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Contents

[1] Text with EEA relevance

(Continued overleaf)

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II *Acts whose publication is not obligatory*

Commission

Acts adopted under Title V of the Treaty on European Union

EN

(1) Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1738/2006

of 23 November 2006

amending Regulation (EC) No 930/2004 on temporary derogation measures relating to the drafting in Maltese of the acts of the institutions of the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 290 thereof,

Having regard to the Treaty on European Union, and in particular Articles 28 and 41 thereof,

Having regard to Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community [1] and to Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Atomic Energy Community [2], which two Regulations are hereinafter referred to as 'Regulation No 1',

Having regard to Council Regulation (EC) No 930/2004 of 1 May 2004 on temporary derogation measures relating to the drafting in Maltese of the acts of the institutions of the European Union [3], and in particular Articles 2 and 3 thereof,

Whereas:

(1) By Regulation (EC) No 930/2004, the Council decided that, by way of derogation from Regulation No 1 and for a transitional period of three years beginning on 1 May 2004, the institutions of the Union would not be bound by the obligation to draft all acts in Maltese and to publish them in that language in the *Official Journal of the European Union*.

(2) On that occasion, the Council agreed, in Article 2 of the said Regulation, that not later than 30 months after its adoption, the Council would review the operation of that Regulation and determine whether to extend it for a further period of one year.

(3) Since the start of the transitional period, the situation as regards translation from and into Maltese has improved considerably, so that an extension of the temporary derogation measures is not justified. By Decision of 24 October 2006, the Council accordingly decided that there were no grounds for such an extension. The transitional period will therefore come to an end on 30 April 2007.

(4) However, Article 3 of the said Regulation stipulates that, at the end of the transitional period, all acts which at that time have not already been published in the Maltese language are also to be published in that language; it would nevertheless appear to be very difficult for all those acts to be translated and published immediately after 30 April 2007. Article 3 should therefore be amended in order to give the institutions a further space of time to enable them to absorb the backlog of all the acts that will not have been published in Maltese by the end of the transitional period,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Regulation (EC) No 930/2004 shall be replaced by the following:

'*Article 3*

All acts which have not been published in Maltese by 30 April 2007 will also be published in that language by 31 December 2008 at the latest.'

Article 2

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

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[1] OJ 17, 6.10.1958, p. 385/58. Regulation as last amended by Regulation (EC) No 920/2005 (OJ L 156, 18.6.2005, p. 3).
[2] OJ 17, 6.10.1958, p. 401/58. Regulation as last amended by Regulation (EC) No 920/2005.
[3] OJ L 169, 1.5.2004, p. 1.

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

Done at Brussels, 23 November 2006.

For the Council
The President
M. PEKKARINEN

COUNCIL REGULATION (EC) No 1739/2006

of 23 November 2006

terminating the partial interim review of anti-dumping measures applicable to imports of silicon originating in the Russian Federation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community [1] (the basic Regulation) and in particular Article 11(3) thereof,

Having regard to the proposal submitted by the Commission after having consulted the Advisory Committee,

Whereas:

1. PROCEDURE

1.1. Previous investigations and measures in force

(1) By Council Regulation (EC) No 2229/2003 [2], a definitive anti-dumping duty was imposed on imports of silicon originating in Russia. The rate of the definitive anti-dumping duty applicable to imports from SKU LLC, Sual-Kremny-Ural, Kamensk, Ural Region, Russia and its related company ZAO KREMNY, Irkutsk, Irkutsk Region, Russia is 22,7 %. The Commission, by Decision 2004/445/EC [3] accepted an undertaking offered by those companies.

1.2. Request for an interim review

(2) On 6 February 2006, the Commission received a request for a partial interim review pursuant to Article 11(3) of the basic Regulation concerning the anti-dumping measures applicable to imports of silicon originating in the Russian Federation.

(3) The request was made by SKU LLC, Sual-Kremny-Ural, Kamensk, Ural Region, Russia and its related company ZAO KREMNY, Irkutsk, Irkutsk Region, Russia (the applicant) and was limited in scope to the determination of dumping as far as the applicant is concerned.

(4) The request contained prima facie evidence that the circumstances on the basis of which measures were established have changed and that these changes are of a lasting nature.

(5) The Commission, by a notice (notice of initiation) published in the *Official Journal of the European Union* [4], accordingly initiated a partial interim review of the anti-dumping measures applicable to imports of silicon, currently classifiable within CN code 2804 69 00 and originating in the Russian Federation.

(6) The Commission officially advised the applicant, the representatives of the exporting country and the association of 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 the applicant.

(7) The investigation period was 1 April 2005 to 31 March 2006.

2. WITHDRAWAL OF THE REQUEST AND TERMINATION OF THE INTERIM REVIEW

(8) On 29 May 2006, i.e. before the submission of a reply to the questionnaire, the applicant formally withdrew their request.

(9) It was considered whether it would be warranted to continue the investigation ex officio despite the above mentioned withdrawal. However, given that the request had been withdrawn at an early stage of the investigation, no evidence relating to the current IP was available and no preliminary findings were obtained at this stage which would have allowed continuing with the investigation.

(10) Information provided for in the applicant's request had not brought to light any considerations showing that the termination of the review would not be in the Community interest.

(11) All interested parties were informed about the intention to terminate the present proceeding. One interested party argued that the applicant was still exporting the product concerned to the EC at dumped prices and that therefore the investigation should continue. However, it should be noted that the termination of this investigation does not result in the elimination of the anti-dumping measure which is already in force in order to re-establish fair trade practises. Therefore, this argument had to be rejected.

[1] OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).
[2] OJ L 339, 24.12.2003, p. 3. Regulation as amended by Regulation (EC) No 821/2004 (OJ L 127, 29.4.2004, p. 1).
[3] OJ L 127, 29.4.2004, p. 114.
[4] OJ C 82, 5.4.2006, p. 64.

(12) Two other interested parties argued also in favour of continuing the present investigation in order to remove the measures, given the alleged shortage of supply in the EC. However, this argument is outside the scope of this investigation which is limited to the reassessment of the dumping margin of one exporter. Therefore, the continuation of this investigation would in any event not change the level of measures to which other exporters are subject to. It could not, consequently, address the issue of short supply in a non-discriminatory way.

(13) It was therefore concluded that the current interim review of definitive anti-dumping measures applicable to imports into the Community of silicon originating in the Russian Federation should be terminated. The anti-dumping measures with regard to the applicant currently in force should be maintained without affecting the duration of the measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. The partial interim review, pursuant to Article 11(3) of Regulation (EC) No 384/96, with regard to the anti-dumping measures applicable to imports of silicon originating in the Russian Federation by virtue of Regulation (EC) No 2229/2003, is hereby terminated.

2. The anti-dumping measures currently in force with regard to SKU LLC, Sual-Kremny-Ural, Kamensk, Ural Region, Russia and ZAO KREMNY, Irkutsk, Irkutsk Region, Russia are maintained.

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, 23 November 2006.

For the Council
The President
M. PEKKARINEN

COMMISSION REGULATION (EC) No 1740/2006

of 24 November 2006

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables [1], and in particular Article 4(1) thereof,

Whereas:

(1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

(2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 November 2006.

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

Done at Brussels, 24 November 2006.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

[1] OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 24 November 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	052	57,3
	096	65,2
	204	33,8
	999	52,1
0707 00 05	052	112,6
	204	71,5
	628	171,8
	999	118,6
0709 90 70	052	168,5
	204	103,1
	999	135,8
0805 20 10	204	63,6
	999	63,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	67,7
	400	77,8
	999	72,8
0805 50 10	052	61,3
	388	46,4
	528	34,4
	999	47,4
0808 10 80	388	107,1
	400	103,7
	404	96,2
	720	78,9
	800	152,5
	999	107,7
0808 20 50	052	83,3
	720	63,8
	999	73,6

(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 1741/2006

of 24 November 2006

laying down the conditions for granting the special export refund on boned meat of adult male bovine animals placed under the customs warehousing procedure prior to export

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Regulation (EEC) No 1964/82 of 20 July 1982 laying down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals [2] lays down the conditions under which a special refund may be granted on boned cuts of meat of adult male bovine animals exported to third countries.

(2) For the smooth operation of the arrangements instituted by Regulation (EEC) No 1964/82, the legislator provided in particular for the possibility for operators to make use, in the case of boned meat of adult male bovine animals, of the customs warehousing or free zone procedure provided for in Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products [3].

(3) The rules and general conditions for applying the advance payment of the refund on products placed under the customs warehousing or free zone procedure are laid down in Chapter 3 of Title II of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products [4].

(4) The specific conditions for applying the advance payment on boned meat of adult male bovine animals placed under the customs warehousing or free zone procedure are laid down in Commission Regulation (EC) No 456/2003 of 12 March 2003 laying down special rules on the pre-financing of export refunds for certain beef and veal products placed under a customswarehousing or freezone procedure [5]. They were adopted to amplify and clarify the provisions of Regulations (EEC) No 565/80 and (EC) No 800/1999, particularly in terms of controls, for boned meat of adult male bovine animals.

(5) The measures introduced by Regulation (EEC) No 565/80 and the corresponding implementing measures laid down in Chapter 3 of Title II of Regulation (EC) No 800/1999 were repealed by Commission Regulation (EC) No 1713/2006. As a result of the repeal of these measures, the specific measures laid down in Regulation (EC) No 456/2003 were rendered obsolete and were also repealed.

(6) Advance payment of the refund on boned meat of adult male bovine animals under the customs warehousing procedure has been and is still used for exports to third countries. The interest in this system shown by operators is due in particular to the flexibility which it offers for the preparation of orders, especially the possibility for operators to store the meat for a maximum period of four months prior to export and freeze it during that period of intermediate storage.

(7) In the absence of new provisions, operators will lose the flexibility provided by the previous procedure and will encounter additional difficulties on external markets in exporting boned meat of adult male bovine animals. The consequences of the repeal of those measures should be restricted as far as possible. To achieve that, operators should be able to continue to place boned meat of adult male bovine animals under the customs warehousing procedure prior to export, and the conditions for granting the special refund on such meat when exported after storage should be laid down.

(8) Within that framework, it is essential to specify the conditions for meat entering that regime and, in order to ensure the traceability of the meat of adult male bovine animals during storage, provision should be made for operators to set up and update a computerised database approved by the customs authority beforehand.

[1] OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).
[2] OJ L 212, 21.7.1982, p. 48. Regulation as last amended by Regulation (EC) No 1713/2006 (OJ L 321, 21.11.2006, p. 11).
[3] OJ L 62, 7.3.1980, p. 5. Regulation as repealed by Regulation (EC) No 1713/2006.
[4] OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 1713/2006.
[5] OJ L 69, 13.3.2003, p. 18. Regulation as repealed by Regulation (EC) No 1713/2006.

(9) To improve the transparency of operations and increase the speed and effectiveness of controls, the number of declarations of entry into storage that may be submitted per boning operation and the number of boned meat certificates involved in entry into the supervised storage arrangements should be restricted.

(10) For the smooth operation of the regime, provision should be made for derogations from Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products [1], in particular as regards the moment when the licences are to be presented and attributed and management of the associated security.

(11) A maximum storage period should also be laid down and the operations that may be carried out during that period specified.

(12) The criteria for controls during the storage period should also be laid down, and their frequency and the consequences to be drawn in the event of discrepancies between the data recorded in the database and actual stocks specified.

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

HAS ADOPTED THIS REGULATION:

Article 1

Scope

Without prejudice to Regulation (EC) No 800/1999 and Regulation (EEC) No 1964/82, payment of the special export refund on boned meat of adult male bovine animals placed under the customs warehousing procedure prior to their exportation shall be subject to the conditions laid down in this Regulation.

Article 2

Definitions

For the purposes of this Regulation:

(a) 'boned meat of adult male bovine animals' means products falling within codes 0201 30 00 9100 and 0201 30 00 9120 of the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 [2];

(b) 'customs warehousing procedure' means the procedure as defined in Article 98(2) of Council Regulation (EEC) No 2913/92 [3];

(c) 'operator' means the exporter as defined in Article 2(1)(i) of Regulation (EC) No 800/1999;

(d) 'boning operation' means the meat boned on a single day or part of a day;

(e) 'boned meat certificate' means the certificate referred to in Article 4(1) of Regulation (EEC) No 1964/82.

Article 3

Admission to the customs warehousing procedure

1. Admission of boned meat of adult male bovine animals to the customs warehousing procedure shall be conditional on the issue of written authorisation by the customs authority responsible for the management and control of the scheme.

2. The authorisation referred to in paragraph 1 shall be issued only to operators giving a written undertaking to maintain a computerised database of products to be placed under the customs warehousing procedure (hereinafter called the database) and to ensure that storage will only be carried out in the Member State in which the authorisation has been granted and in the places covered by such authorisation. Where the products are stored in more than one place, authorisation may be granted for a database for each warehouse.

Where all or part of the goods are stored by a third party acting on behalf of the operator, the database may be maintained by that third party on the responsibility of the operator, who shall remain answerable for its accuracy.

The customs authority shall make prior checks to ensure that the database, to which it must have direct access without any need for prior notification, has been set up and is operational. The authorisation referred to in paragraph 1 shall lay down the procedure for accessing the database.

Article 4

Entry into storage

1. Operators with the authorisation referred to in Article 3(1) shall submit to the customs authority a declaration of entry into storage stating their intention to place fresh or chilled boned meat of adult male bovine animals under the customs warehousing procedure pending its exportation. That declaration may only be submitted in the Member State in which the boning operation was carried out.

[1] OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1713/2006.
[2] OJ L 366, 24.12.1987, p. 1.
[3] OJ L 302, 19.10.1992, p. 1.

The declaration shall include a description of the products in accordance with the export refund nomenclature code for meat to be placed under that regime, their net weight and all data required for the precise identification of the meat and the locations in which it is to be stored until it is exported.

It shall be accompanied by the boned meat certificate(s) and copy No 1 of the export licence currently valid which, by way of derogation from 24(1) and (2) of Regulation (EC) No 1291/2000, shall be presented to the customs authority together with that declaration of entry into storage.

2. A maximum of two declarations of entry into storage under customs supervision may be accepted for each boning operation. A declaration of entry into storage may refer to a maximum of two boned meat certificates.

3. The date of acceptance of the declaration of entry into storage, the number of the boned meat certificate(s) accompanying boned meat of adult male bovine animals on entry into the customs warehousing procedure, the number of boxes per type of cut, the identification details and the weight of such meat shall be entered in the declaration of entry into storage.

The information referred to in the first subparagraph shall be entered in such a way that a clear link can be established between the different meats entered into storage and the corresponding certificates.

The date of acceptance of the declaration of entry into storage, the weight of the meat and the number of the declaration of entry into storage shall be immediately entered in boxes 10 and 11 of the boned meat certificate.

4. The declarations of entry into storage shall be sent through administrative channels to the body responsible for paying the export refund. The same shall apply for boned meat certificates for which all quantities available have been attributed.

5. After attribution and endorsement by the customs authority, copy No 1 of the licence shall be returned to the operator.

6. By derogation from Article 31(b) of Regulation (EC) No 1291/2000, in the case of boned meat of adult male bovine animals placed under the customs warehousing procedure prior to export, the obligation to export shall be considered to have been fulfilled and the right to export under the licence or certificate shall be considered to have been exercised on the day when the declaration of entry into storage is accepted. The primary requirement shall be considered to have been fulfilled when proof of acceptance of the declaration of entry into storage is provided. For the provision of proof, Articles 33 and 35 of Regulation (EC) No 1291/2000 shall apply *mutatis mutandis* as required.

7. The date of acceptance of the declaration of entry into storage shall determine the type, quantity and characteristics of the products selected for payment of the refund in accordance with Article 10.

8. Boned meat of adult male bovine animals for which a declaration of entry into storage is accepted shall be subject to a physical check relating to a representative selection of at least 5 % of accepted declarations of entry into storage.

Article 3 of Council Regulation (EEC) No 386/90 ([1]) and Article 2(2), Articles 3, 4, 5 and 6, Article 8(1) and (2), the first subparagraph of Article 11 and Annex I to Commission Regulation (EC) No 2090/2002 ([2]) shall apply *mutatis mutandis*.

By derogation from the first subparagraph, the physical check may cover a smaller percentage of declarations of entry into storage accepted, but not less than 2 %, where the customs authority uses a risk analysis taking account of the criteria provided for in Commission Regulation (EC) No 3122/94 ([3]).

Article 5

Traceability of the meat

The database must:

(a) permit the meat covered by the arrangements to be traced administratively throughout the period of storage;

(b) provide an up-to-date report in real time of the quantities of meat in storage, which must be available on the basis of each of the criteria referred to in the third subparagraph.

Traceability as referred to in the first subparagraph, point (a) above shall be based on a unique identification reference assigned to meat from one boning operation carried out before the products concerned are placed under the customs warehousing procedure.

The unique identification reference referred to in the second subparagraph shall comprise:

(a) a unique number;

(b) the date of production;

([1]) OJ L 42, 16.2.1990, p. 6.
([2]) OJ L 322, 27.11.2002, p. 4.
([3]) OJ L 330, 21.12.1994, p. 31.

(c) the number of the boned meat certificate;

(d) the number of boxes per type of cut obtained and the net weight measured on entry into the customs warehousing procedure.

Article 6

Updating the database

1. The database shall be kept up to date and shall indicate the entry into and the removal from storage of products up to the day of presentation of:

(a) the declaration of entry into storage referred to in Article 4(1);

(b) the export declaration referred to in Article 5 of Regulation (EC) No 800/1999.

2. The customs authority shall accept the declarations referred to in paragraph 1 only after verifying that the operation for which the declaration has been issued is entered in the database as an 'entry' or a 'removal'.

However, the customs authority may accept declarations as referred to in paragraph 1 before making the check referred to in the first subparagraph. In such cases, the operator must confirm to the authority that the relevant entry has been made in the database. The customs authority may thus postpone and group these checks but must carry them out at least once in each period of two calendar months.

Article 7

Duration of storage

1. Boned meat of adult male bovine animals may remain under a customs warehousing procedure for a maximum of four months from the date of acceptance of the declaration of entry into storage referred to in Article 4(1).

2. Where an operator fails to comply with the time limit referred to in paragraph 1, or withdraws part of the products placed under the customs warehousing procedure from supervision, the obligation to export shall be deemed not to have been met for the quantity concerned.

The customs authority which accepted the declaration of entry into storage referred to in Article 4(1) or the body responsible for payment of the export refunds referred to in Article 9(3) shall immediately inform the body which issued the export licence thereof. In particular, it shall notify them of the quantity and type of the products in question, the number of the licence and the date of attribution concerned.

3. Where the obligation to export is not complied with, the authority which issued the licence shall apply Article 44 of Regulation (EC) No 1291/2000 *mutatis mutandis*.

Article 8

Operations during storage

1. During the period of storage referred to in Article 7, boned meat of adult male bovine animals may undergo, in accordance with the conditions laid down by the customs authority, a change of labels, freezing or, where applicable, repackaging, provided that:

(a) the individual packaging of each piece of meat is not impaired or altered;

(b) the link to the original label is maintained and the traceability of the meat as referred to in Article 5 is not compromised.

Where the operations referred to in the first subparagraph take place, they shall be recorded in the database and a clear link shall be established with the declaration of entry into storage and the corresponding boned meat certificate(s).

2. Any refund on products which have undergone operations as referred to in paragraph 1 shall be determined on the basis of the quantity, type and characteristics of the meat existing at the date on which the declaration of entry into storage is accepted in accordance with Article 4(3).

Any weight loss occurring during storage in a customs warehouse shall not be taken into account if it is due exclusively to natural causes. Damage occurring to products shall not be considered to be weight loss due to natural causes.

Article 9

Export formalities

1. When the customs formalities for the export of boned meat of adult male bovine animals placed under a customs warehousing procedure in accordance with this Regulation are carried out, the number of the declaration(s) of entry into storage and the quantities exported for each declaration of entry into storage shall be entered under the supervision of the customs authority on the export declaration(s) referred to in Article 5 of Regulation (EC) No 800/1999.

2. The export declaration shall be submitted by the last day of the time limit referred to in Article 7(1).

3. When the customs formalities for export have been completed, the copy of each export declaration shall be sent through administrative channels to the body responsible for paying the export refunds.

Article 10

Grant of the refund

1. Payment of the refund shall be made by the Member State in which the declaration of entry into storage was accepted in accordance with Article 4(1).

2. When the quantities corresponding to a declaration of entry into storage have been exported, the operator shall have the right to payment of the refund on those quantities, provided that the other conditions of the Community rules on exports with a refund, in particular those laid down in Article 6 of Regulation (EEC) No 1964/82, in Article 21 and in Title IV of Regulation (EC) No 800/1999, have been met.

When an operator has made use of the provisions of Article 24 of Regulation (EC) No 800/1999, prior to release of the corresponding security, the body responsible for paying the export refund shall ascertain in particular that the provisions of Article 6 of Regulation (EEC) No 1964/82 have been complied with.

3. When an operator fails to comply with one or more of the time limits laid down in Article 7(1) of this Regulation and in Articles 7(1) and 15(1) of Regulation (EC) No 800/1999, the applicable export refund shall be corrected, except in cases of *force majeure*, as follows:

(a) the refund shall first be reduced by 15 %;

(b) the resulting refund shall then also be reduced by:

(i) 2 % for each day after the expiry of the time limits referred to in Article 7(1) of this Regulation and Article 15(1) of Regulation (EC) No 800/1999;

(ii) 5 % for each day after the expiry of the time limit referred to in Article 7(1) of Regulation (EC) No 800/1999.

When the documents referred to in Article 49(2) of Regulation (EC) No 800/1999 are produced within six months after the expiry of the stipulated time limit, the refund, as established where applicable in accordance with the first subparagraph, shall be reduced by an amount equivalent to 15 % of the refund that would have been paid if all the time limits had been met.

Article 50(3), (4) and (6) of Regulation (EC) No 800/1999 shall apply *mutatis mutandis*.

Article 11

Checks on storage

1. The customs authority shall carry out at least two unannounced checks per calendar year on the operation and content of the database.

Such checks shall cover a total of at least 5 % of the total quantities of products that, according to the database, are in storage on the day checks begin. These checks shall ensure that the meat located on the storage premises is entered in the database and that, conversely, the meat entered in the database can be identified on the storage premises.

A report shall be drawn up for each check.

2. The customs authority shall inform the body responsible for paying the export refund of:

(a) all authorisations granted, suspended or withdrawn;

(b) all checks carried out.

Where there is presumed to be a risk of an irregularity, the bodies responsible for paying the refund may request the customs authority to carry out a check.

Article 12

Penalties

Where the customs authority finds a discrepancy between the physical stock and the stock recorded in the database, the authorisation referred to in Article 3(1) shall be suspended for a period to be determined by the Member States, which may not be less than three months from the date on which the problem is detected. During the period of suspension, the operator is not authorised to place boned meat of adult male bovine animals in a customs warehouse under this Regulation.

Authorisation shall not be suspended where the discrepancy between the physical stock and the stock registered in the database is the result of *force majeure*.

Authorisation shall also not be suspended where the quantities missing or not entered in the database do not exceed 1 % of the total weight of products selected for the check and are due to omissions or simple administrative errors, provided that corrective measures are taken to ensure that similar errors do not recur.

If they recur, the customs authorities may then withdraw authorisation definitively.

Article 13

Notification to the Commission

Member States shall notify the Commission of the quantities of boned meat of adult male bovine animals placed under the customs warehousing procedure prior to export in accordance with this Regulation, with a breakdown of those quantities by 12-figure code of the agricultural product nomenclature for export refunds established by Regulation (EEC) No 3846/87.

Member States shall take measures to ensure that the notification is made no later than the second month following the month in which the declaration of entry into storage is accepted.

Article 14

Entry into force

This Regulation shall enter into force on the 20th 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, 24 November 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1742/2006

of 24 November 2006

opening and providing for the administration of Community tariff quotas for wines originating in the Republic of Albania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine [1], and in particular Article 62 thereof,

Whereas:

(1) A Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part (hereinafter referred to as the Stabilisation and Association Agreement), was signed in Luxembourg on 12 June 2006. The Stabilisation and Association Agreement is in the process of ratification.

(2) On 12 June 2006 the Council concluded an Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Albania, of the other part [2] (hereinafter referred to as the Interim Agreement), which provides for the early entry into force of the trade and trade-related provisions of the Stabilisation and Association Agreement. The Interim Agreement will enter into force on 1 December 2006.

(3) The Interim Agreement and the Stabilisation and Association Agreement stipulate that wines originating in Albania may be imported into the Community, within the limits of Community tariff quotas, at a zero-rate customs duty.

(4) The tariff quotas provided for in the Interim Agreement and in the Stabilisation and Association Agreement are annual and are repeated for an indeterminate period. The Commission should adopt the implementing measures for the opening and the administration of the Community tariff quotas.

(5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code [3] has codified the management rules for tariff quotas designed to be used following the chronological order of dates of acceptance of customs declarations.

(6) Particular care should be taken to ensure that all Community importers have equal and continuous access to the tariff quotas and that the rates laid down for the quotas are applied continuously to all imports of the products in question into all Member States until the quotas are exhausted. In order to ensure the efficiency of a common administration of those quotas, there should be no obstacle to authorising the Member States to draw from the quota volumes the necessary quantities corresponding to actual imports. Communication between the Member States and the Commission should, as far as possible, take place by electronic transmission.

(7) This Regulation should apply upon the entry into force of the Interim Agreement and should continue to apply after the entry into force of the Stabilisation and Association Agreement.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tariff quotas at zero-rate customs duty are opened for wines imported into the Community and originating in Albania as set out in the Annex.

2. The zero-rate duty is applied provided that the imported wines are accompanied by a proof of origin as provided for in Protocol 3 to the Interim Agreement and to the Stabilisation and Association Agreement.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

[1] OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2165/2005 (OJ L 345, 28.12.2005, p. 1.)
[2] OJ L 239, 1.9.2006, p. 2.
[3] OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 402/2006 (OJ L 70, 9.3.2006, p. 35).

Article 3

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

It shall apply from 1 December 2006.

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

Done at Brussels, 24 November 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Order No	CN code (*)	TARIC subdivision	Description	Annual quota volume (in hl)	Tariff quota duty
09.1512	ex 2204 10 19	91, 99	Quality sparkling wine, other than champagne or Asti spumante	From 1 December 2006 to 31 December 2006: 5 000 For every year thereafter, from 1 January to 31 December: 5 000	Exemption
	ex 2204 10 99	91, 99			
	2204 21 10		Other wine of fresh grapes, in containers holding 2 litres or less		
	ex 2204 21 79	79, 80			
	ex 2204 21 80	79, 80			
	ex 2204 21 84	59, 70			
	ex 2204 21 85	79, 80			
	ex 2204 21 94	20			
	ex 2204 21 98	20			
	ex 2204 21 99	10			
09.1513	2204 29 10		Other wine of fresh grapes, in containers holding more than 2 litres	From 1 December 2006 to 31 December 2006: 2 000 For every year thereafter, from 1 January to 31 December: 2 000	Exemption
	2204 29 65				
	ex 2204 29 75	10			
	2204 29 83				
	ex 2204 29 84	20			
	ex 2204 29 94	20			
	ex 2204 29 98	20			
	ex 2204 29 99	10			

(*) Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

COMMISSION REGULATION (EC) No 1743/2006

of 24 November 2006

concerning the permanent authorisation of an additive in feedingstuffs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs [1], and in particular Articles 3, and 9d(1) thereof,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition [2], and in particular Article 25 thereof,

Whereas:

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

(2) Article 25 of Regulation (EC) No 1831/2003 lays down transitional measures for applications for the authorisation of feed additives submitted in accordance with Directive 70/524/EEC before the date of application of Regulation (EC) No 1831/2003.

(3) The application for authorisation of the additive listed in the Annex to this Regulation was submitted before the date of application of Regulation (EC) No 1831/2003.

(4) Initial comments on this application, as provided for in Article 4(4) of Directive 70/524/EEC, was forwarded to the Commission before the date of application of Regulation (EC) No 1831/2003. This application is therefore to continue to be treated in accordance with Article 4 of Directive 70/524/EEC.

(5) Data were submitted in support of this application for authorisation without a time limit of the enzyme preparation of 6-phytase EC 3.1.3.26 produced by *Schizosaccharomyces pombe* (ATCC 5233) for chickens for fattening. On 20 April 2006 the European Food Safety Authority delivered its opinion on the safety and efficacy of that preparation.

(6) The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex to this Regulation, should be authorised without a time limit.

(7) The assessment of this application shows that certain procedures should be required to protect workers from exposure to the additive set out in the Annex. Such protection should be assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work [3].

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

HAS ADOPTED THIS REGULATION:

Article 1

The preparation belonging to the group 'Enzymes', as specified in the Annex, is authorised without a time limit as an additives in animal nutrition under the conditions laid down in that Annex.

Article 2

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

[1] OJ L 270, 14.12.1970, p. 1. Directive as last amended by Commission Regulation (EC) No 1800/2004 (OJ L 317, 16.10.2004, p. 37).

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

[3] OJ L 183, 29.6.1989, p. 1. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

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

Done at Brussels, 24 November 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff			
Enzymes								
E 1640	6-Phytase EC 3.1.3.26	Preparation of 6-Phytase produced by Schizosaccharomyces pombe (ATCC 5233) having a minimum activity of: Liquid form: 6-Phytase: 5 000 FTU (1)/ml	Chickens for fattening		250 FTU		1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: 250-750 FTU 3. For use in compound feed containing more than 0,23 % phytin-bound phosphorus.	Without a time limit

(1) One FTU is the amount of enzyme which liberates 1 micromole of inorganic phosphate per minute from a sodium phytate substrate at pH 5.5 and 37 °C.

COMMISSION REGULATION (EC) No 1744/2006

of 24 November 2006

on detailed rules for aid in respect of silkworms

(Codified version)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1544/2006 of 5 October 2006 laying down special measures to encourage silkworm rearing [1], and in particular Article 2 thereof,

Whereas:

(1) Regulation (EEC) No 1054/73 of the Commission of 18 April 1973 on detailed rules for aid in respect of silkworms [2] has been substantially amended several times [3]. In the interests of clarity and rationality the said Regulation should be codified.

(2) Pursuant to Article 1 of Regulation (EC) No 1544/2006 and Article 2(3) of Regulation (EEC) No 922/72 of the Council of 2 May 1972 laying down general rules for granting aid in respect of silkworms [4], aid is granted solely for boxes which contain a minimum quantity of eggs and which have given a minimum production of cocoons. The Member States should be permitted to determine the minimum quantities but in the light of the normal conditions of production in the Community.

(3) Article 3 of Regulation (EEC) No 922/72 states that Member States are to introduce a control ensuring that the product for which aid is requested meets the requirements for the granting thereof. Consequently, applications for aid submitted by rearers must include the minimum of information necessary for this control.

(4) Uniform conditions for the payment of the amount of the aid should be laid down.

(5) Member States are authorised to grant aid solely to rearers who have obtained their boxes of eggs from an approved body and who have delivered to an approved body the cocoons produced. For the purposes of the proper application of the system of aid, the conditions for the approval of such bodies should be defined.

(6) In this particular case, in order to ensure the effectiveness of the control system referred to above, applications for aid should be accompanied by attestations issued by those bodies and should be checked by Member States.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Natural Fibres,

HAS ADOPTED THIS REGULATION:

Article 1

The aid referred to in Article 1 of Regulation (EC) No 1544/2006 shall be granted under the conditions laid down in Articles 2 to 6 of this Regulation in respect of silkworms reared in the Community.

Article 2

The aid shall be granted only in respect of boxes:

(a) which contain at least 20 000 silkworm eggs suitable for hatching;

(b) which have given a minimum number of selected cocoons, having a suitable external appearance and being mature, of uniform colour and dimensions, free from marks and rust, and suitable for reeling.

The minimum production referred to under (b) is determined by the relevant Member State and may not be less than 20 kg.

Article 3

1. Aid shall be granted to silkworm rearers who submit applications by 30 November each year at the latest, except in cases of *force majeure*.

However, where aid applications are submitted:

— no later than 31 December of the same year, two thirds of the aid shall be granted,

[1] OJ L 286, 17.10.2006, p. 1.
[2] OJ L 105, 20.4.1973, p. 4. Regulation as last amended by Regulation (EEC) No 3565/92 (OJ L 362, 11.12.1992, p. 10).
[3] See page 21 of this Official Journal.
[4] OJ L 106, 5.5.1972, p. 1. Regulation as amended by Regulation (EEC) No 668/74 (OJ L 85, 29.3.1974, p. 61).

— no later than 31 January of the following year, one third of the aid shall be granted.

Rearers may submit only one application each.

2. The Member State pays the amount of the aid to the rearer in the four months following that in which the application has been submitted.

Article 4

1. The application shall include at least:

— the name, address and signature of the party making the application,

— the number of boxes of eggs used and the date or dates on which these were received,

— the quantity of cocoons produced from these eggs and the date or dates on which these cocoons were delivered,

— the place of storage of the cocoons produced or, if they have been sold and delivered, the name and address of the first purchaser.

2. Where the provisions of Article 2(2) of Regulation (EEC) No 922/72 are to be applied, an application shall be admissible only if it is accompanied by the attestations referred to in Article 6 of this Regulation.

Article 5

1. Pursuant to Article 2(2) of Regulation (EEC) No 922/72 public or private bodies may be approved only where their accounts specify at least:

— the number of boxes delivered, the name of the rearer to whom they were consigned and the date of dispatch,

— the quantity of cocoons received, the name of the rearer supplying them and the date of receipt.

2. Member States shall submit approved bodies to a control entailing a check, in particular, as to agreement between entries in the relevant accounts and those in the attestations referred to in Article 6.

Article 6

The approved bodies shall issue to rearers:

— not later than 40 days after the dispatch of boxes of eggs, an attestation specifying at least the name and the address of the rearer concerned, the number of boxes delivered, the date of dispatch and the date of issue of the attestation;

— not later than 40 days after the receipt of the cocoons, an attestation specifying at least the name and address of the rearer concerned, the quantity of cocoons received, the date of receipt and the date of issue of the attestation.

Article 7

Regulation (EEC) No 1054/73 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 II.

Article 8

This Regulation shall enter into force on the 20th day following that 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, 24 November 2006.

For the Commission
The President
José Manuel BARROSO

ANNEX I

Repealed Regulation with its successive amendments

Commission Regulation (EEC) No 1054/73	(OJ L 105, 20.4.1973, p. 4)
Commission Regulation (EEC) No 683/74	(OJ L 83, 28.3.1974, p. 13)
Commission Regulation (EEC) No 3565/92	(OJ L 362, 11.12.1992, p. 10)

ANNEX II

Correlation Table

Regulation (EEC) No 1054/73	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
—	Article 7
Article 7	Article 8
—	Annexes I and II

COMMISSION REGULATION (EC) No 1745/2006

of 24 November 2006

amending Regulation (EC) No 936/97 opening and providing for the administration of tariff quotas for high quality fresh, chilled and frozen beef and for frozen buffalo meat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal [1], and in particular the first subparagraph of Article 32(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 936/97 [2] provides for the opening and administration, on a multi-annual basis, of a number of quotas of high quality beef.

(2) Qualification for these quotas is subject to the conditions laid down in Regulation (EC) No 936/97. Article 2(a), (c) and (d) of that Regulation lays down in particular the definitions of high quality beef imported respectively from Argentina, Uruguay and Brazil. In order to refer to parameters which are verifiable and auditable, these definitions should, following the entry into force of Council Regulation (EC) No 1532/2006 of 12 October 2006 on the conditions for certain import quotas of high quality beef [3], be amended and refer respectively to official categories defined on the day of entry into force of this Regulation by the competent authorities of each of these countries.

(3) It is also appropriate to specify that the provisions of Article 13 of Regulation (EC) No 1760/2000 of the European Parliament and of the Council [4], which establishes a system for the identification and registration of bovine animals and sets out provisions regarding the labelling of beef and beef products, should be applicable to the import of high quality beef referred to in Article 2(a), (c) and (d) of Regulation (EC) No 936/97.

(4) Regulation (EC) No 936/97 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 936/97 is amended as follows:

1. point (a) is replaced by the following:

'(a) 28 000 tonnes of boneless beef covered by CN codes 0201 30 00 and 0206 10 95 and meeting the following definition:

"Selected beef cuts obtained from steers, young steers or heifers having been exclusively fed through pasture grazing since their weaning. The steer carcasses shall be classified as "JJ", "J", "U" or "U2", young steer and heifer carcasses shall be classified as "AA", "A", or "B" according to the official beef classification established by the Secretariat of Agriculture, Livestock, Fisheries and Food in Argentina (Secretaría de Agricultura, Ganadería, Pesca y Alimentos — SAGPyA)".

The cuts shall be labelled in accordance with Article 13 of Regulation (EC) No 1760/2000 of the European Parliament and of the Council (*).

The indication "High Quality Beef" may be added to the information on the label.

(*) OJ L 204, 11.8.2000, p. 1.'

2. points (c) and (d) are replaced by the following:

'(c) 6 300 tonnes of boneless beef covered by CN codes 0201 30 00, 0202 30 90, 0206 10 95 and 0206 29 91 and meeting the following definition:

"Selected beef cuts obtained from steers (novillo) or heifers (vaquillona) as defined in the official carcass classification of bovine meat established by the National Institute of Meat of Uruguay (Instituto Nacional de Carnes - INAC). The eligible animals for production of High Quality Beef have been exclusively fed through pasture grazing since their weaning. The carcasses shall be classified as "I", "N" or "A", with fat cover "1", "2" or "3" in accordance with the above mentioned classification".

[1] OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).
[2] OJ L 137, 28.5.1997, p. 10. Regulation as last amended by Regulation (EC) No 408/2006 (OJ L 71, 10.3.2006, p. 3).
[3] OJ L 283, 14.10.2006, p. 1.
[4] OJ L 204, 11.8.2000, p. 1. Regulation as amended by the 2003 Act of Accession.

The cuts shall be labelled in accordance with Article 13 of Regulation (EC) No 1760/2000.

The indication "High Quality Beef" may be added to the information on the label.

(d) 5 000 tonnes of boneless beef covered by CN codes 0201 30 00, 0202 30 90, 0206 10 95 and 0206 29 91 and meeting the following definitions:

"Selected cuts obtained from steers or heifers having been exclusively fed with pasture grass since their weaning. The carcasses shall be classified as "B" with fat cover "2" or "3" according to the official beef carcass classification established by the Ministry of Agriculture, Livestock and Supply in Brazil (Ministério da Agricultura, Pecuária e Abastecimento)".

The cuts shall be labelled in accordance with Article 13 of Regulation (EC) No 1760/2000.

The indication "High Quality Beef" may be added to the information on the label.'

Article 2

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

It shall apply to beef covered by a certificate of authenticity issued as from 1 January 2007.

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

Done at Brussels, 24 November 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1746/2006

of 24 November 2006

correcting Regulation (EC) No 1279/2006 fixing for the 2005/2006 marketing year the specific agricultural conversion rate applicable to the minimum sugar beet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector [2], and in particular Article 1(3) thereof,

Whereas:

(1) The Annex to Commission Regulation (EC) No 1279/2006 [3] contains an error as regards the specific agricultural conversion rate fixed for the Slovak koruna.

(2) The error should be corrected by replacing the exchange rate of 39,0739 indicated for the Slovak koruna with the rate 38,0739.

(3) In order to cover the 2005/2006 marketing year the corrected rate must apply from the date of application of Regulation (EC) No 1279/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1279/2006 is replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 1 July 2005.

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

Done at Brussels, 24 November 2006.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[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 159, 1.7.1993, p. 94. Regulation as last amended by Commission Regulation (EC) No 1509/2001 (OJ L 200, 25.7.2001, p. 19).

[3] OJ L 233, 26.8.2006, p. 10.

ANNEX

'ANNEX

Specific exchange rate		
EUR 1=	29,0021	Czech koruna
	7,45928	Danish krone
	15,6466	Estonian kroon
	0,574130	Cyprus pound
	0,696167	Latvian lats
	3,45280	Lithuanian litas
	254,466	Hungarian forint
	0,429300	Maltese lira
	3,92889	Polish zloty
	239,533	Slovenian tolar
	38,0739	Slovak koruna
	9,37331	Swedish krona
	0,684339	Pound sterling'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 November 2006

amending Decision 2005/432/EC laying down the animal and public health conditions and model certificates for imports of meat products for human consumption from third countries and repealing Decisions 97/41/EC, 97/221/EC and 97/222/EC

(notified under document number C(2006) 5444)

(Text with EEA relevance)

(2006/801/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC [1], and in particular Article 10(2)(c) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption [2], and in particular Article 8(4), Article 9(2)(b) and Article 9(4)(b) and (c) thereof,

Whereas:

(1) Certain references to definitions in Commission Decision 2005/432/EC [3] should be updated.

(2) Since Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs, Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin and Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, are now applicable, it is necessary to amend and update Community health conditions and certification requirements for the importation into the Community of meat products derived from domestic bovines, porcines, ovines, caprines, solipeds, poultry, farmed game, domestic rabbits and wild game.

(3) The model health certificate should be amended in order to facilitate the operation of Traces established in accordance with Commission Decision 2003/623/EC of 19 August 2003 concerning the development of an integrated computerised veterinary system known as Traces [4].

(4) It is appropriate to provide for a transitional period during which certificates issued under the former rules may continue to be used.

(5) Decision 2005/432/EC should therefore be amended accordingly.

[1] OJ L 62, 15.3.1993, p. 49. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33; corrected by OJ L 195, 2.6.2004, p. 12).
[2] OJ L 18, 23.1.2003, p. 11.
[3] OJ L 151, 14.6.2005, p. 3. Decision as amended by Decision 2006/330/EC (OJ L 121, 6.5.2006, p. 43).
[4] OJ L 216, 28.8.2003, p. 58.

(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,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/432/EC is amended as follows:

1. Articles 2 and 3 are replaced by the following:

'*Article 2*

Definition of meat products

For the purposes of this Decision, the definition of meat products as laid down in point 7.1 of Annex I to Regulation (EC) No 853/2004 shall apply.

Article 3

Conditions concerning species and animals

Member States shall ensure that consignments of meat products imported into the Community are derived from meat or meat products from the following species or animals:

(a) domestic poultry of the following species: domestic fowl, turkeys, guinea fowl, geese and ducks;

(b) domestic animals of the following species: bovine animals, including *Bubalus bubalis and Bison bison*, swine, sheep, goats and solipeds;

(c) farmed game and domestic rabbits as defined in point 1.6 of Annex I to Regulation (EC) No 853/2004;

(d) wild game as defined in point 1.5 of Annex I to Regulation (EC) No 853/2004.'

2. Annex III is replaced by the text in Annex I to this Decision.

3. Annex IV is replaced by the text in Annex II to this Decision.

Article 2

This Decision shall apply from 1 March 2007.

However, animal and public health certificates issued before the date of application of this Decision may be used until 1 June 2007.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 November 2006

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

'ANNEX III

(Model animal and public health certificate for meat products intended for consignment to the European Community from third countries)

COUNTRY **Veterinary certificate to EU**

Part I : Details of dispatched consignment

I.1. Consignor Name Address Tel. No		I.2. Certificate reference number	I.2.a
		I.3. Central Competent Authority	
		I.4. Local Competent Authority	
I.5. Consignee Name Address Postal code Tel. No		I.6.	
I.7. Country of origin ISO code	I.8. Region of origin Code	I.9. Country of destination ISO code	I.10.
I.11. Place of origin Name Approval number Address		I.12.	
I.13. Place of loading		I.14. Date of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Documentary references:		I.16. Entry BIP in EU	
		I.17. No(s) of CITES	
I.18. Description of commodity		I.19. Commodity code (HS code)	
		I.20. Quantity	
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐		I.22. Number of packages	
I.23. Identification of container/Seal number		I.24. Type of packaging	
I.25. Commodities certified for: Human consumption ☐			
I.26.		I.27. For import or admission into EU ☐	

I.28. Identification of the commodities

Species (Scientific name)	Nature of commodity	Treatment type	Abattoir	Approval number of establishments / Manufacturing plant	Cold store	Number of packages	Net weight

COUNTRY **Meat product**

II.a. Certificate reference number	II.b.

Part II: Certification

II.1. Animal Health Attestation

I, the undersigned official veterinarian certify that:

II.1.1. The meat product (1) contains the following meat constituents and meet the criteria indicated below:

Species (A) Treatment (B) Origin (C)

(A) Insert the code for the relevant species of meat where BOV = domestic bovine animals (*Bos Taurus, Bison bison, Bubalus bubalis* and their crossbreeds); OVI = domestic sheep (*Ovis aries*) and goats (*Capra hircus*); EQI = domestic equine animals (*Equus caballus, Equus asinus* and their crossbreeds), POR = domestic porcine animals (*Sus scrofa*); RAB = domestic rabbits, PFG = domestic poultry and farmed feathered game, RUF farmed non-domestic animals other than suidae and solipeds; RUW = wild non-domestic animals other than suidae and solipeds; SUW = wild non-domestic suidae: EQW = wild non-domestic solipeds, WLP = wild lagomorphs, WGB = wild game birds.

(B) Insert A, B, C, D, E or F for the required treatment as specified and defined in Parts 2, 3 and 4 of Annex II to Decision 2005/432/EC.

(C) Insert the ISO code of the country of origin and, in the case of regionalization by Community legislation for the relevant meat constituents, the region as indicated in Part 1 of Annex II to Decision 2005/432/EC. (as last amended).

(2) II.1.2. The meat product described in point II.1.1. has been prepared from fresh meat from domestic bovine animals (*Bos Taurus, Bison bison, Bubalus bubalis* and their crossbreeds); domestic sheep (*Ovis aries*) and goats (*Capra hircus*); domestic equine animals (*Equus caballus, Equus asinus* and their crossbreeds), domestic porcine animals (*Sus scrofa*); farmed non-domestic animals other than suidae and solipeds; wild non-domestic animals other than suidae and solipeds; wild non-domestic suidae: wild non-domestic solipeds and the fresh meat used in the production of the meat products:

either [II.1.2.1. has undergone a non-specific treatment as specified and defined under point A in Part 4 of Annex II to Decision 2005/432/EC and: (2)

either [II.1.2.1.1. satisfies the relevant animal and public health requirements laid down in the appropriate health certificate(s) in Annex II, Part 2, to Council Decision 79/542/EEC and originates in a third country, or part thereof in the case of regionalisation under Community legislation, as described in the relevant column of part 2 of Annex II to Decision 2005/432/EC] (2).

or [II.1.2.1.1. originates in a Member State of the European Community] (2)

or [II.1.2.1. meets any requirements agreed under Directive 2002/99/EC, is derived from animals coming from a holding not subject to restrictions for the specific diseases mentioned in the appropriate health certificate(s) in Annex II, Part 2, to Council Decision 79/542/EEC and within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days and has undergone the specific treatment laid down for the third country of origin or part thereof for the meat of the species concerned in Parts 2 or 3 (as appropriate) of Annex II to Commission Decision 2005/432/EC] (2)

(2) II.1.3. The meat product described under point II.1.1 has been prepared from fresh meat of domestic poultry, including farmed or wild game birds, that:

either [II.1.3.1. has undergone a non-specific treatment as specified and defined under point A in Part 4 of Annex II to Decision 2005/432/EC] and: (2)

either [II.1.3.1.1. satisfies the animal health requirements laid down in Commission Decision 2006/696/EC,] (2)

or [II.1.3.1.1. originates in a Member State of the European Community satisfying the requirements of Article 3 of Council Directive 2002/99/EC] (2)

or [II.1.3.1. originates in a third country referred to in Annex II part 1 to Decision 2006/696/EC, comes from a holding not subject to restrictions for Avian Influenza or Newcastle disease within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days and has undergone the specific treatment laid down for the third country of origin or part thereof for the meat of the species concerned in Parts 2 or 3 (as appropriate) of Annex II to Decision 2005/432/EC.] (2)

or [II.1.3.1. originates in a third country referred to in Annex II part 1 to Decision 2006/696/EC, comes from a holding not subject to restrictions for Avian Influenza or Newcastle disease within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days, and has undergone the specific treatment referred to in points B, C or D in Part 4 of Annex II to Decision 2005/432/EC, provided that such treatment is more severe than that indicated in Parts 2 and 3 of Annex II to that Decision.]

([2]) [II.1.4.	in the case of meat products derived from fresh meat from lagomorphs and other land mammals: satisfies the relevant animal health and public health requirements laid down in Commission Decision 2000/585/EC and has not come from a holding subject to restrictions for animal diseases affecting the animals concerned within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days;];
II.1.5.	the meat product:
II.1.5.1.	[consists of meat and/or meat products derived from a single species, and has undergone the treatment satisfying the relevant conditions laid down in Annex II to Decision 2005/432/EC]
or ([2]) II.1.5.1.	[consists of meat of more than one species and, after such meat has been mixed, the entire product has subsequently undergone a treatment at least as severe as that required for the meat components of the meat product as laid down in Annex II to Commission Decision 2005/432/EC;]
or ([2]) II.1.5.1.	[has been prepared from meat of more than one species and each meat component has previously undergone a treatment prior to mixing which meets the relevant treatment requirements for meat of that species as laid down in Annex II to 2005/432/EC]; ([2])
II.1.6.	after treatment all precautions to avoid contamination have been taken
([2]) [II.1.7.	Additional guarantees: in the case of poultry meat products which have not undergone a specific treatment and are destined for Member States or regions thereof which have been recognised in accordance with Article 12 of Council Directive 90/539/EEC, the poultry meat was derived from poultry which had not been vaccinated with a live vaccine against Newcastle disease within 30 days prior to slaughter;]
([2]) II.2.	**Public Health Attestation** I, the undersigned, declare that I am aware of the relevant provisions of Regulations (EC) No 178/2002, (EC) No 852/2004, (EC) No 853/2004 and (EC) No 999/2001 and certify that the meat products described above were produced in accordance with those requirementq, in particular that:
II.2.1.	they come from (an) establishment(s) implementing a programme based on the HACCP principles in accordanc e with Regulation (EC) No 852/2004;
II.2.2.	they have been produced from raw material which met the requirements of Sections I to VI of Annex III to Regulation (EC) No 853/2004;
II.2.3.1 ([2])	the meat products have been obtained from domestic pig meat which either has been subject to an examination for trichinosis with negative results or has been subjected to a cold treatment in accordance with Commission Regulation (EC) No 2075/2005;
II.2.3.2 ([2])	the meat products have been obtained from horse meat or wild boar meat which has been subject to an examination for trichinosis with negative results in accordance with Commission Regulation (EC) No 2075/2005;
II.2.4.	they have been marked with an identification mark in accordance with Section I of Annex II to Regualtion (EC) No 853/2004;
II.2.5.	the label affixed on the packaging of meat products described above, bear(s) a mark to the effect that the meat products come wholly from fresh meat from animals slaughtered in slaughterhouses approved for exporting to the European Community or, from animals slaughtered in a slaughterhouse specially for the delivery of meat for the required treatment as laid down in Part 2 and 3 of Annex II of Decision 2005/432/EC;
II.2.6.	they satisfy the relevant criteria set out in Commission Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs;
II.2.7.	the guarantees covering live animals and products thereof provided by the residue plans submitted in accordance with Directive 96/23/EC, and in particular Article 29 thereof, are fulfilled;
II.2.8.	the means of transport and the loading conditions of meat products of this consignment meet the hygiene requirements laid down in respect of export to the European Community;

II.2.9. if containing material from bovine, ovine or caprine animals, the meat product does not contain and is not derived from:

either (2)

specified risk material as defined in Annex XI, section A, to Regulation (EC) No 999/2001 produced after 31 March 2001, or mechanically recovered meat obtained from bones of bovine, ovine or caprine animals produced after 31 March 2001. After 31 March 2001 the bovine, ovine and caprine animals, from which this product is derived, have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration after stunning of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity.

or

bovine, ovine and caprine materials other than those derived from animals born, continuously reared and slaughtered in ..... (3) (4).

Notes

Part I:

— Box reference I.8.: region (if appropriate) as appearing in Annex II to Commission Decision 2005/432/EC (as last amended).
— Box reference I.11: Place of origin: name and address of the dispatch establishment.
— Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship). Separate information is to be provided in the event of unloading and reloading.
— Box reference I.19: use the appropriate HS codes: 02.10, 16.01, 16.02.
— Box reference I.23: Identification of container/Seal number: only where applicable.
— Box reference I.28: 'Species': select among species described in Part II 1.1. (A);
'Nature of commodity': complete as appropriate
'Treatment type': indicate the storage life (dd/mm/yyyy);
'Abattoir': any abattoir or 'game-handling establishment';
'Cold store': any storage facility.

Part II:

(1) Meat products as laid down in point 7.1 of Annex I to Regulation (EC) No 853/2004.
(2) Keep as appropriate.
(3) Insert the name of the country
(4) As listed in point 15(b) of Annex XI to Regulation (EC) No 999/2001 as amended
— The colour of the signature shall be different to that of the printing. The same rule applies to the stamp other than those embossed or watermarked.

Official veterinarian

Name (in capitals): Qualification and title:

Date: Signature:

Stamp:'

ANNEX II

'ANNEX IV

(Transit and/or storage)

COUNTRY **Veterinary certificate to EU**

Part I : Details of dispatched consignment

I.1. Consignor
Name
Address
Tel. No

I.2. Certificate reference number I.2.a

I.3. Central Competent Authority

I.4. Local Competent Authority

I.5. Consignee
Name
Address
Postal code
Tel. No

I.6. Person responsible for the consignment in EU
Name
Address
Postal code
Tel. No

I.7. Country of origin ISO code

I.8. Region of origin Code

I.9. Country of destination ISO code

I.10.

I.11. Place of origin
Name Approval number
Address

I.12. Place of destination
Custom warehouse ☐ Ship supplier ☐
Name Approval number
Address
Postal code

I.13. Place of loading

I.14. Date of departure

I.15. Means of transport
Aeroplane ☐ Ship ☐ Railway wagon ☐
Road vehicle ☐ Other ☐
Identification:
Documentary references:

I.16. Entry BIP in EU

I.17. No(s) of CITES

I.18. Description of commodity

I.19. Commodity code (HS code)

I.20. Quantity

I.21. Temperature of product
Ambient ☐ Chilled ☐ Frozen ☐

I.22. Number of packages

I.23. Identification of container/Seal number

I.24. Type of packaging

I.25. Commodities certified for:
Human consumption ☐

I.26. For transit through EU to 3rd Country ☐
3rd country ISO code

I.27.

I.28. Identification of the commodities

Species (Scientific name)	Nature of commodity	Treatment type	Abattoir	Approval number of establishments Manufacturing plant	Cold store	Number of packages	Net weight

COUNTRY **Meat product for transit and storage**

Part II: Certification

II.a. Certificate reference number	II.b.

II. **Animal Health Attestation**

I, the undersigned official veterinarian, hereby certify, that the meat product ([1]) for transit and/or storage ([2]) described above:

II.1. comes from a country or region authorized for imports into the EC as laid down in Annex II to 2005/432EC at the time of slaughter of the animals from which the meat in the meat product is derived and

II.2. complies with the relevant animal health conditions as laid down in the animal health attestation in the model certificate in Annex III to 2005/432EC

Notes

Part I:

— Box reference I.8: region (if appropriate) as appearing in Annex II to Commission Decision 2005/432EC (as last amended).

— Box reference I.11: Place of origin: name and address of the dispatch establishment.

— Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship). Separate information is to be provided in the event of unloading and reloading.

— Box reference I.19: use the appropriate HS codes: 02.10, 16.01, 16.02.

— Box reference I.23: Identification of container/Seal number: only where applicable.

— Box reference I.28: 'Species': select among species described in Part II 1.1. (A);

'Nature of commodity': complete as appropriate

'Treatment type': specify the description of the treatment applied as laid down in Annex II to Commission Decision 2005/432EC (as last amended);

'Abattoir': any abattoir or "game-handling establishment';

'Cold store': any storage facility.

Part II:

([1]) Meat products as laid down in point 7.1 of Annex I to Regulation (EC) No 853/2004.

([2]) In accordance with Article 12(4) or Article 13 of Council Directive 97/78/EC.

— The colour of the signature shall be different to that of the printing. The same rule applies to the stamp other than those embossed or watermarked.

Official veterinarian

Name (in capitals): Qualification and title:

Date: Signature:

Stamp'

COMMISSION DECISION

of 23 November 2006

approving the plans for the eradication of classical swine fever in feral pigs and the emergency vaccination of those pigs and of pigs in holdings against that disease in Romania

(notified under document number C(2006) 5426)

(Text with EEA relevance)

(2006/802/EC)

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, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 42 thereof,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever [1], and in particular the second subparagraph of Article 16(1), the second subparagraph of Article 19(3) and the fourth subparagraph of Article 20(2) thereof,

Whereas:

(1) Directive 2001/89/EC introduces minimum Community measures for the control of classical swine fever. Those measures include the provision that Member States are to submit to the Commission, following the confirmation of a primary case of classical swine fever in feral pigs, a plan of the measures to eradicate that disease. Those measures also provide for the emergency vaccination of feral pigs and pigs in pig holdings.

(2) In 2006, classical swine fever has been present in feral pigs and pigs in pig holdings in Romania.

(3) Taking into account the Accession of Romania, measures concerning the situation with regard to classical swine fever in that country should be laid down at Community level.

(4) Romania has put in place a programme to survey and control classical swine fever in the whole territory of that country. That programme is still ongoing.

(5) Romania has also submitted to the Commission for approval on 27 September 2006 a plan for the eradication of classical swine fever in feral pigs and a plan for the emergency vaccination of feral pigs against classical swine fever in the whole territory of Romania.

(6) In addition, Romania submitted to the Commission on 27 September 2006 a plan for the eradication of classical swine fever in feral pigs, an emergency vaccination plan for the vaccination of pigs in large pig holdings with a marker vaccine and an emergency vaccination plan for the vaccination of pigs in smaller pig holdings with a live attenuated conventional vaccine.

(7) Those plans submitted by Romania, have been examined by the Commission and found to comply with Directive 2001/89/EC.

(8) In the interests of animal health, Romania must ensure the effective implementation of those measures, in particular by the establishment of fully functional national and local disease control centres as provided for in the plans submitted on 27 September 2006.

(9) Due to this endemic presence of classical swine fever in the territory of Romania, the Commission adopted Commission Decision 2006/779/EC of 14 November 2006 concerning transitional animal health control measures in relation to classical swine fever in Romania [2] to apply from the date of entry into force of Treaty of Accession of Bulgaria and Romania.

(10) The measures laid down in Decision 2006/779/EC prohibit *inter alia* the dispatch of pigmeat, pigmeat products and products and preparations containing pigmeat from Romania to the other Member States. For that purpose, that meat and those products must be marked with special marks. Accordingly, it is appropriate that the fresh meat produced from pigs vaccinated during the emergency vaccination in accordance with the present Decision is marked with the same mark and that provisions are laid down for placing such meat on the market.

[1] OJ L 316, 1.12.2001, p. 5. Directive as amended by the 2003 Act of Accession.

[2] OJ L 314, 15.11.2006, p. 48.

(11) With a view to the Accession of Romania the measures provided for in this Decision should be approved as transitional measures applicable from the date of Accession and for a period of nine months.

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

HAS ADOPTED THIS DECISION:

Article 1

Plan for the eradication of classical swine fever in the feral pigs

The plan submitted by Romania to the Commission on 27 September 2006 for the eradication of classical swine fever in feral pigs, in the area as set out in point 1 of the Annex, is approved.

Article 2

Plan for the emergency vaccination against classical swine fever of feral pigs

The plan submitted by Romania to the Commission on 27 September 2006 for the emergency vaccination against classical swine fever of feral pigs, in the area as set out in point 2 of the Annex, is approved.

Article 3

Plan for the emergency vaccination against classical swine fever of pigs in pig holdings with a marker vaccine

The plan submitted by Romania to the Commission on 27 September 2006 for the emergency vaccination against classical swine fever of pigs in pig holdings with a marker vaccine, in the area as set out in point 3 of the Annex, is approved.

Article 4

Plan for the emergency vaccination against classical swine fever of pigs in pig holdings with a live attenuated conventional vaccine

The plan submitted by Romania to the Commission on 27 September 2006 for the emergency vaccination against classical swine fever of pigs in pig holdings with a live attenuated conventional vaccine, in the area as set out in point 4 of the Annex, is approved.

Article 5

Obligations by Romania concerning pigmeat

Romania shall ensure that the pigmeat obtained from pigs:

(a) which are vaccinated with a marker vaccine in accordance with Article 3 is limited to the national market and shall not be dispatched to the other Member States;

(b) which are vaccinated in accordance with Article 3 and 4 of this Decision, is marked with a special health or identification mark which cannot be confused with the Community stamp as referred to in Article 4 of Decision 2006/779/EC;

(c) which are vaccinated with a live attenuated conventional vaccine in accordance with Article 4 is limited for the private domestic consumption or for the direct supply, by the producer, of small quantities to the final consumer or to local market in the same municipality and shall not be dispatched to the other Member States.

Article 6

Information obligations on Romania

Romania shall ensure that the Commission and the Member States are provided on a monthly basis with information concerning the implementation of the emergency vaccination plans of pigs, as provided for in Articles 3 and 4, as follows:

(a) the number of pigs vaccinated, the number of doses of vaccine used and the number of holdings where such pigs have been vaccinated;

(b) the number of pigs slaughtered and a list of the slaughterhouses where such pigs have been slaughtered;

(c) the number and nature of surveillance tests carried out to control the vaccination and the results of such tests.

Article 7

Compliance measures by Romania

Romania shall take the necessary measures to comply with this Decision and publish those measures. It shall immediately inform the Commission thereof.

Article 8

Applicability

This Decision shall apply only subject to and from the date of entry into force of the Treaty of Accession of Bulgaria and Romania.

It shall apply for a period of nine months.

Article 9

Addressee

This Decision is addressed to the Member States.

Done at Brussels, 23 November 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

1. **Areas where the plan for the eradication of classical swine fever in feral pigs is to be implemented:**

   the whole territory of Romania.

2. **Areas where the plan for the emergency vaccination against classical swine fever of feral pigs is to be implemented:**

   the whole territory of Romania.

3. **Areas where the plan for the emergency vaccination for the vaccination against classical swine fever with marker vaccine of pigs in pig holdings is to be implemented:**

   the whole territory of Romania.

4. **Areas where the plan for emergency vaccination against classical swine fever with a live attenuated conventional vaccine of pigs in pig holdings is to be implemented:**

   the whole territory of Romania.

COMMISSION DECISION

of 23 November 2006

amending Decision 2005/381/EC establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC

(notified under document number C(2006) 5546)

(Text with EEA relevance)

(2006/803/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC [1], and in particular Article 21(1) thereof,

Whereas:

(1) The questionnaire set out in the Annex to Commission Decision 2005/381/EC [2] should be adjusted in the light of the experience gained by Member States and the Commission in using the questionnaire and in assessing the replies to the questionnaire for drawing up the annual reports which were due by 30 June 2005.

(2) The replies by Member States identified areas relevant for the Commission report on the application of Directive 2003/87/EC not yet included in the questionnaire set out in the Annex to Decision 2005/381/EC.

(3) The assessment of the replies by Member States showed that some questions were not answered consistently and in need of further clarification.

(4) The experience gained during the first complete cycle of monitoring, reporting and verification of carbon dioxide emissions by installations included in the emissions trading scheme necessitated a review of the relevant sections of the questionnaire.

(5) The Annex to Decision 2005/381/EC should therefore be amended accordingly and, for clarity purposes, replaced.

(6) The measures provided for in this Decision are in accordance with the opinion of the Committee established in accordance with Article 6 of Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment [3],

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2005/381/EC is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 November 2006.

For the Commission
Stavros DIMAS
Member of the Commission

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[1] OJ L 275, 25.10.2003, p. 32. Directive as amended by Directive 2004/101/EC (OJ L 338, 13.11.2004, p. 18).
[2] OJ L 126, 19.5.2005, p. 43.
[3] OJ L 377, 31.12.1991, p. 48. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

ANNEX

'*ANNEX*

PART 1

QUESTIONNAIRE ON THE IMPLEMENTATION OF DIRECTIVE 2003/87/EC

1. **Details of institution submitting the report**

1. Name of contact person:

2. Official title of contact person:

3. Name and department of organisation:

4. Address:

5. International telephone number:

6. International fax number:

7. E-mail:

2. **Competent authorities**

Questions 2.1 and 2.2 are to be answered in the report due by 30 June 2007 and in subsequent reports if changes were made during the reporting period.

2.1. Please state the name and the abbreviation of the competent authorities which are involved in the implementation of the emissions trading scheme in your country.

In answering this question, use the table below. Add further rows if necessary.

Name	Abbreviation	Contact details

2.2. Please indicate which competent authority is responsible for each of the tasks listed in the table below using their abbreviations.

Please indicate the abbreviation of the competent authority which is in charge of the following tasks:	
Issuance of permits	
Allocation of allowances	
Issuance of allowances	
Validation of monitoring methodology	

Receiving and supervising verified emission reports	
Accreditation of verifiers	
Registry	
Compliance and enforcement	
Issuance of ERU as a host country	
Approval of the use of CERs & ERUs for compliance	
Administration of new entrants reserve	
Information to the public	
Auctioning	
Administration of opt-ins	
Administration of pooling	
Other (please specify): _____	

3. **Coverage of activities and installations**

3.1. How many of the combustion installations have a rated thermal input that exceeds 20 MW but is below 50 MW on 31 December of the reporting year? In total, how many CO_2 equivalents were emitted by these installations in the reporting period?

In answering this question, use the table below.

	Number	Share in total number of installations or emissions
Number of installations with a rated thermal input that exceeds 20 MW but is below 50 MW		
CO_2 equivalents emitted by those installations		

3.2. What changes occurred during the reporting period in comparison with the national allocation plan table (NAP Table) as entered into the Community Independent Transaction Log on 1 January of the reporting year (new entrants, closures, installations falling below the capacity thresholds)?

In answering this question, use Table 1 of Part 2 of this Annex.

3.3. Did the competent authority receive any application(s) during the reporting period from operators who wish to form a pool pursuant to Article 28 of Directive 2003/87/EC (ET Directive)? If yes, to which activity listed in Annex I to Directive 2003/87/EC (hereinafter — "Annex I activity") did the application refer to and was the pool formed?

In answering this question, use the table below.

	Main Annex I activity [a]	Number of applications received	Number of pools formed
	Energy activities		
E1	Combustion installations with a rated thermal input exceeding 20 MW (except hazardous or municipal waste installations)		
E2	Mineral oil refineries		
E3	Coke ovens		
	Production and processing of ferrous metals		
F1	Metal ore (including sulphide ore) roasting or sintering installations		
F2	Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2.5 tonnes per hour		
	Mineral industry		
M1	Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or lime in rotary kilns with a production capacity exceeding 50 tonnes per day or in other furnaces with a production capacity exceeding 50 tonnes per day		
M2	Installations for the manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day		
M3	Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4 m^3 and with a setting density per kiln exceeding 300 kg/m^3		
	Other activities		
	Industrial plants for the production of		
O1	(a) pulp from timber or other fibrous materials		
O2	(b) paper and board with a production capacity exceeding 20 tonnes per day		

[a] If an installation carries out more than one activity, please only count the installation once under its main Annex I activity.

3.4. Is there any other relevant information concerning the coverage of installations and activities in your country? If so, please specify.

4. **The issue of permits for installations**

Questions 4.1 to 4.4 are to be answered in the report due by 30 June 2007 and in subsequent reports if changes were made during the reporting period.

4.1. What measures have been taken to ensure that operators comply with the requirements of their greenhouse gas emissions permits?

Note: Fines or penalties which might be imposed in case of infringements must not be reported here but under section 11.

In answering this question, use the table below. Add further rows if necessary.

Which of the following measures are applied in your country (add explanatory text if necessary)?	
The account will be blocked in case of irregularities	Yes/No
Selling will be prohibited in case of irregularities	Yes/No
Withdrawal of permit; suspension of the installation	Yes/No
Spot or routine checks or inspections by the administration	Yes/No
Conservative emission estimates in case of missing emission reports	Yes/No
Verification bodies check compliance with the conditions of the permit	Yes/No
Regular meetings with industry & associations to discuss relevant issues	Yes/No
Provision of specific reporting formats and guidance	Yes/No
Naming and shaming of non-compliant operators	Yes/No
Other (please specify): _____	

4.2. Where more than one competent authority is involved, how does national legislation ensure that the conditions of and the procedures for the issuance of permits are fully coordinated? How does this coordination work in practice?

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements applies to your country (add explanatory text if necessary)?	
More than one competent authority	Yes/No
If yes, please answer the following questions:	
Cooperation explicitly regulated by a law or a regulation	Yes/No
Commission or working group or coordination with regular meetings established	Yes/No
Guidance note for implementation of the national emissions trading law	Yes/No
Interpretation group to clarify ambiguous issues	Yes/No
Coordination of administrative acts by one central authority	Yes/No
Training courses to ensure consistent implementation	Yes/No
Other (please specify): _____	

4.3. In cases where installations carry out activities listed in Annex I to Council Directive 96/61/EC [1] (IPPC Directive) what measures have been taken to ensure that conditions and procedure for the issue of a greenhouse gas emissions permit are coordinated with those for the permit provided for in that Directive? Have the requirements laid down in Articles 5, 6 and 7 of Directive 2003/87/EC been integrated into the procedures provided for in Directive 96/61/EC? If so, how was this integration performed?

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements applies to your country (add explanatory text if necessary)?	
Requirements laid down in Articles 5-7 of Directive 2003/87/EC have been transposed by national legislation	Yes/No
Law which transposes the IPPC Directive does not include emission or concentration limits for CO_2	Yes/No
Integrated permitting procedure under the IPPC Directive and the ET Directive	Yes/No
Separate permits for IPPC and ET Directive	Yes/No
Granting of an IPPC permit requires a valid emissions trading scheme (ETS) permit	Yes/No
Granting of an ETS permit requires a valid IPPC permit	Yes/No
IPPC regulators will check whether ETS permit is necessary and inform ETS regulators	Yes/No
Other (please specify): _____	

4.4. What are the legislative provisions, procedures and practice concerning updating of permit conditions by the competent authority pursuant to Article 7 of Directive 2003/87/EC?

In answering this question, use the table below. Add further rows if necessary.

Please refer to the legal provision which transposes Article 7 of Directive 2003/87/EC	

Which of the following provisions, procedures and practices apply to your country (add explanatory text if necessary)?	
Authorisation for changes in the installation type or operating mode required	Yes/No
Authorisation for changes in the monitoring methodology required	Yes/No
Changes have to be notified in advance	Yes/No
Closures have to be notified immediately	Yes/No

[1] OJ L 257, 10.10.1996, p. 26. Directive as last amended by Regulation (EC) No 166/2006 of the European Parliament and of the Council (OJ L 33, 4.2.2006, p. 1).

Penalty in case of non-compliance with request to update monitoring methodology	Yes/No
Change of the operator requires an update of permit	Yes/No
Less significant changes are just recorded	Yes/No
Other (please specify): _____	

4.5. How many permits were updated during the reporting period because of a change in the nature or functioning, or extension, of installations made by operators as specified in Article 7 of Directive 2003/87/EC? Please provide for each category (capacity increase, capacity decrease, change in process type, etc.) how many permits were updated.

In answering this question, use the table below. Add further rows if necessary.

Please state the number of changes in each category:

Total changes	
Revoked	
Surrendered	
Transferred	
Increase of capacity	
Decrease of capacity	
Changes to monitoring and reporting details	
Change in name of installation or operator	
Non-significant amendment	
Notification of changes without update of permit	
Other (please specify): _____	

4.6. Is there any other relevant information concerning the issue of permits for installations in your country? If so, please specify.

5. **Application of the monitoring and reporting guidelines**

Question 5.1 is to be answered in the report due by 30 June 2007, the first report of each trading period and in subsequent reports if changes were made during the reporting period.

5.1. What legal acts have been adopted in your country in order to implement monitoring and reporting guidelines? Are general derogations from the monitoring and reporting guidelines allowed by the legislation of your country, e.g. for specific fuels or activities? If so, please specify.

5.2. Which tiers were used in the monitoring methodologies for the major emitting installations (cf. Commission Decision 2004/156/EC [2])?

In answering this question, use Table 2 of Part 2 of this Annex. The information required in Table 2 need only be given for the largest installations covered by the ET Directive which contribute cumulatively to 50 % of the total emissions included in the trading scheme. No information needs to be reported for sources within these installations with annual emissions below 25 kt CO_2 eq.

5.3. If tiers below the minimum tiers specified in Table 1 in section 4.2.2.1.4 of Annex I to Decision 2004/156/EC have been accepted in the monitoring methodology, please indicate for each installation for which this situation occurred the coverage of emissions, the activity, the tier category (activity data, net calorific value, emission factor, oxidation factor or conversion factor) and the monitoring approach/tier agreed in the permit.

In answering this question, use Table 3 of Part 2 of this Annex. The information required in Table 3 needs only to be given for installations not reported under question 5.2. General derogations provided for in the national legislation must be reported under question 5.1.

5.4. Which installations temporarily applied different tier methods than those agreed with the competent authority?

In answering this question, use Table 4 of Part 2 of this Annex.

5.5. In how many installations was continuous emissions measurement applied? Please indicate the number of installations per Annex I activity and within each activity per subcategory based on reported annual emissions (less than 50 kt, 50-500 kt and over 500 kt).

In answering this question, use Table 5 of Part 2 of this Annex.

5.6. How much CO_2 was transferred from installations? Please indicate the number of tonnes of CO_2 transferred pursuant to section 4.2.2.1.2 of Annex I to Decision 2004/156/EC and the number of installations that transferred CO_2 for each activity listed in Annex I to Directive 2003/87/EC.

In answering this question, use the table below.

Main Annex I activity	Number of installations	CO_2 transferred (kt CO_2)	Use of transferred CO_2
E1			
E2			
E3			
F1			
F2			
M1			
M2			
M3			
O1			
O2			

[2] OJ L 59, 26.2.2004, p. 1.

5.7. How much biomass was combusted or employed in processes? Please indicate the quantity of biomass as defined in paragraph 2(d) of Annex I to Decision 2004/156/EC combusted (TJ) or employed (t or m^3) for each activity listed in Annex I to Directive 2003/87/EC.

In answering this question, use the table below.

Main Annex I activity	Biomass combusted (TJ)	Biomass employed (t)	Biomass employed (m^3)
E1			
E2			
E3			
F1			
F2			
M1			
M2			
M3			
O1			
O2			

5.8. What was the total quantity of waste used as fuel or input material per waste type? What was the total quantity of resulting CO_2 emissions per waste type?

In answering this question, use the table below. Add further rows if necessary.

Waste type ([3])	Quantity used/deployed (t)	Quantity used/deployed (m^3)	CO_2 Emissions (t CO_2)

5.9. Please submit sample monitoring and reporting documents from some temporarily excluded installations, if applicable.

Question 5.10 is to be answered in the report due by 30 June 2007 and in subsequent reports if changes were made during the reporting period:

([3]) The waste types should be reported using the classification of the "European List of Wastes" (Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC of 22 December 1994 establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste.

5.10. What measures have been taken to coordinate reporting requirements with any existing reporting requirements in order to minimise the reporting burden on businesses?

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements applies to your country (add explanatory text if necessary)?	
ETS reporting requirements are coordinated with other reporting requirements	Yes/No
Coordination with greenhouse gas inventory compilation under UNFCCC ([4]) and Decision 280/2004/EC	
Coordination with EPER ([5])	Yes/No
Coordination with IPPC	Yes/No
Coordination with NEC ([6])	Yes/No
Coordination with LCP ([7])	Yes/No
Coordination with EMEP ([8])	Yes/No
Coordination with voluntary covenants	Yes/No
Coordination with other trading schemes (please specify)	Yes/No
ET data can be used by statistical office	Yes/No
Other (please specify): _____	

5.11. What procedures or measures have been implemented to improve monitoring and reporting by operators?

5.12. Is there any other relevant information concerning the application of the monitoring and reporting guidelines in your country? If so, please specify.

6. **Arrangements for verification**

Question 6.1 is to be answered in the report due by 30 June 2007 and in subsequent reports if changes were made during the reporting period.

6.1. Please describe the framework for verification of emissions, in particular the role of the competent authorities and other verifiers and any special requirements for verifiers already accredited in another country. Please submit documents setting out the accreditation criteria for verifiers as well as any verification guidance provided for accredited verifiers and documents setting out the mechanisms for supervision and quality assurance for verifiers, if available.

([4]) United Nations Framework Convention on Climate Change.
([5]) European Pollutant Emission Register (Commission Decision 2000/479/EC of 17 July 2000), (OJ L 192, 28.7.2000, p. 36).
([6]) National Emissions Ceilings (Directive 2001/81/EC), (OJ L 309, 27.11.2001, p. 22).
([7]) Large Combustion Plants (Directive 2001/80/EC), (OJ L 309, 27.11.2001, p. 1).
([8]) Co-operative Programme for Monitoring and Evaluation of the Long-range Transmission of Air pollutants in Europe.

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements apply to your country (add explanatory text if necessary)?	
Independent verifiers can be accredited according to national criteria (if so, please provide relevant documents or Internet link)	Yes/No
National guidance for verification developed (if so, please provide relevant documents or Internet link)	Yes/No
Are national rules and procedures for verification based on EN 45011 and EA-6/01 ([9])	Yes/No
Verifiers are required to recommend improvements to installation's monitoring	Yes/No
Competent authority or other agency has a right to check verified emission reports	Yes/No
Competent authority or other agency has a right to adjust the verified emission report if deemed unsatisfactory	Yes/No
Competent authority or other agency supervises verifiers (including spot checks, training, quality assurance and quality control procedures)	Yes/No
Competent authority has a right to appoint a verifier to an installation	Yes/No
Verifiers accredited in another Member State are subject to another accreditation process	— No — No, only formal requirements (registration, etc) — No for verifiers accredited in a Member State which applies similar criteria — Yes, simplified requirements — Yes, full accreditation required (if so, please briefly justify)
Knowledge of language and/or national laws/regulations required for verifiers accredited in another Member State	Yes/No
Special QA/QC procedures in place at CA for verifiers accredited in another Member State	Yes/No
Other (please specify): _____	

6.2. Did any operator provide an emission report for the reporting period not considered satisfactory by 31 March? If so, please provide a list of the installations concerned and the reasons why no positive verification statement was given.

In answering this question, use Table 6 of Part 2 of this Annex. Cases where operators did not provide any emission report must be reported under question 6.3.

6.3. For how many installations were no emission reports for the reporting period provided by 31 March? Please indicate the number of installations, allocated allowances and allowances blocked in the operators' holding accounts per Annex I activity and within each activity per subcategory based on reported annual emissions (less than 50 kt, 50-500 kt and over 500 kt).

([9]) European Co-operation for Accreditation's (EA) Guidance on the application of EN 45011.

In answering this question, use Table 7 of Part 2 of this Annex.

6.4. Which measures were undertaken in cases where operators did not provide an emission report by 31 March of the reporting period?

6.5. Did the competent authority carry out any independent checks on verified reports? If yes, please describe how additional checks were undertaken and/or how many reports were checked.

6.6. Did the competent authority instruct the registry administrator to correct the annual verified emissions for the previous year for any installation(s) to ensure compliance with the detailed requirements established by the Member State pursuant to Annex V to Directive 2003/87/EC?

Indicate any corrections in Table 6 of Part 2.

6.7. Is there any other relevant information concerning the arrangements for verification in your country? If so, please specify.

7. **Operation of registries**

Question 7.1 is to be answered in the report due by 30 June 2007 and in subsequent reports if changes were made during the reporting period:

7.1. Please provide any terms and conditions required to be signed by account holders and provide a description of the identity check of persons undertaken before creating holding accounts (cf. Commission Regulation (EC) No 2216/2004 ([10])).

In answering this question, use the table below.

Please provide the link to your registry	
Which of the following statements apply to your country (add explanatory text if necessary)?	
Specific terms and conditions elaborated which account holders have to sign (if yes, please provide relevant documents or links)	Yes/No
Different identity checks applied for operators and individuals	Yes/No
Personal presence required for ID checks for residents in Member State ([11])	Operators/Individuals/Both/No
ID check through written procedure only for residents ([12])	Operators/Individuals/Both/No
Personal presence required for ID checks for residents of other countries ([13])	Operators/Individuals/Both/No
ID check through written procedure only for residents in other countries ([14])	Operators/Individuals/Both/No
Copy of company register or similar documentation required for opening of operator holding account?	Yes/No
Documentation showing right to represent company required for opening of operator holding account?	Yes/No
Other (please specify): _____	

([10]) OJ L 386, 29.12.2004, p. 1.
([11]) This includes ID checks by third parties like post offices or notary where the applicant has to present himself in person.
([12]) This includes electronic procedures.
([13]) This includes ID checks by third parties like embassies where the applicant has to present himself in person.
([14]) This includes electronic procedures.

7.2. Please provide a summary of all security alerts relevant to the national registry which have occurred during the reporting period, how they were addressed and the time taken for resolution.

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements apply to your country (add explanatory text if necessary)?	
General procedures in place to prevent occurrence of security alerts	Yes/No
Security alerts relevant to national registries occurred during the reporting period	Yes/No

If yes, please fill out the following table

Type of security alert	Number of occurrences	Action taken	Time needed for resolution

7.3. Please state how many minutes for each month of the reporting period the national registry was unavailable to its users (a) due to scheduled downtime, and (b) due to unforeseen problems.

In answering this question, use the table below.

Month	Scheduled downtime [minutes]	Unscheduled downtime [minutes]
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

7.4. Please list and provide details on each upgrade to the national registry scheduled for the next reporting period.

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements apply to your country (add explanatory text if necessary)?	
Regular time slots allocated for maintenance and upgrading of registry (if so, please provide dates)	Yes/No
Registry will be upgraded together with upgrade of software system used	Yes/No

Please provide details for all upgrades scheduled for the next reporting period	
Date	Purpose

7.5. Is there any other relevant information concerning the operation of registries in your country? If so, please specify.

8. **Arrangements for the allocation of allowances — new entrants — closures**

Questions 8.1 and 8.2 are to be answered in the first report after each notification and allocation procedure laid down in Articles 9 and 11 of Directive 2003/87/EC.

8.1. Looking back at the completed allocation process, please describe the main lessons learnt by your authorities, and how you think they will influence your approach to the next allocation process.

8.2. Do you have any suggestions for the improvement of future notification and allocation processes for the Community as a whole?

8.3. How many allowances were allocated to the new entrants listed in Table 1, if any? Please give the installation identification code for the new entrant and the transaction identification code associated with the allocation of allowances.

In answering this question, use Table 1 of Part 2 of this Annex.

8.4. How many allowances were left in any new entrants reserve at the end of the reporting period, and what share do they represent of the original reserve?

In answering this question, use the table below.

Number of allowances left in the new entrants reserve at the end of the reporting period (31 December each year)	
Share of allowances remaining in the new entrants reserve, in percent	

8.5. If your Member State allocates allowances other than for free, please explain how such allocation is made (e.g. way in which auctioning is undertaken)?

8.6. If auctioning was used as an allocation method, who was allowed to participate in the auction?

In answering this question, use the table below.

National operators only	Yes/No
National registry account holders only	Yes/No
All Community operators	Yes/No
All bidders with an account in a Community registry	Yes/No
Other (please specify): _____	

8.7. If auctioning was used as an allocation method, how many auctions were held during the reporting period, how many allowances were auctioned during each auction, what share do they represent of the total quantity of allowances for the trading period and what was the price per allowance at each auction?

In answering this question, use the table below.

Was auctioning used as an allocation method?	Yes/No
If yes, please answer the following questions.	
Number of auctions held during the reporting period (1 January to 31 December)	
Number of allowances auctioned (each auction separately)	
Clearing price of auction (each auction separately)	

8.8. If auctioning was used as an allocation method, what use was made of allowances not purchased at the auction(s)?

8.9. If auctioning was used as an allocation method, what were the revenues used for?

8.10. How were allowances treated that had been allocated but were not issued to installations that closed during the reporting period?

Question 8.11 is to be answered in the first report following the end of the trading periods set out in Article 11(1) and (2) of Directive 2003/87/EC.

8.11. Were allowances remaining in the new entrants' reserve at the end of the trading period cancelled or auctioned?

8.12. Is there any other relevant information concerning the arrangements for allocation, new entrants and closures in your country? If so, please specify.

9. **Surrender of allowances by operators**

9.1. In all cases where an account in the registry was closed because there was no reasonable prospect of further allowances being surrendered by the installation's operator, please describe why there was no reasonable further prospect and state the amount of outstanding allowances ([15]).

In answering this question, use the table below. Add further rows if necessary.

Reason for closure of account	Quantity of outstanding allowances (kt CO_2 eq)

9.2. Is there any other relevant information concerning the surrender of allowances by operators in your country? If so, please specify.

10. **Use of emission reduction units (ERUS) and certified emission reductions (CERS) in the community scheme**

Question 10.1 is to be answered annually starting with the report submitted in 2006 as regards CERs and starting with the report submitted in 2009 as regards ERUs:

10.1. Have ERUs and CERs been issued for which an equal number of allowances had to be cancelled pursuant to Article 11(b)(3) or (4) of Directive 2003/87/EC because the Joint Implementation (JI) or Clean Development Mechanism (CDM) project activities reduce or limit directly or indirectly the emission level of installations falling under the scope of that Directive? If so, please provide the sum of allowances cancelled and the total number of operators concerned separately for cancellation pursuant to Article 11(b)(3) and (4) of that Directive.

In answering this question, use the table below.

	Quantity of allowances cancelled	Number of operators affected
cancellation pursuant to Article 11(b)(3)		
cancellation pursuant to Article 11(b)(4)		

Questions 10.2 and 10.3 are to be answered in the report due by 30 June 2007 and in subsequent reports if changes were made during the reporting period:

10.2. Which CERs and ERUs may be used for compliance in your Member State? Please state any project category excluded except those which are already excluded pursuant to Article 11(a)(3) of Directive 2003/87/EC (CERs and ERUs from nuclear or from land use, land use change and forestry project activities).

In answering this question, use the table below.

CERs and ERUs from all project categories can be used	Yes/No
CERs and ERUs from certain project categories are excluded (if yes, please specify)	Yes/No

([15]) If the amount of outstanding allowances is not known please provide an estimate of outstanding allowances based on the last verified emission report, remaining allowances in the account and other information available to the Competent Authority.

10.3. What measures have been taken to ensure that relevant international criteria and guidelines, including those contained in the year 2000 Final Report of the World Commission on Dams (WCD), will be respected during the development of hydroelectric power production projects with a generating capacity exceeding 20MW?

In answering this question, use the table below. Add further rows if necessary.

Which of the following statements apply to your country (add explanatory text as necessary):	
Project participants are legally obliged to adhere to the WCD guidelines	Yes/No
Adherence to WCD guidelines is verified (if so, please provide relevant authority, e.g. competent authority or Designated National Authority)	Yes/No
Other international criteria and guidelines have to be respected during the development of large hydroelectric power projects (if so, please provide relevant documents or links)	Yes/No
Other (please specify):	

10.4. Is there any other relevant information concerning the use of ERUs and CERs in the Community scheme in your country? If so, please specify.

11. **Fees and charges**

Questions 11.1 to 11.4 are only to be answered in the report due by 30 June 2007 and in subsequent reports if changes were made during the reporting period:

11.1. Are fees charged to operators for the issuance and update of permits? If so, please provide details on the fees charged, total proceeds and the use of the proceeds.

11.2. What fees are charged to operators for the issuance of allowances? If so, please provide details on the fees charged, total proceeds and the use of the proceeds.

11.3. What fees are charged for the use of the registry if any? Please give details.

In answering this question, use the table below?

Which of the following statements apply to your country (add explanatory text as necessary)?	
Fees are charged for the use of the registry	Operators: Yes/No Individuals: Yes/No
Different fees in place for operators and individuals	Yes/No
Fee for opening an account ([16])	Operators: … EUR once/per trading period Individuals: … EUR once/per trading period
Annual fee for maintaining account ([17])	Operators: … EUR per year Individuals: … EUR per year
Other (please specify):	

([16]) Indicate the relevant period as well (once/per trading period).
([17]) If fees depend on allocation please provide minimum and maximum fees if applicable and the relevant formula.

11.4. Is there any other relevant information concerning fees and charges in the Community scheme in your country? If so, please specify.

12. **Issues related to compliance with the ET directive**

Question 12.1 is to be answered in the report due by 30 June 2007 and in subsequent reports if changes were made during the reporting period:

12.1. Please state the relevant national provisions and the penalties for infringements of national provisions pursuant to Article 16(1) of the ET Directive.

In answering this question, use the table below. Add further rows if necessary.

Kind of infringement	Relevant national provision	Fines (EUR)		Imprisonment (months)	
		min	max	min	max
Operation without permit					
Infringements of monitoring and reporting obligations					
Omission to notify changes to the installation					
Other (please specify)					

12.2. Where penalties were imposed pursuant to Article 16(1) of the ET Directive for infringements of national provisions, please state the relevant national provisions, briefly describe the infringement and give the penalties imposed.

In answering this question, use the table below. Add further rows if necessary.

		Penalty imposed	
Infringement	National provision	Fines (EUR)	Imprisonment (months)

12.3. Please provide the names of operators for which excess emission penalties were imposed pursuant to Article 16(3) of the ET Directive.

In answering this question, it is sufficient to provide a reference to the publication of the names under Article 16(2) of the ET Directive.

12.4. Is there any other relevant information related to compliance with the ET Directive in your country? If so, please specify.

13. **The legal nature of allowances and fiscal treatment**

Questions 13.1 to 13.8 are only to be answered in the report due by 30 June 2007 and in subsequent reports if changes were made during the reporting period:

13.1. What is the legal nature of an allowance (commodity/financial instrument) for the purpose of financial regulation?

13.2. What is the legal status given to allowances and emissions for the purposes of accounting?

13.3. Were any specific accounting rules established or adopted for allowances? If yes, please describe them briefly.

13.4. Are transactions of allowances subject to VAT?

13.5. Is the issuance of allowances subject to VAT?

13.6. If your Member State allocates allowances for payment, is VAT due on the transaction?

13.7. Are profits or losses from transactions of allowances subject to a specific income tax (e.g. specific tariffs)?

13.8. Is there any other relevant information concerning the legal nature of allowances and their fiscal treatment in your country? If so, please specify.

14. **Access to information pursuant to article 17 of the ET Directive**

14.1. Where are decisions relating to the allocation of allowances, information on project activities in which a Member State participates or authorises private or public entities to participate, and reports of emissions required under the greenhouse gas emissions permit and held by the competent authority made available to the public?

In answering this question, use the table below:

Type of information	Information available to public	If information is available, at which location?		
		Internet ([18])	Official Publication ([19])	Other (please specify)
Allocation rules	Yes/No/on request only			
NAP table	Yes/No/on request only			
Changes to list of installations	Yes/No/on request only			
Verified emission reports	Yes/No/on request only			
Project activities	Yes/No/on request only			
Greenhouse gas emissions permit	Yes/No/on request only			
Information required by Annex XVI to Regulation (EC) No 2216/2004	Yes/No/on request only			
Other (please specify):				

14.2. Is there any other relevant information concerning the access to information pursuant to Article 17 of the ET Directive in your country? If so, please specify.

15. **Other observations**

15.1. Were public studies on the implementation and the further development of the European emissions trading scheme undertaken in your country? If so, please provide the document, reference or internet link together with a very brief outline of the study.

15.2. Are there any particular implementation issues that give rise to concerns in your country? If so, please specify.

([18]) Please provide web address.
([19]) Please provide the title.

PART 2

Table 1

Changes to list of installations

Member State:

Reporting period:

A	B	C	D	E	F	G	H	I	J
Installation		Operator					Allowances allocated or issued [d]		
Permit ID Code	Installation ID Code	Name	Main Annex I activity [a]	Other Annex I activities [a]	Main non-Annex I activity [b]	Change compared with installations included in NAP [c]	Quantity	Year(s)	Transaction identification code [e]

[a] The same installation can carry out activities falling under different subheadings. All relevant activities should be indicated. Please use the codes for Annex I activities listed in the Table to question 3.3.
[b] The main activity at an installation can be other than an Annex I activity. Please fill in where relevant.
[c] Please indicate "new entrant", "closure" or "falling below capacity thresholds".
[d] For new entrants, please indicate the years for which the quantity of allowances was allocated. For closures, please indicate allowances issued during the remaining trading period, if applicable.
[e] For new entrants, please indicate the code associated with the allocation of the allowances.

Table 2

Monitoring methods applied (only for installations contributing cumulatively to 50 % of the total emissions included in the trading scheme. No information needs to be reported for sources within these installations with annual emissions below 25 kt CO_2 eq.)

Member State:

Reporting period:

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
	Installation			Emission source			Tier chosen [e]				Values				
Permit ID code	Installation ID code	Main Annex I activity [a]	Total annual emissions [b] t CO_2	Annex I activity [c]	Fuel or activity type [d]	Related emissions [b] t CO_2	Activity data Tier	Emission factor Tier	Net calorific value Tier	Oxidation factor Tier	Emission factor Value	Emission factor Unit [f]	Net calorific value Value	Net calorific value Unit [g]	Oxidation factor %

[a] The same installation can carry out activities falling under different subheadings. The main Annex I activity should be indicated. Please use the codes for Annex I activities listed in the Table to question 3.3.
[b] Verified emissions if available, otherwise emissions as reported by the operator.
[c] The same installation can carry out activities falling under different subheadings. For each fuel or activity type the Annex I activity should be indicated. Please use the codes for Annex I activities listed in Table 1.
[d] Hard coal, natural gas, steel, lime, etc. Please use a separate line for each fuel or activity if more than one fuel or activity is carried out in the same installation.
[e] Only to be filled out if emissions are calculated.
[f] kg CO_2/kWh, t CO_2/kg, etc.
[g] kJ/kg, kJ/m^3, etc.

Table 3

Monitoring methods applied for installations for which it has not been feasible to use the minimum tiers specified in Table 1 of Section 4.2.2.1.4 of Decision 2004/156/EC

Member State:

Reporting period:

A	B	C	D	E	F	G	H	I
	Installation		Total annual emissions	Affected monitoring parameter [b]	Minimum tier according to MRG	Tier applied	Reason for lower tier [c]	Lower tier permitted until [d]
Permit ID Code	Installation ID Code	Annex I activity [a]	t CO_2		Tier	Tier		Month/year

[a] The same installation can carry out activities falling under different subheadings. The main activity should be indicated. Please use the codes for Annex I activities listed in the Table to question 3.3.

[b] Please use the following notation keys: activity data (AD), net calorific value (NCV), emission factor (EF), composition data (CD), oxidation factor (OF), conversion factor (CF). If several values in an installation are affected, fill out one row per value.

[c] Please use the following notation keys: technically not feasible, unreasonable high costs, other (please specify).

[d] If the lower tier is permitted for a limited time only, please provide the date. Otherwise leave empty.

Table 4

Temporary change of monitoring method

Member State:

Reporting period:

A	B	C	D	E	F	G	H	I	J
Installation		Annex I Activity [a]	Total annual emissions	Affected monitoring parameter [b]	Original method approved	Temporary method applied	Reason for temporary change [c]	Period of temporary suspension until restoration of appropriate tier method	
Permit ID Code	Installation ID Code		t CO_2		Tier	Tier		Beginning Month/year	End month/year

[a] The same installation can carry out activities falling under different subheadings. The main activity should be indicated. Please use the codes for Annex I activi-ties listed in the Table to question 3.3.

[b] Please use the following notation keys: Activity Data (AD), Net Calorific Value (NCV), Emission Factor (EF), Composition Data (CD), Oxidation Factor (OF), Conversion Factor (CF); if several values in an installation are affected, fill out one row per value.

[c] Please use the following notation keys: Failure in measurement devices (FMD), temporary lack of data (TLD), changes in installation, fuel type etc. (CIF), other (please specify).

Table 5

Number of installations applying continuous emission measurement

Member State:

Reporting year:

A	B	C	D
Main Annex I activity [a]	< 50 000 t CO_2e	50 000 to 500 000 t CO_2 e	> 500 000 t CO_2 e
E1			
E2			
E3			
F1			
F2			
M1			
M2			
M3			
O1			
O2			

[a] Please refer to the Table under question 3.3 for a description of the Annex I activity codes. If an installation carries out more than one activity, it should only be counted once under its main Annex I activity.

Table 6

Emissions reports under Article 14(3) of the ET Directive not validated as satisfactory

Member State:

Reporting year:

A	B	C	D	E	F	G
Installation		Emissions reported from installations	Allowances surrendered	Allowances blocked in operator holding account	Reason for no positive verification statement [a]	Correction of verified emissions by competent authority
Permit ID Code	Installation ID Code	t CO_2	t CO_2	t CO_2		t CO_2

[a] Please use the following notation keys: reported data is not free of inconsistencies and material misstatements (NFI), collection of data has not been carried out in accordance with the applicable scientific standards (NASS), relevant records of installation are not complete and/or consistent (RNC), verifier was not provided with access to all sites and information related to the subject of verification (VNA), no report was produced (NR), other (please specify).

Table 7

Installations for which no emission reports were provided by 31 March of the reporting period

Member State:

Reporting period:

A	B	C	D	E	F	G	H	I	J
		< 50 000 t CO_2 e			50 000 to 500 000 t CO_2 e			> 500 000 t CO_2 e	
Main Annex I activity [a]	Number of emission reports not provided	Allocation t CO_2	Allowances blocked in operator holding accounts t CO_2	Number of emission reports not provided	Allocation t CO_2	Allowances blocked in operator holding accounts t CO_2	Number of emission reports not provided	Allocation t CO_2	Allowances blocked in operator holding accounts t CO_2
E1									
E2									
E3									
F1									
F2									
M1									
M2									
M3									
O1									
O2									

[a] Please refer to the Table to question 3.3 for a description of the Annex I activity codes. If an installation carries out more than one activity, it should only be counted once under its main Annex I activity.'

COMMISSION DECISION

of 23 November 2006

on harmonisation of the radio spectrum for radio frequency identification (RFID) devices operating in the ultra high frequency (UHF) band

(notified under document number C(2006) 5599)

(2006/804/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) [1], and in particular Article 4(3) thereof,

Whereas:

(1) Radio frequency identification (RFID) technology, a specific type of short-range devices, offers potentially significant economic and societal benefits in Europe. Different RFID applications are possible, such as automatic article identification, asset tracking, security and alarm systems, waste management, proximity sensors, anti-theft systems, location systems, data transfer to handheld devices and wireless control systems. The development of devices based on ultra high frequency (UHF) RFID in the EC will contribute to development of the information society and to promotion of innovation.

(2) Harmonised conditions and legal certainty for the availability of radio spectrum for UHF RFID devices are necessary to allow the identification of products incorporating UHF RFID or services relating to RFID to function throughout Europe. Ensuring a functioning internal market will assist the successful and rapid uptake of RFID technology by supporting economies of scale and cross-border use.

(3) The purpose of this Decision is limited to RFID systems in which the devices attached to the items to be identified have no autonomous source of energy for radio transmission and transmit solely by reusing the energy radiated onto them by reader devices. So their potential to cause interference to other spectrum users is typically limited. Therefore such devices can share frequency bands with other services which are, or are not, subject to authorisation, without causing harmful interference, and can co-exist with other short range devices. Their use should therefore not be subject to an individual authorisation pursuant to the Authorisation Directive 2002/20/EC of the European Parliament and of the Council [2]. In addition, radio communications services, as defined in the International Telecommunications Union Radio Regulations, have priority over such RFID devices and are not required to ensure the protection of RFID devices against interference and RFID systems shall not cause interference to these radio communications services. Since no protection against interference can therefore be guaranteed to users of RFID devices, it is the responsibility of manufacturers of RFID devices to protect such devices against harmful interference from radio communications services as well as from other short range devices operating in accordance with the applicable Community or national regulations. Pursuant to Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity [3] (the R&TTE Directive) manufacturers should ensure, that RFID devices effectively use the radio frequency spectrum so as to avoid harmful interference to other short-range devices.

(4) On 11 March 2004 the Commission therefore issued a mandate [4] to the CEPT, pursuant to Article 4(2) of the Radio Spectrum Decision, to harmonise frequency use for short-range devices, including RFID devices. In response to that mandate, in its report [5] of 15 November 2004 the CEPT established the list of voluntary harmonisation measures which exist in the European Community for short-range devices and stated that a more binding commitment is required from Member States in order to ensure the legal stability of the frequency harmonisation achieved in the CEPT, in particular for the UHF spectrum used by RFIDs.

(5) The bands proposed by CEPT for harmonisation are covered for use by RFID by harmonised standard EN 302 208 adopted pursuant to Directive 1999/5/EC. This standard describes a listen-before-talk technique meant to provide appropriate mitigation levels to avoid harmful interference to other users in the band. The use of this standard or other relevant harmonised standards gives the presumption of conformity with the essential requirements of the R&TTE Directive.

[1] OJ L 108, 24.4.2002, p. 1.

[2] OJ L 108, 24.4.2002, p. 21.

[3] OJ L 91, 7.4.1999, p. 10.

[4] Mandate to CEPT to analyse further harmonisation of frequency bands in use for short-range devices.

[5] Final report by the ECC in response to the EC mandate to the CEPT on radio frequency identification radio spectrum harmonisation.

(6) Harmonisation under this Decision does not exclude the possibility for a Member State to apply, where justified, transitional periods or radio spectrum-sharing arrangements pursuant to Article 4(5) of the Radio Spectrum Decision.

(7) The use of spectrum is subject to the requirements of Community law for public health protection in particular Directive 2004/40/EC of the European Parliament and of the Council [1] and Council Recommendation 1999/519/EC [2]. Health protection for radio equipment is ensured by conformity of such equipment to the essential requirements pursuant to the R&TTE Directive.

(8) Due to rapid technological change, new UHF RFID and similar devices will emerge, which will require updates of spectrum harmonisation conditions, taking into account their economic benefits and the requirements of industry and users. Updates of this Decision will therefore be necessary to respond to new developments in the market and technology. If a review reveals the necessity to adapt the Decision, changes will be decided following the procedures specified in the Radio Spectrum Decision for the adoption of implementing measures. The updates could include transition periods to accommodate legacy situations.

(9) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

The purpose of this Decision is to harmonise the conditions for the availability and efficient use of radio spectrum for RFID devices operating in the ultra high frequency (UHF) band.

Article 2

For the purpose of this Decision:

1. 'RFID devices' means devices for, *inter alia*, tracking and identification of items by the use of a radio system, consisting on the one hand of passive devices (tags) mounted on items and, on the other, of transmitter/receiver units (readers) which activate the tags and receive data back;

2. 'non-interference, and non-protected basis' means that no harmful interference may be caused to any radio communications service and that no claim may be made for protection of these devices against harmful interference originating from radio communications services.

Article 3

1. Member States shall designate and make available, within six months after the entry into force of this Decision and on a non-exclusive, non-interference and non-protected basis, the frequency bands for RFID devices, subject to the specific conditions, as laid down in the Annex to this Decision.

2. Notwithstanding paragraph 1, Member States may request transitional periods and/or radio spectrum-sharing arrangements, pursuant to Article 4(5) of the Radio Spectrum Decision.

3. This Decision is without prejudice to the right of Member States to allow the use of the frequency bands under less restrictive conditions than specified in the Annex to this Decision.

Article 4

Member States shall keep the use of the relevant bands under scrutiny and report their findings to the Commission to allow a timely review of the Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 23 November 2006.

For the Commission
Viviane REDING
Member of the Commission

[1] OJ L 159, 30.4.2004, p. 1.
[2] OJ L 199, 30.7.1999, p. 59.

ANNEX

UHF Frequency band	Specific conditions	
	Max. power/Field strength	Channel spacing
Sub-band A: 865-865,6 MHz	100 mW e.r.p.	200 kHz
Sub-band B: 865,6-867,6 MHz	2 W e.r.p.	200 kHz
Sub-band C. 867,6-868 MHz	500 mW e.r.p.	200 kHz

Channel centre frequencies are 864,9 MHz + (0,2 MHz × channel number).

The available channel numbers for each sub-band are:

Sub-band A: channel numbers 1 to 3;

Sub-band B: channel numbers 4 to 13;

Sub-band C: channel numbers 14 and 15.

Note: The same equipment is allowed to operate in several sub-bands.

COMMISSION DECISION

of 24 November 2006

concerning animal health control measures relating to classical swine fever in certain Member States

(notified under document number C(2006) 5538)

(Text with EEA relevance)

(2006/805/EC)

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, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 42 thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ([1]), and in particular Article 10(4) thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ([2]), and in particular Article 9(4) thereof,

Whereas:

(1) Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ([3]) introduces minimum Community measures for the control of that disease. It lays down the measures to be taken in the event of an outbreak of classical swine fever. Those measures include plans by Member States for the eradication of classical swine fever from a feral pig population and emergency vaccination of feral pigs under certain conditions.

(2) Commission Decision 2003/526/EC of 18 July 2003 concerning protection measures relating to classical swine fever in certain Member States ([4]) was adopted in response to outbreaks of classical swine fever in those Member States. That Decision establishes disease control measures concerning classical swine fever in areas of those Member States where that disease is present in feral pigs in order to prevent the spread of the disease to other areas of the Community.

(3) Those Member States should take appropriate measures to prevent the spread of classical swine fever. Therefore, they submitted to the Commission eradication plans and emergency vaccination plans against that disease with the measures necessary to eradicate the disease in the areas defined in their plans as infected and with the necessary measures to be applied on the pig holdings in those areas.

(4) Given the epidemiological situation in certain areas of Germany, France and Slovakia, it is appropriate that the disease control measures concerning restrictions on the dispatch of live pigs, porcine semen and ova and embryos of swine, as provided for in Decision 2003/526/EC for those Member States, should also be laid down in the present Decision.

(5) In addition, classical swine fever has been found in Bulgaria in the feral pig population and in pigs in holdings and it is still suspected to be endemic in those populations. Accordingly, taking into account the Accession of Bulgaria provision should be made with regard to classical swine fever as from the date of Accession.

(6) Bulgaria has taken appropriate measures to control that disease in accordance with the measures provided for in Directive 2001/89/EC and has submitted a plan for the eradication of classical swine fever in feral pigs and a plan for the emergency vaccination of feral pigs in the whole territory of Bulgaria for approval by the Commission.

([1]) OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

([2]) OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33); corrected version (OJ L 195, 2.6.2004, p. 12).

([3]) OJ L 316, 1.12.2001, p. 5. Directive as amended by the 2003 Act of Accession

([4]) OJ L 183, 22.7.2003, p. 46. Decision as last amended by Decision 2006/327/EC (OJ L 120, 5.5.2006, p. 24).

(7) Following the epidemiological situation of the disease in Bulgaria, it is appropriate to provide for disease control measures concerning the whole territory of that country in this Decision.

(8) In addition, it is appropriate in order to prevent the spread of classical swine fever to other areas of the Community, to provide in this Decision for a prohibition on the dispatch of fresh meat of pigs, and meat preparations and meat products consisting of, or containing meat of pigs from Bulgaria. Such pigmeat and pigmeat products and preparations should be marked with special marks which cannot be confused with the health marks for pigmeat provided for in Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ([5]) and the identification mark provided for in Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ([6]). However, it is appropriate that such pigmeat preparations and meat products consisting of, or containing meat of pigs may be dispatched to other Member States if they are treated in such a way that any classical swine fever virus present is destroyed.

(9) In the interests of ensuring compliance with this Decision, where a Member State is subject to a prohibition on the dispatch of fresh meat of pigs, and meat preparations and meat products consisting of, or containing meat of pigs from certain parts of its territory, this Decision should lay down certain requirements, in particular as regards certification, for the dispatch of such meat, preparations and products from other areas of the territory of that Member State not subject to that prohibition.

(10) Decision 2003/526/EC has been amended several times. Therefore it is appropriate to repeal that Decision and replace it by the present Decision.

(11) The Decision should be reviewed on the basis of the evolution of the classical swine fever situation in the Member States and in particular nine months after the date of Accession of Bulgaria.

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

([5]) OJ L 139, 30.4.2004, p. 206; corrected version (OJ L 226, 25.6.2004, p. 83). Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).

([6]) OJ L 139, 30.4.2004, p. 55; corrected version (OJ L 226, 25.6.2004, p. 22). Regulation as last amended by Commission Regulation (EC) No 2076/2005.

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

This Decision lays down certain control measures in relation to classical swine fever in Bulgaria, Germany, France and Slovakia ('the Member States concerned').

It shall apply without prejudice to the plans for the eradication of classical swine fever and the emergency vaccination plans against that disease approved in accordance with Commission Decisions 2003/135/EC ([7]), 2004/832/EC ([8]), 2005/59/EC ([9]) and 2006/800/EC ([10]).

Article 2

Prohibition on the dispatch of live pigs from the areas listed in the Annex

The Member States concerned shall ensure that no live pigs are dispatched from its territory to other Member States unless the pigs come from:

(a) areas outside those listed in the Annex; and

(b) a holding where no live pigs proceeding from the areas listed in the Annex have been introduced during the 30-day period immediately prior to the date of dispatch.

Article 3

Movement and transit of pigs in the Member States concerned

1. The Member States concerned shall ensure that no live pigs are dispatched from holdings located within the areas listed in the Annex to other areas in the territory of the same Member State, except:

(a) from holdings where a clinical examination and serological tests for classical swine fever have been carried out with negative results, in accordance with Article 8(1)(b) and (c);

(b) pigs to be moved directly to slaughterhouses for the purpose of immediate slaughter.

([7]) OJ L 53, 28.2.2003, p. 47.

([8]) OJ L 359, 4.12.2004, p. 62.

([9]) OJ L 24, 27.1.2005, p. 46.

([10]) OJ L 325, 24.11.2006, p. 35.

2. The Member States concerned shall ensure that the transit of pigs through the areas listed in the Annex only takes place via major roads or railways, without any stops by the vehicle transporting the pigs.

Article 4

Prohibition on the dispatch of consignments of porcine semen and ova and embryos of swine from the areas listed in the Annex

The Member State concerned shall ensure that no consignments of the following are dispatched from its territory to other Member States:

(a) porcine semen, unless the semen originates from boars kept at an approved collection centre as referred to in point (a) of Article 3 of Council Directive 90/429/EEC [11] and situated outside the areas listed in the Annex to this Decision;

(b) ova and embryos of swine, unless the ova and embryos originate from swine kept in holdings situated outside the areas listed in the Annex.

Article 5

Prohibition on the dispatch of certain consignments from areas listed in Part III of the Annex and special health marks

The Member States concerned with areas listed in Part III of the Annex shall ensure that:

(a) no consignments of fresh meat of pigs from holdings located in the areas listed in Part III of the Annex, and meat preparations and meat products consisting of, or containing meat of those pigs are dispatched from those areas to other Member States;

(b) the fresh meat and meat preparations and meat products referred to in point (a) of this Article are marked with a special health mark that cannot be oval and cannot be confused with:

— the identification mark for meat preparations and meat products consisting of, or containing meat of pigs, provided for in Annex II, Section I to Regulation (EC) No 853/2004; and

— the health mark for fresh pigmeat provided for in Annex I, Section I, Chapter III to Regulation (EC) No 854/2004.

[11] OJ L 224, 18.8.1990, p. 62.

Article 6

Health certification requirements for the Member States concerned

The Member State concerned shall ensure that the health certificate provided for in:

(a) Article 5(1) of Council Directive 64/432/EEC [12] accompanying pigs dispatched from its territory, shall be completed by the following:

'Animals in accordance with Commission Decision 2006/805/EC of 24 November 2006 concerning animal health control measures relating to classical swine fever in certain Member States.'

(b) Article 6(1) of Directive 90/429/EEC accompanying boar semen dispatched from its territory, shall be completed by the following:

'Semen in accordance with Commission Decision 2006/805/EC of 24 November 2006 concerning animal health control measures relating to classical swine fever in certain Member States.'

(c) Article 1 of Commission Decision 95/483/EC [13] accompanying embryos and ova of swine dispatched from its territory, shall be completed by the following:

'Embryos/ova (*) in accordance with Commission Decision 2006/805/EC of 24 November 2006 concerning animal health control measures relating to classical swine fever in certain Member States.

(*) Delete as appropriate.'

Article 7

Certification requirements concerning Member States with areas listed in Part III of the Annex

The Member State with areas listed in Part III of the Annex to this Decision shall ensure that fresh meat of pigs, and meat preparations and meat products consisting of, or containing meat of pigs, to which the prohibition provided for in Article 5 does not apply and that are dispatched to other Member States:

[12] OJ 121, 29.7.1964, p. 1977/64.
[13] OJ L 275, 18.11.1995, p. 30.

(a) are subjected to the veterinary certification in accordance with Article 5(1) of Council Directive 2002/99/EC ([14]); and

(b) are accompanied by the appropriate intra-Community trade health certificate laid down by Article 1 of Commission Regulation (EC) No 599/2004 ([15]) of which Part II shall be completed by the following:

'Fresh meat of pigs, and meat preparations and meat products consisting of, or containing meat of pigs, in accordance with Commission Decision 2006/805/EC of 24 November 2006 concerning animal health control measures relating to classical swine fever in certain Member States.'

Article 8

Requirements concerning holdings and transport vehicles in the areas listed in the Annex

The Member State concerned shall ensure that:

(a) the provisions laid down in the second and the fourth to seventh indents of Article 15(2)(b) of Directive 2001/89/EC are applied in the pig holdings located within the areas listed in the Annex to this Decision;

(b) vehicles which have been used for the transport of pigs proceeding from holdings located within the areas listed in the Annex to this Decision are cleaned and disinfected immediately following each operation and the transporter provides proof of such disinfection.

Article 9

Derogations concerning the dispatch of pigs from areas listed in Part I of the Annex

1. By way of derogation from Article 2 and subject to the prior approval of the Member State of destination, the dispatch of pigs coming from holdings located within the areas listed in Part I of the Annex to holdings or slaughterhouses located in other areas listed in that Part of the Annex may be authorised by the Member State of dispatch, provided that such pigs come from a holding where:

(a) no live pigs have been introduced during the 30-day period immediately prior to the date of dispatch;

(b) a clinical examination for classical swine fever has been carried out by an official veterinarian in accordance with the checking and sampling procedures laid down in Part A of Chapter IV of the Annex to Commission Decision 2002/106/EC ([16]) and in points 1, 2 and 3 of Part D of Chapter IV of that Annex; and

(c) serological tests for classical swine fever have been carried out with negative results on samples collected from the consignment of pigs to be dispatched, during the seven-day period immediately prior to the date of dispatch; the minimum number of pigs to be sampled must be sufficient to allow for the detection of 10 % seroprevalence with 95 % confidence in the consignment of pigs to be dispatched.

However, point (c) shall not apply to pigs to be dispatched directly to slaughterhouses for the purpose of immediate slaughter.

2. When dispatching the pigs referred to in paragraph 1 of this Article, the Member States concerned shall ensure that the health certificate referred to in point (a) of Article 6 includes additional information concerning the dates of the clinical examination, sampling and serological testing as provided for in paragraph 1 of this Article, the number of samples tested, the type of test used and the results of the tests.

Article 10

Derogations concerning certain consignments from areas listed in Part III of the Annex

By way of derogation from Article 5, the Member States concerned with areas listed in Part III of the Annex may authorise the dispatch of fresh meat of pigs, and meat products and preparations consisting of, or containing meat of pigs from holdings located in those areas, to other Member States if the products:

(a) have been produced and processed in compliance with Article 4(1) of Council Directive 2002/99/EC;

(b) are subjected to the veterinary certification in accordance with Article 5 of Directive 2002/99/EC; and

(c) are accompanied by the appropriate intra-Community trade health certificate as laid down by Commission Regulation (EC) No 599/2004 of which Part II shall be completed by the following:

'Product in accordance with Commission Decision 2006/805/EC of 24 November 2006 concerning animal health control measures relating to classical swine fever in certain Member States.'

([14]) OJ L 18, 23.1.2003, p. 11.
([15]) OJ L 94, 31.3.2004, p. 44.
([16]) OJ L 39, 9.2.2002, p. 71.

Article 11

Information requirements of the Member States concerned

The Member States concerned shall inform the Commission and the Member States, in the framework of the Standing Committee on the Food Chain and Animal Health, of the results of the sero-surveillance for classical swine fever carried out in the areas listed in the Annex, as provided for in the plans for the eradication of classical swine fever or in emergency vaccination plans against that disease approved by the Commission and referred to in the second paragraph of Article 1.

Article 12

Compliance

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 13

Repeal

Decision 2003/526/EC is repealed.

Article14

Applicability

This Decision shall apply only subject to and from the date of entry into force of the Treaty of Accession of Bulgaria and Romania.

It shall apply for a period of nine months.

Article 15

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 24 November 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

PART I

1. Germany

A. Rhineland-Palatinate:

1. In the 'Eifel' part:

(a) the Kreis: Südliche Weinstraße;

(b) the cities of: Landau and Pirmasens;

(c) in the Kreis Germersheim: the municipalities Lingenfeld, Bellheim and Germersheim;

(d) in the Kreis Südwestpfalz: the municipalities Waldfischbach-Burgalben, Rodalben, Hauenstein, Dahner-Felsenland, Pirmasens-Land and Thaleischweiler-Fröschen, the localities Schmitshausen, Herschberg, Schauerberg, Weselberg, Obernheim-Kirchenarnbach, Hettenhausen, Saalstadt, Wallhalben and Knopp-Labach.

2. In the 'Pfalz' part:

(a) the Kreise: Ahrweiler and Daun;

(b) in the Kreis Bitburg-Prüm: the municipality Prüm, the localities Burbach, Balesfeld and Neuheilenbach (in the municipality Kyllburg);

(c) in the Kreis Cochem-Zell: the municipalities Kaisersesch and Ulmen;

(d) in the Kreis Mayen-Koblenz: the municipality Vordereifel, the municipality Mendig in the west of the motorway A 61 and the Bundesstrasse B 262 and the city Mayen in the west of the Bundesstrasse B 262 and in the north of the Bundesstrasse 258.

B. North Rhine-Westfalia

(a) in the Kreis Euskirchen: the cities Bad Münstereifel, Mechernich, Schleiden and the localities Billig, Euenheim, Euskirchen, Flamersheim, Kirchheim, Kuchenheim, Kreuzweingarten, Niederkastenholz, Palmersheim, Rheder, Roitzheim, Schweinheim, Stotzheim, Wißkirchen (in the city Euskirchen), the municipalities Blankenheim, Dahlem, Hellenthal, Kall and Nettersheim;

(b) in the Kreis Rhein-Sieg: the cities Meckenheim and Rheinbach, the municipality Wachtberg, the localities Witterschlick, Volmershofen, Heidgen (in the municipality Alfter) and the localities Buschhoven, Morenhoven, Miel and Odendorf (in the municipality Swisttal);

(c) the city Aachen: south of the motorways A4, A544 and the Bundesstrasse B1;

(d) the city Bonn: south of the Bundesstrasse 56 and the motorway A 565 (Bonn-Endenich to Bonn-Poppelsdorf) and southwest of the Bundesstrasse 9;

(e) in the Kreis Aachen: the cities Monschau and Stolberg, the municipalities Simmerath and Roetgen;

(f) in the Kreis Düren: the cities Heimbach and Nideggen, the municipalities Hürtgenwald and Langerwehe.

2. France:

The territory of the Department of Bas-Rhin and Moselle located west of the Rhine and the channel Rhine Marne, north of the motorway A 4, east of the river Sarre and south of the border with Germany and the municipalities Holtzheim, Lingolsheim and Eckbolsheim.

PART II

Slovakia:

The territory of the District Veterinary and Food Administrations (DVFA) of Trenčín (comprising Trenčín and Bánovce nad Bebravou districts), Prievidza (comprising Prievidza and Partizánske districts), Púchov (comprising Ilava district only), Žiar nad Hronom (comprising Žiar nad Hronom, Žarnovica and Banská Štiavnica districts), Zvolen (comprising Zvolen, Krupina and Detva districts), Lučenec (comprising Lučenec and Poltár districts) and Veľký Krtíš.

PART III

Bulgaria:

The whole territory of Bulgaria.

COMMISSION DECISION

of 24 November 2006

recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of orthosulfamuron in Annex I to Council Directive 91/414/EEC

(notified under document number C(2006) 5539)

(Text with EEA relevance)

(2006/806/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market [1], and in particular Article 6(3) thereof,

Whereas:

(1) Directive 91/414/EEC provides for the development of a Community list of active substances authorised for incorporation in plant protection products.

(2) A dossier for the active substance orthosulfamuron was submitted by Isagro SpA to the authorities of Italy on 4 July 2005 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC.

(3) The authorities of Italy have indicated to the Commission that, on preliminary examination, the dossier for the active substance concerned appears to satisfy the data and information requirements set out in Annex II to Directive 91/414/EEC. The dossier submitted appears also to satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance concerned. In accordance with Article 6(2) of Directive 91/414/EEC, the dossier was subsequently forwarded by the applicant to the Commission and other Member States, and was referred to the Standing Committee on the Food Chain and Animal Health.

(4) By this Decision it should be formally confirmed at Community level that the dossier is considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, the requirements set out in Annex III to Directive 91/414/EEC.

(5) This Decision should not prejudice the right of the Commission to request the applicant to submit further data or information in order to clarify certain points in the dossier.

(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,

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to Article 6(4) of Directive 91/414/EEC, the dossier concerning the active substance identified in the Annex to this Decision, which was submitted to the Commission and the Member States with a view to obtaining the inclusion of this substance in Annex I to that Directive, satisfies in principle the data and information requirements set out in Annex II to that Directive.

The dossier also satisfies the data and information requirements set out in Annex III to that Directive in respect of one plant protection product containing the active substance, taking into account the uses proposed.

Article 2

The rapporteur Member State shall pursue the detailed examination for the dossier concerned and shall report the conclusions of its examinations accompanied by any recommendations on the inclusion or non-inclusion of the active substance concerned in Annex I of Directive 91/414/EEC and any conditions related thereto to the European Commission as soon as possible and at the latest within a period of one year from the date of publication of this Decision in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 24 November 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

[1] OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2006/85/EC (OJ L 293, 24.10.2006, p. 3).

ANNEX

Active substance concerned by this Decision

No	Common Name, CIPAC Identification Number	Applicant	Date of application	Rapporteur Member State
1	Orthosulfamuron CIPAC No not yet allocated	Isagro SpA	4 July 2005	IT

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

COUNCIL DECISION 2006/807/CFSP

of 20 November 2006

implementing Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian Territories

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Joint Action 2005/797/CFSP of 14 November 2005 on the European Union Police Mission for the Palestinian Territories [1], and in particular Article 14(2) thereof, in conjunction with the second indent of the first subparagraph of Article 23(2) of the Treaty on European Union,

Whereas:

(1) By Joint Action 2005/797/CFSP the Council established a European Union Police Mission for the Palestinian territories (hereinafter EUPOL COPPS) for a period of three years. The operational phase of the EUPOL COPPS started on 1 January 2006.

(2) In accordance with Article 14(2) of that Joint Action, the final budget of EUPOL COPPS for the year 2007 should be decided,

HAS DECIDED AS FOLLOWS:

Article 1

The final budget of EUPOL COPPS for the period from 1 January until 31 December 2007 shall be EUR 2 800 000.

Article 2

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

Article 3

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

Done at Brussels, 20 November 2006.

For the Council
The President
J. KORKEAOJA

[1] OJ L 300, 17.11.2005, p. 65.