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## Legislation

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<sup>(1)</sup> Text with EEA relevance

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**Commission**

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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 904/2006**  
**of 20 June 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<sup>(1)</sup>, 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 21 June 2006.

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

Done at Brussels, 20 June 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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 20 June 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables**

<i>(EUR/100 kg)</i>		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	73,6
	204	44,5
	999	59,1
0707 00 05	052	71,1
	068	46,6
	999	58,9
0709 90 70	052	82,3
	999	82,3
0805 50 10	052	54,6
	388	59,1
	528	51,5
	999	55,1
0808 10 80	388	99,3
	400	102,2
	404	101,4
	508	81,6
	512	87,6
	524	88,5
	528	81,6
	720	112,6
	804	104,9
999	95,5	
0809 10 00	052	230,8
	204	61,1
	624	217,3
	999	169,7
0809 20 95	052	315,9
	068	127,8
	999	221,9
0809 40 05	624	194,4
	999	194,4

<sup>(1)</sup> 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 905/2006****of 20 June 2006****amending Regulation (EC) No 835/2006 as regards the quantity covered by the standing invitation to tender for the resale on the Community market of common wheat held by the Polish intervention agency**

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<sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) Commission Regulation (EC) No 835/2006<sup>(2)</sup> opened a standing invitation to tender for the resale on the Community market of 150 000 tonnes of common wheat held by the Polish intervention agency.
- (2) Given the current market situation, the quantities of common wheat put up for sale by the Polish intervention agency on the internal market should be increased, taking the permanent invitation to tender to 250 000 tonnes.

(3) Regulation (EC) No 835/2006 should therefore be amended accordingly.

(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*

Regulation (EC) No 835/2006 is hereby amended as follows:

1. in Article 1, '150 000 tonnes' is replaced by '250 000 tonnes';
2. in the title of the Annex, '150 000 tonnes' is replaced by '250 000 tonnes'.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 20 June 2006.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 152, 7.6.2006, p. 3.

**COMMISSION REGULATION (EC) No 906/2006**  
**of 20 June 2006**  
**amending Regulation (EC) No 836/2006 opening a standing invitation to tender for the resale on the**  
**Community market of common wheat held by the German intervention agency**

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 <sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) Commission Regulation (EC) No 836/2006 <sup>(2)</sup> opens a standing invitation to tender for the resale on the Community market of common wheat held by the German intervention agency.
- (2) In view of market requirements and the quantities held by the German intervention agency, Germany has informed the Commission that its intervention agency intends to increase the amount put out to tender by 50 000 tonnes. In view of the market situation, the request made by Germany should be granted.

(3) Regulation (EC) No 836/2006 should be amended accordingly.

(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*

Regulation (EC) No 836/2006 is amended as follows:

1. in Article 1, '100 000 tonnes' is replaced by '150 000 tonnes';
2. in the title of the Annex, '100 000 tonnes' is replaced by '150 000 tonnes'.

*Article 2*

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

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

Done at Brussels, 20 June 2006.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 152, 7.6.2006, p. 6.

**COMMISSION REGULATION (EC) No 907/2006****of 20 June 2006****amending Regulation (EC) No 648/2004 of the European Parliament and of the Council on detergents, in order to adapt Annexes III and VII thereto****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

packaging of the detergent from which the list of ingredients mentioned in Section D of Annex VII to Regulation (EC) No 648/2004 can be easily obtained.

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents <sup>(1)</sup>, and in particular Article 13(1) thereof,

(4) There is a requirement to declare allergenic fragrances if they are added in the form of pure substances. However there is no requirement to declare them if they are added as constituents of complex ingredients such as essential oils or perfumes. To ensure better transparency to the consumer, allergenic fragrances in detergents should be declared irrespective of the way they are added to the detergent.

Whereas:

(1) Regulation (EC) No 648/2004 ensures the free circulation of detergents on the internal market while at the same time providing a high level of protection to the environment and to human health by laying down rules for the ultimate biodegradation of surfactants for detergents, and for the labelling of detergent ingredients.

(5) The list of ingredients intended for the general public that is given in section D of Annex VII to Regulation (EC) No 648/2004 requires the use of specialised scientific nomenclature that may hinder rather than help the general public. Moreover, there are some minor inconsistencies between the information made available to the general public compared to that to be made available to medical personnel under section C of the same Annex. The ingredient information for the general public should be made more easily understandable by using the INCI nomenclature already in use for cosmetic ingredients, and sections C and D should be made compatible.

(2) Some of the methods laid down in Annex III to Regulation (EC) No 648/2004, e.g. the ISO 14593 reference method, are also applicable for testing substances that are poorly-soluble in water, if adequate dispersion of the substance is ensured. More guidance for testing poorly-soluble substances is given in ISO 10634. However, an additional test method should be introduced for use with surfactants that are poorly-soluble in water. The additional test method proposed is ISO standard 10708:1997 'Water quality — Evaluation in an aqueous medium of the ultimate aerobic biodegradability of organic compounds'. The Scientific Committee on Health and Environmental Risks (SCHER) concluded that ISO 10708 is of an equivalent standard to the test methods already included in Annex III to that Regulation and was in favour of its use.

(6) The definition of 'detergent' in the Regulation makes it clear that the rules on labelling apply to all detergents whether they contain surfactants or not. However, section D of Annex VII to Regulation (EC) No 648/2004 lays down different rules for those industrial and institutional detergents that contain surfactants compared with those that do not. This difference in labelling requirements serves no useful purpose and should be eliminated.

(3) To ensure a high level of health protection, information concerning detergent composition needs to be made more easily available to the general public. The address of a website should therefore be provided on the

(7) Annexes III and VII to Regulation (EC) No 648/2004 should be amended accordingly. In the interest of clarity it is appropriate to replace those Annexes.

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

<sup>(1)</sup> OJ L 104, 8.4.2004, p. 1.

HAS ADOPTED THIS REGULATION:

*Article 2*

*Article 1*

**Entry into force**

Regulation (EC) No 648/2004 is amended as follows:

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

1. Annex III is replaced by the text set out in Annex I to this Regulation.
2. Annex VII is replaced by the text set out in Annex II to this Regulation.

Article 1(2) shall apply from the day falling six months after the entry into force of this Regulation.

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

Done at Brussels, 20 June 2006.

*For the Commission*

Günter VERHEUGEN

*Vice-President*

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## ANNEX I

## ANNEX III

**ULTIMATE BIODEGRADABILITY (MINERALISATION) TEST METHODS FOR SURFACTANTS IN DETERGENTS**

A. The reference method for laboratory testing of surfactant ultimate biodegradability in this Regulation is based on the EN ISO standard 14593: 1999 (CO<sub>2</sub> headspace test).

Surfactants in detergents shall be considered as biodegradable if the level of biodegradability (mineralisation) measured according to one of the following tests <sup>(1)</sup> is at least 60 % within 28 days:

1. EN ISO Standard 14593: 1999 — Water quality — Evaluation of ultimate aerobic biodegradability of organic compounds in aqueous medium — Method by analysis of inorganic carbon in sealed vessels (CO<sub>2</sub> headspace test). Pre-adaptation is not to be used. The 10-day window principle is not applied (reference method).
2. Directive 67/548/EEC method, Annex V.C.4-C (carbon dioxide (CO<sub>2</sub>) Evolution modified Sturm test): pre-adaptation is not to be used. The 10-day window principle is not applied.
3. Directive 67/548/EEC method, Annex V.C.4-E (closed Bottle): pre-adaptation is not to be used. The 10-day window principle is not applied.
4. Directive 67/548/EEC method, Annex V.C.4-D (manometric respirometry): pre-adaptation is not to be used. The 10-day window principle is not applied.
5. Directive 67/548/EEC method, Annex V.C.4-F (MITI: Ministry of International Trade and Industry, Japan): pre-adaptation is not to be used. The 10-day window principle is not applied.
6. ISO 10708:1997 — Water quality — Evaluation in an aqueous medium of the ultimate aerobic biodegradability of organic compounds — Determination of biochemical oxygen demand in a two-phase closed bottle test. Pre-adaptation is not to be used. The 10-day window principle is not applied.

B. Depending on the physical characteristics of the surfactant, one of the methods listed below may be used if appropriately justified <sup>(2)</sup>. It should be noted that the pass criterion of at least 70 % of these methods is to be considered as equivalent to the pass criterion of at least 60 % referred to in methods listed in point A. The adequacy of the choice of the methods listed below shall be decided on a case-by-case confirmation, in accordance with Article 5 of this Regulation.

1. Directive 67/548/EEC method, Annex V.C.4-A (dissolved organic carbon DOC die-away): pre-adaptation is not to be used. The 10-day window principle is not applied. The pass criteria for biodegradability measured according to the test shall be at least 70 % within 28 days.
2. Directive 67/548/EEC method, Annex V.C.4-B (modified OECD screening-DOC die-away): pre-adaptation is not to be used. The 10-day window principle is not applied. The pass criteria for biodegradability measured according to the test shall be at least 70 % within 28 days.

NB: Those of the abovementioned methods that are taken from Council Directive 67/548/EEC can also be found in the publication "Classification, Packaging and Labelling of Dangerous Substances in the European Union", Part 2: "Testing Methods". European Commission 1997, ISBN 92-828-0076-8.

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<sup>(1)</sup> These tests are identified as the most suitable for surfactants.

<sup>(2)</sup> The DOC methods could give results on the removal and not on the ultimate biodegradation. The manometric respirometry and the MITI and two-phase BOD methods would not be appropriate in some cases because the high initial test concentration could be inhibitory.'

## ANNEX II

## ANNEX VII

**LABELLING AND INGREDIENT DATA SHEET****A. Labelling of contents**

The following provisions on labelling shall apply to the packaging of detergents sold to the general public.

The following weight percentage ranges:

- less than 5 %,
- 5 % or over but less than 15 %,
- 15 % or over but less than 30 %,
- 30 % and more,

shall be used to indicate the content of the constituents listed below where they are added in a concentration above 0,2 % by weight:

- phosphates,
- phosphonates,
- anionic surfactants,
- cationic surfactants,
- amphoteric surfactants,
- non-ionic surfactants,
- oxygen-based bleaching agents,
- chlorine-based bleaching agents,
- EDTA and salts thereof,
- NTA (nitrilotriacetic acid) and salts thereof,
- phenols and halogenated phenols,
- paradichlorobenzene,
- aromatic hydrocarbons,
- aliphatic hydrocarbons,
- halogenated hydrocarbons,
- soap,
- zeolites,
- polycarboxylates.

The following classes of constituent, if added, shall be listed irrespective of their concentration:

- enzymes,
- disinfectants,
- optical brighteners,
- perfumes.

If added, preservation agents shall be listed, irrespective of their concentration, using where possible the common nomenclature established under Article 8 of Council Directive 76/768/EEC of 27 July 1976 on the approximation of laws of the Member States relating to cosmetic products <sup>(1)</sup>.

If added at concentrations exceeding 0,01 % by weight, the allergenic fragrances that appear on the list of substances in Annex III, Part 1 to Directive 76/768/EEC, as a result of its amendment by Directive 2003/15/EC of the European Parliament and of the Council <sup>(2)</sup> to include the allergenic perfume ingredients from the list first established by the Scientific Committee on Cosmetics and Non-food Products (SCCNFP) in its opinion SCCNFP/0017/98, shall be listed using the nomenclature of that Directive, as shall any other allergenic fragrances that are subsequently added to Annex III, Part 1 to Directive 76/768/EEC by adaptation of that Annex to technical progress.

If individual risk-based concentration limits for fragrance allergens are subsequently established by the SCCNFP, the Commission shall propose the adoption, in accordance with Article 12(2), of such limits to replace the limit of 0,01 % mentioned above.

The website address, from which the list of ingredients mentioned in section D of Annex VII can be obtained, shall be given on the packaging.

For detergents intended to be used in the industrial and institutional sector, and not made available to members of the general public, the abovementioned requirements do not have to be fulfilled if the equivalent information is provided by means of technical data sheets, safety data sheets, or in a similar appropriate manner.

## B. Labelling of dosage information

As prescribed in Article 11(4), the following provisions on labelling shall apply to the packaging of detergents sold to the general public. The packaging of detergents sold to the general public intended to be used as laundry detergents shall bear the following information:

- the recommended quantities and/or dosage instructions expressed in millilitres or grams appropriate to a standard washing machine load, for soft, medium and hard water hardness levels and making provision for one or two cycle washing processes,
- for heavy-duty detergents, the number of standard washing machine loads of “normally soiled” fabrics, and, for detergents for delicate fabrics, the number of standard washing machine loads of lightly-soiled fabrics, that can be washed with the contents of the package using water of medium hardness, corresponding to 2,5 millimoles CaCO<sub>3</sub>/l,
- the capacity of any measuring cup, if provided, shall be indicated in millilitres or grams, and markings shall be provided to indicate the dose of detergent appropriate for a standard washing machine load for soft, medium and hard water hardness levels.

<sup>(1)</sup> OJ L 262, 27.9.1976, p. 169. Directive as last amended by Commission Directive 2005/80/EC (OJ L 303, 22.11.2005, p. 32).

<sup>(2)</sup> OJ L 66, 11.3.2003, p. 26.

The standard washing machine loads are 4,5 kg dry fabric for heavy-duty detergents and 2,5 kg dry fabric for light-duty detergents in line with the definitions of Commission Decision 1999/476/EC of 10 June 1999 establishing the Ecological Criteria for the award of the Community eco-label to Laundry Detergents <sup>(1)</sup>. A detergent shall be considered to be a heavy-duty detergent unless the claims of the manufacturer predominantly promotes fabric care i.e. low temperature wash, delicate fibres and colours.

### C. Ingredient data sheet

The following provisions shall apply to the listing of ingredients on the data sheet referred to in Article 9(3).

The data sheet shall list the name of the detergent and that of the manufacturer.

All ingredients shall be listed; in order of decreasing abundance by weight, and the list shall be sub-divided into the following weight percentage ranges:

- 10 % or more,
- 1 % or over, but less than 10 %,
- 0,1 % or over, but less than 1 %,
- less than 0,1 %.

Impurities shall not be considered to be ingredients.

“Ingredient” means any chemical substance, of synthetic or natural origin, intentionally included in the composition of a detergent. For the purpose of this Annex, a perfume, an essential oil, or a colouring agent shall be considered to be a single ingredient and none of the substances that they contain shall be listed, with the exception of those allergenic fragrance substances that appear on the list of substances in Annex III, Part 1 to Directive 76/768/EEC if the total concentration of the allergenic fragrance substance in the detergent exceeds the limit mentioned in section A.

The common chemical name or IUPAC <sup>(2)</sup> name and, where available, the INCI <sup>(3)</sup> name, the CAS number, and the European Pharmacopoeia name, shall be given for each ingredient.

### D. Publication of the list of ingredients

Manufacturers shall make available on a website the ingredient data sheet mentioned above except for the following:

- information on weight percentage ranges is not required
- CAS numbers are not required
- the ingredient names shall be given in INCI nomenclature, or where this is not available, the European Pharmacopoeia name, shall be given. If neither name is available, the common chemical name or IUPAC name shall be used instead. For a perfume the word “parfum” shall be used and for a colouring agent, the word “colorant”. A perfume, an essential oil, or a colouring agent shall be considered to be a single ingredient and none of the substances that they contain shall be listed, with the exception of those allergenic fragrance substances that appear on the list of substances in Annex III, Part 1 to Directive 76/768/EEC if the total concentration of the allergenic fragrance substance in the detergent exceeds the limit mentioned in section A.

Access to the website shall not be subject to any restriction or condition and the content of the website shall be kept up to date. The website shall include a link to the Commission Pharmacos website or to any other suitable website that provides a table of correspondence between INCI names, European Pharmacopoeia names, and CAS numbers.

This obligation shall not apply to industrial or institutional detergents, or to surfactants for industrial or institutional detergents, for which a technical data sheet or safety data sheet is available.

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<sup>(1)</sup> OJ L 187, 20.7.1999, p. 52. Decision as last amended by Decision 2003/200/EC (OJ L 76, 22.3.2003, p. 25).

<sup>(2)</sup> International Union of Pure and Applied Chemistry.

<sup>(3)</sup> International Nomenclature Cosmetic Ingredient.

**COMMISSION REGULATION (EC) No 908/2006**  
**of 20 June 2006**  
**establishing the list of representative markets for pigmeat in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat <sup>(1)</sup>, and in particular Article 4(6) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2123/89 of 14 July 1989 establishing the list of representative markets for pigmeat in the Community <sup>(2)</sup> has been substantially amended several times <sup>(3)</sup>. In the interests of clarity and rationality the said Regulation should be codified.
- (2) Regulation (EEC) No 2759/75 provides for determination of the Community market price of slaughtered pigs from prices recorded on the representative markets.
- (3) In order to enable Article 4(2) of that Regulation to be applied, a list of representative markets must be drawn up. Reference must be made in fixing the prices of pig carcasses to quotations obtained directly from the markets

or from the slaughterhouses, as well as from quotations established in the quotation centres and of which the entirety forms a representative market for each Member State.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative markets within the meaning of Article 4(2) of Regulation (EEC) No 2759/75 shall be the markets listed in Annex I to this Regulation.

*Article 2*

Regulation (EEC) No 2123/89 is repealed.

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

*Article 3*

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

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

Done at Brussels, 20 June 2006.

*For the Commission*

*The President*

José Manuel BARROSO

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

<sup>(2)</sup> OJ L 203, 15.7.1989, p. 23. Regulation as last amended by Regulation (EC) No 1901/2004 (OJ L 328, 30.10.2004, p. 71).

<sup>(3)</sup> See Annex II.

## ANNEX I

Member State	Type of representative market	Market/quotation centre
Belgium	The following quotation centre	Brussel/Bruxelles
Czech Republic	The following market	Praha
Denmark	The following quotation centre	København
Germany	The following quotation centres	Kiel, Hamburg, Oldenburg, Münster, Düsseldorf, Trier, Gießen, Stuttgart, München, Bützow, Potsdam, Magdeburg, Erfurt, Dresden
Estonia	The following quotation centre	Tallinn
Greece	The following quotation centres	Preveza, Chalkida, Korinthos, Agrinio, Drama, Larissa, Verria
Spain	The following quotation centres	Ebro, Mercolleida, Campillos, Segovia, Segura, Silleda
	And the following group of markets	Murcia, Malaga, Barcelona, Huesca, Burgos, Lleida, Navarra, Pontevedra, Segovia, Ciudad Real
France	The following quotation centres	Rennes, Nantes, Metz, Lyon, Toulouse
Ireland	The following group of markets	Waterford, Edenderry
Italy	The following group of markets	Milano, Cremona, Mantova, Modena, Parma, Reggio Emilia, Perugia
Cyprus	The following market	Nicosia
Latvia	The following market	Rīga
Lithuania	The following quotation centre	Vilnius
Luxembourg	The following group of markets	Esch-sur-Alzette, Ettelbruck, Mersch, Wecker
Hungary	The following quotation centre	Budapest
Malta	The following quotation centre	Marsa
Netherlands	The following quotation centre	Zoetermeer
Austria	The following quotation centre	Wien
Poland	The following quotation centre	Warszawa
Portugal	The following group of markets	Famalicão, Coimbra, Leiria, Montijo, Póvoa da Galega, Rio Maior
Slovenia	The following quotation centre	Ljubljana
Slovakia	The following quotation centre	Bratislava
Finland	The following quotation centre	Helsinki
Sweden	The following group of markets	Helsingborg, Trelleborg, Skövde, Skara, Kalmar, Uppsala, Visby, Kristianstad
United Kingdom	The quotation centre Milton Keynes for the following group of regions	Scotland, Northern Ireland, Northern England, Eastern England

## ANNEX II

**Repealed Regulation with its successive amendments**

Commission Regulation (EEC) No 2123/89	(OJ L 203, 15.7.1989, p. 23)
Commission Regulation (EEC) No 1786/90	(OJ L 163, 29.6.1990, p. 54)
Commission Regulation (EEC) No 3787/90	(OJ L 364, 28.12.1990, p. 26)
Commission Regulation (EC) No 3236/94	(OJ L 338, 28.12.1994, p. 18)
Commission Regulation (EC) No 1448/95	(OJ L 143, 27.6.1995, p. 47)
Commission Regulation (EC) No 426/96	(OJ L 60, 9.3.1996, p. 3)
Commission Regulation (EC) No 532/96	(OJ L 78, 28.3.1996, p. 14)
Commission Regulation (EC) No 1285/98	(OJ L 178, 23.6.1998, p. 5)
Commission Regulation (EC) No 2712/2000	(OJ L 313, 13.12.2000, p. 4)
Commission Regulation (EC) No 1901/2004	(OJ L 328, 30.10.2004, p. 71)

## ANNEX III

**Correlation table**

Regulation (EEC) No 2123/89	This Regulation
Article 1	Article 1
Article 2	—
—	Article 2
Article 3	Article 3
Annex	Annex I
—	Annex II
—	Annex III

**COMMISSION REGULATION (EC) No 909/2006**  
**of 20 June 2006**  
**amending Annexes I and II to Regulation (EC) No 138/2004 of the European Parliament and of the**  
**Council on the economic accounts for agriculture in the Community**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 138/2004 of the European Parliament and of the Council of 5 December 2003 on the economic accounts for agriculture in the Community <sup>(1)</sup>, and in particular Article 2(2) thereof,

Whereas:

- (1) Annexes I and II to Regulation (EC) No 138/2004 set out the methodology and the data transmission programme for the economic accounts for agriculture in the Community (EAA). As a consequence of the changes in the European system of accounts (ESA 95) concerning the recording of financial intermediation services indirectly measured (FISIM), the EAA methodology should be updated to maintain consistency with the ESA, the central framework of national accounts.
- (2) Regulation (EC) No 138/2004 should therefore be amended accordingly.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Agricultural Statistics set up by Council Decision 72/279/EEC <sup>(2)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 138/2004 is amended as shown in Annex I to this Regulation.

*Article 2*

Annex II to Regulation (EC) No 138/2004 is amended as shown in Annex II to this Regulation.

*Article 3*

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

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

Done at Brussels, 20 June 2006.

*For the Commission*  
Joaquín ALMUNIA  
*Member of the Commission*

<sup>(1)</sup> OJ L 33, 5.2.2004, p. 1. Regulation as amended by Commission Regulation (EC) No 306/2005 (OJ L 52, 25.2.2005, p. 9).

<sup>(2)</sup> OJ L 179, 7.8.1972, p. 1.



## ANNEX I

Annex I to Regulation (EC) No 138/2004 is amended as follows:

1. paragraph 2.096 is deleted;

2. the following paragraph is inserted after paragraph 2.107:

'(j) Financial intermediation services indirectly measured (FISIM)

2.107.1. In accordance with the convention of ESA 95, the value of indirectly measured financial intermediation services (FISIM) used by the agricultural industry should be recorded as intermediate consumption of the agricultural industry (cf. ESA 95, Annex I);

3. the title of paragraph 2.108 is replaced by the following:

'(k) Other goods and services';

4. point (i) of paragraph 2.108 is replaced by the following:

'(i) Billed bank charges (but not interest for bank loans)';

5. paragraph 3.079 is replaced by the following:

'3.079. The value of the services provided by financial intermediaries being allocated among different customers, the actual payments or receipts of interest to or from financial intermediaries need to be adjusted to eliminate the margins that represent the implicit charges made by financial intermediaries. The estimated value of these costs should be subtracted from the interest paid by borrowers to financial intermediaries and added to the interest received by depositors. The costs are regarded as remuneration for services rendered by financial intermediaries to their clients and not as an interest payment (see 2.107.1 and 2.108(i); ESA 95, Appendix I, 4.51).'

## ANNEX II

In Annex II to Regulation (EC) No 138/2004, item 19.10 'Other goods and services' is replaced by the following two items:

Item	List of variables	Transmission concerning reference year n		
		November year n (estimates)	January year n + 1 (estimates)	September year n + 1
'19.10	Financial intermediation services indirectly measured (FISIM)	X	X	X
19.11	Other goods and services	X	X	X'

## COMMISSION REGULATION (EC) No 910/2006

of 20 June 2006

amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2111/2005 of the European Parliament and the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC<sup>(1)</sup> (hereinafter referred to as the basic Regulation), and in particular Article 4 thereof,

Whereas:

(1) The Commission adopted Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council<sup>(2)</sup>.

(2) In accordance with Article 4(2) of the basic Regulation and Article 2 of Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council<sup>(3)</sup>, some Member States communicated to the Commission the identity of additional air carriers that are subject to an operating ban in its territory, together with the reasons which led to the adoption of such bans and any other relevant information.

(3) In accordance with Article 4(3) of the basic Regulation, Member States communicated to the Commission information that is relevant in the context of updating the Community list. On this basis, the Commission should decide to update the Community list on its own initiative or at the request of Member States.

(4) In accordance with Article 7 of the basic Regulation and Article 4 of Regulation (EC) No 473/2006, the Commission informed all air carriers concerned either directly or, when this was not practicable, through the authorities responsible for their regulatory oversight, indicating the essential facts and considerations which would form the basis for a decision to impose on them an operating ban within the Community.

(5) In accordance with Article 7 of the basic Regulation and Article 4 of Regulation (EC) No 473/2006, opportunity was given, by the Commission to the air carriers concerned, to consult documents provided by Member States, to submit written comments and to make an oral presentation to the Commission within 10 working days and to the Air Safety Committee<sup>(4)</sup>.

(6) In accordance with Article 3 of Regulation (EC) No 473/2006, the authorities with responsibility for regulatory oversight over the air carriers concerned have been consulted by the Commission as well as, in specific cases, by some Member States.

**Buraq Air**

(7) Buraq Air provided evidence that the cargo operations which led to its inclusion in Annex B to Regulation (EC) No 474/2006 have been terminated.

(8) The authorities of Libya with responsibility for regulatory oversight of Buraq Air, gave assurance of compliance with the relevant safety standards by Buraq Air for its operations.

(9) Therefore, on the basis of the common criteria, and without prejudice to verification of effective compliance through adequate ramp inspections, it is assessed that Buraq Air should be allowed to operate within the Community and consequently removed from Annex B.

<sup>(1)</sup> OJ L 344, 27.12.2005, p. 15.

<sup>(2)</sup> OJ L 84, 23.3.2006, p. 14.

<sup>(3)</sup> OJ L 84, 23.3.2006, p. 8.

<sup>(4)</sup> Established by Article 12 of Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (OJ L 373, 31.12.1991, p. 4).

**Air carriers from the Democratic Republic of Congo, Equatorial Guinea, Liberia, Sierra Leone and Swaziland**

- (10) The latest version of ICAO's code registry refers to air carriers certified by the authorities of the Democratic Republic of Congo, Equatorial Guinea, Liberia, Sierra Leone and Swaziland with responsibility for regulatory oversight which do not appear individually on the Community list.
- (11) The authorities of the Democratic Republic of Congo, Liberia, Sierra Leone and Swaziland, with responsibility for regulatory oversight of these carriers, did not submit evidence showing that the latter have ceased their activities, when requested by the Commission.
- (12) The authorities of Equatorial Guinea have informed the Commission on rapid progress in the withdrawal of the Air Operator's Certificates of air carriers, which do not meet the relevant safety standards. However, the provision of additional technical material by the authorities of Equatorial Guinea will be needed in order to allow the Commission to withdraw these air carriers from Annex A.
- (13) The authorities of Equatorial Guinea have also informed the Commission that a corrective action plan has been established in order to implement and enforce the relevant safety standards in accordance with their obligations under the Chicago Convention and carry out adequate safety oversight on the carriers certified in Equatorial Guinea. However the authorities of Equatorial Guinea indicated that the full implementation of this corrective action plan will require additional time.
- (14) Therefore, in order to improve transparency and consistency, all the carriers certified in the Democratic Republic of Congo, Equatorial Guinea, Liberia, Sierra Leone and Swaziland whose existence is recorded in the latest version of ICAO's code registry should be included in Annex A.

**Air West Co. Ltd**

- (15) There is verified evidence of serious safety deficiencies on the part of Air West Co. Ltd certified in Sudan concerning specific operations. These deficiencies have been identified by Germany, during ramp inspections performed under the SAFA programme <sup>(1)</sup>.

- (16) In reply to an enquiry by the civil aviation authority of Germany, Air West Co. Ltd indicated that an action plan had been established in order to correct the safety deficiencies identified during ramp inspections. However, there is still no evidence of the implementation of an appropriate action plan for the specific operations for which safety deficiencies have been identified.
- (17) The authorities of Sudan with responsibility for regulatory oversight of Air West Co. Ltd have not provided sufficient information about the safety of these specific operations by Air West Co, when concerns were raised by Germany and the Commission.
- (18) A recent inspection conducted by Germany with respect to aircraft IL-76, registration mark ST-EWX yielded no serious finding <sup>(2)</sup>.
- (19) Therefore, on the basis of the common criteria, it is assessed that Air West Co. Ltd does not meet the relevant safety standards, except for flights operated with the aircraft IL-76, registration number ST-EWX and should, therefore, be included in Annex B with respect to any other operations.

**Blue Wing Airlines**

- (20) There is verified evidence of non-compliance with specific safety standards established by the Chicago Convention. These deficiencies were identified by France, during a ramp inspection performed under the SAFA programme <sup>(3)</sup>.
- (21) Blue Wing Airlines did not respond adequately to an enquiry by the civil aviation authority of France and the Commission regarding the safety aspect of its operation.
- (22) Therefore, on the basis of the common criteria, it is assessed that Blue Wing Airlines does not meet the relevant safety standards.

**Sky Gate International Aviation**

- (23) While Sky Gate International Aviation's Air Operator's Certificate was issued by the Kyrgyz Republic, there is evidence showing that the airline does not have its principal place of business in Kyrgyzstan as indicated by the Kyrgyz civil aviation authority, contrary to the requirements of Annex 6 to the Chicago Convention.

<sup>(1)</sup> LBA/D-2006-94, LBA/D-2006-97.

<sup>(2)</sup> LBA/D-2006-294.

<sup>(3)</sup> 0367-06-DAC AG.

- (24) Sky Gate International Aviation did not respond adequately to enquiries by the civil aviation authority of United Kingdom and by the Commission regarding its principal place of business.
- (25) The authorities of the Kyrgyz Republic with responsibility for regulatory oversight of Sky Gate International Aviation have not provided evidence of their ability to conduct the safety oversight operations of this carrier.
- (26) Therefore, on the basis of the common criteria, it is assessed that Sky Gate International Aviation does not meet the relevant safety standards.

### Star Jet

- (27) While Star Jet's Air Operator's Certificate was issued by the Kyrgyz Republic, there is evidence showing that the airline does not have its principal place of business in Kyrgyzstan, contrary to the requirements of Annex 6 to the Chicago Convention.
- (28) Star-Jet operates three Lockheed L-1011 Tristar aircraft whose serial numbers match the serial numbers for the three aircraft operated by Star Air certified by the authorities of Sierra Leone with responsibility for regulatory oversight and subject to an operating ban within the Community.
- (29) Star Jet did not respond adequately to enquiries by the civil aviation authority of the United Kingdom and to the Commission regarding its principal place of business.
- (30) The authorities of the Kyrgyz Republic with responsibility for regulatory oversight of Star Jet have not provided evidence of their ability to conduct the safety oversight operations of this carrier.
- (31) Therefore, on the basis of the common criteria, it is assessed that Star Jet does not meet the relevant safety standards.

### GST Aero Air Company

- (32) The authorities of Kazakhstan with responsibility for regulatory oversight of GST Aero Air Company have provided Italy with a list of three aircraft with valid

certificates of airworthiness and equipped with the necessary safety equipment. In addition they have informed Italy that a corrective action plan has been established in order to correct the safety deficiencies identified during ramp inspections performed by Italy on GST Aero Company <sup>(1)</sup>.

- (33) However there is still no evidence of the implementation of an appropriate action plan for the deficiencies which have been identified in the operational procedures of GST Aero Air Company.
- (34) Therefore, on the basis of the common criteria, it is assessed that GST Aero Air Company does not meet the relevant safety standards and it should consequently remain included in Annex A.

### Air carriers from Mauritania

- (35) As envisaged in recital 99 of Regulation (EC) No 474/2006, an evaluation of the authorities of Mauritania with responsibility for regulatory oversight of Air Mauritanie and the undertakings under its responsibility should have been conducted before 23 May 2006. A team of European experts flew to Mauritania on 22 May 2006 for an evaluation visit. Its report shows that the common criteria for consideration of an operating ban of the Annex to the basic Regulation are not met. As a consequence, Air Mauritanie should not be put on the list of air carriers subject to an operating ban within the Community.
- (36) The civil aviation sector in Mauritania has been going through a considerable change, in particular with the adoption of a full set of new civil aviation legislation. A further assessment of the progress in the implementation of the new legislation, requirements and procedures should be carried out in the first half of 2007.

### General considerations concerning the other carriers included in the list

- (37) No evidence of the full implementation of appropriate remedial actions by the other carriers included in the list established on 24 March 2006 and by the authorities with responsibility for regulatory oversight of these air carriers has been communicated to the Commission so far in spite of specific requests submitted by the latter. Therefore, on the basis of the common criteria, it is assessed that these air carriers should continue to be subject to an operating ban.

<sup>(1)</sup> ENAC-IT-2005-166, ENAC-IT-2005-370.

(38) The measures provided for in this Regulation are in accordance with the opinion of the Air Safety Committee,

1. Annex A is replaced by the Annex A to this Regulation.

2. Annex B is replaced by the Annex B to this Regulation.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 474/2006 is amended as follows:

*Article 2*

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

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

Done at Brussels, 20 June 2006

*For the Commission*

Jacques BARROT

*Vice-President*

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## ANNEX A

LIST OF AIR CARRIERS OF WHICH ALL OPERATIONS ARE SUBJECT TO A BAN WITHIN THE COMMUNITY <sup>(1)</sup>

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) No or Operating Licence No	ICAO airline designation No	State of the Operator
Air Koryo	Unknown	KOR	Democratic People's Republic of Korea (DPRK)
Air Service Comores	Unknown	Unknown	Comoros
Ariana Afghan Airlines <sup>(1)</sup>	009	AFG	Afghanistan
BGB Air	AK-0194-04	POI	Kazakhstan
Blue Wing Airlines	SRSH-01/2002	BWI	Surinam
GST Aero Air Company	AK-020304	BMK	Kazakhstan
Phoenix Aviation	02	PHG	Kyrgyzstan
Phuket Airlines	07/2544	VAP	Thailand
Reem Air	07	REK	Kyrgyzstan
Silverback Cargo Freighters	Unknown	VRB	Rwanda
Sky Gate International Aviation	14	SGD	Kyrgyzstan
Star Jet	30	SJB	Kyrgyzstan
All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of Congo (RDC), including,		—	Democratic Republic of Congo (RDC)
Africa One	409/CAB/MIN/TC/017/2005	CFR	Democratic Republic of Congo (RDC)
AFRICAN BUSINESS AND TRANSPORTATIONS	Unknown	ABB	Democratic Republic of Congo (RDC)
AFRICAN COMPANY AIRLINES	409/CAB/MIN/TC/017/2005	FPY	Democratic Republic of Congo (RDC)
AIGLE AVIATION	Ministerial signature	Unknown	Democratic Republic of Congo (RDC)
AIR BOYOMA	Ministerial signature	Unknown	Democratic Republic of Congo (RDC)
AIR CHARTER SERVICES (ACS)	Unknown	CHR	Democratic Republic of Congo (RDC)
AIR KASAI	409/CAB/MIN/TC/010/2005	Unknown	Democratic Republic of Congo (RDC)
AIR NAVETTE	409/CAB/MIN/TC/015/2005	Unknown	Democratic Republic of Congo (RDC)
AIR PLAN INTERNATIONAL	Unknown	APV	Democratic Republic of Congo (RDC)
AIR TRANSPORT SERVICE	Unknown	ATS	Democratic Republic of Congo (RDC)

<sup>(1)</sup> Air carriers listed in Annex A could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) No or Operating Licence No	ICAO airline designation No	State of the Operator
AIR TROPIQUES SPRL	409/CAB/MIN/TC/007/2005	Unknown	Democratic Republic of Congo (RDC)
ATO — Air Transport Office	Unknown	Unknown	Democratic Republic of Congo (RDC)
BLUE AIRLINES	409/CAB/MIN/TC/038/2005	BUL	Democratic Republic of Congo (RDC)
BUSINESS AVIATION SPRL	409/CAB/MIN/TC/012/2005	Unknown	Democratic Republic of Congo (RDC)
BUTEMBO AIRLINES	Ministerial signature	Unknown	Democratic Republic of Congo (RDC)
CAA — Compagnie Africaine d'Aviation	409/CAB/MIN/TC/016/2005	Unknown	Democratic Republic of Congo (RDC)
CARGO BULL AVIATION	409/CAB/MIN/TC/032/2005	Unknown	Democratic Republic of Congo (RDC)
CENTRAL AIR EXPRESS	409/CAB/MIN/TC/011/2005	CAX	Democratic Republic of Congo (RDC)
CETRACA AVIATION SERVICE	409/CAB/MIN/TC/037/2005	CER	Democratic Republic of Congo (RDC)
CHC STELAVIA	Ministerial signature	Unknown	Democratic Republic of Congo (RDC)
COMAIR	Ministerial signature	Unknown	Democratic Republic of Congo (RDC)
COMPAGNIE AFRICAINE D'AVIATION	409/CAB/MIN/TC/016/2005	Unknown	Democratic Republic of Congo (RDC)
CONGO AIR	Unknown	CAK	Democratic Republic of Congo (RDC)
C0-ZA AIRWAYS	Ministerial signature	Unknown	Democratic Republic of Congo (RDC)
DAHLA AIRLINES	Unknown	DHA	Democratic Republic of Congo (RDC)
DAS AIRLINES	Unknown	RKC	Democratic Republic of Congo (RDC)
DOREN AIRCARGO	409/CAB/MIN/TC/0168/2005	Unknown	Democratic Republic of Congo (RDC)
ENTERPRISE WORLD AIRWAYS	409/CAB/MIN/TC/031/2005	EWS	Democratic Republic of Congo (RDC)
ESPACE AVIATION SERVICES	Unknown	EPC	Democratic Republic of Congo (RDC)
FILAIR	409/CAB/MIN/TC/014/2005	Unknown	Democratic Republic of Congo (RDC)
FREE AIRLINES	409/CAB/MIN/TC/MNL/CM/014/2005	Unknown	Democratic Republic of Congo (RDC)
FUNTSHI AVIATION SERVICE	Unknown	FUN	Democratic Republic of Congo (RDC)
GALAXY CORPORATION	409/CAB/MIN/TC/0002/MNL/CM/014/2005	Unknown	Democratic Republic of Congo (RDC)

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) No or Operating Licence No	ICAO airline designation No	State of the Operator
GR AVIATION	409/CAB/MIN/TC/0403/TW/TK/2005	Unknown	Democratic Republic of Congo (RDC)
GLOBAL AIRWAYS	409/CAB/MIN/TC/029/2005	BSP	Democratic Republic of Congo (RDC)
GOMA EXPRESS	Ministerial signature	Unknown	Democratic Republic of Congo (RDC)
GREAT LAKE BUSINESS COMPANY	Ministerial signature	Unknown	Democratic Republic of Congo (RDC)
ITAB — International Trans Air Business	409/CAB/MIN/TC/0022/2005	Unknown	Democratic Republic of Congo (RDC)
Jetair — Jet Aero Services, SPRL	Unknown	Unknown	Democratic Republic of Congo (RDC)
KINSHASA AIRWAYS, SPRL	Unknown	KNS	Democratic Republic of Congo (RDC)
KIVU AIR	Ministerial signature	Unknown	Democratic Republic of Congo (RDC)
LAC — Lignes Aériennes Congolaises	Unknown	LCG	Democratic Republic of Congo (RDC)
MALU AVIATION	409/CAB/MIN/TC/013/2005	Unknown	Democratic Republic of Congo (RDC)
Malila Airlift	409/CAB/MIN/TC/008/2005	MLC	Democratic Republic of Congo (RDC)
MANGO MAT	Ministerial signature	Unknown	Democratic Republic of Congo (RDC)
OKAPI AIRWAYS	Unknown	OKP	Democratic Republic of Congo (RDC)
RWABIKA 'BUSHI EXPRESS'	Unknown	Unknown	Democratic Republic of Congo (RDC)
SAFARI LOGISTICS	409/CAB/MIN/TC/0760/V/KK/2005	Unknown	Democratic Republic of Congo (RDC)
SCIBE AIRLIFT	Unknown	SBZ	Democratic Republic of Congo (RDC)
SERVICES AIR	409/CAB/MIN/TC/034/2005	Unknown	Democratic Republic of Congo (RDC)
SHABAIR	Unknown	SHB	Democratic Republic of Congo (RDC)
TEMBO AIR SERVICES	409/CAB/VC-MIN/TC/0405/2006	Unknown	Democratic Republic of Congo (RDC)
THOM'S AIRWAYS	409/CAB/MIN/TC/0033/2005	Unknown	Democratic Republic of Congo (RDC)
TMK AIR COMMUTER	409/CAB/MIN/TC/020/2005	Unknown	Democratic Republic of Congo (RDC)
TRACEP	Unknown	Unknown	Democratic Republic of Congo (RDC)
TRANS AIR CARGO SERVICES	409/CAB/MIN/TC/035/2005	Unknown	Democratic Republic of Congo (RDC)



Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) No or Operating Licence No	ICAO airline designation No	State of the Operator
TRANSPORTS AERIENNES CONGOLAIS (TRACO)	409/CAB/MIN/TC/034/2005	Unknown	Democratic Republic of Congo (RDC)
TRANS SERVICE AIRLIFT	Unknown	TSR	Democratic Republic of Congo (RDC)
UHURU AIRLINES	409/CAB/MIN/TC/039/2005	Unknown	Democratic Republic of Congo (RDC)
VIRUNGA AIR CHARTER	409/CAB/MIN/TC/018/2005	Unknown	Democratic Republic of Congo (RDC)
WALTAIR AVIATION	409/CAB/MIN/TC/036/2005	Unknown	Democratic Republic of Congo (RDC)
WIMBI DIRI AIRWAYS	409/CAB/MIN/TC/005/2005	WDA	Democratic Republic of Congo (RDC)
ZAIRE AERO SERVICE	Unknown	ZAI	Democratic Republic of Congo (RDC)
All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including			Equatorial Guinea
AIR BAS	Unknown	RBS	Equatorial Guinea
Air Consul SA	Unknown	RCS	Equatorial Guinea
AIR MAKEN	Unknown	AKE	Equatorial Guinea
AIR SERVICES GUINEA ECUATORIAL	Unknown	SVG	Equatorial Guinea
AVIAGE	Unknown	VGG	Equatorial Guinea
Avirex Guinee Equatoriale	Unknown	AXG	Equatorial Guinea
CARGO PLUS AVIATION	Unknown	CGP	Equatorial Guinea
CESS	Unknown	CSS	Equatorial Guinea
CET AVIATION	Unknown	CVN	Equatorial Guinea
COAGE — Compagnie Aeree de Guinee Equatorial	Unknown	COG	Equatorial Guinea
COMPANIA AEREA LINEAS ECUATOGUINEANAS DE AVIACION SA (LEASA)	Unknown	LAS	Equatorial Guinea
DUCOR WORLD AIRLINES	Unknown	DWA	Equatorial Guinea
Ecuato Guineana de Aviacion	Unknown	ECV	Equatorial Guinea
ECUATORIAL EXPRESS AIRLINES	Unknown	EEB	Equatorial Guinea
Ecuatorial Cargo	Unknown	EQC	Equatorial Guinea
EQUATAIR	Unknown	EQR	Equatorial Guinea
EQUATORIAL AIRLINES, SA	Unknown	EQT	Equatorial Guinea
EUROGUINEANA DE AVIACION	Unknown	EUG	Equatorial Guinea
FEDERAL AIR GE AIRLINES	Unknown	FGE	Equatorial Guinea

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) No or Operating Licence No	ICAO airline designation No	State of the Operator
GEASA — Guinea Ecuatorial Airlines SA	Unknown	GEA	Equatorial Guinea
GETRA — Guinea Ecuatorial de Transportes Aereos	Unknown	GET	Equatorial Guinea
GUINEA CARGO	Unknown	GNC	Equatorial Guinea
Jetline Inc.	Unknown	JLE	Equatorial Guinea
KNG Transavia Cargo	Unknown	VCG	Equatorial Guinea
LITORAL AIRLINES, COMPANIA, (COLAIR)	Unknown	CLO	Equatorial Guinea
LOTUS INTERNATIONAL AIR	Unknown	LUS	Equatorial Guinea
NAGESA, COMPANIA AEREA	Unknown	NGS	Equatorial Guinea
PRESIDENCIA DE LA REPUBLICA DE GUINEA ECUATORIAL	Unknown	ONM	Equatorial Guinea
PROMPT AIR GE SA	Unknown	POM	Equatorial Guinea
SKIMASTER GUINEA ECUATORIAL	Unknown	KIM	Equatorial Guinea
Skymasters	Unknown	SYM	Equatorial Guinea
SOUTHERN GATEWAY	Unknown	SGE	Equatorial Guinea
SPACE CARGO INC.	Unknown	SGO	Equatorial Guinea
TRANS AFRICA AIRWAYS GESA	Unknown	TFR	Equatorial Guinea
UNIFLY	Unknown	UFL	Equatorial Guinea
UTAGE — UNION DE TRANSPORT AEREO DE GUINEA ECUATORIAL	Unknown	UTG	Equatorial Guinea
VICTORIA AIR	Unknown	VIT	Equatorial Guinea
All air carriers certified by the authorities with responsibility for regulatory oversight of Liberia, including		—	Liberia
AIR CARGO PLUS	Unknown	ACH	Liberia
AIR CESS (LIBERIA), INC.	Unknown	ACS	Liberia
AIR LIBERIA	Unknown	ALI	Liberia
ATLANTIC AVIATION SERVICES	Unknown	AAN	Liberia
BRIDGE AIRLINES	Unknown	BGE	Liberia
EXCEL AIR SERVICES, INC.	Unknown	EXI	Liberia
INTERNATIONAL AIR SERVICES	Unknown	IAX	Liberia
JET CARGO-LIBERIA	Unknown	JCL	Liberia
LIBERIA AIRWAYS, INC.	Unknown	LBA	Liberia
LIBERIAN WORLD AIRLINES INC.	Unknown	LWA	Liberia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) No or Operating Licence No	ICAO airline designation No	State of the Operator
LONESTAR AIRWAYS	Unknown	LOA	Liberia
MIDAIR LIMITED INC.	Unknown	MLR	Liberia
OCCIDENTAL AIRLINES	Unknown	OCC	Liberia
OCCIDENTAL AIRLINES (LIBERIA) INC.	Unknown	OCT	Liberia
SANTA CRUISE IMPERIAL AIRLINES	Unknown	SNZ	Liberia
SATGUR AIR TRANSPORT, CORP.	Unknown	TGR	Liberia
SIMON AIR	Unknown	SIQ	Liberia
SOSOLISO AIRLINES	Unknown	SSA	Liberia
TRANS-AFRICAN AIRWAYS INC.	Unknown	TSF	Liberia
TRANSWAY AIR SERVICES, INC.	Unknown	TAW	Liberia
UNITED AFRICA AIRLINE (LIBERIA), INC.	Unknown	UFR	Liberia
WEASUA AIR TRANSPORT, CO. LTD	Unknown	WTC	Liberia
All air carriers certified by the authorities with responsibility for regulatory oversight of Sierra Leone, including,	—	—	Sierra Leone
AEROLIFT, CO. LTD	Unknown	LFT	Sierra Leone
AFRIK AIR LINKS	Unknown	AFK	Sierra Leone
AIR LEONE, LTD	Unknown	RLL	Sierra Leone
AIR RUM, LTD	Unknown	RUM	Sierra Leone
AIR SALONE, LTD	Unknown	RNE	Sierra Leone
AIR SULTAN LIMITED	Unknown	SSL	Sierra Leone
AIR UNIVERSAL, LTD	00007	UVS	Sierra Leone
BELLVIEW AIRLINES (S/L) LTD	Unknown	BVU	Sierra Leone
CENTRAL AIRWAYS LIMITED	Unknown	CNY	Sierra Leone
DESTINY AIR SERVICES, LTD	Unknown	DTY	Sierra Leone
FIRST LINE AIR (SL), LTD	Unknown	FIR	Sierra Leone
HEAVYLIFT CARGO	Unknown	Unknown	Sierra Leone
INTER TROPIC AIRLINES (SL) LTD	Unknown	NTT	Sierra Leone
MOUNTAIN AIR COMPANY LTD	Unknown	MTC	Sierra Leone
ORANGE AIR SERVICES LIMITED	Unknown	ORD	Sierra Leone

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) No or Operating Licence No	ICAO airline designation No	State of the Operator
ORANGE AIR SIERRA LEONE LTD	Unknown	ORJ	Sierra Leone
PAN AFRICAN AIR SERVICES LIMITED	Unknown	PFN	Sierra Leone
PARAMOUNT AIRLINES, LTD	Unknown	PRR	Sierra Leone
SEVEN FOUR EIGHT AIR SERVICES LTD	Unknown	SVT	Sierra Leone
SIERRA NATIONAL AIRLINES	Unknown	SLA	Sierra Leone
SKY AVIATION LTD	Unknown	SSY	Sierra Leone
STAR AIR, LTD	Unknown	SIM	Sierra Leone
TEEBAH AIRWAYS	Unknown	Unknown	Sierra Leone
TRANSPORT AFRICA LIMITED	Unknown	TLF	Sierra Leone
TRANS ATLANTIC AIRLINES LTD	Unknown	TLL	Sierra Leone
WEST COAST AIRWAYS LTD	Unknown	WCA	Sierra Leone
All air carriers certified by the authorities with responsibility for regulatory oversight of Swaziland, including,	—	—	Swaziland
AERO AFRICA (PTY) LTD	Unknown	RFC	Swaziland
AFRICAN INTERNATIONAL AIRWAYS, (PTY) LTD	Unknown	Unknown	Swaziland
AIRLINK SWAZILAND, LTD	Unknown	SZL	Swaziland
AIR SWAZI CARGO (PTY) LTD	Unknown	CWS	Swaziland
EAST WESTERN AIRWAYS (PTY) LTD	Unknown	Unknown	Swaziland
GALAXY AVION (PTY) LTD	Unknown	Unknown	Swaziland
INTERFLIGHT (PTY) LTD	Unknown	JMV	Swaziland
JET AFRICA SWAZILAND	Unknown	OSW	Swaziland
NORTHEAST AIRLINES, (PTY) LTD	Unknown	NEY	Swaziland
OCEAN AIR (PTY) LTD	Unknown	JFZ	Swaziland
ROYAL SWAZI NATIONAL AIRWAYS CORPORATION	Unknown	RSN	Swaziland
SCAN AIR CHARTER, LTD	Unknown	Unknown	Swaziland
SKYGATE INTERNATIONAL (PTY) LTD	Unknown	SGJ	Swaziland
SWAZI AIR CHARTER (PTY) LTD	Unknown	HWK	Swaziland
SWAZI EXPRESS AIRWAYS	Unknown	SWX	Swaziland
VOLGA ATLANTIC AIRLINES	Unknown	VAA	Swaziland

(1) The operating ban on Ariana Afghan Airlines applies to all aircraft operated by this air carrier except the following one: A310 registration number F-GYYY.

## ANNEX B

**LIST OF AIR CARRIERS OF WHICH OPERATIONS ARE SUBJECT TO OPERATIONAL RESTRICTIONS  
WITHIN THE COMMUNITY <sup>(1)</sup>**

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) No	ICAO airline designation No	State of the operator	Aircraft type	Registration mark(s) and, when available, construction serial No(s)	State of registry
Air Bangladesh	17	BGD	Bangladesh	B747-269B	S2-ADT	Bangladesh
Air West Co. Ltd	004/A	AWZ	Sudan	All fleet with the exception of: IL-76	All fleet with the exception of: ST-EWX (construction No 1013409282)	Sudan
Hewa Bora Airways (HBA) <sup>(1)</sup>	416/dac/tc/sec/087/2005	ALX	Democratic Republic of Congo (RDC)	All fleet with the exception of: L-101	All fleet with the exception of: 9Q-CHC (construction No 193H-1209)	Democratic Republic of Congo (RDC)

<sup>(1)</sup> Hewa Bora Airways is only allowed to use the specific aircraft mentioned for its current operations within the European Community.

<sup>(1)</sup> Air carriers listed in Annex B could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

## COMMISSION REGULATION (EC) No 911/2006

of 20 June 2006

**on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 2247/2003 of 19 December 2003 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) <sup>(3)</sup>, and in particular Article 5 thereof,

Whereas:

(1) Article 1 of Regulation (EC) No 2247/2003 provides for the possibility of issuing import licences for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.

(2) The applications for import licences submitted between 1 to 10 June 2006, expressed in terms of boned meat, in accordance with Regulation (EC) No 2247/2003, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.

(3) The quantities in respect of which licences may be applied for from 1 July 2006 should be fixed within the scope of the total quantity of 52 100 t.

(4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(4)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following Member States shall issue on 21 June 2006 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

Germany:

- 120 t originating in Botswana,
- 450 t originating in Namibia;

United Kingdom:

- 422 t originating in Namibia.

*Article 2*

Licence applications may be submitted, pursuant to Article 4(2) of Regulation (EC) No 2247/2003, during the first 10 days of July 2006 for the following quantities of boned beef and veal:

Botswana:	17 609 t,
Kenya:	142 t,
Madagascar:	7 579 t,
Swaziland:	3 363 t,
Zimbabwe:	9 100 t,
Namibia:	9 807 t.

*Article 3*

This Regulation shall enter into force on 21 June 2006.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Commission Regulation (EC) No 1899/2004 (OJ L 328, 30.10.2004, p. 67).

<sup>(2)</sup> OJ L 348, 21.12.2002, p. 5.

<sup>(3)</sup> OJ L 333, 20.12.2003, p. 37. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

<sup>(4)</sup> OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

Done at Brussels, 20 June 2006.

*For the Commission*  
J. L. DEMARTY  
*Director-General for Agriculture and  
Rural Development*

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**COMMISSION REGULATION (EC) No 912/2006****of 20 June 2006****on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96 <sup>(3)</sup>, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1159/2003 stipulates how the delivery obligations at zero duty of products of CN code 1701, expressed in white sugar equivalent, are to be determined for imports originating in signatory countries to the ACP Protocol and the Agreement with India.
- (2) Article 16 of Regulation (EC) No 1159/2003 stipulates how the zero duty tariff quotas for products of CN code 1701 11 10, expressed in white sugar equivalent, are to be determined for imports originating in signatory

countries to the ACP Protocol and the Agreement with India.

- (3) Article 22 of Regulation (EC) No 1159/2003 opens tariff quotas at a duty of EUR 98 per tonne for products of CN code 1701 11 10 for imports originating in Brazil, Cuba and other third countries.
- (4) In the week of 12 to 16 June 2006 applications were presented to the competent authorities in line with Article 5(1) of Regulation (EC) No 1159/2003 for import licences for a total quantity exceeding a country's delivery obligation quantity of ACP-India preferential sugar determined pursuant to Article 9 of that Regulation.
- (5) In these circumstances the Commission must set reduction coefficients to be used so that licences are issued for quantities scaled down in proportion to the total available and must indicate that the limit in question has been reached,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the case of import licence applications presented from 12 to 16 June 2006 in line with Article 5(1) of Regulation (EC) No 1159/2003 licences shall be issued for the quantities indicated in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 22 June 2006.

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

Done at Brussels, 20 June 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 987/2005 (OJ L 167, 29.6.2005, p. 12).

<sup>(2)</sup> OJ L 146, 20.6.1996, p. 1.

<sup>(3)</sup> OJ L 162, 1.7.2003, p. 25. Regulation as last amended by Regulation (EC) No 568/2005 (OJ L 97, 15.4.2005, p. 9).



## ANNEX

**ACP-INDIA preferential sugar**  
**Title II of Regulation (EC) No 1159/2003**  
**2005/06 marketing year**

Country	Week of 12.-16.6.2006: percentage of requested quantity to be granted	Limit
Barbados	100	
Belize	100	reached
Congo	100	
Fiji	100	reached
Guyana	100	reached
India	0	reached
Côte d'Ivoire	100	
Jamaica	100	reached
Kenya	99,6083	reached
Madagascar	100	
Malawi	100	
Mauritius	93,6575	reached
Mozambique	100	reached
Saint Kitts and Nevis	0	reached
Swaziland	100	reached
Tanzania	100	
Trinidad and Tobago	100	
Zambia	100	
Zimbabwe	100	reached

**2006/07 marketing year**

Country	Week of 12.-16.6.2006: percentage of requested quantity to be granted	Limit
Barbados	100	
Belize	100	
Congo	100	
Fiji	100	
Guyana	100	
India	100	
Côte d'Ivoire	100	
Jamaica	100	
Kenya	100	
Madagascar	100	
Malawi	100	
Mauritius	100	
Mozambique	100	
Saint Kitts and Nevis	100	
Swaziland	100	
Tanzania	100	
Trinidad and Tobago	100	
Zambia	100	
Zimbabwe	100	

**Special preferential sugar****Title III of Regulation (EC) No 1159/2003****2005/06 marketing year**

Country	Week of 12.-16.6.2006: percentage of requested quantity to be granted	Limit
India	0	reached
ACP	100	

**CXL concessions sugar****Title IV of Regulation (EC) No 1159/2003****2005/06 marketing year**

Country	Week of 12.-16.6.2006: percentage of requested quantity to be granted	Limit
Brazil	0	reached
Cuba	100	
Other third countries	0	reached

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 19 June 2006

**establishing that Article 30(1) of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors applies to the production and sale of electricity in Finland, excluding the Åland Islands**

(notified under document number C(2006) 2337)

(Only the Finnish and the Swedish texts are authentic)

(Text with EEA relevance)

(2006/422/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC would be met,

Having regard to the Treaty establishing the European Community,

Whereas:

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors <sup>(1)</sup>, and in particular Article 30(4) and (6) thereof,

- (1) Article 30 of Directive 2004/17/EC provides that contracts, intended to enable the performance of one of the activities to which the Directive applies, shall not be subject to the Directive if, in the Member State in which it is carried out, the activity is directly exposed to competition on markets to which access is not restricted. Direct exposure to competition is assessed on the basis of objective criteria, taking account of the specific characteristics of the sector concerned. Access is deemed to be unrestricted if the Member State has implemented and applied the relevant Community legislation opening a given sector or a part of it. This legislation is listed in Annex XI to Directive 2004/17/EC, which, for the electricity sector, refers to Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity <sup>(2)</sup>. Directive 96/92/EC has been superseded by Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC <sup>(3)</sup>, which requires an even higher degree of market opening.

Having regard to the request submitted by the Republic of Finland by e-mail of 20 February 2006, and to the additional information requested by Commission staff by e-mail of 10 March 2006 and submitted by the Republic of Finland by e-mail of 23 March 2006,

Having regard to the conclusions of the independent national authority, Kilpailuvirasto (the Finnish Competition Authority),

<sup>(1)</sup> OJ L 134, 30.4.2004, p. 1. Directive as last amended by Commission Regulation (EC) No 2083/2005 (OJ L 333, 20.12.2005, p. 28).

<sup>(2)</sup> OJ L 27, 30.1.1997, p. 20.

<sup>(3)</sup> OJ L 176, 15.7.2003, p. 37. Directive as amended by Council Directive 2004/85/EC (OJ L 236, 7.7.2004, p. 10).

- (2) Pursuant to Article 62(2) of Directive 2004/17/EC, Title III of that Directive setting out the rules on service design contests does not apply to contests organised for the pursuit, in the Member State concerned, of an activity to which the applicability of Article 30(1) of the Directive has been established by a Commission decision or has been deemed applicable under the second or third subparagraph of Article 30(4) or the fourth subparagraph of Article 30(5).
- (3) The request submitted by the Republic of Finland concerns production, including co-generation, as well as the sale (wholesale and retail) of electricity. The wholesale market in Finland is to a large degree integrated into the Nordic power market (Denmark, Norway, Sweden and Finland). It consists of a bilateral trading market between generators on one hand and suppliers and industrial companies on the other hand, and a voluntary Nordic power exchange Nordpool which has a spot market and a forward market. There is, therefore, a clear development towards a regional wholesale market, although transmission bottlenecks sometimes divide this market up into geographically distinct price areas, of which Finland is one. Thus, according to the Finnish authorities and Nordpool Finland, Finland was a separate pricing area during 9,3 % of the time in 2005<sup>(4)</sup>. For production there is also clear development towards a regional market, although transmission bottlenecks and limits to the capacity<sup>(5)</sup> of the connections between the Finnish networks and those of other areas of the Community and to Russia, can have the effect of temporarily limiting the market to the territory of Finland, excluding the Åland islands. The retail market area corresponds to the territory of Finland, excluding the Åland islands, given that, as confirmed by the Finnish authorities, electricity dealers from other Nordic countries that are not established in Finland are not yet a real alternative as far as consumers or small or medium-sized customers are concerned.
- (4) This assessment, and any other contained in this Decision, is made solely for the purposes of Directive 2004/17/EC and is without prejudice to the application of the rules on competition.
- (5) Finland has implemented and applied not only Directive 96/92/EC but also Directive 2003/54/EC, opting for full ownership unbundling for transmission networks and legal and functional unbundling for distribution networks except for the smallest companies. Consequently, and in accordance with the first subparagraph
- of Article 30(3), access to the market should be deemed not to be restricted.
- (6) Direct exposure to competition should be evaluated on the basis of various indicators, none of which are, *per se*, decisive.
- (7) In the Communication from the Commission to the Council and the European Parliament: Report on progress in creating the internal gas and electricity market<sup>(6)</sup>, hereafter referred to as the '2005 Report', the Commission stated that, 'many national markets display a high degree of concentration of the industry, impeding the development of effective competition.'<sup>(7)</sup> Consequently, it considered that, in respect of electricity generation, 'one indicator for the degree of competition on national markets is the total market share of the biggest three producers'<sup>(8)</sup>. According to the 'Technical Annex'<sup>(9)</sup>, the aggregate market share of the three largest generators of the total production on the Nordic market is 40 %<sup>(10)</sup>, which is a satisfactorily low level. When compared to the Finnish territory, the aggregate market shares of the three largest generators are, of course, higher<sup>(11)</sup>. However, the periods in which the Finnish market is isolated are limited<sup>(12)</sup>. There is, therefore, during significant parts of the year, a competitive pressure deriving from the potential to obtain electricity from outside Finnish territory, the more so as no transmission fee is charged between the Nordic countries. The temporary nature of congestion prevents investment inside the Finnish territory without having regard to other producers in the Nordic market. These factors should therefore be taken as an indication of direct exposure to competition for the production market whether taken as the national Finnish market or the emerging regional one.
- (8) The degrees of concentration and of liquidity are also good indicators of competition on the electricity wholesale market. The market share of Nord Pool Spot AS, the voluntary Nordic power exchange described in recital 3, in 2004 was 42 % of the physical delivery in the Nordic countries<sup>(13)</sup>. In comparison to a regional

<sup>(4)</sup> This is consistent with the findings of the Preliminary Report of the Sector Inquiry into Competition in Gas and Electricity Markets (in the following referred to as Preliminary Report), Annex B, p. 197, which found that the congestion frequency of the Sweden-Finland link was of the order of 8 % in the first eight months of 2005.

<sup>(5)</sup> Of the order of approximately 28 % of peak demand.

<sup>(6)</sup> COM(2005) 568 final of 15.11.2005.

<sup>(7)</sup> 2005 Report, p. 2.

<sup>(8)</sup> 2005 Report, p. 7.

<sup>(9)</sup> Commission Staff Working Document, Technical Annex to the 2005 Report, SEC(2005) 1448.

<sup>(10)</sup> Technical Annex, p. 44, table 4.1.

<sup>(11)</sup> According to the Preliminary Report, Annex C, p. 201, the aggregate share was 73,6 % in 2004.

<sup>(12)</sup> To 9,3 % of the time in 2005, see recital 3.

<sup>(13)</sup> Technical Annex, p. 124.

market, this is at a satisfactory level. Furthermore, the conditions of competition in the electricity wholesale trade are also greatly influenced by financial trade in electricity in the market area, which, in terms of volume via NordPool, represented 1,5 times the amount consumed in the Nordic countries<sup>(14)</sup> (and, if other identified transactions such as OTC, over the counter or direct sale, are included, more than four times the amount<sup>(15)</sup>). As concluded in the Technical Annex<sup>(16)</sup>, this degree of liquidity should be considered as being satisfactory, i.e. it is such as to constitute an indicator of a well-functioning and competitive regional market. As previously indicated, the competitive situation should also be examined as it relates solely to Finnish territory. First of all it should once again be stressed that the aforementioned bottleneck problems are not constant, only temporary. There is therefore the constant competitive pressure deriving from the potential to obtain electricity from outside Finnish territory, the more so as no transmission fee is charged between the Nordic countries. Furthermore, prices for wholesale electricity in Finland are set by Nordpool. These factors should therefore be taken as an indication of direct exposure to competition for the wholesale market, whether taken as the national Finnish market or the emerging regional one.

(9) Taking the size of the country into account, the number of economic operators on the retail market is fairly large (more than 60, a considerable number of which offer their services on a nationwide basis) as is the number of companies with a market share above 5 %. According to the latest information available, the aggregate market share of the three largest companies in terms of supply to small- and medium-sized businesses, as well as to very small commercial customers and households, is at a satisfactorily low level at 35-40 %<sup>(17)</sup>. These factors should therefore be taken as an indication of direct exposure to competition.

(10) The workings of the balancing markets should also be considered as indicators, not only in respect of production but also for the wholesale and retail markets. In fact, 'any market participant who cannot easily match its generation portfolio to the characteristics of its customers may find itself exposed to the difference between the price at which the TSO (transmission system operator) will sell imbalance energy, and the price at which it will buy back excess production. These prices may either be directly imposed by the regulator on the

TSO; or alternatively a market based mechanism will be used in which the price is determined by bids from other producers to regulate their production upwards or downwards (...) a key difficulty for small market participants arises where there is the risk of a large spread between the buying price from the TSO and the selling price. This occurs in a number of Member States and is likely to be detrimental to the development of competition. A high spread may be indicative of an insufficient level of competition in the balancing market which may be dominated by only one or two main generators. Such difficulties are made worse where network users are unable to adjust their positions close to real time.'<sup>(18)</sup> There is an integrated balancing market in the Nordic area for supplying balancing energy and its main characteristics (market-based pricing, hourly gate closures and a low spread) are such that it should be taken as an indicator of direct exposure to competition.

(11) Given the characteristics of the product concerned here (electricity) and the scarcity or unavailability of suitable substitutable products or services, price competition and price formation assume greater importance when assessing the competitive state of the electricity markets. The number of customers switching supplier is an indicator of genuine price competition and, thus, indirectly, 'a natural indicator of the effectiveness of competition. If few customers are switching, there is likely to be a problem with the functioning of the market, even if the benefits from the possibility of renegotiating with the historical supplier should not be ignored.'<sup>(19)</sup> Furthermore, 'the existence of regulated end-user prices is clearly a key determinant of customer behaviour (...) Although the retaining of controls may be justified in a period of transition, these will increasingly cause distortions as the need for investment approaches.'<sup>(20)</sup>

(12) In Finland, the degree of switching for the three categories of users — large and very large industrial users, small and medium-sized industrial and business, and very small business and household users — is above 75 % for the first two groups and 30 % for the last category<sup>(21)</sup> and there is no end-user price control<sup>(22)</sup>: that is, prices are set by the economic operators themselves and do not have to be approved by any authority prior to their application. The situation in Finland is therefore satisfactory as far as switching and end-user price control are concerned and should be taken as an indicator of direct exposure to competition.

<sup>(14)</sup> Preliminary Report, p. 112.

<sup>(15)</sup> See the information given by the Finnish authorities and the Technical Annex, p. 44, table 4.1.

<sup>(16)</sup> Technical Annex, p. 44.

<sup>(17)</sup> The Finnish application and Technical Annex, p. 45.

<sup>(18)</sup> Technical Annex, p. 67.

<sup>(19)</sup> 2005 Report, p. 9.

<sup>(20)</sup> Technical Annex, p. 17.

<sup>(21)</sup> 2005 Report, p. 10.

<sup>(22)</sup> Technical Annex, p. 124.

- (13) In view of the abovementioned indicators and given the overall picture of this sector in Finland, in particular the extent to which networks have been unbundled from generation/supply and the effective regulation of network access, that emerges from the information submitted by the Republic of Finland, the 2005 Report and the Technical Annex thereto, the condition of direct exposure to competition laid down in Article 30(1) of Directive 2004/17/EC should be considered to be met in respect of production and sale of electricity in Finland, excluding the Åland islands. As noted in recital 5, the further condition of free access to the activity must be deemed to be met. Consequently, Directive 2004/17/EC should not apply when contracting entities award contracts intended to enable electricity generation or the sale of electricity to be carried out in these geographical areas nor when they organise design contests for the pursuit of such an activity there.
- (14) This Decision is based on the legal and factual situation as of February 2006 as it appears from the information submitted by the Republic of Finland, the 2005 Report and the Technical Annex thereto. It may be revised, should significant changes in the legal or factual situation mean that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC are no longer met.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Advisory Committee for Public Contracts,

HAS ADOPTED THIS DECISION:

*Article 1*

Directive 2004/17/EC shall not apply to contracts awarded by contracting entities and intended to enable them to carry out electricity generation or the sale of electricity in Finland, excluding the Åland islands.

*Article 2*

This Decision is based on the legal and factual situation as of February 2006 as it appears from the information submitted by the Republic of Finland, the 2005 Report and the Technical Annex thereto. It may be revised, should significant changes in the facts or the legal situation mean that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC are no longer met.

*Article 3*

This Decision is addressed to the Republic of Finland.

Done at Brussels, 19 June 2006.

*For the Commission*  
Charlie McCREEVY  
*Member of the Commission*

**COMMISSION DECISION****of 20 June 2006****terminating the anti-dumping proceeding concerning imports of silicon carbide originating in Romania**

(2006/423/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

proceeding concerning imports into the Community of silicon carbide, currently classifiable within CN code 2849 20 00 and originating in Romania.

Having regard to the Treaty establishing the European Community,

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

After consulting the Advisory Committee,

Whereas:

**A. PROCEDURE**

- (1) On 17 May 2005, the Commission received a complaint concerning the alleged injurious dumping of imports of silicon carbide originating in Romania.
- (2) The complaint was lodged by the European Chemical Industry Council (CEFIC) on behalf of Community producers representing 100 % of the total Community production of silicon carbide pursuant to Articles 4(1) and 5(4) of the basic Regulation.
- (3) The complaint contained prima facie evidence of the existence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of an anti-dumping proceeding.
- (4) The Commission, by a notice (notice of initiation) published in the *Official Journal of the European Union*<sup>(2)</sup>, accordingly initiated an anti-dumping

- (5) The Commission officially advised the exporting producers, importers and associations of importers or exporters known to be concerned, the representatives of the exporting country, users, consumer organisations and the complainant Community producers of the initiation of the investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation and questionnaires were sent to all parties concerned.

**B. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING**

- (6) On 1 March 2006 CEFIC formally withdrew its complaint.
- (7) In accordance with Article 9(1) of the basic Regulation, the proceeding may be terminated where the complaint is withdrawn, unless such termination would not be in the Community interest.
- (8) The Commission considered that the present proceeding should be terminated since the investigation had not brought to light any considerations showing that such termination would not be in the Community interest. Interested parties were informed accordingly and were given the opportunity to comment. No comments were received indicating that such termination would not be in the Community interest.
- (9) The Commission therefore concludes that the anti-dumping proceeding concerning imports into the Community of silicon carbide originating in Romania should be terminated without the imposition of anti-dumping measures,

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

<sup>(2)</sup> OJ C 159, 30.6.2005, p. 4.

HAS DECIDED AS FOLLOWS:

*Sole Article*

The anti-dumping proceeding concerning imports of silicon carbide, currently classifiable within CN code 2849 20 00 and originating in Romania, is hereby terminated.

Done at Brussels, 20 June 2006.

*For the Commission*  
Peter MANDELSON  
*Member of the Commission*

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