pot.

3. Minimum authorised mesh

Netting: 50 mm mesh; from 1 August 2007, 60 mm.

4. Biological recovery

Two months: September and October.

The two Parties may decide by mutual agreement within the Joint Committee to adjust, increase or reduce the above biological recovery period.

5. By-catches

In accordance with Mauritanian legislation.

Where Mauritanian legislation does not contain any rules on by-catches of certain species, the two Parties shall consult within the Joint Committee to lay down the authorised rate.

6. Authorised tonnage/fees

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Authorised tonnage (GT) per licence period	300 GT	300 GT	300 GT	300 GT	300 GT	300 GT
Fees in EUR per GT per year	260	271	283	294	305	305

7. Comments

The fees are fixed for the two-year period of application of the Protocol, and for the two periods of tacit renewal laid down in Article 12 of the Protocol, giving a total of six years.

Landings and transshipments encouraged under the terms of the Protocol and of Annex I.

FISHING CATEGORY 7: FREEZER TUNA SEINERS**1. Fishing zone**

1.1. North of 19° 21' 00" N, 30 nautical miles from the Cap Blanc-Cap Timiris baseline.

1.2. South of 19° 21' 00" N, 30 nautical miles from the low-water mark.

2. Authorised gear

Seine net.

3. Minimum authorised mesh

Recommended ICCAT standard.

4. By-catches

In accordance with Mauritanian legislation.

Where Mauritanian legislation does not contain any rules on by-catches of certain species, the two Parties shall consult within the Joint Committee to lay down the authorised rate.

5. Authorised tonnage/fees

Fee per tonne caught	EUR 35				
Number of vessels authorised to fish	36				
Advance in EUR per vessel per year	EUR 1 750				

6. Comments

The fees are fixed for the two-year period of application of the Protocol, and for the two periods of tacit renewal laid down in Article 12 of the Protocol, giving a total of six years.

Landings and transshipments encouraged under the terms of the Protocol and of Annex I.

FISHING CATEGORY 8: POLE-AND-LINE TUNA VESSELS AND SURFACE LONGLINERS**1. Fishing zone**

For surface longliners, the zoning is the same as for tuna seiners in category 7.

For pole-and-line tuna vessels, the following zoning applies:

1.1. North of 19° 21' 00" N, 15 nautical miles from the Cap Blanc-Cap Timiris baseline;

1.2. South of latitude 19° 21' 00" N, 12 nautical miles from the low-water mark.

Fishing zone authorised for live-bait fishing:

- North of latitude 19° 48' 50" N, from three nautical miles from the Cap Blanc-Cap Timiris baseline;
- South of latitude 19° 48' 50" N as far as latitude 19° 21' 00" N, west of longitude 16° 45' 00" W;
- South of latitude 19° 21' 00" N, from three nautical miles from the low-water mark.

2. Authorised gear

Pole-and-line and surface longlines.

3. By-catches

In accordance with Mauritanian legislation.

Where Mauritanian legislation does not contain any rules on by-catches of certain species, the two Parties shall consult within the Joint Committee to lay down the authorised rate.

4. Authorised tonnage/fees

Number of vessels authorised to fish	31					
Pole-and-line vessels — fee per tonne caught	EUR 25					
Bottom longliners — fee per tonne caught	EUR 35					
Advance in EUR per vessel per year	EUR 2 500 for pole-and-line vessels EUR 3 500 for bottom longliners					

5. Comments

The fees are fixed for the two-year period of application of the Protocol, and for the two periods of tacit renewal laid down in Article 12 of the Protocol, giving a total of six years.

1. Minimum authorised mesh size for live-bait fishing: 16 mm. Fishing for live bait will be limited to a number of days per month laid down by the Joint Committee. The start and end of such fishing must be notified to the surveillance authority.
2. In accordance with the relevant ICCAT and FAO recommendations, fishing for the basking shark (*Cetorhinus maximus*), white shark (*Carcharodon carcharias*), sand tiger shark (*Carcharias taurus*) and tope shark (*Galeorhinus galeus*) is prohibited.
3. In accordance with ICCAT recommendations 04-10 and 05-05 concerning the conservation of sharks caught in association with fisheries managed by ICCAT.
4. Landings and transshipments encouraged under the terms of the Protocol and of Annex I.
5. The two Parties shall agree on the practical arrangements to allow this category to fish or collect the live bait needed for fishing by these vessels. Should such fishing be carried out in sensitive areas or with non-conventional gear, these arrangements shall be laid down on the basis of IMROP recommendations and in agreement with the surveillance authority.

FISHING CATEGORY 9: PELAGIC FREEZER TRAWLERS**1. Fishing zone**

(i) North of latitude 19° 21' 00" N, outside the zone marked by the following points:

20° 46' 30" N	17° 03' 00" W
20° 36' 00" N	17° 11' 00" W
20° 36' 00" N	17° 24' 10" W
19° 57' 00" N	17° 24' 10" W
19° 45' 70" N	17° 03' 00" W
19° 29' 00" N	16° 51' 50" W
19° 21' 00" N	16° 45' 00" W

(ii) South of latitude 19° 21' 00" N as far as 17° 50' 00" N, from 13 nautical miles from the low-water mark.

(iii) South of latitude 17° 50' 00" N as far as 16° 04' 00" N, from 12 nautical miles from the low-water mark.

2. Authorised gear

Pelagic trawl.

The bag of the pelagic or semi-pelagic trawl may be strengthened with a piece of netting with a minimum mesh size of 400 mm of stretched mesh and by straps placed at least 1,5 m apart, except for the strap at the back of the trawl which may not be placed less than 2 m from the window in the bag. The strengthening or doubling of the bag for any other reason is prohibited and the trawl may in no case target species other than the small pelagic species authorised.

3. Minimum authorised mesh

40 mm

4. By-catches

In accordance with Mauritanian legislation.

Where Mauritanian legislation does not contain any rules on by-catches of certain species, the two Parties shall consult within the Joint Committee to lay down the authorised rate.

5. Authorised tonnage/fees

Number of vessels authorised to fish at the same time 22

Fees in EUR per GT per month	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Vessels of below 5 000 GT	8	8,1	8,2	8,3	8,4	8,5
Vessels of 5 000 GT or above but below 7 000 GT	7	7,1	7,2	7,3	7,4	7,5
Vessels of 7 000 GT or above but below 9 500 GT	6	6,1	6,2	6,3	6,4	6,5

The maximum total allowable catch for the freezer trawler fleet under the above licence arrangements is 440 000 tonnes per year. The licences granted to these vessels shall specify the reference tonnage granted to each of them. Any overrun on this reference tonnage shall be subject to a supplementary fee of EUR 15 per tonne.

6. Comments

Unused category 11 fishing opportunities (non-freezer pelagic vessels) may be used by category 9 (pelagic freezer trawlers) at a rate of a maximum 25 licences per month.

The fees are fixed for the two-year period of application of the Protocol, and for the two periods of tacit renewal laid down in Article 12 of the Protocol, giving a total of six years.

Landings and transshipments encouraged under the terms of the Protocol and of Annex I.

FISHING CATEGORY 10: CRAB FISHING

1. Fishing zone

(i) North of latitude 19° 15' 60" N, west of the line joining the following points:

20° 46' 30" N	17° 03' 00" W
20° 36' 00" N	17° 11' 00" W
20° 36' 00" N	17° 36' 00" W
20° 03' 00" N	17° 36' 00" W
19° 45' 70" N	17° 03' 00" W
19° 29' 00" N	16° 51' 50" W
19° 15' 60" N	16° 51' 50" W
19° 15' 60" N	16° 49' 60" W

(ii) South of latitude 19° 15' 60" N as far as latitude 17° 50' 00" N, west of the 18-mile line from the low-water mark.

(iii) South of latitude 17° 50' 00" N, west of the 12-mile line from the low-water mark.

2. Authorised gear

Crab pot.

3. Minimum authorised mesh

Netting: 50 mm mesh; from 1 August 2007, 60 mm.

4. Biological recovery

Two months: September and October.

The two Parties may decide by mutual agreement within the Joint Committee, on the basis of the best available scientific advice, to adjust, increase or reduce the above biological recovery period, and to lay down closed periods in certain zones to protect nursery areas and areas with a high concentration of juvenile fish.

5. By-catches

In accordance with Mauritanian legislation.

Where Mauritanian legislation does not contain any rules on by-catches of certain species, the two Parties shall consult within the Joint Committee to lay down the authorised rate.

6. Authorised tonnage/fees

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Authorised tonnage (GT) per year	300 GT	300 GT	300 GT	300 GT	300 GT	300 GT
Fees in EUR per GT per year	260	271	283	294	305	305

7. Comments

The fees are fixed for the two-year period of application of the Protocol, and for the two periods of tacit renewal laid down in Article 12 of the Protocol, giving a total of six years.

Landings and transhipments encouraged under the terms of the Protocol and of Annex I.

FISHING CATEGORY 11: NON-FREEZER PELAGIC VESSELS

1. Fishing zone

(i) North of latitude 19° 21' 00" N, outside the zone marked by the following points:

20° 46' 30" N	17° 03' 00" W
20° 36' 00" N	17° 11' 00" W
20° 36' 00" N	17° 24' 10" W
19° 57' 00" N	17° 24' 10" W
19° 45' 70" N	17° 03' 00" W
19° 29' 00" N	16° 51' 50" W
19° 21' 00" N	16° 45' 00" W

(ii) South of latitude 19° 21' 00" N as far as 17° 50' 00" N, from 13 nautical miles from the low-water mark.

(iii) South of latitude 17° 50' 00" N as far as 16° 04' 00" N, from 12 nautical miles from the low-water mark.

2. Authorised gear

Pelagic trawl and purse seine for industrial fishing.

The bag of the pelagic or semi-pelagic trawl may be strengthened with a piece of netting with a minimum mesh size of 400 mm of stretched mesh and by straps placed at least 1,5 m apart, except for the strap at the back of the trawl which may not be placed less than 2 m from the window in the bag. The strengthening or doubling of the bag for any other reason is prohibited and the trawl may in no case target species other than the small pelagic species authorised.

3. Minimum authorised mesh

40 mm for trawlers and 20 mm for seiners.

4. By-catches

In accordance with Mauritanian legislation.

Where Mauritanian legislation does not contain any rules on by-catches of certain species, the two Parties shall consult within the Joint Committee to lay down the authorised rate.

5. Authorised tonnage/fees

Authorised tonnage 15 000 GT per month (annual average), equivalent to three monthly licences for pelagic freezer trawler in category 9.

The averaging of monthly figures over a year shall mean that the average use per month at the end of a year of the Protocol corresponds to the above figure, with the possibility of carrying over unused quantities from one month to the following month.

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Fees in EUR per GT per year	7	7	7,2	7,3	7,4	7,5

6. Comments

Unused category 11 fishing opportunities (non-freezer pelagic vessels) may be used by category 9 (pelagic freezer trawlers) at a rate of a maximum 25 licences per month.

The fees are fixed for the two-year period of application of the Protocol, and for the two periods of tacit renewal laid down in Article 12 of the Protocol, giving a total of six years.

There is no limit on catches by non-freezer pelagic vessels.

Transitional arrangements for taking seamen on board are laid down in Annex I (point 6 of Chapter XV).

Landings and transshipments encouraged under the terms of the Protocol and of Annex I.

ANNEX I

Conditions for the exercise of fishing activities by Community vessels in Mauritania's fishing zones

CHAPTER I

DOCUMENTS REQUIRED FOR LICENCE APPLICATIONS

1. On each vessel's first licence application, the Commission, via the Delegation, shall submit to the Ministry a licence application form duly completed in respect of each vessel for which a licence is requested in accordance with the model in Appendix 1 to this Annex. The particulars relating to the name of the vessel, its tonnage in GT, external registration number, radio call sign, engine power, overall length and home port shall be as contained in the fishing vessel register of the Community.
2. On a first licence application, the shipowner shall include with the application:
 - a copy certified by the Member State of the international tonnage certificate giving the tonnage of the vessel expressed in GT,
 - a recent colour photograph certified by the competent authorities of the Member State showing a side view of the vessel in its current state. The photograph shall be at least 15 cm by 10 cm.
3. Any alteration to the tonnage of a vessel shall oblige the shipowner concerned to submit a copy certified by the Member State of the new tonnage certificate and any supporting documents concerning the alteration and, in particular, the copy of the application lodged by the shipowner with the competent authorities, the agreement of those authorities and the details of the changes made.

Where the structure or external appearance of the vessel is changed, a new photograph certified by the competent authorities of the Member State must also be submitted.

4. Applications for fishing licences shall be lodged only for those vessels for which the documents required under points 1, 2 and 3 above have been sent.

CHAPTER II

LICENCES — APPLICATION, ISSUE AND VALIDITY

1. *Eligibility to fish*
 - 1.1. Each vessel wishing to fish under this Agreement must be eligible for fishing in Mauritanian fishing zones.
 - 1.2. For a vessel to be eligible, neither the owner, the master nor the vessel itself must be prohibited from fishing in Mauritania. They must be in order vis-à-vis the Mauritanian authorities insofar as they must have fulfilled all prior obligations arising from their fishing activities in Mauritania.

2. *Licence applications*

- 2.1. For licences for pelagic fishing vessels, the Commission, via the Delegation, shall submit licence applications to the Ministry at least 10 working days before the start of fishing operations accompanied by the documents attesting to the technical characteristics.

For all other types of licence, the Commission, via the Delegation, shall submit to the Ministry quarterly lists of the vessels by fishing category wishing to engage in fishing activities within the limits specified in the Fishing Datasheets included in the Protocol, at least one month before the start of the period of validity of the licences requested. Such lists shall be accompanied by proof of payment. Licence applications failing to arrive within the deadline will not be handled.

- 2.2. These lists shall specify by fishing category, the number of vessels and, for each vessel, its main characteristics, including its fishing gear, referred to in the fishing vessel register of the Community, the amount of payments due broken down by heading and the number of Mauritanian seamen.

- 2.3. A data file containing all the particulars required to draw up the fishing licences, including any amendments to the vessel data, shall also be attached to the licence application in a format compatible with the software used by the Ministry.
- 2.4. Licence applications shall be accepted only in respect of eligible vessels which have completed all the formalities specified in points 2.1, 2.2 and 2.3 above.
- 2.5. Vessels holding fishing licences for neighbouring countries may indicate in their licence applications the country and species concerned and the period of validity of such licences to facilitate their multiple entries into and exits from the fishing zone.
- 2.6. Any personal data transferred under the licence applications — and more generally within the framework of this Agreement — may be used only within the framework of this Agreement.

3. *Issue of licences*

- 3.1. The Ministry shall issue the licences to the vessel following submission, by the shipowner's representative, of individual proofs of payment for each vessel (receipt of payment issued by the Mauritanian Public Treasury), as specified in Chapter IV, at least 10 days before the start of their period of validity. That deadline shall be five days in the case of ocean-going vessels. The licences may be obtained from the offices of the Ministry in Nouadhibou or Nouakchott.
- 3.2. Licences shall also indicate the period of validity, the vessel's technical characteristics, the number of Mauritanian seamen and the payment references of the fees, and the conditions relating to fishing activities as laid down in the relevant fishing datasheets.
- 3.3. Fishing licences may be issued only for vessels which have complied with all the administrative formalities required for the issue of licences. Vessels which receive a licence will be entered on the list of vessels authorised to fish which will be sent simultaneously to the surveillance authority and the Commission, via the Delegation.
- 3.4. The Commission shall be notified of licence applications refused by the Mauritanian authorities, via the Delegation. Where appropriate, the Ministry shall provide a credit note against payments relating to these after deduction of the balance of any outstanding unpaid fines.
- 3.5. The two Parties shall seek agreement for the purposes of promoting the introduction of an electronic licence system.

4. *Validity and utilisation of licences*

- 4.1. Licences shall be valid only for the period covered by the fees paid under the terms laid down in the Fishing Datasheets and specified in the licence.

Licences shall be issued for periods of three, six or 12 months. They shall be renewable.

For pelagic vessels (categories 9 and 11), licences may be monthly. For pelagic trawlers (category 9 only), licences shall indicate the authorised quota for that vessel (see point 3 of Chapter XV). Any unused quota in the period covered by the licence may be transferred to a new licence for the same vessel or transferred to another vessel in the same category.

The period of validity of licences shall be determined on the basis of the following annual periods:

- first period: from 1 August 2006 to 31 December 2006
- second period: from 1 January 2007 to 31 December 2007
- third period: from 1 January 2008 to 31 December 2008
- fourth period: from 1 January 2009 to 31 December 2009
- fifth period: from 1 January 2010 to 31 December 2010
- sixth period: from 1 January 2011 to 31 December 2011
- seventh period: from 1 January 2012 to 31 July 2012.

Licences may not start running during one annual period and expire during the next.

- 4.2. Licences shall be issued for a given vessel and shall not be transferable. However, in the event of *force majeure* duly established by the competent authorities of the Member State and at the request of the Commission, a licence issued for one vessel shall be replaced as soon as possible by a licence issued for another vessel of the same category on condition that the tonnage authorised for that category is not exceeded.
- 4.3. The licence to be replaced shall be returned by the Commission via the Delegation to the Ministry, which shall then issue the new licence.
- 4.4. Additional adjustments in the amounts paid as a result of replacement of the licence shall be effected before the replacement licence is issued.
- 4.5. Licences must be held on board the eligible vessel at all times and presented to the inspection authorities on the occasion of any inspection.

CHAPTER III

FEES

1. Fees shall be calculated for each vessel on the basis of the annual rates laid down in the Fishing Datasheets included in the Protocol. In the case of three-month and six-month licences, the fees shall be calculated *pro rata temporis*, plus 3 % and 2 % respectively to cover recurrent costs in drawing up the licences. The amounts of such licence fees shall include all related fees and taxes, with the exception of the parafiscal charge ⁽¹⁾, port taxes and service charges ⁽²⁾. Until 31 July 2008, a share of 2 % of the amount of the fees corresponding to the costs of observers shall be paid to a specific account as provided for in Chapter IV of this Annex. After this period, and without prejudice to Article 12 of this Protocol, a budgetary allocation for financing the sworn body of independent scientific observers and inspectors shall be entered into the finance act, as provided for in Annex IV, and shall replace this percentage payment.
2. Fees shall be payable in quarterly periods with the exception of the shorter periods stipulated in the Agreement or consequent on its application, in which case they shall be payable *pro rata* for the actual duration of the licence.
3. A quarter shall consist of one of the three-month periods beginning 1 October, 1 January, 1 April or 1 July, except for the first and last period of the Protocol which shall run from 1 August 2006 to 30 September 2006 and from 1 March 2012 to 31 July 2012 respectively.

CHAPTER IV

METHODS OF PAYMENT

1. Payments shall be made in euro as follows:

(a) fees:

- by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the Mauritanian Public Treasury;

(b) fees relating to the cost of scientific observers and the parafiscal charge:

- by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the surveillance authority;

⁽¹⁾ Under the decree establishing the parafiscal charge, the rates of this charge for industrial fishing vessels, payable in local currency, are as follows:

Fishing category: crustaceans, cephalopods and demersal species		Fishing category: (small and large) pelagics	
Tonnage	Amount per quarter (MRO)	Tonnage	Amount per month (MRO)
< 99 GT	50 000	< 2 000 GT	50 000
100-200 GT	100 000	– 3 000 GT	150 000
200-400 GT	200 000	3-5 000 GT	500 000
400-600 GT	400 000	5-7 000 GT	750 000
> 600 GT	600 000	7-9 000 GT	1 000 000
		> 9 000 GT	1 300 000

⁽²⁾ The two Parties shall agree on the amount of the parafiscal charge to apply to tuna seiners.

(c) fines:

- by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the Mauritanian Public Treasury;

(d) penalties for licence increases:

- by transfer to one of the foreign accounts of the Central Bank of Mauritania payable to the Ministry.

2. The amounts referred to in point 1 above shall be considered as actually received on receipt of confirmation from the Treasury or the Ministry following notification by the Central Bank of Mauritania.

3. Before the entry into force of the Protocol, the Mauritanian Authorities shall supply the Commission with a list of the Central Bank of Mauritania's foreign accounts with the details required for international transfers (BIC and IBAN codes).

CHAPTER V

COMMUNICATION OF CATCH DATA

1. The duration of a voyage by a Community vessel shall be defined as follows:

- either the period elapsing between entering and leaving the Mauritanian fishing zone;
- or the period elapsing between entering the Mauritanian fishing zone and a transshipment;
- or the period elapsing between entering the Mauritanian fishing zone and a landing in Mauritania.

2. *Fishing log*

2.1. Masters of vessels shall make a daily record of all the operations specified in the fishing log as shown in the model attached as Appendix 2 to this Annex. This document must be completed correctly and legibly and signed by the master of the vessel. For vessels fishing for highly migratory species, Chapter XIV of this Annex shall apply.

2.2. Fishing logs from which entries have been omitted or which contain invalid information shall be deemed not to have been duly kept.

2.3. At the end of each voyage, the original of the fishing log shall be sent by the master of the vessel to the surveillance authority. Within 15 working days, the shipowner shall forward a copy of the log to the national authorities of the Member State and to the Commission, via the Delegation.

2.4. Failure to comply with points 2.1, 2.2 or 2.3 above shall entail, irrespective of the penalties laid down by Mauritanian law, automatic suspension of the fishing licence until the shipowner has met such obligations.

2.5. The two Parties shall seek agreement for the purposes of promoting the introduction of an electronic logbook system.

2.6. For pelagic vessels (categories 9 and 11), checks on catches shall take place on landing and on transshipment or at the end of the trip.

3. *Supplementary fishing log (landing and transshipment declarations)*

3.1. On landing or transshipment, masters of vessels are required to complete correctly and legibly and to sign the supplementary fishing log as shown in the model attached as Appendix 3 to this Annex.

3.2. At the end of each landing operation, the shipowner shall send the original of the supplementary fishing log to the surveillance authority, with a copy to the Ministry, within a period of no more than 30 days. Within the same period, a copy shall be sent to the national authorities of the Member State and to the Commission, via the Delegation.

- 3.3. At the end of each authorised transhipment, the master shall immediately send the original of the supplementary fishing log to the surveillance authority, with a copy to the Ministry. Within 15 working days, a copy shall be sent to the national authorities of the Member State and to the Commission, via the Delegation.
- 3.4. Failure to comply with points 3.1, 3.2 or 3.3 above shall entail automatic suspension of the fishing licence until the shipowner has met such obligations.
4. *Quarterly catch declarations*
- 4.1. By the end of the third month of each quarter the Commission, via the Delegation, shall notify the Ministry of the quantities caught in the previous quarter by all Community vessels.
- 4.2. This information shall be broken down by month and by type of fishing, by vessel and by species.
- 4.3. The information shall also be sent to the Ministry in the form of a data file in a format compatible with the software used by the Ministry.
5. *Reliability of data*

The information in the documents referred to in points 1, 2, 3 and 4 above must reflect the actual fishing situation in order to constitute one of the bases for monitoring changes in marine resources.

CHAPTER VI

BY-CATCHES

1. In accordance with Mauritanian law, the percentage of by-catches laid down in the Fishing Datasheets in the Protocol shall be calculated at any time during fishing according to the total live weight of the catch on board.
2. Where these percentages exceed the authorised by-catches, penalties shall be imposed in accordance with Mauritanian law and may result in the complete banning of the offenders, both masters and vessels, from all fishing activities in Mauritania.
3. The keeping of unauthorised species on board vessels shall be forbidden. Offenders shall be punished in accordance with Mauritanian law.

CHAPTER VII

LANDINGS IN MAURITANIA

In the interests of improving integration with a view to the joint development of their respective fisheries sectors, the Parties have agreed to encourage voluntary landings and to adopt the following provisions in respect of such landings in Mauritanian ports.

General conditions and financial incentives

1. Landings shall be made at the Mauritanian port of Nouadhibou. Shipowners shall choose the landing dates. They shall inform the Mauritanian port authorities of the chosen date by fax or e-mail 72 hours before their expected arrival at the port, indicating the estimated total quantity to be landed. The port authorities shall confirm by the same means within 24 hours, to the shipowner or agent, that the landing operations can take place within 24 hours of the vessel's arrival in port.
2. Landing operations shall be completed within 24 hours of the vessel's arrival in port.
3. At the end of landing operations, the competent port authorities shall issue a landing certificate to the master.
4. During the vessel's presence in port, its fishermen shall be entitled to free passage with a seaman's licence.
5. Community vessels making landings or transhipments in Mauritania shall have their licence fees reduced for the period during which the landings or transhipments are made. The reduction shall be 25 % of the cost of the current licence for vessels landing catches and 15 % for vessels carrying out transhipments.

6. Detailed implementing rules: copies of the landing certificate(s) for the landing operations carried out by the vessel concerned shall be sent to the Delegation. When submitting a new licence application for that vessel, the Delegation shall send the Ministry the copies of the certificates together with a request for reduction of the fees for the new licence.
7. Before the end of the first six months of application of this Protocol, the Ministry shall send the following information to the Delegation:
 - the general rules on landings, including port charges,
 - the establishments approved under the relevant Community regulations,
 - the bonded warehouses,
 - the maximum size and number of vessels which can have access to them,
 - storage conditions and capacity for fresh, chilled and deep-frozen (-22°C) products,
 - means and frequency of transport to bring fresh fishery products to external markets,
 - average supply prices and terms (fuel, provisions, etc.),
 - radio call sign, telephone and fax numbers, telex addresses, working hours of the port authorities' offices,
 - any other information which can facilitate landing operations.

Tax and financial conditions

Community vessels landing at Nouadhibou shall be exempt from all taxes or charges having an equivalent effect other than port fees and charges which apply on the same terms to Mauritanian vessels.

The fishery products landed shall be under customs control arrangements in accordance with Mauritanian legislation. They shall therefore be exempt from all customs procedures and duties or charges having an equivalent effect when they enter the Mauritanian port or at the time of export, and shall be treated as 'temporarily admitted goods' (temporary storage).

Shipowners shall decide on the destination of their vessels' production. It may be processed, stored under customs control, sold in Mauritania or exported (in foreign currency).

Sales in Mauritania intended for the Mauritanian market shall be subject to the same charges and levies as Mauritanian fishery products.

Profits may be exported without additional charges (exemption from customs duties and charges having an equivalent effect).

CHAPTER VIII

SIGNING-ON OF MAURITANIAN SEAMEN

1. Apart from tuna seiners (which shall endeavour to sign on at least one Mauritanian seaman per vessel), pole-and-line tuna vessels (which must sign on three Mauritanian seamen per vessel), and pelagic vessels in category 11 (for which transitional provisions are laid down in point 6 of Chapter XV of this Annex), each Community vessel shall sign on Mauritanian seamen for the duration of the voyage. There shall be at least:
 - two seamen plus one officer or one observer for vessels of less than 200 GT,
 - three seamen plus one officer or one observer for vessels of at least 200 GT and less than 250 GT,
 - four seamen plus one officer or one observer for vessels of at least 250 GT and less than 300 GT,
 - six seamen and one officer for vessels of at least 300 and less than 350 GT,
 - seven seamen and one officer for vessels of at least 350 and less than 500 GT,

- eight seamen and one officer for vessels of at least 500 and less than 800 GT,
 - vessels of 800 GT or more and less than 2 000 GT shall sign on a number of seamen equivalent to 37 % of the crew, but not less than eight seamen and two officers,
 - vessels of 2 000 GT or more shall sign on a number of seamen equivalent to 37 % of the crew, but not less than 12 seamen and two officers.
- 1.2. For vessels of 800 GT or more, the minimum number of seamen to be signed on board shall be reduced by two for each additional officer taken on board.
- 1.3. Shipowners shall be free to choose the Mauritanian seamen and officers to sign on their vessels in accordance with the Merchant Shipping Code.
2. The shipowner or agent shall inform the Ministry of the names of the Mauritanian seamen signed on the vessel concerned, mentioning their position in the crew.
3. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by EU vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.
4. Mauritanian seamen's employment contracts, a copy of which shall be given to the signatories, shall be drawn up between the shipowners' agent(s) and the seamen and/or their trade unions or representatives in consultation with the competent Mauritanian authorities. These contracts shall guarantee the seamen the social security cover applicable to them, including life assurance and sickness and accident insurance.
5. Shipowners or their agents shall send, within two months of the issue of the licence, a copy of that contract duly signed by the competent authorities of the Member State concerned direct to the Ministry.
6. Mauritanian seamen's wages shall be paid by the shipowners. They shall be fixed, before licences are issued, by mutual agreement between the shipowners or their agents and the Mauritanian seamen concerned or their representatives. However, the wage conditions granted to Mauritanian seamen shall not be lower than those applied to Mauritanian crews and shall comply with ILO standards and under no circumstances be below those standards.
7. If one or more seamen employed on board fail to report at the time agreed for the vessel's departure, the vessel shall be permitted to start the planned trip after informing the competent authorities in the port of embarkation of the shortfall in the number of seamen required and having updated its crew list. The authorities concerned shall notify the Ministry thereof.
- The shipowner shall take all necessary steps to ensure that the number of seamen required by this Agreement sign on the vessel by the next trip at the latest.
8. Where no Mauritanian seamen are taken on board for reasons other than that specified to in the previous point, shipowners shall be obliged to pay as soon as possible a flat rate amount of EUR 20 per day of fishing in the Mauritanian fishing zone per seaman within a maximum of three months.
- This sum shall be used for training Mauritanian fishermen and shall be paid into the account specified in point 1(b) of Chapter IV to this Annex.
9. Twice a year, on 1 January and 1 July, the Commission, via the Delegation, shall send the Ministry a list of Mauritanian seamen signed on Community vessels, with details of their registration as crew members and the vessels concerned.
10. Without prejudice to point 7 above, recurring failure by shipowners to sign on the requisite number of Mauritanian seamen shall result in automatic suspension of the vessels' fishing licence until such obligations have been met.

CHAPTER IX

TECHNICAL INSPECTION

1. Once a year and after any alteration in tonnage or changes to the fishing category necessitating the use of a different type of gear, all Community vessels shall report to the port of Nouadhibou or Nouakchott to undergo the inspections required by the legislation in force. Such inspections shall take place within 48 hours of the vessel's arriving in port.

The technical inspection procedures applying to tuna vessels, surface longliners and pelagic fishing vessels shall be as laid down in Chapters XIV and XV of this Annex.

2. Once the inspection has been completed satisfactorily, the master of the vessel shall be issued with a certificate having the same period of validity as the licence which shall be automatically extended, free of charge, in the case of vessels renewing their licence within the year. This certificate must be kept on board at all times.
3. The technical inspection shall check the conformity of the vessel's technical characteristics and gear and ensure that the provisions relating to its Mauritanian crew have been complied with.
4. The cost of the inspection, at the rates laid down by Mauritanian law, shall be borne by the shipowner and communicated to the Community. It may not be greater than the amount normally paid by other vessels for the same services.
5. Failure to comply with points 1 or 2 shall entail automatic suspension of the fishing licence until the shipowner has met such obligations.

CHAPTER X

VESSEL IDENTIFICATION

1. The identification marks of all Community vessels must conform to the relevant Community legislation. The Ministry must be notified of such legislation before this Protocol enters into force. The Ministry must further be notified of any amendment to the legislation at least one month before its entry into force.
2. Any vessel which conceals its markings, name or registration shall be liable to the penalties provided for by Mauritanian law.

CHAPTER XI

SUSPENSION OR WITHDRAWAL OF LICENCES

Where the Mauritanian authorities decide to suspend or definitively withdraw the licence of a Community vessel, in application of this Protocol and Mauritanian law, the master of that vessel shall immediately cease fishing activities and make for the port of Nouadhibou to submit the original licence to the surveillance authority. Once the required obligations have been duly completed, the Ministry shall notify the Commission, via the Delegation, of the lifting of the suspension and the licence shall be returned.

CHAPTER XII

INFRINGEMENTS

1. All infringements shall be penalised in accordance with Mauritanian law.
2. In the event of serious or very serious fisheries infringements as defined by Mauritanian law, the Ministry reserves the right to prohibit the vessels, masters and, where applicable, the shipowners involved in committing such infringements, provisionally or definitively from all fishing activities in Mauritanian waters.

CHAPTER XIII

FINES

The amount of fines imposed on Community vessels shall be calculated in accordance with Mauritanian law within minimum and maximum limits specified in Mauritanian law. This amount shall be decided in accordance with the procedure laid down in point 3 of Chapter VI of Annex II. The amount of the fine imposed shall be converted into euro by the surveillance authority at the rate applied by the Central Bank of Mauritania at the time of the infringement, and the two amounts shall be notified at the same time to the shipowner and to the Commission, via the Delegation.

Mauritanian law, and any subsequent amendments thereto, shall be communicated to the Community.

CHAPTER XIV

PROVISIONS RELATING TO VESSELS FISHING HIGHLY MIGRATORY SPECIES**(TUNA VESSELS AND SURFACE LONGLINERS)**

1. Licences for tuna seiners, pole-and-line tuna vessels and surface longliners shall be issued for periods which coincide with calendar years except for the first and last year of this Protocol.

The original licence must be kept on board at all times and presented on request of the competent Mauritanian surveillance authorities. The European Community shall keep an up-to-date draft list of the vessels for which a fishing licence has been applied for under this Protocol. This draft shall be notified to the Mauritanian authorities as soon as it is drawn up, and then each time it is updated. On receipt of this draft list and of notification of payment of the advance sent to the Mauritanian authorities by the Commission, the vessel shall be entered by the competent Mauritanian authority on a list of vessels authorised to fish, which shall be sent to the authorities responsible for fisheries inspection. A certified copy of this list shall then be sent to the shipowner to be kept on board instead of the fishing licence until the licence has been issued.

On presentation of the proof of payment of the advance, the Ministry shall draw up the licence and enter the vessel concerned on the list of vessels authorised to fish which shall be sent to the surveillance authority and to the Commission, via the Delegation.

2. Before receiving its licence, each vessel must be presented for the inspections required by the legislation in force. Such inspections may be carried out in a foreign port to be agreed. All expenses linked to such inspection shall be borne by the shipowner.
3. Licences shall be issued following payment to one of the foreign accounts of the Central Bank of Mauritania, payable to the Mauritanian Public Treasury, of a lump sum corresponding to the advance specified in the Fishing Datasheets in the Protocol. This lump sum shall be established pro rata temporis to the validity of the licence for the first and last year of the Agreement ⁽¹⁾.
4. A logbook in accordance with the ICCAT model in Appendix 4 to this Annex shall be kept on vessels for each fishing period spent in Mauritanian waters. It shall be filled in even when no catches are made.

For periods when a vessel is not in Mauritanian waters, the words 'Outside Mauritania's EEZ' shall be entered in the above logbook.

Within 15 working days of vessels arriving in the port of landing, the logbooks referred to in this point shall be sent to the Ministry and to the national authorities of the Member State.

Failure to comply with one of the above provisions shall entail, irrespective of the penalties laid down by Mauritanian law, automatic suspension of the fishing licence until the shipowner has met such obligations.

⁽¹⁾ The two Parties shall agree on the amount of the parafiscal charge to apply to tuna seiners.

5. Subject to any checks Mauritania may wish to carry out, by 15 June each year the Commission, via the Delegation, shall submit to the Ministry a statement of fees due for the previous fishing year on the basis of the catch declarations made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data in the Member States, such as the IRD (Institut de Recherche pour le Développement), IEO (Instituto Español de Oceanografía), INIAP (Instituto Nacional de Investigación Agrária e das Pescas) and IMROP (Institut Mauritanien de Recherches Océanographiques et des Pêches).
6. For the last year of application of the Agreement, the statement of the fees due for the previous year shall be notified within four months of expiry of the Agreement.
7. The final statement shall be sent to the shipowners concerned, who shall have 30 days, from the notification and the approval of the amounts by the Ministry, within which to discharge their financial obligations to the competent national authorities. Payment made out in euro, payable to the Mauritanian Public Treasury to one of accounts mentioned in Chapter IV, shall be made no later than one and a half months after that notification.

However, if the amount of the final statement is lower than the advance referred to in point 4 of this Section, the resulting balance shall not be reimbursable to the shipowner.

8. As an exception to Chapter I of Annex II, vessels shall be obliged within the three hours before entering or leaving the zone to communicate their position and the volume of the catch on board direct to the Mauritanian authorities, preferably by fax or, failing that, by radio.

The fax number and radio frequency shall be notified by the surveillance authority.

A copy of the fax messages or of the record of radio communications shall be kept by the Mauritanian authorities and the shipowners until both Parties have approved the final statement of fees referred to in point 5.

9. At the request of the Mauritanian authorities and by mutual agreement with the shipowners concerned, tuna seiners shall take a scientific observer on board.

CHAPTER XV

RULES ON PELAGIC FISHING VESSELS

1. The original licence must be kept on board at all times and presented on request of the competent Mauritanian authorities. If for practical reasons the original licence cannot be delivered to the vessel immediately after it is issued by the Ministry, a copy or fax may also be kept on board for a maximum 10 days.
2. Technical inspections of the vessels may take place in Europe. In this case, the travel and subsistence expenses of two persons designated by the Ministry to carry out these inspections shall be payable by the shipowners.
3. The amounts of such licence fees shall include all related fees and taxes, with the exception of the parafiscal charge, port taxes and service charges.

For each tonne caught in excess of the reference tonnage allocated to each pelagic freezer trawler in category 9, shipowners shall pay a sum of EUR 15 per tonne to the Mauritanian Public Treasury. Declarations of catch shall be drawn up by mutual agreement within a period to be agreed between the Parties.

The principle of a ceiling on catch shall not apply to non-freezer pelagic vessels in category 11.

The fees and any additional amounts due shall be paid to one of the Central Bank of Mauritania's foreign accounts payable to the Mauritanian Public Treasury.

4. Pelagic fishing vessels shall notify the surveillance authority of their intention to enter or leave Mauritanian fishing zones 12 hours in advance of entry and 36 hours in advance of exit. When notifying exit, vessels shall also communicate the volume of and species in catches kept on board.
5. Shipowners must take all appropriate measures to transport the Mauritanian seamen and scientific observers at their expense.
6. Category 11 pelagic vessels shall be subject to the following rules as regards signing on seamen:
 - during the first six months of fishing in Mauritanian fishing zones, vessels shall be exempted from signing on Mauritan seamen,
 - during the following six months of fishing, vessels shall sign on 50 % of the seamen provided for in point 1 of Chapter VIII.

At the end of these two six-month periods, point 1 of Chapter VIII shall apply to category 11 vessels.

Appendix 1

Mauritania — European Community fishing agreement
Application form for a fishing licence

I — APPLICANT

1. Name of shipowner:
2. Name of the shipowner's association or representative:
3. Address of the shipowner's association or representative:
4. Telephone: Fax: Telex:
5. Name of master: Nationality:

II — VESSEL

1. Name of vessel:
2. Flag country:
3. External registration number:
4. Home port:
5. Date and place of construction:
6. Radio call sign: Call frequency:
7. Hull construction material: Steel ☐ Wood ☐ Polyester ☐ Other ☐

III — TECHNICAL CHARACTERISTICS AND EQUIPMENT

1. Overall length: Width of vessel:
2. Tonnage (GT):
3. Horse power of main engine: Make: Type:
4. Type of vessel: Fishing category:
5. Fishing gear:
6. Crew complement:
7. Method of conservation on board: Fresh ☐ Cold storage ☐ Mixed ☐ Freezing ☐
8. Freezing capacity in tonnes/24 hours:
9. Hold capacity: Number:

Done at, on

Signature of applicant:

Appendix 2

ISLAMIC REPUBLIC OF MAURITANIA
FISHING LOG

Heading No 1

Name of vessel (1)	Left (4)	Date (6)	Day	Month	Year	Time
Radio call sign (2)						
Master's name (3)	Returned (5)	Date (6)				

Fishing gear (7)	Gear code (8)	Mesh size (9)	Gear measurements (10)	Master's signature (11) Signature du capitaine (11)

[illegible]

Appendix 4

ICCAT logbook for tuna fishery

Name of vessel:	Gross tonnage:	Vessel DEPARTED:	Month	Day	Year	Port	Longline Live bait Purse seine Trawl Outros (Others)
Flag country:	Capacity — (M.T.):	Vessel RETURNED:	Month	Day	Year	Port	Longline Live bait Purse seine Trawl Outros (Others)
Registration No:	Captain:	Vessel RETURNED:	Month	Day	Year	Port	Longline Live bait Purse seine Trawl Outros (Others)
Shipowner:	No of crew:	Vessel RETURNED:	Month	Day	Year	Port	Longline Live bait Purse seine Trawl Outros (Others)
Address:	Reporting date:	Vessel RETURNED:	Month	Day	Year	Port	Longline Live bait Purse seine Trawl Outros (Others)
	(Reported by):	No of days at sea:	No of fishing days:	No of sets made:	Trip number:		

[illegible]

Notes

- Notes
- 1 — Use one sheet per month, and one line per day.
 - 2 — At the end of each trip, forward a copy of the log to your correspondent or to the ICCAT, Calle Corazón de María, 8, 28002 Madrid, Spain.
 - 3 — Day refers to the day you set the line.
 - 4 — Fishing area refers to the position of the boat. Round off minutes and second degree of latitude and longitude. Be sure to record N/S and E/W.
 - 5 — The last line (landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
 - 6 — All information reported here will be kept strictly confidential.

ANNEX II

Cooperation in the monitoring of fishing activities by Community vessels in Mauritania's fishing zones

CHAPTER I

ENTERING AND LEAVING THE FISHING ZONE

1. Except for tuna vessels, surface longliners and pelagic fishing vessels (for which the deadlines shall be as laid down in Chapters XIV and XV of Annex I), Community vessels operating under this Agreement must report:

(a) entry:

notice must be given at least 36 hours beforehand and contain the following particulars:

- the position of the vessel at the time of notification,
- the day, date and approximate time of entering Mauritania's EEZ,
- the amount and species of catch held on-board at that time, where vessels have previously stated that they hold a fishing licence for another fishing zone in the subregion, in which case the surveillance authority will have access to the fishing log concerning that zone and any checks may not last longer than the period laid down in point 4 of this Chapter;

(b) exit:

notice must be given at least 48 hours beforehand and contain the following particulars:

- the position of the vessel at the time of notification,
- the day, date and time of leaving Mauritania's EEZ,
- the amount and species of catch held on board at that time.

2. Shipowners shall notify the surveillance authority of their entry into and exit from Mauritania's EEZ by fax, e-mail or mail to the fax numbers or address in Appendix 1 to this Annex.

The Commission, via the Delegation, shall be given 15 days prior notice of any changes in the numbers or addresses for notification.

3. During their presence in the Mauritanian EEZ, Community vessels shall regularly monitor international call frequencies (VHF Channel 16 or HF 2182).

4. On receipt of messages notifying exit from the fishing zone, the Mauritanian authorities reserve the right to decide whether to carry out a check prior to the departure of vessels, on the basis of sampling within Nouadhibou or Nouakchott port.

Such checks shall not last more than 3 hours.

5. Failure to comply with the provisions of points 1 to 3 shall result in the following sanctions:

(a) the first time:

- the vessel shall be diverted, if possible,
- the catch on-board shall be unloaded and confiscated on behalf of the Treasury,
- the vessel shall pay the minimum fine provided for in Mauritanian law;

(b) the second time:

- the vessel shall be diverted, if possible,
- the catch on-board shall be unloaded and confiscated on behalf of the Treasury,

- the vessel shall pay the maximum fine provided for in Mauritanian law,
 - the licence shall be revoked for the remainder of its period of validity;
- (c) the third time:
- the vessel shall be diverted, if possible,
 - the catch on-board shall be unloaded and confiscated on behalf of the Treasury,
 - the licence shall be definitively revoked,
 - the master and the vessel shall be prohibited from fishing in Mauritania.
6. Should it not be possible to divert the offending vessel, the Ministry shall inform the Commission and the flag Member State so that the penalties laid down in the above point 5 may be applied.

CHAPTER II

INNOCENT PASSAGE

When Community fishing vessels are exercising their right of innocent passage and navigation in Mauritanian fishing zones in accordance with the United Nations Convention on the Law of the Sea and relevant national and international legislation, they shall keep all their fishing gear stowed on board in such a way that it cannot be immediately utilised.

CHAPTER III

TRANSHIPMENT

1. The catches of Community vessels shall be transhipped solely within Mauritanian ports and in the zones laid down in Appendix 5 to this Annex.
2. Any Community vessel wishing to tranship catches shall be subject to the procedure laid down in points 3 and 4 below.
3. The owners of such vessels shall notify the surveillance authority at least 36 hours beforehand, using the means of communications specified in point 2 of Chapter I of this Annex, of the following:
 - the names of the transhipping fishing vessels,
 - the names of the cargo vessels,
 - the tonnage by species to be transhipped,
 - the day, date and time of transhipment.

The surveillance authority shall respond within 24 hours.

4. Transhipment shall be considered as an exit from Mauritanian fishing zones. Vessels must therefore provide the surveillance authority with the originals of the fishing log and the supplementary fishing log and state whether they intend to continue fishing or leave Mauritanian fishing zone.
5. Any transhipment of catches not covered in points 1, 2, 3 or 4 above shall be prohibited in Mauritania's EEZ. Any person infringing this provision shall be liable to the penalties provided for by Mauritanian law.
6. Mauritania reserves the right to refuse transhipment if the carrier vessel has carried out illegal, undeclared or unregulated fishing inside or outside Mauritania's EEZ.

CHAPTER IV

INSPECTION AND MONITORING

1. Masters of Community fishing vessels shall allow and facilitate boarding and the discharge of their duties by any Mauritanian official responsible for the inspection and control of fishing activities.

These officials shall not remain on-board for longer than is necessary for the discharge of their duties.

Once the inspection has been completed, a certificate shall be issued to the master of the vessel.

2. The Community hereby undertakes to maintain the specific monitoring programme in Community ports. This programme shall be communicated to the Ministry, which reserves the right to ask to be present at these checks in accordance with Chapter V. Summaries of reports on the checks carried out shall be sent to the Ministry at regular intervals.

CHAPTER V

MUTUAL OBSERVATION SYSTEM FOR SHORE-BASED CONTROLS

The two Parties agree to set up a mutual observation system for shore-based controls with a view to improving the effectiveness of checks. To this end, they shall designate representatives who shall attend monitoring operations and inspections carried out by the respective national inspection authorities and may make observations on the implementation of this Agreement.

These representatives must possess:

- a professional qualification,
- adequate fisheries experience, and
- thorough knowledge of the provisions of the Agreement and of this Protocol.

Inspections shall be carried out by the national inspection authorities and the representatives in attendance may not, on their own initiative, exercise the powers of inspection conferred on national officials.

When the representatives accompany national inspection officials, they shall have access to the vessels, premises and documents subject to inspection by those officials, in order to collect data (not containing named references) necessary for the accomplishment of their task.

The representatives shall accompany the national inspection authorities on their visits to the ports, on-board ships in dock, to public auction houses, fish wholesalers' shops, cold stores and other premises for unloading and stocking fish before it is placed on the market.

The representatives shall draw up and submit a report every four months detailing the inspections attended. This report shall be addressed to the competent authorities, who shall send a copy to the other Party.

1. Implementation

The competent inspection authority of each Party shall give 10 days written notice to the other Party of the shore-based inspections, on a case-by-case basis, which it intends to carry out.

The other Party shall give five days notice of its intention to send an observer.

The duration of the representative's mission should not exceed 15 days.

2. Confidentiality

The representative on joint monitoring operations shall respect the plant and equipment on-board the vessel, and any other installations, and also the confidentiality of all documents to which access is provided.

The representative shall disclose information on the results of the work solely to the competent authorities.

3. Location

This programme shall be implemented in the Community ports of landing and Mauritanian ports.

4. Funding

Each Party shall bear the costs of its representative on monitoring operations, including travel and board.

CHAPTER VI

BOARDING AND APPLICATION OF PENALTIES

1. Transmission of information

The surveillance authority shall inform the Delegation as soon as possible, and within no more than 48 working hours, of any boarding of or application of a penalty to a Community fishing vessel operating in Mauritanian fishing zones and, in the event of boarding, shall send a brief report of the circumstances and reasons for this boarding.

2. Statement of boarding

The statement of boarding shall be drawn up by the surveillance authority faithfully on the basis of any infringements found and entered in the inspection report drawn up following checks on the vessel. This inspection report must be signed by the master of the vessel, who may note any reservations.

This signature shall not prejudice the rights of the master or any defence which the master may make to the alleged infringement.

At the request of the surveillance authority, the master shall take the vessel to the port of Nouadhibou. If the surveillance authority does not make such a request, once the infringement is brought to an end, the vessel shall continue fishing. The shipowner shall immediately contact the Ministry in order to reach a solution. If a solution cannot be found within 72 hours, the owners must provide a bank security covering the amount of any fines imposed.

If the vessel is diverted to the port of Nouadhibou, it shall be kept in port until completion of the usual administrative formalities relating to boarding.

3. Settlement of boarding

3.1. In accordance with this Protocol and Mauritanian law, infringements may be settled either out of court or by legal proceedings.

3.2. In the case of an out-of-court settlement, the amount of the fine shall be determined in accordance with Mauritanian legislation laying down minimum and maximum figures.

3.3. If there is no out-of-court settlement and the matter is brought before a competent judicial body, a bank security amounting to the equivalent in euro of the maximum fine provided for in Mauritanian legislation shall be lodged by the shipowner with a bank designated by the Ministry.

3.4. The bank security shall be irrevocable until the legal proceedings have been concluded. It shall be released by the Ministry once legal proceedings end without a conviction. Similarly, in the event of a conviction leading to a fine of less than the security lodged, the balance shall be released by the Ministry.

3.5. The vessel shall be released and its crew authorised to leave the port:

— once the obligations arising under the out-of-court settlement have been fulfilled, or

— when the bank security referred to in point 3.3 has been lodged and accepted by the Ministry, pending completion of the legal proceedings.

4. Compliance with the rules

All information on infringements committed by Community vessels shall be communicated to the Commission on a regular basis, via the Delegation.

CHAPTER VII

SATELLITE MONITORING OF FISHING VESSELS

1. All fishing vessels fishing under this Agreement shall be subject to satellite monitoring when they are in the Mauritanian EEZ.
2. For the purposes of satellite monitoring, the coordinates (latitudes and longitudes) of the Mauritanian EEZ are shown in Appendix 4.
3. The Parties shall exchange information on X.25 addresses and the specifications for electronic data transmission between their control centres in accordance with points 5 to 7. Such information shall include the following where they exist: names, telephone and fax numbers, and e-mail addresses (Internet or https) which may be used for general communications between control centres. The details of the Mauritanian control centre are given in Appendix 1 to this Annex.
4. The position of vessels shall be determined with a margin of error of less than 500 metres and a confidence interval of 99 %.
5. When a vessel which is fishing under the Agreement and is the subject of satellite tracking pursuant to Community legislation enters the Mauritanian EEZ, the subsequent position reports (vessel identification, longitude, latitude, course and speed) shall be transmitted immediately by the control centre of the flag State to the surveillance authority (FMC) at intervals of no more than one hour. The messages concerned shall be identified as position reports.
6. The messages specified in point 5 shall be transmitted electronically in X.25 format, or any other secure protocol. They shall be communicated in real time in the format set out in the table attached in Appendix 3.
7. Where the continuous satellite monitoring equipment installed on-board a fishing vessel develops a technical fault or breaks down, the master of the vessel shall transmit the information specified in point 5 to the control centre of the flag State and the Mauritanian FMC in good time. In those circumstances a global position report shall be sent every four hours. This global position report shall include the position reports as recorded by the master of the vessel on an hourly basis in accordance with the requirements laid down in point 5. It is recommended that shipowners carry a second beacon on board, by way of precaution.

The control centre of the flag State shall send these messages immediately to the Mauritanian FMC. The faulty equipment shall be repaired or replaced within a period of not more than five days. Beyond that period the vessel concerned shall leave the Mauritanian EEZ or enter a Mauritanian port.

Where there is a serious technical problem requiring an additional period, an exception may be granted at the request of the master for a maximum of 15 days. In that situation the requirements laid down in point 7 shall continue to apply and all vessels, with the exception of tuna vessels, shall enter port in order to take on board a Mauritanian scientific observer.

8. The control centres of the flag States shall monitor the movements of their vessels in the Mauritanian EEZ at hourly intervals. If the vessels are not being monitored in accordance with the conditions laid down, the Mauritanian FMC shall be informed immediately and the procedure laid down in point 7 shall apply.
9. If the Mauritanian FMC finds that the flag State is not communicating the information provided for in point 5, it shall immediately inform the Commission, via the Delegation, thereof.
10. The monitoring data communicated to the other Party in accordance with these provisions is intended solely for the purposes of the Mauritanian authorities in controlling and monitoring the Community fleet fishing under this Agreement. Such data may not under any circumstances be communicated to other Parties.
11. The satellite tracking system software and hardware components shall be reliable and shall not permit the input or output of false positions or be capable of being manually overridden.

The system shall be fully automatic and operational at all times regardless of environmental and weather conditions. Destroying, damaging, rendering inoperative or tampering with the satellite tracking system shall be prohibited.

Masters shall ensure that:

- data are not altered in any way,
- the antenna or antennas connected to the satellite tracking equipment are not obstructed,
- the power supply of the satellite tracking equipment is not interrupted in any way, and
- the satellite tracking equipment is not removed from the vessel.

12. The Parties agree to exchange upon request information on the equipment used for satellite monitoring, in order to ensure that each piece of equipment is fully compatible with the requirements of the other Party for the purposes of these provisions.
13. Any dispute over the interpretation or application of these provisions shall be the subject of consultation between the Parties within the Joint Committee provided for in Article 10 of the Agreement.
14. In the event of doubts about a given vessel the Mauritanian FMC shall send a request to the FMC of the flag Member State which shall transmit to it without delay the geographical (polling) positions of the vessel during the period set out in the request.
15. The two Parties, within the Joint Committee provided for in Article 10 of the Agreement, undertake to find the most appropriate solutions to:
 - (a) eliminate, by the end of 2006, all technical problems which may affect the effectiveness of the VMS system in Mauritanian fishing zones;
 - (b) analyse together ways of strengthening cooperation so as to improve implementation of the VMS rules, and in particular to promote the simultaneous transmission of data by European vessels to the FMC of the flag Member State and to the surveillance authority.

CHAPTER VIII

MAURITANIAN SCIENTIFIC OBSERVERS ON BOARD COMMUNITY VESSELS

A system for observation on board Community vessels is hereby established.

1. All Community vessels holding a licence for Mauritanian fishing zones shall take on board a Mauritanian scientific observer, except for tuna seiners, which shall board observers at the request of the Ministry. There shall be only one scientific observer at a time per vessel.

The Ministry shall supply the Commission, via the Delegation, each quarter before licences are issued with a list of vessels designated to take on board a scientific observer.

2. The period spent on board a vessel by a scientific observer shall be the length of a trip. However, at the express request of the Ministry, this embarkation may be spread over several trips according to the average duration of trip for a particular vessel. This request will be made by the Ministry when the name of the scientific observer designated to board the vessel in question is notified.

Likewise, in the event of a trip being curtailed, the scientific observer may have to make a further voyage on the same vessel.

3. The Ministry shall inform the Commission, via the Delegation, of the names of designated scientific observers, provided with the requisite documents, at least seven working days before the scheduled date of their embarkation.
4. All costs arising out of the activities of scientific observers, including their salary, emoluments and allowances, shall be borne by the Ministry. If a scientific observer is taken on board or disembarked at a foreign port, travelling expenses and daily allowances shall be borne by the shipowner until the observer boards the vessel or arrives at a Mauritanian port.

5. Masters of vessels designated to take on board a scientific observer shall make all the arrangements for boarding and disembarkation of the scientific observer.

Scientific observers shall enjoy the same treatment on board as the vessel's officers.

As far as possible, observers shall be offered every facility needed to carry out their duties. The master shall give them access to the means of communication needed for the discharge of their duties, to documents directly concerned with the vessel's fishing activities, including in particular the fishing log, the supplementary fishing log and the navigation log, and to those parts of the vessel necessary to facilitate the exercise of their tasks as observer.

6. Scientific observers shall normally board (and disembark) at a Mauritanian port at the start of the first trip, following notification of the list of designated vessels, which must take place at least 20 days before the beginning of the trip.

Within 15 days of that notification, the shipowners concerned shall notify the Ministry, using the means of communication specified in Chapter I to this Annex, of the date and port selected for taking the scientific observer on board.

7. Scientific observers must report to the master of the designated vessel the day before the selected date of embarkation. Should the scientific observer not appear the master of the vessel shall inform the surveillance authority, which shall replace the observer within the following two hours. If it does not do so, the vessel shall be authorised to leave the Mauritanian port in possession of a certificate of absence for the scientific observer. However, the Ministry may subsequently, at its own expense, arrange the boarding of a new scientific observer, without disrupting fishing by the vessel.

8. Failure by a shipowner to comply with one of these provisions relating to scientific observers shall result in the automatic suspension of the fishing licence until the shipowner has complied with their obligations.

9. Scientific observers should have:

- a professional qualification,
- adequate fisheries experience, and
- a thorough understanding of this Protocol and the Mauritanian rules applicable.

10. Scientific observers shall ensure that Community vessels operating in Mauritanian fishing zone comply with the terms of this Protocol.

They shall compile a report on this subject. In particular, they shall:

- observe the fishing activities of the vessels,
- check the position of vessels engaged in fishing operations,
- perform biological sampling in the context of scientific programmes,
- record particulars of the fishing gear and the mesh sizes of the nets used.

11. Observation shall be confined to fishing activities and related activities governed by this Protocol.

12. Scientific observers shall:

- take all appropriate steps to ensure that the conditions of their boarding and presence on the vessel neither interrupt nor hamper fishing operations,
- use the instruments and procedures approved for measuring the mesh size of nets used under this Agreement; and
- respect the material and equipment on board and the confidentiality of all documents belonging to the vessel.

13. At the end of the observation period and before leaving the vessel, scientific observers shall draw up a report in accordance with the model in Appendix 2 to this Annex. They shall sign it in the presence of the master, who may add or cause to be added to it any observations considered relevant, followed by the master's signature. A copy of the report shall be handed to the master when the observer is put ashore.

The Ministry shall send the reports from the previous month to the Commission, via the Delegation, each month for information purposes.

CHAPTER IX

DISCARDS

The two Parties shall look into the problem of discards from fishing vessels and shall examine ways of making use of them.

CHAPTER X

FIGHT AGAINST ILLEGAL FISHING

In an effort to curb illegal fishing activities in Mauritanian fishing zones which jeopardise fisheries management policy, the Parties agree to exchange information on these activities on a regular basis.

In addition to the measures already applied by the two Parties under existing legislation, they shall consult one another on the possibility of taking supplementary joint or individual action.

To this end, they shall step up cooperation, in particular on the fight against illegal fishing.

*Appendix 1***Mauritania-European Community — Fishing Agreement — Address of the Surveillance Authority**

Délégation à la Surveillance des Pêches maritimes (DSPCM)

Address: Boîte Postale (BP) 260 Nouadhibou
Mauritania
Phone: (222) 574 57 01
Fax: (222) 574 63 12
E-mail: dspcm@toptechnology.mr

Coordinates of the Mauritanian FMC

Name of FMC: SPCM SSN
VMS Tel.: (222) 574 67 43/574 56 26
VMS Fax: (222) 574 67 43
VMS E-mail: dspcm@toptechnology.mr
Address X25: 20803403006315

Appendix 2

Report of the Mauritanian scientific observer

Name of shipowner:

Vessel: Nationality:

Number and port of registration:

Identity marking:, tonnage: GT, Power: HP

Licence: No: Type:

Name of master: Nationality:

Boarded: Date:, Port:

Disembarked: Date:, Port:

Authorised fishing method:

Gear used:

Mesh size and/or dimensions:

Fishing zones:

Distance from coast:

Number of Mauritanian crew on board:

Entry into .../.../... and departure .../.../... from the fishing zone

Observer's estimate

Overall production (kg):, declared on GT:

By-catches: species, estimated: %

Discards: species:, Quantity (kg):

Species retained						
Quantity (kg)						
Species retained						
Quantity (kg)						

Observer's findings:

Nature of findings	Date	Position

Observer's comments (general):

.....

.....

Done at, on

Observer's signature:

Master's comments

.....

.....

Copy of report received on (date) Master's signature

Report forwarded to

Position:

Appendix 3

Communication of VMS messages in Mauritania**Position Report**

Data Element	Code	Mandatory/ Optional	Comments
Start record	SR	M	System detail — indicates start of record
Recipient	AD	M	Message detail — recipient. Alpha 3 ISO country code
From	FR	M	Message detail — sender. Alpha 3 ISO country code
Flag State	FS	O	
Type of message	TM	M	Message detail — Message type 'POS'
Radio call sign	RC	M	Vessel detail — international radio call sign of vessel
Contracting Party internal reference number	IR	M	Unique contracting Party number (flag State ISO-3 code followed by number)
External registration number	XR	M	Vessel detail — number marked on side of vessel
Latitude	LA	M	Vessel position detail — position in degrees, minutes and seconds N/S DDMMSS.ss (WGS-84)
Longitude	LO	M	Vessel position detail — position in degrees, minutes and seconds N/S DDMMSS.ss (WGS-84)
Course	CO	M	Vessel course 360° scale
Speed	SP	M	Vessel speed in tenths of knots
Dates	DA	M	Vessel position detail — date of record of UTC position (YYYYMMDD)
Time	TI	M	Vessel position detail — time of record of UTC position (HHMM)
End record	ER	M	System detail — indicates end of record

Character set: ISO 8859.1

Each data transmission is structured as follows:

- a double slash (//) and field code indicate the start of the message;
- a single slash (/) separates the field code and the data.

Optional data elements have to be inserted between the start and end of the record.

*Appendix 4***Limits of the Mauritanian EEZ**

Coordinates of EEZ/Protocol

EU VMS

1	Southern boundary	Lat. 16° 04' 00" N	Long. 19° 58' 00" W
2	Coordinates	Lat. 16° 30' 00" N	Long. 19° 54' 00" W
3	Coordinates	Lat. 17° 00' 00" N	Long. 19° 47' 00" W
4	Coordinates	Lat. 17° 30' 00" N	Long. 19° 33' 00" W
5	Coordinates	Lat. 18° 00' 00" N	Long. 19° 29' 00" W
6	Coordinates	Lat. 18° 30' 00" N	Long. 19° 28' 00" W
7	Coordinates	Lat. 19° 00' 00" N	Long. 19° 43' 00" W
8	Coordinates	Lat. 19° 23' 00" N	Long. 20° 01' 00" W
9	Coordinates	Lat. 19° 30' 00" N	Long. 20° 04' 00" W
10	Coordinates	Lat. 20° 00' 00" N	Long. 20° 14' 30" W
11	Coordinates	Lat. 20° 30' 00" N	Long. 20° 25' 30" W
12	Northern boundary	Lat. 20° 46' 00" N	Long. 20° 04' 32" W

Appendix 5

Coordinates of the authorised transshipment zone within the port of Nouadhibou

(BUOY 2 = N 20° 43' 6" W 17° 01' 8")

1	Coordinates	Lat. 20° 43' 6" N	Long. 17° 01' 4" W
2	Coordinates	Lat. 20° 43' 6" N	Long. 16° 58' 5" W
3	Coordinates	Lat. 20° 46' 6" N	Long. 16° 58' 5" W
4	Coordinates	Lat. 20° 46' 7" N	Long. 17° 00' 4" W
5	Coordinates	Lat. 20° 45' 3" N	Long. 17° 00' 4" W
6	Coordinates	Lat. 20° 45' 3" N	Long. 17° 01' 5" W

Coordinates of the authorised transshipment zone within the port of Nouakchott

1	Coordinates	Lat. 18° 01' 5" N	Long. 16° 07' W
2	Coordinates	Lat. 18° 01' 5" N	Long. 16° 03' 8" W
3	Coordinates	Lat. 17° 59' N	Long. 16° 07' W
4	Coordinates	Lat. 17° 59' N	Long. 16° 03' 8" W

ANNEX III

OVERALL FISHING EFFORT (2005)

Category	Type of vessel	Overall effort			
		No of vessels	GT	Kw	No of days fishing
Category 1: Crustaceans other than crawfish	Freezer vessels	64	17 124	35 601	
	Wetfish vessels	2	314	442	
	Subtotal	66	17 437	36 043	
Category 2: Black hake trawlers and bottom longliners					
	Wetfish vessels	23	6 421	12 143	
Category 3: Demersal species other than black hake with gear other than trawls					
	Wetfish vessels	23	3 083	6 375	
Category 4: Demersal trawlers targeting species other than black hake	Freezer vessels	9	2 470	4 946	
Category 5: Cephalopod vessels	Freezer vessels	150	50 798	97 870	
	Wetfish vessels	88	20 081	26 699	
	Subtotal	238	70 879	124 569	
Category 6: Crawfish	Freezer vessels	0	0	0	
	Wetfish vessels	0	0	0	
Categories 7 and 8: Tuna seiners — pole-and-line tuna vessels and longliners	Freezer vessels	54	36 029	57 513	
Category 9: Pelagic species	Freezer vessels	66	392 993	231 259	
	Wetfish vessels	0	0	0	
Category 10: Crab	Freezer vessels	4	839	1 236	
	Wetfish vessels				
Category 11: Non-freezer small pelagic species					
	Wetfish vessels	0	0	0	
Total		483	530 151	474 085	

The number of days of fishing for tuna vessels is not broken down by category.

NB: the overall national fishing effort does not take into account vessels subject to extended temporary cessation of fishing.

ANNEX IV

Guidelines for the purpose of drawing up the matrix of objectives and performance indicators for the development and implementation of the *Stratégie de développement durable du secteur de la pêche de la Mauritanie* (strategy of sustainable development of Mauritania's fisheries sector), with a view to introducing sustainable and responsible fishing in its waters

Strategic priorities and objectives	Indicators
1. Improving governance in the fisheries sector	
1.1. Controlled development of small-scale and coastal fisheries	Adoption and implementation of development plan for small-scale and coastal fisheries Number of small-scale and coastal fisheries vessels registered (in absolute terms and as a percentage) Vessel register kept in Mauritanian EEZ Number of development plans drawn up, implemented and evaluated
1.2. Improving information on fishery resources	Number of stocks evaluated Number of research programmes Number of recommendations issued and followed on the state of the main fisheries resources (in particular freezes on fishing and conservation measures for overfished stocks) Evaluation of annual fishing effort for species which are the subject of a development plan Instrument to manage operational fishing effort (setting up a database, statistical monitoring instruments, networking the services responsible for fleet management, publication of statistical bulletins, etc.)
1.3. Modernisation and stepping up of fisheries research	Strengthened IMROP research capacities (in connection with objective 1.2)
2. Accelerating the integration of the fisheries sector into Mauritania's national economy	
2.1. Developing infrastructure, in particular port infrastructure	Refurbishment of Port of Nouadhibou and extension of fishing port Redevelopment of fish market in port of Nouakchott for unloading catches from small scale fishing Wrecks removed from Nouadhibou area
2.2. Restructuring Mauritania's industrial fleet	Restructuring of Mauritanian industrial fleet (studies, action plan, financial instruments)
2.3. Modernisation and upgrading health and hygiene of the small-scale fleet	Number of wooden canoes replaced with canoes made of more suitable materials (in absolute terms and as a percentage) Number of canoes equipped with iceboxes Rules on minimum health and hygiene standards applicable to canoes and their products drawn up and implemented Increased number of unloading points Small-scale fishing vessels and coastal fishing vessels brought into compliance with health standards (number in absolute terms and as a percentage)

Strategic priorities and objectives	Indicators
2.4. Improving fisheries surveillance	Sworn body of independent inspectors set up and operational (number of people recruited and trained) and corresponding budgetary allocation entered in the finance act, before the end of the first two-year period of the Protocol Number of days of monitoring at sea Number of inspections in port and at sea Number of aerial inspections Number of statistical bulletins published Radar coverage rate Rate of VMS coverage of the fleet as a whole Utilisation rate of the electronic logbook/industrial and coastal fleet together Training programme adapted to surveillance techniques implemented (number of hours of training, number of technicians trained, etc.)
2.5. Promoting fisheries products (health and plant-health conditions of the products landed and processed)	Inspection system for fisheries products adapted and operational Actors made aware of health and hygiene rules (number of training courses organised and number of people trained) Nouakchott analytical laboratory operational Nouakchott fish market brought up to hygiene standards Number of sites developed for unloading and processing products from small-scale fishing Promoting technical and commercial partnerships with private operators overseas Eco-labelling system launched for Mauritian products
3. Developing capacities in the sector and improving governance	
3.1. Improving safety at sea and rescue services, in particular for the small-scale fleet	Recommended measures implemented for safety at sea and rescue services, in particular for the small-scale fleet Meeting ISPS standards Training programme in improving safety at sea and rescue services, in particular for the small scale fleet, implemented Review of Merchant Shipping Code (implementing decrees) Operational national sea rescue plan, shipping forecast service, Accident Investigation Unit, etc.
3.2. Improving the effectiveness of the technical services of the <i>Ministère des Pêches et de l'Economie Maritime</i> (Mauritania's Ministry of Fisheries and the Marine Economy) and the services involved in managing the sector	Administrative capacities strengthened Training and recycling programme drawn up and applied (number of agents trained, number of hours of training, etc.) Mechanisms for coordination, consultation and cooperation with partners strengthened System of data collection and statistical monitoring of small scale and coastal fisheries strengthened
3.3. Developing the system for managing licences and monitoring vessels	Number of hours of training for technicians Number of technicians trained Networking of services

COMMISSION REGULATION (EC) No 1802/2006**of 7 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 8 December 2006.

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

Done at Brussels, 7 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 7 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	73,0
	204	46,0
	999	59,5
0707 00 05	052	150,2
	204	74,2
	628	155,5
	999	126,6
0709 90 70	052	148,7
	204	58,0
	999	103,4
0805 10 20	388	46,7
	508	15,3
	528	26,3
	999	29,4
0805 20 10	052	63,5
	204	53,6
	999	58,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,4
	388	111,5
	999	90,0
0805 50 10	052	60,1
	388	44,4
	528	35,4
	999	46,6
0808 10 80	388	59,7
	400	97,4
	404	99,8
	720	69,7
	999	81,7
0808 20 50	052	134,0
	400	116,4
	528	106,5
	720	51,2
	999	102,0

⁽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 1803/2006**of 7 December 2006****amending Regulations (EC) No 2771/1999 and (EC) No 1898/2005 as regards the entry into storage of intervention butter put on sale**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾ lays down that intervention butter placed on sale must have entered into storage before 1 May 2006.

(2) Article 1(a) of 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 on the Community market ⁽³⁾ lays down that intervention butter bought in under Article 6(2) of Regulation (EC) No 1255/1999 to be sold at reduced prices must have been taken into storage before 1 May 2006.

(3) Given the situation on the butter market and the quantities of butter in intervention storage it is appropriate that butter in storage before 1 September 2006 should be available for sale.

(4) Regulations (EC) No 2771/1999 and (EC) No 1898/2005 should therefore be amended accordingly.

(5) 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

In Article 21 of Regulation (EC) No 2771/1999, '1 May 2006' is replaced by '1 September 2006'.

Article 2

In Article 1(a) of Regulation (EC) No 1898/2005, '1 May 2006' is replaced by '1 September 2006'.

Article 3

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, 7 December 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 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1633/2006 (OJ L 305, 4.11.2006, p. 3).

⁽³⁾ OJ L 308, 25.11.2005, p. 1. Regulation as amended by Regulation (EC) No 1633/2006.

COMMISSION REGULATION (EC) No 1804/2006**of 7 December 2006****laying down transitional measures to be adopted on account of the accession of Bulgaria and Romania in respect of the reserve drawn up in accordance with Article 46 of Regulation (EC) No 1043/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of Bulgaria and Romania,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular the second subparagraph of Article 41 thereof,

Whereas:

(1) 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⁽¹⁾ provides that, other than for certain exemptions, the granting of export refunds on goods is conditional on production of a refund certificate.

(2) Refund certificates are made available to operators in six tranches over the budget period, with deadlines for applications applying in respect of each tranche. In circumstances where the level of refund certificate applications for an individual tranche is less than the amount available for that tranche, operators may lodge applications on a weekly basis for refund certificates to be issued in respect of any remaining amount available for that tranche for which refund certificate applications have not yet been lodged. Refund certificates may only be issued to applicants established in the Community.

(3) On the occasion of the forthcoming accession of Bulgaria and Romania operators in these States will, due to the combination of the seasonal holiday period and the moratorium on the lodging of weekly applications for refund certificates in the period from 7 January until 21 January (at the latest), have limited opportunity to apply for refund certificates valid for use in the interval between accession and early February 2007.

(4) In these circumstances it is appropriate to adopt a special temporary measure exempting such operators from the requirement of presenting refund certificates in the period from 1 January 2007 to 28 February 2007.

(5) Accordingly, it is appropriate to derogate from Article 47(2) of Regulation (EC) No 1043/2005 so as to enable operators in Bulgaria and Romania to qualify, in the period from 1 January 2007 to 28 February 2007, subject to the entry into force of the Act of Accession on the 1 January 2007, for the exemption provided for by Article 46 of that Regulation.

(6) For administrative reasons it is appropriate that the special measures adopted under this regulation apply only in respect of qualifying applications submitted in the budget year ending 15 October 2007.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 47 of Regulation (EC) No 1043/2005, for the budgeting year ending 15 October 2007, the specified limit of EUR 75 000 mentioned in the first subparagraph of paragraph 2 shall not apply to applications from operators established in Bulgaria or Romania in respect of exports taking place in the period from 1 January 2007 to 28 February 2007.

Article 2

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of Bulgaria and Romania.

It shall expire on the 16 October 2007.

⁽¹⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 1580/2006 (OJ L 291, 21.10.2006, p. 8).

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

Done at Brussels, 7 December 2006.

For the Commission

Günter VERHEUGEN

Vice-President

COMMISSION REGULATION (EC) No 1805/2006

of 7 December 2006

amending Annex I to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, as regards thiamphenicol, fenvalerate and meloxicam

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin⁽¹⁾, and in particular Article 2 thereof,

Having regard to the opinions of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

- (1) All pharmacologically active substances used in the Community in veterinary medicinal products intended for food-producing animals should be evaluated in accordance with Regulation (EEC) No 2377/90.
- (2) The substance thiamphenicol is included in Annex I to Regulation (EEC) No 2377/90 for bovine species for muscle, fat, liver, kidney and milk as well as for chicken for muscle, skin and fat, liver and kidney, excluding animals which produce eggs for human consumption. Thiamphenicol is also included in Annex III to that Regulation for porcine species for muscle, skin and fat, liver and kidney. Following examination of the information provided by the applicant for the establishment of final maximum residues limits for thiamphenicol in porcine species, it is considered appropriate to modify the entry of thiamphenicol in Annex I to Regulation (EEC) No 2377/90 to all food-producing species for muscle, fat, liver, kidney and milk, excluding animals which produce eggs for human consumption. The maximum residue limits for fat, liver and kidney should not apply to fin fish.
- (3) The substance fenvalerate is included in Annex III to Regulation (EEC) No 2377/90 for bovine species for muscle, fat, liver, kidney and milk. Those provisional maximum residue limits expire on 1 July 2006. Following exami-

nation of the information provided by the applicant for the establishment of final maximum residues for fenvalerate limits for bovine species, it is considered appropriate to include fenvalerate in Annex I to Regulation (EEC) No 2377/90 for bovine species for muscle, fat, liver, kidney and milk.

- (4) The substance meloxicam is included in Annex I to Regulation (EEC) No 2377/90 for bovine, porcine and equidae species for muscle, liver and kidney as well as for bovine species for milk. Following examination of an application for the establishment of maximum residues limits for meloxicam in rabbits and caprine species for milk, it is considered appropriate to modify the entry of meloxicam in that Annex for rabbits and caprine species for muscle, liver and kidney as well as to caprine species for milk.
- (5) Regulation (EEC) No 2377/90 should therefore be amended accordingly.
- (6) An adequate period should be allowed before the applicability of this Regulation in order to enable Member States to make any adjustment which may be necessary in the light of this Regulation to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products⁽²⁾ to take account of the provisions of this Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2377/90 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 1729/2006 (OJ L 325, 24.11.2006, p. 6).

⁽²⁾ OJ L 311, 28.11.2001, p. 1. Directive as amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).

Article 2

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

It shall apply from 8 February 2007.

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

Done at Brussels, 7 December 2006.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

The following substance is inserted in Annex I to Regulation (EEC) No 2377/90 (List of pharmacologically active substances for which maximum residue limits have been fixed):

- 1. Anti-infectious agents
- 1.2. Antibiotics
- 1.2.5. Florfenicol and related compounds

Pharmacologically active Substance(s)	Marker residue	Animal species	MRLs	Target tissues
Thiamphenicol	Thiamphenicol	All food producing species ⁽¹⁾	50 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg 50 µg/kg	Muscle ⁽²⁾ Fat ⁽³⁾ Liver Kidney Milk

⁽¹⁾ Not for use in animals from which eggs are produced for human consumption, MRLs for fat, liver and kidney do not apply to fin fish.
⁽²⁾ For fin fish muscle relates to "muscle and skin in natural proportions".
⁽³⁾ For porcine and poultry species this MRL relates to "skin and fat in natural proportions".;

- 2. Anti-parasitic agents
- 2.2. Agents acting against ectoparasites
- 2.2.3. Pyrethroids

Pharmacologically active Substance(s)	Marker residue	Animal species	MRLs	Target tissues
Fenvalerate	Fenvalerate (sum of RR, SS, RS and SR isomers)	Bovine	25 µg/kg 250 µg/kg 25 µg/kg 25 µg/kg 40 µg/kg	Muscle Fat Liver Kidney Milk

- 4. Anti-inflammatory agents
- 4.1. Non-steroidal anti-inflammatory agents
- 4.1.4. Oxicam derivatives

Pharmacologically active Substance(s)	Marker residue	Animal species	MRLs	Target tissues
Meloxicam	Meloxicam	Porcine, equidae, rabbit Bovine, caprine	20 µg/kg 65 µg/kg 65 µg/kg 20 µg/kg 65 µg/kg 65 µg/kg 15 µg/kg	Muscle Liver Kidney Muscle Liver Kidney Milk

COMMISSION REGULATION (EC) No 1806/2006**of 7 December 2006****amending Regulation (EC) No 1613/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Laos regarding certain exports of textiles to the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

validity of Regulation (EC) No 1613/2000 has been extended until 31 December 2006.

Having regard to the Treaty establishing the European Community,

- (4) By letter dated 22 June 2006 Laos submitted a request for prolongation of the derogation in accordance with Article 76 of Regulation (EEC) No 2454/93.

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, and in particular Article 247 thereof,

- (5) When the validity of Regulation (EC) No 1613/2000 was extended until 31 December 2006, it was expected that new, simpler and more development-friendly GSP rules of origin would be in force before expiry of the derogation. However the new GSP rules of origin are not expected to be adopted before 31 December 2006.

Having regard to 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 ⁽²⁾, and in particular Article 76 thereof,

- (6) Application of the GSP rules of origin currently in force would have an adverse effect on investment, and employment in Laos as well as on ability of existing industry in Laos to continue its exports to the Community.

Whereas:

- (1) By Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences ⁽³⁾, the Community granted generalised tariff preferences to Laos.

- (7) The prolongation period should take account of the time necessary to adopt and implement new GSP rules of origin. In addition, the interests of traders concluding contracts both in Laos and in the Community, as well as the stability of Laos industry, require that the derogation should be prolonged for a period sufficient to permit the continuation or conclusion of longer term contracts.

- (2) Regulation (EEC) No 2454/93 establishes the definition of the concept of originating products to be used for the purposes of the scheme of generalised tariff preferences. Regulation (EEC) No 2454/93 also provides for derogations from that definition in favour of least developed beneficiary countries benefiting from the generalised system of preferences (GSP) which submit an appropriate request to that effect to the Community.

- (8) The derogation should therefore be prolonged until 31 December 2008. However, in order to ensure fair treatment for Laos and for other least developed countries, the continuing need for the derogation should be reviewed once new GSP rules of origin are adopted.

- (3) Laos has benefited from such derogation for certain textiles since 1997, in the last instance by virtue of Commission Regulation (EC) No 1613/2000 ⁽⁴⁾. The

- (9) Regulation (EC) No 1613/2000 should therefore be amended accordingly.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).

⁽²⁾ 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).

⁽³⁾ OJ L 169, 30.6.2005, p. 1.

⁽⁴⁾ OJ L 185, 25.7.2000, p. 38. Regulation as last amended by Regulation (EC) No 2186/2004 (OJ L 373, 21.12.2004, p. 14).

- (10) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 1613/2000 is amended as follows:

1. In the first paragraph the date '31 December 2006' is replaced by '31 December 2008';
2. The second paragraph is replaced by the following:

'The continuing need for the derogation shall however be reviewed once the new rules of origin of the generalised system of preferences are adopted.'

Article 2

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

It shall apply from 1 January 2007.

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

Done at Brussels, 7 December 2006.

For the Commission

László KOVÁCS

Member of the Commission

COMMISSION REGULATION (EC) No 1807/2006**of 7 December 2006**

amending Regulation (EC) No 1614/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Cambodia regarding certain exports of textiles to the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

validity of Regulation (EC) No 1614/2000 has been extended until 31 December 2006.

Having regard to the Treaty establishing the European Community,

(4) By letter dated 29 June 2006 Cambodia submitted a request for prolongation of the derogation in accordance with Article 76 of Regulation (EEC) No 2454/93.

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, and in particular Article 247 thereof,

(5) When the validity of Regulation (EC) No 1614/2000 was extended until 31 December 2006, it was expected that new, simpler and more development-friendly GSP rules of origin would be in force before expiry of the derogation. However the new GSP rules of origin are not expected to be adopted before 31 December 2006.

Having regard to 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 ⁽²⁾, and in particular Article 76 thereof,

(6) Application of the GSP rules of origin currently in force would have an adverse effect on investment, and employment in Cambodia as well as on ability of existing industry in Cambodia to continue its exports to the Community.

Whereas:

(1) By Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences ⁽³⁾, the Community granted generalised tariff preferences to Cambodia.

(7) The prolongation period should take account of the time necessary to adopt and implement new GSP rules of origin. In addition, the interests of traders concluding contracts both in Cambodia and in the Community, as well as the stability of Cambodian industry, require that the derogation should be prolonged for a period sufficient to permit the continuation or conclusion of longer term contracts.

(2) Regulation (EEC) No 2454/93 establishes the definition of the concept of originating products to be used for the purposes of the scheme of generalised tariff preferences. Regulation (EEC) No 2454/93 also provides for derogations from that definition in favour of least developed beneficiary countries benefiting from the generalised system of preferences (GSP) which submit an appropriate request to that effect to the Community.

(8) The derogation should therefore be prolonged until 31 December 2008. However, in order to ensure fair treatment for Cambodia and for other least developed countries, the continuing need for the derogation should be reviewed once new GSP rules of origin are adopted.

(3) Cambodia has benefited from such derogation for certain textiles since 1997, in the last instance by virtue of Commission Regulation (EC) No 1614/2000 ⁽⁴⁾. The

(9) Regulation (EC) No 1614/2000 should therefore be amended accordingly.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).

⁽²⁾ 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).

⁽³⁾ OJ L 169, 30.6.2005, p. 1.

⁽⁴⁾ OJ L 185, 25.7.2000, p. 46. Regulation as last amended by Regulation (EC) No 2187/2004 (OJ L 373, 21.12.2004, p. 16).

(10) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 1614/2000 is amended as follows:

1. In the first paragraph the date '31 December 2006' is replaced by '31 December 2008';
2. The second paragraph is replaced by the following:

'The continuing need for the derogation shall however be reviewed once the new rules of origin of the generalised system of preferences are adopted.'

Article 2

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

It shall apply from 1 January 2007.

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

Done at Brussels, 7 December 2006.

For the Commission

László KOVÁCS

Member of the Commission

COMMISSION REGULATION (EC) No 1808/2006**of 7 December 2006****amending Regulation (EC) No 1615/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Nepal regarding certain exports of textiles to the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, and in particular Article 247 thereof,

Having regard to 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 ⁽²⁾, and in particular Article 76 thereof,

Whereas:

- (4) By letter dated 17 July 2006 Nepal submitted a request for prolongation of the derogation in accordance with Article 76 of Regulation (EEC) No 2454/93.
- (5) When the validity of Regulation (EC) No 1615/2000 was extended until 31 December 2006, it was expected that new, simpler and more development-friendly GSP rules of origin would be in force before expiry of the derogation. However the new GSP rules of origin are not expected to be adopted before 31 December 2006.
- (6) Application of the GSP rules of origin currently in force would have an adverse effect on investment, and employment in Nepal as well as on ability of existing industry in Nepal to continue its exports to the Community.
- (7) The prolongation period should take account of the time necessary to adopt and implement new GSP rules of origin. In addition, the interests of traders concluding contracts both in Nepal and in the Community, as well as the stability of Nepalese industry, require that the derogation should be prolonged for a period sufficient to permit the continuation or conclusion of longer term contracts.
- (8) The derogation should therefore be prolonged until 31 December 2008. However, in order to ensure fair treatment for Nepal and for other least developed countries, the continuing need for the derogation should be reviewed once new GSP rules of origin are adopted.
- (9) Regulation (EC) No 1615/2000 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,
- (1) OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).
- (2) 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).
- (3) OJ L 169, 30.6.2005, p. 1.
- (4) OJ L 185, 25.7.2000, p. 54. Regulation as last amended by Regulation (EC) No 2188/2004 (OJ L 373, 21.12.2004, p. 18).

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 1615/2000 is amended as follows:

1. In the first paragraph the date '31 December 2006' is replaced by '31 December 2008';
2. The second paragraph is replaced by the following:

'The continuing need for the derogation shall however be reviewed once the new rules of origin of the generalised system of preferences are adopted.'

Article 2

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

It shall apply from 1 January 2007.

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

Done at Brussels, 7 December 2006.

For the Commission

László KOVÁCS

Member of the Commission

COMMISSION REGULATION (EC) No 1809/2006**of 7 December 2006****fixing the export refunds on white and raw sugar exported without further processing**

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 market in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.
- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.

(4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.

(5) The negotiations within the framework of the Europe Agreements between the European Community and Romania and Bulgaria aim in particular to liberalise trade in products covered by the common organisation of the market concerned. For those two countries export refunds should therefore be abolished.

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

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 December 2006.

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

Done at Brussels, 7 December 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 8 December 2006 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	18,23 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	16,87 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	18,23 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	16,87 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1982
1701 99 10 9100	S00	EUR/100 kg	19,82
1701 99 10 9910	S00	EUR/100 kg	18,34
1701 99 10 9950	S00	EUR/100 kg	18,34
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,1982

NB: The destinations are defined as follows:

S00: all destinations except Albania, Croatia, Bosnia and Herzegovina, Bulgaria, Romania, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia.

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and application of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 % the refund amount applicable shall be multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) No 318/2006.

COMMISSION REGULATION (EC) No 1810/2006**of 7 December 2006****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 958/2006**

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⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 958/2006 of 28 June 2006 on a standing invitation to tender to determine refunds on exports of white sugar for the 2006/2007 marketing year ⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 8(1) of Regulation (EC) No 958/2006 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 7 December 2006, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 7 December 2006, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 958/2006 shall be 28,341 EUR/100 kg.

Article 2

This Regulation shall enter into force on 8 December 2006.

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

Done at Brussels, 7 December 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 175, 29.6.2006, p. 49.

COMMISSION REGULATION (EC) No 1811/2006**of 7 December 2006****amending the rates of refunds applicable to certain products from the sugar sector 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 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector⁽¹⁾, and in particular Article 33(2)(a) and (4) thereof,

Whereas:

- (1) The rates of the refunds applicable from 24 November 2006 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1733/2006⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 1733/2006 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1733/2006 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 December 2006.

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

Done at Brussels, 7 December 2006.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as amended by Commission Regulation (EC) No 1585/2006 (OJ L 294, 25.10.2006, p. 19).

⁽²⁾ OJ L 325, 24.11.2006, p. 17.

ANNEX

Rates of refunds applicable from 8 December 2006 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	18,34	18,34

⁽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 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.

COMMISSION REGULATION (EC) No 1812/2006**of 7 December 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 1 to 7 December 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 8 December 2006.

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

Done at Brussels, 7 December 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 1813/2006**of 7 December 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 1 to 7 December 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 8 December 2006.

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

Done at Brussels, 7 December 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).

COMMISSION DIRECTIVE 2006/127/EC**of 7 December 2006****amending Directive 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/55/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of vegetable species****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ⁽¹⁾, and in particular Article 7(2)(a) and (b) thereof,

Whereas:

- (1) Commission Directive 2003/91/EC ⁽²⁾ was adopted to ensure that the varieties the Member States include in their national catalogues comply with the guidelines established by the Community Plant Variety Office (CPVO) as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining the varieties, as far as such guidelines had been established. For other varieties the Directive provides that guidelines of the International Union for Protection of new Varieties of Plants (UPOV) are to apply.
- (2) The CPVO and UPOV have since issued further guidelines for a number of other species, and have updated existing ones.
- (3) The scope of Directive 2002/55/EC has been extended in order to cover new species.
- (4) Directive 2003/91/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,

Article 1

Annexes I and II to Directive 2003/91/EC are replaced by the text in the Annex to this Directive.

Article 2

For examinations started before 1 July 2007 Member States may decide to apply Directive 2003/91/EC in the version applying before its amendment by the present Directive.

Article 3

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 those provisions from 1 July 2007.

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.

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, 7 December 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ 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).

⁽²⁾ OJ L 254, 8.10.2003, p. 11.

ANNEX

'ANNEX I

List of species referred to in Article 1(2)(a) which are to comply with CPVO test protocols

Scientific name	Common name	CPVO protocol
<i>Allium cepa</i> L. (Cepa group)	Onion and Echalion	TP 46/1 of 14.6.2005
<i>Allium cepa</i> L. (Aggregatum group)	Shallot	TP 46/1 of 14.6.2005
<i>Allium porrum</i> L.	Leek	TP 85/1 of 15.11.2001
<i>Allium sativum</i> L.	Garlic	TP 162/1 of 25.3.2004
<i>Asparagus officinalis</i> L.	Asparagus	TP 130/1 of 27.3.2002
<i>Brassica oleracea</i> L.	Cauliflower	TP 45/1 of 15.11.2001
<i>Brassica oleracea</i> L.	Sprouting Broccoli or Calabrese	TP 151/1 of 27.3.2002
<i>Brassica oleracea</i> L.	Brussels sprouts	TP 54/2 of 1.12.2005
<i>Brassica oleracea</i> L.	Kohlrabi	TP 65/1 of 25.3.2004
<i>Brassica oleracea</i> L.	Savoy cabbage, White cabbage and Red cabbage	TP 48/2 of 1.12.2005
<i>Capsicum annuum</i> L.	Chilli or Pepper	TP 76/1 of 27.3.2002
<i>Cichorium endivia</i> L.	Curled-leaved endive and Plain-leaved endive	TP 118/2 of 1.12.2005
<i>Cichorium intybus</i> L.	Industrial chicory	TP 172/2 of 1.12.2005
<i>Cichorium intybus</i> L.	Witloof chicory	TP 173/1 of 25.3.2004
<i>Cucumis melo</i> L.	Melon	TP 104/1 of 27.3.2002
<i>Cucumis sativus</i> L.	Cucumber and Gherkin	TP 61/1 of 27.3.2002
<i>Cucurbita pepo</i> L.	Marrow or Courgette	TP 119/1 of 25.3.2004
<i>Cynara cardunculus</i> L.	Globe artichoke and Cardoon	TP 184/1 of 25.3.2004
<i>Daucus carota</i> L.	Carrot and Fodder carrot	TP 49/2 of 1.12.2005
<i>Foeniculum vulgare</i> Mill.	Fennel	TP 183/1 of 25.3.2004
<i>Lactuca sativa</i> L.	Lettuce	TP 13/2 of 1.12.2005
<i>Lycopersicon esculentum</i> Mill.	Tomato	TP 44/2 of 15.11.2001
<i>Phaseolus vulgaris</i> L.	Dwarf French bean and Climbing French bean	TP 12/2 of 1.12.2005
<i>Pisum sativum</i> L. (partim)	Wrinkled pea, Round pea and Sugar pea	TP 07/1 of 6.11.2003
<i>Raphanus sativus</i> L.	Radish	TP 64/1 of 27.3.2002
<i>Spinacia oleracea</i> L.	Spinach	TP 55/1 of 27.3.2002
<i>Valerianella locusta</i> (L.) Laterr.	Corn salad or Lamb's lettuce	TP 75/1 of 27.3.2002
<i>Vicia faba</i> L. (partim)	Broad bean	TP Broadbean/1 of 25.3.2004
<i>Zea mays</i> L. (partim)	Sweetcorn and Popcorn	TP 2/2 of 15.11.2001

The text of these protocols can be found on the CPVO web site (www.cpvo.europa.eu).

ANNEX II

List of species referred to in Article 1(2)(b) which are to comply with UPOV test guidelines

Scientific name	Common name	UPOV guideline
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion	TG/161/3 of 1.4.1998
<i>Allium schoenoprasum</i> L.	Chives	TG/198/1 of 9.4.2003
<i>Apium graveolens</i> L.	Celery	TG/82/4 of 17.4.2002
<i>Apium graveolens</i> L.	Celeriac	TG/74/4 corr. of 17.4.2002 + 5.4.2006
<i>Beta vulgaris</i> L.	Spinach beet or Chard	TG/106/4 of 31.3.2004
<i>Beta vulgaris</i> L.	Beetroot including Cheltenham beet	TG/60/6 of 18.10.1996
<i>Brassica oleracea</i> L.	Curly kale	TG/90/6 of 31.3.2004
<i>Brassica rapa</i> L.	Chinese cabbage	TG/105/4 of 9.4.2003
<i>Brassica rapa</i> L.	Turnip	TG/37/10 of 4.4.2001
<i>Cichorium intybus</i> L.	Large-leaved chicory or Italian chicory	TG/154/3 of 18.10.1996
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	TG/142/4 of 31.3.2004
<i>Cucurbita maxima</i> Duchesne	Gourd	TG/155/3 of 18.10.1996
<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill	Parsley	TG/136/5 of 6.4.2005
<i>Phaseolus coccineus</i> L.	Runner bean	TG/9/5 of 9.4.2003
<i>Raphanus sativus</i> L.	Black radish	TG/63/6 of 24.3.1999
<i>Rheum rhabarbarum</i> L.	Rhubarb	TG/62/6 of 24.3.1999
<i>Scorzonera hispanica</i> L.	Scorzonera or Black salsify	TG/116/3 of 21.10.1988
<i>Solanum melongena</i> L.	Aubergine or Eggplant	TG/117/4 of 17.4.2002

The text of these guidelines can be found on the UPOV web site (www.upov.int).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 December 2006

concerning the conclusion on behalf of the European Atomic Energy Community of a Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation and of the Protocol on Claims, Legal Proceedings and Indemnification to the Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation

(notified under document number C(2006) 5219)

(2006/890/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 101(2) thereof,

Whereas:

- (1) In accordance with the directives adopted by the Council Decision of 10 April 2000, the Commission participated in the negotiations with the Russian Federation on an Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation and a Protocol on Claims, Legal Proceedings and Indemnification.
- (2) A Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation (MNEPR) and the Protocol on Claims, Legal Proceedings and Indemnification to the Framework Agreement on a MNEPR were signed in Stockholm on 21 May 2003.
- (3) The Framework Agreement was signed by the European Community, the European Atomic Energy Community, Norway, Sweden, Denmark, Finland, Belgium, France, Germany, the United Kingdom, the Netherlands and Russia.
- (4) The MNEPR Framework Agreement establishes a multilateral legal framework for nuclear-related projects carried out by western countries in north-west Russia, and the Protocol on Claims, Legal Proceedings and Indemnification aims to settle issues of liability arising from activities undertaken in this context.
- (5) The MNEPR is designed to facilitate projects addressing problems regarding radioactive waste and spent nuclear fuel and decommissioning of nuclear submarines and icebreakers in the Russian Federation. It is focusing initially on the north-west region, but the Framework Agreement states that the MNEPR may also apply to projects or any other form of cooperation in other areas of nuclear activities, including nuclear safety, if so agreed by the Parties concerned.
- (6) The present bilateral Memorandum of Understanding signed between the European Commission on behalf of the Communities and the Russian Federation in 1995, covering the implementation of the Technical Assistance Programmes in the Field of Nuclear Safety and which address nuclear liability issues will not be applicable to projects under the new Instrument for Nuclear Safety Cooperation.
- (7) All the EU Member States which have signed the Framework Agreement have deposited their ratification instruments with the Depositories, the last one being the United Kingdom which ratified the Framework Agreement in April 2006.

- (8) The European Atomic Energy Community is now in a position to conclude the MNEPR Framework Agreement,

HAS ADOPTED THIS DECISION:

Sole Article

1. The Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation and the Protocol on Claims, Legal Proceedings and Indemnification to the Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation are hereby concluded on behalf of the European Atomic Energy Community.

2. The texts of the Framework Agreement and of the Protocol are attached to this decision.

This Decision is addressed to the Member States.

Done at Brussels, 4 December 2006.

For the Commission

Benita FERRERO-WALDNER

Member of the Commission

Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation

The Government of the Kingdom of Belgium, the Government of the Kingdom of Denmark, the Government of the Republic of Finland, the Government of the French Republic, the Government of the Federal Republic of Germany, the Government of the Kingdom of the Netherlands, the Government of the Kingdom of Norway, the Government of the Russian Federation, the Government of the Kingdom of Sweden, the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the United States of America, the European Community, and the European Atomic Energy Community (hereinafter referred to as the Parties),

Noting the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management of 5 September 1997 (hereinafter referred to as the Joint Convention);

Noting that the Joint Convention stipulates that spent fuel and radioactive waste within military or defence programmes should be managed in accordance with the objectives stated in that Convention even though they are excluded from it except as provided in Article 3 thereof;

Noting also the Convention on Nuclear Safety of 17 June 1994;

Recalling the importance the Joint Convention attaches to international cooperation in enhancing the safety of spent fuel and radioactive waste management through bilateral and multilateral mechanisms;

Reaffirming the importance the Parties attach to the principles embodied in relevant international conventions on nuclear liability for the provision of international assistance in this field;

Recognising the work of the Contact Expert Group for International Radwaste Projects established under the auspices of the International Atomic Energy Agency to deal with issues regarding international cooperation in radioactive waste management and related issues in the Russian Federation, and its contribution to the development of a comprehensive International Action Plan;

Desiring to facilitate practical cooperation to enhance the safety of spent fuel and radioactive waste management in the Russian Federation, in particular through the implementation of projects in the Russian Federation that may be identified by the Contact Expert Group for International Radwaste Projects;

Recalling the Declaration of Principles by members and observers of the Barents Euro-Arctic Council representing Denmark, Finland, France, Germany, Iceland, Italy, the Netherlands, Norway, Poland, the Russian Federation, Sweden, the United Kingdom and the United States regarding the Multilateral Nuclear Environmental Programme in the Russian Federation signed at Bodø (Norway) on 5 March 1999 in which the participants declared their readiness to negotiate a multilateral Framework Agreement covering the necessary conditions for the provision of international assistance in this field,

HAVE AGREED AS FOLLOWS:

*Article 1***Multilateral Nuclear Environmental Programme in the Russian Federation (MNEPR)**

1. The Parties hereby establish a framework to facilitate cooperation in the area of safety of spent nuclear fuel and radioactive waste management in the Russian Federation. This framework shall be referred to as the 'Multilateral Nuclear Environmental Programme in the Russian Federation' (MNEPR). The

MNEPR shall apply to projects undertaken between contributors and recipients or any other form of cooperation agreed by them. It may also apply to projects or any other form of cooperation in other areas of nuclear activities, including nuclear safety, if so agreed by the Parties concerned.

2. The Parties shall seek to avoid duplication of assistance activities and to ensure that such activities are complementary to activities under other multilateral or bilateral funds, agreements, mechanisms or arrangements.

Article 2

Definitions

For the purposes of this Agreement the following terms shall have the following meanings:

Technical aid (assistance): Any form of gratuitous aid and/or contribution provided under this Agreement or under any Implementing Agreement, or otherwise agreed to by the Russian Party and the Contributing Party or Parties (hereinafter referred to as 'assistance');

Contributor: Any Party other than the Russian Party or any entity authorised by such Party to provide assistance under the MNEPR;

Recipient: The Russian Party or any other Russian entity authorised by the Russian Party to serve as beneficiary of assistance and partner for the realisation of a project under the MNEPR;

Implementing Agreement: An agreement between one or more recipients and one or more contributors for the provision of assistance for the realisation of a project under the MNEPR.

Article 3

Modes of cooperation under the MNEPR

1. Assistance under the MNEPR may be provided through:
 - (a) Implementing Agreements between one or more recipients and any one of the contributors (Bilateral mode);
 - (b) Implementing Agreements between one or more recipients and several contributors whereby a common financing arrangement will not be established (Multilateral simple mode);
 - (c) Implementing Agreements between one or more recipients and several contributors whereby a common financing arrangement will be established (Multilateral funding mode); or
 - (d) any other mechanism agreed by the recipient(s) and contributor(s) concerned.

2. Except as otherwise provided in this Agreement, the terms and conditions of this Agreement shall apply to all assistance provided under paragraph 1 of this Article. The provisions of this Agreement may also apply to activities undertaken before its entry into force if so agreed by the Parties involved in those activities.

3. The provision of assistance by the contributors under this Agreement shall be subject to the availability of appropriated funds.

Article 4

MNEPR Committee

1. To facilitate cooperation and to exchange information under the MNEPR, the Parties hereby establish the MNEPR Committee. The MNEPR Committee shall be composed of one authorised official/governmental representative of each of the Parties, who shall also serve as a contact point for all questions of relevance to the MNEPR.

2. The MNEPR Committee may:

- discuss the development and implementation of projects and any other form of cooperation under this Agreement,
 - discuss relevant activities under other bilateral or multilateral agreements or arrangements,
 - coordinate funding for projects under Article 3(1)(c),
 - identify obstacles and problems encountered in the implementation of projects, and make recommendations regarding their resolution,
 - establish working groups as required for the functioning of the MNEPR Committee,
 - discuss and make recommendations on other matters relevant to the operation of MNEPR activities,
- and
- invite States, intergovernmental organisations or regional economic integration organisations being subject to public international law to accede in accordance with Article 16.

3. The MNEPR Committee shall adopt its Rules of Procedure.

4. The MNEPR Committee shall elect two co-chairpersons for 12-month periods from among representatives of the Parties, one from among the Contributing Parties and one representing the Russian Party.

5. The MNEPR Committee may decide to admit as observers any interested State, intergovernmental organisation or regional economic integration organisation being subject to public international law not party to this Agreement. Where a coordinator has been designated according to Article 5, that coordinator shall be admitted as an observer to meetings of the MNEPR Committee, where relevant.

6. Decisions and recommendations of the MNEPR Committee shall be made by consensus.

Article 5

Coordinator of multilateral funding under the MNEPR

1. The Contributing Parties to a common financing arrangement, as referred to in Article 3.1(c), may designate a coordinator for such an arrangement.

2. The rights and obligations of the Contributing Parties under this Agreement apply equally to the Coordinator where the coordinator performs activities on behalf of the contributors.

Article 6

Specific undertakings

1. The Parties shall promote activities necessary for the implementation of projects under the MNEPR.

2. The Russian Party shall ensure the prompt issuance of, *inter alia*, licences, permits, approvals and the prompt customs clearances necessary for the efficient implementation of projects. The Russian Party shall ensure the provision of data and information necessary for the implementation of specific projects within the framework of this Agreement. The Russian Party shall grant access to sites and facilities necessary for the implementation of specific projects within the framework of this Agreement. Should such access be restricted according to the provisions of the legislation of the Russian Federation, mutually acceptable procedures shall be developed in the Implementing Agreements. The Implementing Agreements shall also define the procedures for, and the scope of, the information to be transferred.

3. The provision of assistance shall be complemented by Russian resources. Such resources may be contributed in kind or otherwise for the implementation of projects under the MNEPR.

Article 7

Claims, legal proceedings and indemnification

1. This Agreement is supplemented by a Protocol containing provisions on claims, legal proceedings and indemnification in respect of claims against contributors and their personnel or contractors, subcontractors, consultants, suppliers or sub-suppliers of equipment, goods and services at any tier and their personnel, for any loss or damage of whatsoever nature arising from activities undertaken pursuant to this Agreement.

2. The Protocol and its Annex shall not apply to any Party that does not become a party to the Protocol.

3. Any Party that does not become a party to the Protocol may conclude with the Russian Party a separate agreement covering claims, legal proceedings and indemnification in respect of claims for any loss or damage of whatsoever nature arising from activities undertaken pursuant to this Agreement.

Article 8

Use and retransfer of assistance

1. Unless the written consent of the contributor has first been obtained, the recipient shall not transfer title to, or possession of, any assistance provided pursuant to this Agreement to any entity, other than an officer, employee or agent of that contributor or that recipient and shall not permit the use of such assistance for purposes other than those for which it has been furnished.

2. The Russian Party shall take all reasonable measures within its power to ensure the security of, ensure the appropriate use of, and prevent the unauthorised transfer of assistance provided pursuant to this Agreement.

Article 9

Exemption from taxes or similar charges

1. The Russian Party shall exempt assistance provided under this Agreement from customs duties, profits taxes, other taxes and similar charges. The Russian Party shall take all necessary steps to ensure that no local or regional taxes are levied on assistance provided under this Agreement. These steps will include the provision of letters from competent local and/or regional authorities confirming that no taxes will be levied on assistance provided under this Agreement. Such letters of confirmation covering localities and regions where projects under this Agreement will be carried out shall be deposited with at least one of the depositaries before the start of implementation of the projects.

2. The Russian Party shall exempt remuneration to foreign natural persons and to Russian citizens not ordinarily resident in the Russian Federation for work undertaken and services performed by such persons for the implementation of assistance under this Agreement from income tax, social security tax contributions, and similar charges within the territory of the Russian Federation. With regard to remuneration exempted by this paragraph, the Russian Party shall not have any obligations in terms of any charges and payments to the persons indicated in this paragraph, at the expense of the social security system or any other government funds.

3. The Contributing Parties and their personnel, their contractors, subcontractors, suppliers and sub-suppliers may import into, and export out of, the Russian Federation equipment, supplies, materials or services required to implement this Agreement. In addition to the provisions regarding assistance, temporary importation and exportation shall not be subject to customs duties, license fees, undue restrictions, taxes or similar charges.

4. In addition to the preceding paragraphs, persons and entities participating in the implementation of the programmes in the framework of this Agreement within the territory of the Russian Federation are entitled to exemption from value added tax and other charges with regard to equipment and goods purchased within the territory of the Russian Federation for the implementation of the projects or the programmes in the framework of this Agreement, as well as works done and services rendered within the territory of the Russian Federation.

5. Imposition of taxation shall be regarded as a valid reason for suspension or termination of an assistance project, or not to initiate an assistance project.

6. The Russian Party shall be responsible for procedures ensuring the implementation of this Article.

Necessary certificates shall be issued by the relevant competent authority.

Article 10

Accounts, audits and examinations

1. Each recipient shall maintain proper accounts of all assistance funding received from contributors, and furnish such accounts, together with full supporting documentation, to the contributor or contributors concerned at regular intervals, as specified in the relevant Implementing Agreement or as otherwise agreed.

2. Upon request, representatives of a contributor shall have the right, within 60 days of making the request, to examine the use of any assistance provided by that contributor in accordance with this Agreement, at sites of their location or use if possible, and shall have the right to audit and examine any and all related records or documentation for a period of seven years after the completion or early termination of the project in question, unless another period is specified in the Implementing Agreement. The practical details of such audits and examinations shall be set out in the Implementing Agreements.

Article 11

Intellectual property

The Parties shall provide in Implementing Agreements, as appropriate, effective protection and allocation of rights to intellectual property transmitted or created under this Agreement.

Article 12

Status of personnel and entry and exit of personnel

1. The Russian Party shall facilitate the entry and exit of employees of the Contributing Parties to this Agreement and their personnel and contractors, subcontractors, consultants, suppliers and sub-suppliers and their personnel into and out of the territory of the Russian Federation for the purpose of carrying out activities in accordance with this Agreement.

2. The Russian Party shall accredit military and civilian personnel of the Contributing Parties, including employees of the Commission of the European Communities present in the territory of the Russian Federation in order to carry out activities related to the provision of assistance under this

Agreement, as administrative and technical personnel of the respective diplomatic missions, the mission of the Commission of the European Communities and the missions of inter-governmental organisations, in the Russian Federation. After entry into force of this Agreement, the Parties will consult on the number of such personnel covered by this paragraph. The accreditation of such personnel shall have no effect on the number of accredited personnel permitted at Russian diplomatic missions in the Contributing Parties.

3. The Russian Party guarantees that the contractors, sub-contractors, consultants, suppliers, sub-suppliers and their personnel as referred to in paragraph 1 of this Article may import and re-export out of the territory of the Russian Federation all of their personal household effects as well as foodstuffs for their personal use without being liable to any customs duties, taxes, or similar charges. Duty-free import into and re-export out of the Russian Federation of one motor vehicle per family is allowed, provided that the vehicle is used only within the period of the relevant contract and is re-exported at the end of this period.

Article 13

Settlement of disputes

Any disagreement between two or more Parties concerning the interpretation of this Agreement, or its implementation, shall be resolved through consultations. Consultations shall take place not later than three months after one of the Parties submits such a request in writing to the other Party or Parties.

Article 14

Awarding of contracts

In the event that a Party awards a contract for the acquisition of goods and services, including construction, to implement this Agreement, such contracts shall be awarded in accordance with the laws and regulations of that Party, or such other laws and regulations as that Party may choose. Russian companies can also be used as contractors or subcontractors.

Article 15

Modifications and amendments

1. Any modification or amendment to this Agreement, and any additional protocol to it, may be made by agreement among the Parties to this Agreement.

2. Any modification or amendment made pursuant to this Article shall be subject to ratification, acceptance or approval by all of the Parties. Modifications or amendments shall enter into force for all Parties 30 days following the date of receipt by at least one of the depositaries of the last notification of ratification, acceptance or approval.

Article 16

Accession

1. This Agreement shall be open for accession by any State, intergovernmental organisation or regional economic integration organisation being subject to public international law upon invitation by the MNEPR Committee.

2. This Agreement shall enter into force for the acceding Party 30 days following the date of receipt by at least one of the depositaries of the acceding Party's instrument of accession and the last of the notifications by the Parties expressing concurrence.

Article 17

Depositaries

The Minister of Foreign Affairs of the Russian Federation and the Secretary General of the Organisation for Economic Co-operation and Development are hereby designated as depositaries. The depositaries shall fulfil their duties in accordance with Article 77 of the Vienna Convention on the Law of Treaties of 23 May 1969 and shall consult each other in the fulfilment of their duties.

Article 18

Entry into force, duration, withdrawal and termination

1. This Agreement shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with at least one of the depositaries. It shall enter into force on the 30th day following the date of receipt of such instruments from the Russian Party and from one other signatory, and shall remain in force for a period of five years from that date. For each signatory depositing such an instrument thereafter, this Agreement shall enter into force for it 30 days following the receipt by at least one of the depositaries of such instrument and shall remain in force until the expiration of its original five-year period.

2. This Agreement shall be extended automatically for further periods of five years. Any Party may request at least one of the depositaries at least 90 days before the expiration of the five-year period to convene a meeting of the Parties to consider the termination, modification or amendment of this Agreement

3. Any Party may withdraw from this Agreement upon giving 90 days written notification to at least one of the depositaries. The MNEPR Committee shall immediately be seized of the matter and shall make recommendations to the Parties on the further continuation of the Agreement.

4. The obligations under Articles 8 to 11, Article 12 first and third paragraphs, and Article 13 of this Agreement shall remain in effect regardless of any subsequent transfer of ownership of the object of cooperation, and regardless of any termination of, or withdrawal from, this Agreement, or the expiration of its validity.

5. Notwithstanding any termination of this Agreement, it shall continue to apply to any Implementing Agreement which the Parties to such Implementing Agreement agree to continue, for the duration of such Implementing Agreement.

6. Where a Party withdraws from this Agreement but continues to be a Party to an Implementing Agreement, this Agreement shall continue to apply to such Party with respect to its participation in such Implementing Agreement.

7. This Agreement shall be applied on a provisional basis from the date of its signature.

Done at Stockholm on 21 May 2003 in the English, French and Russian languages, all texts being equally authentic, in two originals of which one shall be deposited in the archives of the Ministry of Foreign Affairs of the Russian Federation and one in the archives of the Organisation for Economic Co-operation and Development. Duly certified copies of this Agreement shall be transmitted to the signatories and acceding Parties. In the event of any dispute or divergence in relation to this Agreement the English text shall prevail for the purposes of interpretation.

PROTOCOL

on Claims, Legal Proceedings and Indemnification to the Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation

The Government of the Kingdom of Belgium, the Government of the Kingdom of Denmark, the Government of the Republic of Finland, the Government of the French Republic, the Government of the Federal Republic of Germany, the Government of the Kingdom of the Netherlands, the Government of the Kingdom of Norway, the Government of the Russian Federation, the Government of the Kingdom of Sweden, the Government of the United Kingdom of Great Britain and Northern Ireland, the European Community, and the European Atomic Energy Community (hereinafter referred to as the Parties),

Reaffirming their commitment to achieving the purposes of the Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation signed on 21 May 2003 (hereinafter referred to as the Agreement),

Convinced of the need to establish provisions ensuring that claims against the Contributing Parties and their personnel or contractors, subcontractors, consultants, suppliers or sub-suppliers of equipment, goods or services at any tier and their personnel, for any loss or damage of whatsoever nature arising from activities undertaken pursuant to the Agreement are not brought by the Russian Party and, if brought by a third party, are indemnified by the Russian Party,

HAVE AGREED AS FOLLOWS:

Article 1

1. The definitions contained in Article 2 of the Agreement shall apply to this Protocol as fully and effectively as if they were set forth in full herein.
2. For the purposes of this Protocol, the following terms shall have the following meanings:

nuclear incident: Any occurrence or series of occurrences having the same origin which causes nuclear damage.

nuclear damage: (i) loss of life, any personal injury or any loss of, or damage to, property which arises out of or results from the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or radioactive products or waste in, or of nuclear material coming from, originating in, or sent to, a nuclear installation;

(ii) any other loss or damage so arising or resulting if and to the extent that the law of the competent court so provides; and

(iii) if the law of the State in which the nuclear installation of the liable operator is situated so provides, loss of life, any personal injury or any loss of, or damage to, property which arises out of or results from other ionising radiation emitted by any other source of radiation inside a nuclear installation.

3. For the purposes of this Protocol, whenever both nuclear damage and damage other than nuclear damage have been caused by a nuclear incident, or jointly by a nuclear incident and one or more other occurrences, such other damage shall, to the extent that it is not reasonably separable from the nuclear damage, be deemed, for the purposes of this Protocol, to be nuclear damage caused by that nuclear incident.

Article 2

1. With the exception of claims for injury or damage against individuals arising from omissions or acts of such individuals done with intent to cause injury or damage, the Russian Party shall bring no claims or legal proceedings of any kind against the contributors and their personnel or contractors, subcontractors, consultants, suppliers or sub-suppliers of equipment, goods or services at any tier and their personnel, for any loss or damage of whatsoever nature, including but not limited to personal injury, loss of life, direct, indirect and consequential damage to property owned by the Russian Federation arising from activities undertaken pursuant to the Agreement. This paragraph shall not apply to the enforcement of the express provisions of a contract.

2. With the exception of claims for nuclear damage against individuals arising from omissions or acts of such individuals done with intent to cause damage, the Russian Party shall provide for the adequate legal defence of and indemnify, and shall bring no claims or legal proceedings against the contributors and their personnel, or any contractors, subcontractors, consultants, suppliers, or sub-suppliers of equipment, goods or services at any tier and their personnel in connection with third party claims, in any court or forum, arising from activities undertaken pursuant to the Agreement, for nuclear damage occurring within or outside the territory of the Russian Federation, that results from a nuclear incident occurring within the territory of the Russian Federation.

3. Upon request by a Party, the Russian Party or its authorised representative shall issue an indemnity confirmation letter to any contractor, subcontractor, consultant, supplier or subsupplier confirming the provisions of this Protocol. A standard form of such Indemnity Confirmation Letter is enclosed as an integral part of this Protocol.

4. The Parties may consult as appropriate, on claims and proceedings under this Article.

5. Any payments related to the indemnification in paragraph 2 of this Article shall be made promptly and shall be freely transferable to the beneficiary in its national currency.

6. Contributors, contractors, subcontractors, consultants, suppliers or subsuppliers of equipment, goods or services at any tier and their personnel may refer any dispute concerning the implementation of obligations under this Article to arbitration in accordance with UNCITRAL Arbitration Rules, if such dispute has not been resolved amicably within 90 days of its submission to the Russian Party. Any arbitration award shall be final and binding on the parties to the dispute.

7. Nothing in this Article shall be construed as acknowledging the jurisdiction of any court or forum outside the Russian Federation over third party claims to which paragraph 2 of this Article applies, except as provided for in paragraph 6 of this Article and in any other case where the Russian Federation has pledged itself to acknowledge and execute a legal decision on the basis of provisions of international agreements.

8. Nothing in this Article shall be construed as waiving the immunity of the Parties with respect to potential third party claims that may be brought against any of them.

Article 3

1. This Protocol is open for signature by any signatory to the Agreement.

2. This Protocol is subject to ratification, acceptance or approval by signatories that are Parties to the Agreement. Instruments of ratification, acceptance or approval shall be deposited with at least one of the depositaries of the Agreement.

3. This Protocol shall be open to accession by any Party that has acceded to the Agreement.

4. Accession shall be effected by the deposit of an instrument of accession with at least one of the depositaries of the Agreement.

5. The depositaries of this Protocol shall be the depositaries of the Agreement and shall fulfil their duties in accordance with Article 77 of the Vienna Convention on the Law of Treaties of 23 May 1969 and shall consult each other in the fulfilment of their duties.

Article 4

1. Subject to the entry into force of the Agreement, this Protocol shall enter into force on the 30th day following the date of receipt by at least one of the depositaries of the instruments of ratification, acceptance or approval referred to in Article 3(2) from the Russian Federation and from any other signatory to this Protocol and it shall remain in force for a period of five years from that date. For each signatory ratifying, accepting or approving thereafter, this Protocol shall enter into force for it on the 30th day following the receipt by at least one of the depositaries of the instruments of ratification, acceptance or approval referred to in Article 3(2) and it shall remain in force until the expiration of its original five-year period.

2. For each Party acceding to this Protocol, it shall enter into force for it 30 days following the receipt by at least one of the depositaries of the instrument of accession referred to in Article 3(4) and it shall remain in force until the expiration of the original five-year period mentioned in paragraph 1 of this Article.

3. This Protocol shall be extended automatically for further periods of five years. Any Party may request at least one of the depositaries, at least 90 days before the expiration of the five-year period, to convene a meeting of the Parties to consider the continuation, modification or amendment of this Protocol.

4. Any Party may withdraw from this Protocol upon giving 90 days written notification to at least one of the depositaries. The MNEPR Committee shall immediately be seized of the matter and shall make recommendations to the Parties on the further continuation of this Protocol and the Agreement.

5. The obligations under this Protocol shall remain in effect regardless of any subsequent transfer of ownership of the object of cooperation, and regardless of any termination of, or withdrawal from, this Protocol or the Agreement, or the expiration of their validity.

6. (a) Notwithstanding any termination of this Protocol, it shall continue to apply to any Implementing Agreement which the Parties to such Implementing Agreement agree to continue, for the duration of such Implementing Agreement.

(b) Where a Party withdraws from this Protocol but continues to be a Party to an Implementing Agreement, this Protocol shall continue to apply to such Party with respect to its participation in such Implementing Agreement.

7. Where,

(a) the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963 (hereinafter referred to as the Vienna Convention) and the Joint Protocol relating to the Application of the Vienna Convention and the Paris Convention of 21 September 1988 (hereinafter referred to as the Joint Protocol) have both come into force for the Russian Federation, and

(b) the Vienna Convention or the Paris Convention on Third Party Liability in the Field of Nuclear Energy of 29 July 1960 and the Joint Protocol have both come into force for any other Party to this Protocol, such other Party

may, in its discretion and by notice in writing to the Russian Federation, terminate the application of Article 2(2) of this Protocol as between it and the Russian Federation with respect to any activity undertaken pursuant to the Agreement to which these instruments apply. The Russian Federation and such other Party shall each inform the other in writing of the dates upon which such instruments come into force in their respective territories.

8. This Protocol shall be applied on a provisional basis from the date of its signature.

Done at Stockholm on 21 May 2003 in the English, French and Russian languages, all texts being equally authentic, in two originals of which one shall be deposited in the archives of the Ministry of Foreign Affairs of the Russian Federation and one in the archives of the Organisation for Economic Cooperation and Development. Duly certified copies of this Protocol shall be transmitted to the signatories and acceding Parties. In the event of any dispute or divergence in relation to this Protocol the English text shall prevail for the purposes of interpretation (*).

(*) It may be useful to provide that a copy of the letter also be sent to the Government of the country in which the Contractor carries on business.

ANNEX

Model of an INDEMNITY CONFIRMATION LETTER to be provided by the Ministry of the Russian Federation for Atomic Energy to [contractor]

Dear Sirs,

The Government of the Russian Federation and [name of other Party] are Parties to the Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation (hereinafter referred to as the MNEPR Agreement) of 21 May 2003 to facilitate cooperation in the area of safety of spent nuclear fuel and radioactive waste in the Russian Federation. They are also Parties to the Protocol to the MNEPR Agreement on Claims, Legal Proceedings and Indemnification of 21 May 2003 (hereinafter referred to as the Protocol).

The Ministry of the Russian Federation for Atomic Energy, acting on behalf of the Government of the Russian Federation, hereby acknowledges that [contractor] has entered into an [Implementing Agreement/Agreement/Contract] with [recipient] on [date] to provide assistance for the implementation of the MNEPR Project known as [project name]. The persons and entities identified in the attached list are the [contractor's] personnel, subcontractors, suppliers, sub-suppliers and consultants who will be providing equipment, goods or services pursuant to the [Implementing Agreement/Agreement/Contract]. [Contractor] may amend this list, from time to time, upon notification to the Ministry of the Russian Federation for Atomic Energy or its authorised representative for the implementation of the [project name].

The Ministry of the Russian Federation for Atomic Energy, acting on behalf of the Government of the Russian Federation, confirms that in accordance with Articles 2(1) and 2(2) of the Protocol,

- (a) with the exception of claims for injury or damage against individuals arising from omissions or acts of such individuals done with intent to cause injury or damage, it will bring no claims or legal proceedings of any kind against [contractor] and its personnel or subcontractors, consultants, suppliers or sub-suppliers of equipment, goods or services at any tier and their personnel identified in the attached list as amended from time to time, for any loss or damage of whatsoever nature, including but not limited to personal injury, loss of life, direct, indirect and consequential damage to property owned by the Russian Federation arising from activities undertaken pursuant to the MNEPR Agreement, it being agreed that this paragraph shall not apply to the enforcement of the express provisions of a contract; and
- (b) with the exception of claims for nuclear damage against individuals arising from omissions or acts of such individuals done with intent to cause damage, it shall provide for the adequate legal defence of, and indemnify, and shall bring no claims or legal proceedings against [contractor] and its personnel or any subcontractors, consultants, suppliers, or sub-suppliers of equipment, goods or services at any tier and their personnel identified in the attached list as amended from time to time, in connection with third-party claims, in any court or forum, arising from activities undertaken pursuant to the MNEPR Agreement, for nuclear damage occurring within or outside the territory of the Russian Federation, that results from a nuclear incident occurring within the territory of the Russian Federation.

The Ministry of the Russian Federation for Atomic Energy, acting on behalf of the Government of the Russian Federation, agrees that any dispute, controversy or claim arising out of or relating to this Indemnity Confirmation Letter, including its existence or validity, shall be referred to and finally resolved by arbitration in accordance with UNCITRAL Arbitration Rules if such dispute has not been resolved amicably within 90 days of its submission to the Government of the Russian Federation for resolution. The appointing authority for the purposes of the UNCITRAL Arbitration Rules shall be the Stockholm Chamber of Commerce. The place of arbitration shall be the Arbitration Institute of the Stockholm Chamber of Commerce, Stockholm, Sweden and Swedish law shall apply. Where the UNCITRAL Arbitration Rules do not provide for a particular situation the arbitration tribunal shall determine the course of action to be followed.

This Indemnity Confirmation Letter shall enter into force upon signature by the Ministry of the Russian Federation for Atomic Energy, acting on behalf of the Government of the Russian Federation, and it shall remain in effect in accordance with the MNEPR Agreement and the Protocol.

.....
(Signature)

.....
(Title)

(Authorised representative of the Ministry of the Russian Federation for Atomic Energy)

.....
(Date)

COMMISSION DECISION

of 4 December 2006

on the use by third country issuers of securities of information prepared under internationally accepted accounting standards

(notified under document number C(2006) 5804)

(2006/891/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC⁽¹⁾, and in particular the second subparagraph of Article 23(4) thereof,

Whereas:

(1) Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards⁽²⁾ requires companies governed by the law of a Member State, whose securities are admitted to trading on a regulated market in any Member State to prepare their consolidated accounts in accordance with adopted international accounting standards now commonly referred to as International Financial Reporting Standards (IFRS) for each financial year starting on or after 1 January 2005.

(2) Article 4 of Directive 2004/109/EC requires that where an issuer is required to prepare consolidated accounts, the audited financial statements should comprise such consolidated accounts prepared in accordance with IFRS adopted pursuant to Article 3 of Regulation (EC) No 1606/2002. Likewise, Article 5 of Directive 2004/109/EC on half-yearly financial reports requires that the condensed set of financial statements of issuers required to prepare consolidated accounts should be prepared in accordance with these standards. These requirements apply to all issuers whose securities are admitted to trading on a regulated market, regardless of whether their registered office is situated in the Community or in a third country.

(3) However, Article 23(1) of Directive 2004/109/EC permits the competent authority of the home Member State to exempt a third country issuer from certain requirements of the Directive, including the requirements of Articles 4 and 5 on annual and half-yearly financial reports, provided that the law of the third country lays down equivalent requirements or such an issuer complies with requirements of the law of a third country that the competent authority of the home Member State considers as equivalent. In addition, Article 23(2) of Directive 2004/109/EC provides a transitional exemption for issuers whose registered office is in a third country. Such issuers are exempt from the requirement to prepare their financial statements in accordance with Article 4 or 5 of that Directive prior to the financial year starting on or after 1 January 2007, provided that those financial statements are prepared in accordance with internationally accepted standards as referred to in Article 9 of Regulation (EC) No 1606/2002.

(4) Since the adoption of Regulation (EC) No 1606/2002, many countries have adopted IFRS directly into their national accounting standards. This clearly demonstrates that one of the aims of this Regulation, namely to encourage the increasing convergence of accounting standards so that IFRS are accepted internationally and are truly global standards, is being fulfilled. Accordingly, it is appropriate that third country issuers should be exempt from the obligation to prepare annual financial statements or half-yearly financial statements in accordance with IFRS, as required by Articles 4 and 5 of Directive 2004/109/EC, if those statements are prepared in accordance with the national accounting standards of a third country and if, in accordance with IAS 1 Presentation of Financial Statements, they contain an explicit and unreserved statement that they comply with IFRS.

(5) In its advice delivered in June 2005, the Committee of European Securities Regulators (CESR), established by Commission Decision No 2001/527/EC⁽³⁾, considered that the Generally Accepted Accounting Principles (GAAP) of Canada, Japan and the United States, each taken as a whole, are equivalent to IFRS adopted pursuant to Article 3 of Regulation (EC) No 1606/2002, subject to remedies, such as additional disclosures and in some instances supplementary financial statements.

⁽¹⁾ OJ L 390, 31.12.2004, p. 38.

⁽²⁾ OJ L 243, 11.9.2002, p. 1.

⁽³⁾ OJ L 191, 13.7.2001, p. 43.

- (6) In January 2005, the Accounting Standards Board of Japan (ASBJ) and the International Accounting Standards Board (IASB) announced their agreement to launch a joint project to reduce differences between IFRS and Japanese GAAP and launched a joint work programme in March 2005 towards the convergence of Japanese GAAP with IFRS. In January 2006, the Accounting Standards Board of Canada publicly stated its objective to move to a single set of globally accepted high-quality standards for public companies and concluded that this objective is best accomplished by converging Canadian accounting standards with IFRS within five years. In February 2006, the IASB and the US Financial Accounting Standards Board published a memorandum of understanding which outlines a work programme for convergence between IFRS and US GAAP with a view to fulfilling one of the US Securities and Exchange Commission's (SEC) conditions that need to be met before it will lift the reconciliation requirement for foreign issuers using IFRS that are registered with the SEC, by 2009 at the latest.
- (7) It is important, however, that the quality of the principle-based IFRS financial reporting is preserved, that the IFRS standards are consistently implemented, that appropriate legal certainty is provided for companies and investors and that equal treatment of financial statements on a worldwide basis is offered to EU companies. The future assessment of equivalence should be based on a detailed technical and objective analysis of the differences between IFRS and third country accounting standards, as well as on the concrete implementation of these GAAP compared to IFRS. The progress of the convergence process should be closely examined before any decision on equivalence is taken.
- (8) In light of the efforts of the accounting standard setters in Canada, Japan and the United States to converge with IFRS, it is appropriate, for a two-year transitional period while standard setters and regulators pursue an active dialogue, the convergence process continues and the progress report is completed, to allow third country issuers to prepare their annual financial statements and half-yearly financial statements in accordance with the accounting standards of Canada, Japan or the United States.
- (9) Whilst many countries have adopted IFRS directly into their national GAAP, other countries are converging national GAAP to IFRS over a period of time. In the light of this, it is appropriate, for a maximum two-year transitional period, also to allow such third country issuers to continue preparing their annual and half-yearly financial statements in accordance with a GAAP that is converging with IFRS, provided that the national authority responsible has made a public commitment to this effect and established a work programme. In order to ensure that the exemption is available only in cases where these conditions are satisfied, the third country issuer should be required to provide evidence that satisfies the competent authority that the national authority has made a public statement and established a work programme. To ensure consistency within the Community, CESR should co-ordinate the competent authorities' assessment as to whether those conditions are satisfied in respect of individual third country GAAPs.
- (10) During that two-year period, the Commission should not only pursue an active dialogue with the relevant third country authorities but also closely monitor the progress in the convergence between IFRS and the GAAPs of Canada, Japan, the United States, and other third countries that have established a convergence programme, in order to ensure that it is in a position to take a decision on equivalence at least six months before 1 January 2009. In addition, the Commission will actively monitor ongoing progress in the work by the relevant third country authorities to eliminate any requirement for Community issuers accessing the financial markets of a third country to reconcile financial statements prepared using IFRS. At the end of the additional transitional period, the decision of the Commission will have to be such that community and non-EU issuers should be on equal footing.
- (11) The Commission should keep the European Securities Committee and the European Parliament regularly informed of the progress made towards the elimination of reconciliation obligations and of the process towards convergence. Accordingly, the Commission shall report to the European Securities Committee and the European Parliament before 1 April 2007 on the timetable envisaged by national accounting authorities of Canada, Japan and the United States for the convergence. In addition, before 1 April 2008 and after consulting CESR, the Commission should report to the European Securities Committee and the European Parliament on the evaluation of the GAAPs of third countries used by issuers which are not required to prepare their annual and half-yearly financial statements in accordance with IFRS prior to financial years starting on or after 1 January 2009. Lastly, before 1 January 2008, and after appropriate consultation with CESR, the Commission should ensure that there is a definition of equivalence which is used for the determination of the equivalence of third country GAAP, on the basis of an equivalence mechanism set up to that end.

- (12) The measures provided for in this Decision are in accordance with the opinion of the European Securities Committee,

HAS ADOPTED THIS DECISION:

Article 1

Prior to financial years starting on or after 1 January 2009, an issuer whose registered office is in a third country may prepare its annual consolidated financial statements and half-yearly consolidated financial statements in accordance with the accounting standards of a third country provided that one of the following conditions is met:

- (a) the notes to the financial statements contain an explicit and unreserved statement that they comply with International Financial Reporting Standards in accordance with IAS 1 Presentation of Financial Statements;
- (b) the financial statements are prepared in accordance with the Generally Accepted Accounting Principles of either Canada, Japan or the United States of America;
- (c) the financial statements are prepared in accordance with the Generally Accepted Accounting Principles of a third country other than Canada, Japan or the United States of America, and the following conditions are satisfied:
 - (i) the third country authority responsible for the national accounting standards in question has made a public commitment, before the start of the financial year to which the financial statements relate, to converge those standards with International Financial Reporting Standards;
 - (ii) that authority has established a work programme which demonstrates the intention to progress towards convergence before 31 December 2008; and
 - (iii) the issuer provides evidence that satisfies the competent authority that the conditions in (i) and (ii) are met.

Article 2

1. By 1 April 2007, the Commission shall present to the European Securities Committee and the European Parliament a first report on the work timetable of the authorities responsible for national accounting standards in the US, Japan and Canada for the convergence between IFRS and the Generally Accepted Accounting Principles of those countries.

2. The Commission shall closely monitor, and regularly inform the European Securities Committee and the European Parliament about the amount of progress in the convergence between International Financial Reporting Standards and the

Generally Accepted Accounting Principles of Canada, Japan and the United States of America and of progress on the elimination of reconciliation requirements that apply to Community issuers in those countries. In particular, it shall inform the European Securities Committee and the European Parliament immediately if the process is not proceeding satisfactorily.

3. The Commission shall also regularly inform the European Securities Committee and the European Parliament about the development of regulatory discussions and the amount of progress in the convergence between International Financial Reporting Standards and the Generally Accepted Accounting Principles of third countries mentioned in paragraph (c) of Article 1 and progress towards the elimination of any reconciliation requirements. In particular, the Commission shall inform the European Securities Committee and the European Parliament immediately if the process is not proceeding satisfactorily.

4. In addition to the obligations under paragraphs 2 and 3, the Commission shall engage in and maintain a regular dialogue with third country authorities and, before 1 April 2008 at the latest, the Commission shall present a report to the European Securities Committee and to the European Parliament on the progress in convergence and progress towards the elimination of any reconciliation requirements that apply to Community issuers under the rules of a third country covered by paragraph (b) or (c) of Article 1. The Commission may request or require another person to prepare the report.

5. At least six months before 1 January 2009, the Commission shall ensure a determination of the equivalence of the Generally Accepted Accounting Principles of third countries, pursuant to a definition of equivalence and an equivalence mechanism that it will have established before 1 January 2008 in accordance with the procedure referred to in Article 27(2) of Directive 2004/109/EC. When complying with this paragraph, the Commission shall first consult the Committee of European Securities Regulators on the appropriateness of the definition of equivalence, equivalence mechanism and the determination of the equivalence that is made.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 4 December 2006.

For the Commission

Charlie McCREEVY

Member of the Commission

COMMISSION DECISION

of 5 December 2006

amending Decisions 2006/7/EC, 2006/265/EC and 2006/533/EC as regards an extension of their period of application*(notified under document number C(2006) 5860)***(Text with EEA relevance)**

(2006/892/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular Article 18(7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 22(6) thereof,

Whereas:

(1) Following the outbreak of avian influenza, caused by a highly pathogenic H5N1 virus strain, in southeastern Asia starting in December 2003, the Commission adopted several protection measures in relation to avian influenza. Those measures included, in particular, Commission Decision 2006/7/EC of 9 January 2006 concerning certain protection measures in relation to the import of feathers from certain third countries ⁽³⁾, Commission Decision 2006/265/EC of 31 March 2006 concerning certain protection measures in relation to a suspicion of highly pathogenic avian influenza in Switzerland ⁽⁴⁾ and Commission Decision 2006/533/EC of 28 July 2006 concerning certain temporary protection measures in relation to highly pathogenic avian influenza in Croatia ⁽⁵⁾.

(2) Since the adoption of Decision 2006/7/EC, the Commission has been revising the existing permanent

Community measures concerning imports of feathers, in particular the relevant provisions concerning import requirements for untreated feathers laid down in Chapter VIII of Annex VIII to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption ⁽⁶⁾. That legislative procedure however has not been completed.

(3) Decisions 2006/7/EC, 2006/265/EC and 2006/533/EC apply until 31 December 2006. However, as outbreaks of the Asian lineage of the avian influenza virus still occur in third countries and the threat to the Community has therefore not diminished, it is appropriate to prolong the application of those Decisions until 30 June 2007.

(4) Commission Decisions 2006/115/EC ⁽⁷⁾ and 2006/135/EC ⁽⁸⁾ have been repealed and replaced by Commission Decisions 2006/563/EC ⁽⁹⁾ and 2006/415/EC ⁽¹⁰⁾. Croatia and Switzerland have informed the Commission that the competent authorities of those countries are now applying protection measures that are equivalent to those applied by the competent authorities of the Member States, as provided in Decisions 2006/563/EC and 2006/415/EC. The references in the Annexes to Decisions 2006/265/EC and 2006/533/EC should therefore be updated.

(5) Decisions 2006/7/EC, 2006/265/EC and 2006/533/EC should therefore be amended accordingly.

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

⁽¹⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1); corrected by OJ L 191, 28.5.2004, p. 1.

⁽³⁾ OJ L 5, 10.1.2006, p. 17. Decision as last amended by Decision 2006/521/EC (OJ L 205, 27.7.2006, p. 26).

⁽⁴⁾ OJ L 95, 4.4.2006, p. 9. Decision as amended by Decision 2006/405/EC (OJ L 158, 10.6.2006, p. 14).

⁽⁵⁾ OJ L 212, 2.8.2006, p. 19.

⁽⁶⁾ OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 208/2006 (OJ L 36, 8.2.2006, p. 25).

⁽⁷⁾ OJ L 48, 18.2.2006, p. 28. Decision as amended by Decision 2006/277/EC (OJ L 103, 12.4.2006, p. 29).

⁽⁸⁾ OJ L 52, 23.2.2006, p. 41. Decision as last amended by Decision 2006/384/EC (OJ L 148, 2.6.2006, p. 53).

⁽⁹⁾ OJ L 222, 15.8.2006, p. 11.

⁽¹⁰⁾ OJ L 164, 16.6.2006, p. 51. Decision as amended by Decision 2006/506/EC (OJ L 199, 21.7.2006, p. 36).

HAS ADOPTED THIS DECISION:

Article 1

In Article 4 of Decision 2006/7/EC, the date '31 December 2006' is replaced by '30 June 2007'.

Article 2

Decision 2006/265/EC is amended as follows:

1. In Article 3 the date '31 December 2006' is replaced by '30 June 2007'.
2. The Annex is replaced by Annex I to this Decision.

Article 3

Decision 2006/533/EC is amended as follows:

1. In Article 5 the date '31 December 2006' is replaced by '30 June 2007'.

2. The Annex is replaced by Annex II to this Decision.

Article 4

The Member States shall immediately take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 5 December 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

'ANNEX

Part of the territory of Switzerland referred to in Article 1(1)

ISO country code	Name of country	Part of territory
CH	Switzerland	In Switzerland: all areas of the territory of Switzerland for which the authorities of Switzerland have formally applied equivalent restrictions to those laid down in Commission Decisions 2006/415/EC and 2006/563/EC.'

ANNEX II

'ANNEX

Part of the territory of Croatia referred to in Article 1

ISO country code	Name of country	Part of territory
HR	Croatia	In Croatia: all areas of the territory of Croatia for which the competent authorities of Croatia formally apply protection measures that are equivalent to those laid down in Commission Decision 2006/563/EC.'

COMMISSION DECISION

of 5 December 2006

on the withdrawal of the reference of standard EN 10080:2005 'Steel for the reinforcement of concrete — Weldable reinforcing steel — General' in accordance with Council Directive 89/106/EEC

*(notified under document number C(2006) 5869)***(Text with EEA relevance)**

(2006/893/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(2) Italy and the Commission have raised formal objections in respect of standard EN 10080:2005.

Having regard to the Treaty establishing the European Community,

(3) The Italian formal objection was lodged on the grounds that EN 10080:2005 does not satisfy the essential requirement of mechanical resistance and stability in Annex I to Directive 89/106/EEC as it does not differentiate clearly the intended use of the reinforcing steels, i.e. the reinforcing steel with specific performance required for use in seismic areas which is an important safety issue of works regulated in Italy.

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products ⁽¹⁾, and in particular Article 5(1) thereof,

Having regard to the opinion of the Standing Committee on Construction,

(4) The Commission's formal objection was lodged on the grounds that the Annex ZA to EN 10080:2005 foresees the indication of the performance characteristics according to technical classes, while the standard itself neither defines the technical classes nor the corresponding technical performance characteristics.

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

(5) In the light of the results of the examination of the objections raised against the reference of standard EN 10080:2005 'Steel for the reinforcement of concrete — Weldable reinforcing steel — General', the reference of standard EN 10080:2005 should be withdrawn from the list of harmonised standards in the *Official Journal of the European Union* with the result that compliance with relevant national standards transposing the harmonised standard EN 10080:2005 no longer confers the presumption of fitness for use and of conformity to the relevant provisions of Directive 89/106/EEC,

Whereas:

(1) The standard EN 10080:2005 'Steel for the reinforcement of concrete — Weldable reinforcing steel — General' was established by the European Committee for Standardisation (CEN) on 21 April 2005. The reference of that standard was published in the *Official Journal of the European Union* in accordance with Article 7(3) of Directive 89/106/EEC, first on 14 December 2005 ⁽³⁾ and again on 8 June 2006 ⁽⁴⁾.

HAS ADOPTED THIS DECISION:

Article 1

The reference of standard EN 10080:2005 'Steel for the reinforcement of concrete — Weldable reinforcing steel — General', is withdrawn from the list of harmonised standards published in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 40, 11.2.1989, p. 12. Directive as last amended by Commission Decision 2006/190/EC (OJ L 66, 8.3.2006, p. 47).

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

⁽³⁾ OJ C 319, 14.12.2005, p. 1.

⁽⁴⁾ OJ C 134, 8.6.2006, p. 1.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 December 2006.

For the Commission
Günter VERHEUGEN
Vice-President
