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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 398/2006**of 8 March 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 9 March 2006.

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

Done at Brussels, 8 March 2006.

For the Commission

J. L. 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 8 March 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	105,7
	204	52,2
	212	102,0
	624	92,6
	999	88,1
0707 00 05	052	152,0
	204	59,0
	999	105,5
0709 10 00	220	46,4
	624	102,5
	999	74,5
0709 90 70	052	130,2
	204	62,6
	999	96,4
0805 10 20	052	56,4
	204	44,3
	212	42,3
	220	39,2
	400	61,3
	448	41,1
	512	33,1
	624	65,9
0805 50 10	999	48,0
	052	74,2
	624	68,8
0808 10 80	999	71,5
	400	124,3
	404	90,2
	512	71,5
	524	62,6
	528	72,0
	720	78,2
0808 20 50	999	83,1
	388	80,9
	400	74,8
	512	65,4
	528	70,8
	720	45,0
	999	67,4

⁽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 399/2006**of 7 March 2006****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 ⁽²⁾ laying down provisions for the implementation of Regulation (EEC) No 2913/92, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 March 2006.

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

Done at Brussels, 7 March 2006.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 (OJ L 117, 4.5.2005, p. 13).

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

ANNEX

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.10	New potatoes 0701 90 50	37,30	21,44	1 063,95	278,34	583,64	9 492,14
		128,79	25,96	16,01	141,80	8 933,73	1 386,13
		352,88	25,55				
1.30	Onions (other than seed) 0703 10 19	32,33	18,58	922,15	241,24	505,85	8 227,02
		111,63	22,50	13,88	122,90	7 743,03	1 201,38
		305,85	22,15				
1.40	Garlic 0703 20 00	175,09	100,63	4 994,14	1 306,50	2 739,59	44 555,58
		604,56	121,86	75,17	665,61	41 934,46	6 506,41
		1 656,42	119,94				
1.50	Leeks ex 0703 90 00	73,93	42,49	2 108,59	551,62	1 156,69	18 811,90
		255,25	51,45	31,74	281,03	17 705,23	2 747,08
		699,36	50,64				
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	46,87	26,94	1 336,87	349,73	733,36	11 927,01
		161,83	32,62	20,12	178,18	11 225,36	1 741,69
		443,40	32,11				
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—				
1.100	Chinese cabbage ex 0704 90 90	101,11	58,11	2 883,96	754,46	1 582,03	25 729,46
		349,11	70,37	43,41	384,37	24 215,85	3 757,25
		956,53	69,26				
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	47,87	27,51	1 365,40	357,20	749,00	12 181,48
		165,29	33,32	20,55	181,98	11 464,86	1 778,85
		452,86	32,79				
1.140	Radishes ex 0706 90 90	80,59	46,32	2 298,73	601,36	1 260,99	20 508,30
		278,27	56,09	34,60	306,37	19 301,83	2 994,81
		762,43	55,21				
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	363,62	208,97	10 371,63	2 713,29	5 689,47	92 531,25
		1 255,52	253,08	156,10	1 382,31	87 087,80	13 512,25
		3 439,99	249,08				

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.170	Beans:						
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	120,53 416,16 1 140,22	69,27 83,89 82,56	3 437,79 51,74	899,35 458,18	1 885,84 28 866,19	30 670,48 4 478,78
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>compressus</i> Savi) ex 0708 20 00	202,00 697,47 1 910,98	116,09 140,59 138,37	5 761,65 86,72	1 507,28 767,90	3 160,61 48 379,00	51 402,94 7 506,32
1.180	Broad beans ex 0708 90 00	—	—	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—	—	—
1.200	Asparagus:						
1.200.1	— green ex 0709 20 00	287,72 993,45 2 721,95	165,35 200,26 197,09	8 206,75 123,52	2 146,94 1 093,78	4 501,90 68 909,87	73 217,10 10 691,82
1.200.2	— other ex 0709 20 00	491,72 1 697,80 4 651,80	282,59 342,24 336,83	14 025,26 211,09	3 669,10 1 869,26	7 693,71 117 766,39	125 127,40 18 272,23
1.210	Aubergines (eggplants) 0709 30 00	163,50 564,53 1 546,76	93,96 113,80 112,00	4 663,51 70,19	1 220,00 621,55	2 558,22 39 158,25	41 605,85 6 075,66
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	61,51 212,37 581,88	35,35 42,81 42,13	1 754,39 26,41	458,96 233,82	962,39 14 731,14	15 651,92 2 285,63
1.230	Chantarelles 0709 59 10	334,34 1 154,41 3 162,96	192,15 232,70 229,02	9 536,38 143,53	2 494,78 1 270,99	5 231,28 80 074,43	85 079,50 12 424,07
1.240	Sweet peppers 0709 60 10	179,16 618,62 1 694,95	102,97 124,70 122,73	5 110,31 76,92	1 336,89 681,09	2 803,31 42 909,87	45 591,96 6 657,75
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	108,61 375,02 1 027,53	62,42 75,60 74,40	3 098,01 46,63	810,46 412,90	1 699,45 26 013,17	27 639,13 4 036,11
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	64,85 223,93 613,55	37,27 45,14 44,43	1 849,85 27,84	483,93 246,55	1 014,76 15 532,72	16 503,60 2 410,00

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.40	Avocados, fresh ex 0804 40 00	183,60 633,93 1 736,90	105,51 127,78 125,77	5 236,79 78,82	1 369,88 697,95	2 872,70 43 971,94	46 720,41 6 822,54
2.50	Guavas and mangoes, fresh ex 0804 50	—	—	—	—	—	—
2.60	Sweet oranges, fresh:						
2.60.1	— Sanguines and semi-sanguines ex 0805 10 20	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins ex 0805 10 20	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others ex 0805 10 20	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:						
2.70.1	— Clementines ex 0805 20 10	82,40 284,51 779,52	47,35 57,35 56,44	2 350,26 35,37	614,84 313,24	1 289,26 19 734,54	20 968,05 3 061,94
2.70.2	— Monreales and satsumas ex 0805 20 30	131,58 454,32 1 244,79	75,62 91,58 90,13	3 753,06 56,49	981,82 500,20	2 058,78 31 513,41	33 483,16 4 889,51
2.70.3	— Mandarines and wilkins ex 0805 20 50	55,49 191,60 524,95	31,89 38,62 38,01	1 582,75 23,82	414,06 210,95	868,23 13 289,90	14 120,59 2 062,02
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	57,91 199,95 547,84	33,28 40,30 39,67	1 651,75 24,86	432,11 220,14	906,09 13 869,30	14 736,21 2 151,91
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	81,87 282,67 774,47	47,05 56,98 56,08	2 335,05 35,14	610,86 311,21	1 280,92 19 606,81	20 832,34 3 042,13
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	65,73 226,94 621,80	37,77 45,75 45,02	1 874,73 28,22	490,44 249,86	1 028,40 15 741,59	16 725,52 2 442,41
2.90.2	— pink ex 0805 40 00	81,29 280,68 769,03	46,72 56,58 55,68	2 318,65 34,90	606,57 309,03	1 271,92 19 469,05	20 685,97 3 020,75

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.100	Table grapes 0806 10 10	152,10 525,18 1 438,94	87,41 105,86 104,19	4 338,43 65,30	1 134,96 578,22	2 379,89 36 428,67	38 705,65 5 652,15
2.110	Water melons 0807 11 00	59,49 205,41 562,79	34,19 41,41 40,75	1 696,83 24,54	443,90 226,15	930,82 14 247,86	15 138,42 2 210,65
2.120	Melons (other than water melons):						
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	66,18 228,50 626,06	38,03 46,06 45,33	1 887,58 28,41	493,80 251,57	1 035,45 15 849,54	16 840,21 2 459,16
2.120.2	— Other ex 0807 19 00	62,76 216,71 593,77	36,07 43,68 42,99	1 790,22 26,94	468,33 238,60	982,05 15 032,03	15 971,61 2 332,32
2.140	Pears						
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	— — —	— — —	— —	— —	— —	— —
2.140.2	— Other ex 0808 20 50	— — —	— — —	— —	— —	— —	— —
2.150	Apricots 0809 10 00	149,08 514,74 1 410,34	85,68 103,76 102,12	4 252,21 64,00	1 112,41 566,73	2 332,60 35 704,66	37 936,39 5 539,81
2.160	Cherries 0809 20 05 0809 20 95	137,39 474,39 1 299,75	78,96 95,62 94,11	3 918,77 58,98	1 025,18 522,29	2 149,69 32 904,90	34 961,63 5 105,41
2.170	Peaches 0809 30 90	121,07 418,01 1 145,32	69,58 84,26 82,93	3 453,15 51,97	903,37 460,23	1 894,26 28 995,19	30 807,54 4 498,79
2.180	Nectarines ex 0809 30 10	132,53 457,61 1 253,79	76,17 92,24 90,78	3 780,20 56,90	988,92 503,82	2 073,67 31 741,32	33 725,32 4 924,87
2.190	Plums 0809 40 05	151,05 521,54 1 428,97	86,81 105,13 103,47	4 308,38 64,85	1 127,10 574,21	2 363,41 36 176,36	38 437,57 5 613,00
2.200	Strawberries 0810 10 00	235,92 814,57 2 231,84	135,58 164,20 161,60	6 729,05 101,28	1 760,36 896,84	3 691,29 56 502,00	60 033,67 8 776,66

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.205	Raspberries 0810 20 10	530,81	305,06	15 140,29	3 960,80	8 305,37	135 075,22
		1 832,78	369,44	227,88	2 017,87	127 128,99	19 724,90
		5 021,62	363,60				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	978,68	562,45	27 914,89	7 302,71	15 313,01	249 044,70
		3 379,19	681,16	420,15	3 720,45	234 393,86	36 367,75
		9 258,61	670,40				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	178,63	102,66	5 095,06	1 332,90	2 794,95	45 455,98
		616,77	124,33	76,69	679,06	42 781,89	6 637,89
		1 689,89	122,36				
2.230	Pomegranates ex 0810 90 95	184,95	106,26	5 275,33	1 380,06	2 893,84	47 064,23
		638,60	128,73	79,40	703,09	44 295,52	6 872,74
		1 749,68	126,69				
2.240	Khakis (including sharon fruit) ex 0810 90 95	161,38	92,75	4 603,14	1 204,21	2 525,10	41 067,26
		557,22	112,32	69,28	613,50	38 651,35	5 997,01
		1 526,74	110,55				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

COMMISSION REGULATION (EC) No 400/2006
of 8 March 2006
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 lays down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the twentieth 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, 8 March 2006.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 267/2006 (OJ L 47, 17.2.2006, p. 1).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. A set put up for retail sale consisting of: — a portable battery-operated digital sound recording and reproducing apparatus, containing the following components in a single housing: a signalling electronic system with a digital/analogue converter, a flash memory, control buttons, a battery compartment, a USB plug and a connector for headphones; — a battery-operated radio-broadcast receiver with earphones with a connecting cable, — USB cable, — a CD-ROM and — a manual. The digital sound recording and reproducing apparatus records sound in the MP3 format and can be connected to an automatic data-processing machine through a USB port in order to download or upload MP3 or other formats. It can also record voice. The storage capacity is 128 MB. The radio-broadcast receiver can function independently.	8520 90 00	Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8520 and 8520 90 00. The digital sound recording and reproducing apparatus gives the whole set its essential character.
2. A portable battery-operated apparatus for the reception of radio-broadcasts combined in the same housing with sound recording or reproducing apparatus. It contains the following elements: — a flash memory, — a microprocessor in the form of integrated circuits (chips), — an electronic system, including an audio-frequency amplifier, — an LCD display, — a radio tuner and — control buttons. The microprocessor is programmed for the use of the MP3 format. The device has stereo-, head- and earphone connectors and a remote control connector. It can be connected to an automatic data-processing machine through a USB port in order to download or upload MP3 or other formats. It can also record voice. The storage capacity is 128 MB.	8527 13 99	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8527, 8527 13 and 8527 13 99. The classification is based on the wording of heading 8527; reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus.

(1)	(2)	(3)
3. A motorised golf cart, with a tubular aluminium frame, on wheels, a seat for use while the cart is not in motion, and a handlebar. It is pedestrian-controlled. The controls for operating the golf cart are located on the handlebar. The golf cart has a maximum speed of 6,5 km/h and is equipped with a 24 volt battery-operated motor. It is designed for carrying one bag of golf clubs. (See photograph) (*)	8704 90 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8704 and 8704 90 00. The golf cart is excluded from heading 8703 because it cannot transport a person. Furthermore, it is excluded from heading 8709 because it is not of the type used in factories, warehouses, dock areas or airports for the short-distance transport of goods. Its sole use is that of a vehicle used on golf courses for the transport of golf bags.
4. A multifunctional apparatus capable of performing the following functions: — scanning, — laser printing, — laser copying (indirect process). The apparatus, which has several paper feed trays, is capable of reproducing up to 40 A4 pages per minute. The apparatus operates either autonomously (as a copier) or in conjunction with an automatic data-processing machine or in a network (as a printer, a scanner and a copier).	9009 12 00	Classification is determined by General Rules 1, 3(c) and 6 for the interpretation of the Combined Nomenclature, Note 5(E) to Chapter 84 and the wording of CN codes 9009 and 9009 12 00. The apparatus has several functions none of which are considered to give the product its essential character.

(*) The photograph is purely for information.



COMMISSION REGULATION (EC) No 401/2006**of 23 February 2006****laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾, in particular Article 11(4),

Whereas:

- (1) Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs ⁽²⁾ provides for maximum limits for certain mycotoxins in certain foodstuffs.
- (2) Sampling plays a crucial part in the precision of the determination of the levels of mycotoxins, which are very heterogeneously distributed in a lot. It is therefore necessary to fix general criteria which the sampling method should comply with.
- (3) It is also necessary to fix general criteria which the method of analysis should comply with in order to ensure that control laboratories use methods of analysis with comparable levels of performance.
- (4) Commission Directive 98/53/EC of 16 July 1998 laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs ⁽³⁾ establishes sampling methods and performance criteria for the methods of analysis to be used for the official control of levels of aflatoxins in foodstuffs.
- (5) Commission Directive 2002/26/EC of 13 March 2002 laying down the sampling methods and the methods of analysis for the official control of the levels of

ochratoxin A in foodstuffs ⁽⁴⁾, Commission Directive 2003/78/EC of 11 August 2003 laying down the sampling methods and the methods of analysis for the official control of the levels of patulin in foodstuffs ⁽⁵⁾ and Commission Directive 2005/38/EC of 6 June 2005 laying down the sampling methods and the methods of analysis for the official control of the levels of *Fusarium*-toxins in foodstuffs ⁽⁶⁾ similarly establish sampling methods and performance criteria for ochratoxin A, patulin and *Fusarium*-toxins respectively.

- (6) It is appropriate to apply whenever possible the same sampling method to the same product for the control of mycotoxins. Therefore, the sampling methods and performance criteria for the methods of analysis to be used for the official control of all mycotoxins should be brought together in a single legal act in order to make them easier to apply.
- (7) Aflatoxins are very heterogeneously distributed in a lot, in particular in a lot of food products with a large particle size such as dried figs or groundnuts. In order to obtain the same representativeness, for batches with food products with large particle size, the weight of the aggregate sample should be larger than in case of batches with food products with a smaller particle size. Since the distribution of mycotoxins in processed products is generally less heterogeneous than in the unprocessed cereal products, it is appropriate to provide for simpler sampling provisions for processed products.
- (8) Directives 98/53/EC, 2002/26/EC, 2003/78/EC and 2005/38/EC should therefore be repealed.
- (9) It is appropriate that the date of application of this Regulation coincides with the date of application of Commission Regulation (EC) No 856/2005 of 6 June 2005 amending Regulation (EC) No 466/2001 as regards *Fusarium* toxins ⁽⁷⁾.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for the Food Chain and Animal Health,

⁽¹⁾ OJ L 165, 30.4.2004, p. 1, corrected by OJ L 191, 28.5.2004, p. 1.

⁽²⁾ OJ L 77, 16.3.2001, p. 1. Regulation as last amended by Regulation (EC) No 199/2006 (OJ L 32, 4.2.2006, p. 34).

⁽³⁾ OJ L 201, 17.7.1998, p. 93. Directive as last amended by Directive 2004/43/EC (OJ L 113, 20.4.2004, p. 14).

⁽⁴⁾ OJ L 75, 16.3.2002, p. 38. Directive as last amended by Directive 2005/5/EC (OJ L 27, 29.1.2005, p. 38).

⁽⁵⁾ OJ L 203, 12.8.2003, p. 40.

⁽⁶⁾ OJ L 143, 7.6.2005, p. 18.

⁽⁷⁾ OJ L 143, 7.6.2005, p. 3.

HAS ADOPTED THIS REGULATION:

Article 1

Sampling for the official control of the levels of mycotoxins in foodstuffs shall be carried out in accordance with the methods set out in Annex I.

Article 2

Sample preparation and methods of analysis used for the official control of the levels of mycotoxins in foodstuffs shall comply with the criteria set out in Annex II.

Article 3

Directives 98/53/EC, 2002/26/EC, 2003/78/EC and 2005/38/EC are repealed.

References to the repealed Directives shall be construed as references to this Regulation.

Article 4

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 July 2006.

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

Done at Brussels, 23 February 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I ⁽¹⁾**METHODS OF SAMPLING FOR OFFICIAL CONTROL OF THE LEVELS OF MYCOTOXINS IN FOODSTUFFS****A. GENERAL PROVISIONS**

Official controls shall be performed in accordance with the provisions of Regulation (EC) No 882/2004. The following general provisions shall apply without prejudice to the provisions in Regulation (EC) No 882/2004.

A.1. Purpose and scope

Samples intended for official control of the levels of mycotoxins content in foodstuffs shall be taken according to the methods set out in this Annex. Aggregate samples thus obtained shall be considered as representative of the lots. Compliance with maximum limits laid down in Regulation (EC) No 466/2001 shall be established on the basis of the levels determined in the laboratory samples.

A.2. Definitions

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

A.2.1. 'lot' means an identifiable quantity of a food commodity delivered at one time and determined by the official to have common characteristics, such as origin, variety, type of packing, packer, consignor or markings;

A.2.2. 'sublot' means a designated part of a large lot in order to apply the sampling method on that designated part; each sublot must be physically separate and identifiable;

A.2.3. 'incremental sample' means a quantity of material taken from a single place in the lot or sublot;

A.2.4. 'aggregate sample' means the combined total of all the incremental samples taken from the lot or sublot;

A.2.5. 'laboratory sample' means a sample intended for the laboratory.

A.3. General provisions**A.3.1. Personnel**

Sampling shall be performed by an authorised person as designated by the Member State.

A.3.2. Material to be sampled

Each lot which is to be examined shall be sampled separately. In accordance with the specific sampling provisions for the different mycotoxins, large lots shall be subdivided into sublots to be sampled separately.

A.3.3. Precautions to be taken

In the course of sampling and preparation of the samples, precautions shall be taken to avoid any changes, which would affect:

- the mycotoxin content, adversely affect the analytical determination or make the aggregate samples unrepresentative;
- the food safety of the lots to be sampled.

Also, all measures necessary to ensure the safety of the persons taking the samples shall be taken.

A.3.4. Incremental samples

As far as possible incremental samples shall be taken at various places distributed throughout the lot or sublot. Departure from such procedure shall be recorded in the record provided for under part A.3.8. of this Annex I.

⁽¹⁾ A guidance document for competent authorities for the control of compliance with EU legislation on aflatoxins is available at http://europa.eu.int/comm/food/food/chemicalsafety/contaminants/aflatoxin_guidance_en.pdf. The guidance document provides additional practical information but the information contained in the guidance document is subordinate to the provisions in this Regulation.

A.3.5. *Preparation of the aggregate sample*

The aggregate sample shall be made up by combining the incremental samples.

A.3.6. *Replicate samples*

The replicate samples for enforcement, trade (defence) and reference (referee) purposes shall be taken from the homogenised aggregate sample, unless such procedure conflicts with Member States' rules as regards the rights of the food business operator.

A.3.7. *Packaging and transmission of samples*

Each sample shall be placed in a clean, inert container offering adequate protection from contamination and against damage in transit. All necessary precautions shall be taken to avoid any change in composition of the sample, which might arise during transportation or storage.

A.3.8. *Sealing and labelling of samples*

Each sample taken for official use shall be sealed at the place of sampling and identified following the rules of the Member State.

A record shall be kept of each sampling, permitting each lot to be identified unambiguously and giving the date and place of sampling together with any additional information likely to be of assistance to the analyst.

A.4. **Different types of lots**

Food commodities may be traded in bulk, containers, or individual packings, such as sacks, bags, retail packings. The method of sampling may be applied to all the different forms in which the commodities are put on the market.

Without prejudice to the specific provisions set out in other parts of this Annex, the following formula may be used as a guide for the sampling of lots traded in individual packs, such as sacks, bags, retail packings.

$$\text{Sampling frequency (SF) } n = \frac{\text{Weight of the lot} \times \text{Weight of the incremental sample}}{\text{Weight of the aggregate sample} \times \text{Weight of individual packing}}$$

— weight: in kg

— sampling frequency (SF): every n^{th} sack or bag from which an incremental sample must be taken (decimal figures should be rounded to the nearest whole number).

B. **METHOD OF SAMPLING FOR CEREALS AND CEREAL PRODUCTS**

This method of sampling is of application for the official control of the maximum levels established for aflatoxin B₁, total aflatoxins, ochratoxin A and *Fusarium*-toxins in cereals and cereal products.

B.1. **Weight of the incremental sample**

The weight of the incremental sample shall be about 100 grams, unless otherwise defined in this part B of Annex I.

In the case of lots in retail packings, the weight of the incremental sample shall depend on the weight of the retail pack.

In the case of retail packs of more than 100 grams, this will result in aggregate samples weighing more than 10 kg. If the weight of a single retail pack is much more than 100 grams, then 100 grams shall be taken from each individual retail pack as an incremental sample. This can be done either when the sample is taken or in the laboratory. However, in cases where such method of sampling would lead to unacceptable commercial consequences resulting from damage to the lot (because of packaging forms, means of transport, etc.), then an alternative method of sampling can be applied. For example, in case where a valuable product is marketed in retail packs of 500 grams or 1 kg, the aggregate sample can be obtained by the aggregation of a number of incremental samples that is smaller than the number indicated in Tables 1 and 2, on the condition that the weight of the aggregate sample is equal to the required weight of the aggregate sample mentioned in Tables 1 and 2.

Where the retail pack is less than 100 grams and if the difference is not very large, one retail pack is to be considered as one incremental sample, resulting in an aggregate sample of less than 10 kg. If the weight of the retail pack is much less than 100 grams, one incremental sample consists of two or more retail packs, whereby the 100 grams are approximated as closely as possible.

B.2. General survey of the method of sampling for cereals and cereal products

Table 1

Subdivision of lots into sublots depending on product and lot weight

Commodity	Lot weight (tonnes)	Weight or number of sublots	Number of incremental samples	Aggregate sample weight (kg)
Cereals and cereal products	≥ 1 500	500 tonnes	100	10
	> 300 and < 1 500	3 sublots	100	10
	≥ 50 and ≤ 300	100 tonnes	100	10
	< 50	—	3-100 (*)	1-10

(*) Depending on the lot weight — see Table 2.

B.3. Method of sampling for cereals and cereal products for lots ≥ 50 tonnes

- On condition that the subplot can be separated physically, each lot shall be subdivided into sublots following Table 1. Taking into account that the weight of the lot is not always an exact multiple of the weight of the sublots, the weight of the subplot may exceed the mentioned weight by a maximum of 20 %. In case the lot is not or cannot be physically separated into sublots, a minimum of 100 incremental samples is taken from the lot.
- Each subplot shall be sampled separately.
- Number of incremental samples: 100. Weight of the aggregate sample = 10 kg.
- If it is not possible to carry out the method of sampling set out in this point because of the unacceptable commercial consequences resulting from damage to the lot (because of packaging forms, means of transport, etc.) an alternative method of sampling may be applied provided that it is as representative as possible and is fully described and documented. An alternative method of sampling may also be applied in cases where it is practically impossible to apply the abovementioned method of sampling. This is e.g. the case where large lots of cereals are stored in warehouses or where cereals are stored in silos ⁽¹⁾.

B.4. Method of sampling for cereals and cereal products for lots < 50 tonnes

For lots of cereals and cereal products less than 50 tonnes, the sampling plan shall be used with 10 to 100 incremental samples, depending on the lot weight, resulting in an aggregate sample of 1 to 10 kg. For very small lots (≤ 0,5 tonnes) a lower number of incremental samples may be taken, but the aggregate sample combining all incremental samples shall be also in that case at least 1 kg.

The figures in Table 2 may be used to determine the number of incremental samples to be taken.

Table 2

Number of incremental samples to be taken depending on the weight of the lot of cereals and cereal products

Lot weight (tonnes)	Number of incremental samples	Aggregate sample weight (kg)
≤ 0,05	3	1
> 0,05-≤ 0,5	5	1
> 0,5-≤ 1	10	1
> 1-≤ 3	20	2
> 3-≤ 10	40	4
> 10-≤ 20	60	6
> 20-≤ 50	100	10

⁽¹⁾ Guidance for sampling such lots will be provided in a guidance document available from 1 July 2006 onwards on following website: http://europa.eu.int/comm/food/food/chemicalsafety/contaminants/index_en.htm

B.5. Sampling at retail stage

Sampling of foodstuffs at the retail stage must be done where possible in accordance with the provisions set out in this part B of Annex I.

Where that is not possible, an alternative method of sampling at retail stage may be applied provided that it ensures that the aggregate sample is sufficiently representative of the sampled lot and is fully described and documented. In any case, the aggregate sample shall be at least 1 kg ⁽¹⁾.

B.6. Acceptance of a lot or subplot

- acceptance if the laboratory sample conforms to the maximum limit, taking into account the correction for recovery and measurement uncertainty;
- rejection if the laboratory sample exceeds the maximum limit beyond reasonable doubt taking into account the correction for recovery and measurement uncertainty.

C. METHOD OF SAMPLING FOR DRIED FRUIT, INCLUDING DRIED VINE FRUIT AND DERIVED PRODUCTS BUT WITH THE EXCEPTION OF DRIED FIGS

This method of sampling is of application for the official control of the maximum levels established for:

- aflatoxin B1 and total aflatoxins in dried fruit but with the exception of dried figs and
- ochratoxin A in dried vine fruit (currants, raisins and sultanas).

C.1. Weight of the incremental sample

The weight of the incremental sample shall be about 100 grams, unless otherwise defined in this part C of Annex I.

In the case of lots in retail packings, the weight of the incremental sample depends on the weight of the retail packing.

In the case of retail packs of more than 100 grams, this will result in aggregate samples weighing more than 10 kg. If the weight of a single retail pack is much more than 100 grams, then 100 grams shall be taken from each individual retail pack as an incremental sample. This can be done either when the sample is taken or in the laboratory. However, in cases where such method of sampling would lead to unacceptable commercial consequences resulting from damage to the lot (because of packaging forms, means of transport, etc.) then an alternative method of sampling can be applied. For example, in case where a valuable product is marketed in retail packs of 500 grams or 1 kg, the aggregate sample can be obtained by the aggregation of a number of incremental samples that is smaller than the number indicated in Tables 1 and 2, on the condition that the weight of the aggregate sample corresponds to the required weight of the aggregate sample mentioned in Tables 1 and 2.

Where the retail pack is less than 100 grams and if the difference is not very large, one retail pack shall be considered as one incremental sample, resulting in an aggregate sample of less than 10 kg. If the weight of the retail pack is much less than 100 grams, one incremental sample shall consist of two or more retail packs, whereby the 100 grams are approximated as closely as possible.

C.2. General survey of the method of sampling dried fruit, with the exception of figs

Table 1

Subdivision of lots into sublots depending on product and lot weight

Commodity	Lot weight (tonnes)	Weight or number of sublots	Number of incremental samples	Aggregate sample weight (kg)
Dried fruit	≥ 15	15-30 tonnes	100	10
	< 15	—	10-100 (*)	1-10

(*) Depending on the lot weight — see Table 2 of this part of this Annex.

⁽¹⁾ In case the portion to be sampled is so small that it is impossible to obtain an aggregate sample of 1 kg, the aggregate sample weight might be less than 1 kg.

C.3. Method of sampling for dried fruit (lots $\geq$ 15 tonnes), with the exception of figs

- On condition that the subplot can be separated physically, each lot shall be subdivided into sublots following Table 1. Taking into account that the weight of the lot is not always an exact multiple of the weight of the sublots, the weight of the subplot may exceed the mentioned weight by a maximum of 20 %.
- Each subplot shall be sampled separately.
- Number of incremental samples: 100. Weight of the aggregate sample = 10 kg.
- If it is not possible to carry out the method of sampling described above because of the commercial consequences resulting from damage to the lot (because of packaging forms, means of transport, etc.) an alternative method of sampling may be applied provided that it is as representative as possible and is fully described and documented.

C.4. Method of sampling for dried fruit (lots < 15 tonnes), with the exception of figs

For dried fruit lots, with the exception of figs, under 15 tonnes the sampling plan shall be used with 10 to 100 incremental samples, depending on the lot weight, resulting in an aggregate sample of 1 to 10 kg.

The figures in the following table can be used to determine the number of incremental samples to be taken.

Table 2

Number of incremental samples to be taken depending on the weight of the lot of dried fruit

Lot weight (tonnes)	Number of incremental samples	Aggregate sample weight (kg)
$\leq 0,1$	10	1
$> 0,1 \leq 0,2$	15	1,5
$> 0,2 \leq 0,5$	20	2
$> 0,5 \leq 1,0$	30	3
$> 1,0 \leq 2,0$	40	4
$> 2,0 \leq 5,0$	60	6
$> 5,0 \leq 10,0$	80	8
$> 10,0 \leq 15,0$	100	10

C.5. Sampling at retail stage

Sampling of foodstuffs at the retail stage shall be done where possible in accordance with the provisions set out in this part of Annex I.

Where that is not possible, another alternative method of sampling at retail stage may be used provided that it ensures that the aggregate sample is sufficiently representative of the sampled lot and is fully described and documented. In any case, the aggregate sample shall be at least 1 kg ⁽¹⁾.

C.6. Specific sampling provisions for dried fruit with the exception of dried figs traded in vacuum packs

For lots equal to or more than 15 tonnes at least 25 incremental samples resulting in a 10 kg aggregate sample shall be taken and for lots less than 15 tonnes, 25 % of the number of incremental samples mentioned in Table 2 shall be taken resulting in an aggregate sample of which the weight corresponds to the weight of the sampled lot (see Table 2).

⁽¹⁾ In case the portion to be sampled is so small that it is impossible to obtain an aggregate sample of 1 kg, the aggregate sample weight might be less than 1 kg.

C.7. Acceptance of a lot or subplot

- acceptance if the laboratory sample conforms to the maximum limit, taking into account the correction for recovery and measurement uncertainty;
- rejection if the laboratory sample exceeds the maximum limit beyond reasonable doubt taking into account the correction for recovery and measurement uncertainty.

D. METHOD OF SAMPLING FOR DRIED FIGS, GROUNDNUTS AND NUTS

This method of sampling is of application for the official control of the maximum levels established for aflatoxin B1 and total aflatoxins in dried figs, groundnuts and nuts.

D.1. Weight of the incremental sample

The weight of the incremental sample shall be about 300 grams, unless otherwise defined in part D of Annex I.

In the case of lots in retail packings, the weight of the incremental sample depends on the weight of the retail packing.

In the case of retail packs of more than 300 grams, this will result in aggregate samples weighing more than 30 kg. If the weight of a single retail pack is much more than 300 grams, then 300 grams shall be taken from each individual retail pack as an incremental sample. This can be done either when the sample is taken or in the laboratory. However, in cases where such method of sampling would lead to unacceptable commercial consequences resulting from damage to the lot (because of packaging forms, means of transport, etc.), then an alternative method of sampling can be applied. For example, in case where a valuable product is marketed in retail packs of 500 grams or 1 kg, the aggregate sample can be obtained by the aggregation of a number of incremental samples that is smaller than the number indicated in Tables 1, 2 and 3, on the condition that the weight of the aggregate sample corresponds to the required weight of the aggregate sample mentioned in Tables 1, 2 and 3.

Where the retail pack is less than 300 grams and if the difference is not very large, one retail pack shall be considered as one incremental sample, resulting in an aggregate sample of less than 30 kg. If the weight of the retail pack is much less than 300 grams, one incremental sample shall consist of two or more retail packs, whereby the 300 grams are approximated as closely as possible.

D.2. General survey of the method of sampling for dried figs, groundnuts and nuts

Table 1

Subdivision of lots into sublots depending on product and lot weight

Commodity	Lot weight (tonnes)	Weight or number of sublots	Number of incremental samples	Aggregate sample weight (kg)
Dried figs	≥ 15	15-30 tonnes	100	30
	< 15	—	10-100 (*)	≤ 30
Groundnuts, pistachios, brazil nuts and other nuts	≥ 500	100 tonnes	100	30
	> 125 and < 500	5 sublots	100	30
	≥ 15 and ≤ 125	25 tonnes	100	30
	< 15	—	10-100 (*)	≤ 30

(*) Depending on the lot weight — see Table 2 of this part of this Annex.

D.3. Method of sampling for dried figs, groundnuts and nuts (lots ≥ 15 tonnes)

- On condition that the subplot can be separated physically, each lot shall be subdivided into sublots following Table 1. Taking into account that the weight of the lot is not always an exact multiple of the weight of the sublots, the weight of the subplot may exceed the mentioned weight by a maximum of 20 %.

- Each subplot shall be sampled separately.
- Number of incremental samples: 100.
- Weight of the aggregate sample = 30 kg which shall be mixed and to be divided into three equal laboratory samples of 10 kg before grinding (this division into three laboratory samples is not necessary in case of groundnuts and nuts subjected to further sorting or other physical treatment and of the availability of equipment which is able to homogenise a 30 kg sample).
- Each laboratory sample of 10 kg shall be separately ground finely and mixed thoroughly to achieve complete homogenisation, in accordance with the provisions laid down in Annex II.
- If it is not possible to carry out the method of sampling described above because of the commercial consequences resulting from damage to the lot (because of packaging forms, means of transport, etc.) an alternative method of sampling may be applied provided that it is as representative as possible and is fully described and documented.

D.4. Method of sampling for dried figs, groundnuts and nuts (lots < 15 tonnes)

The number of incremental samples to be taken depends on the weight of the lot, with a minimum of 10 and a maximum of 100.

The figures in the following Table 2 may be used to determine the number of incremental samples to be taken and the subsequent division of the aggregate sample.

Table 2

Number of incremental samples to be taken depending on the weight of the lot and number of subdivisions of the aggregate sample

Lot weight (tonnes)	Number of incremental samples	Aggregate sample Weight (kg) (in case of retail packings, weight of aggregate sample can diverge — see point D.1)	Number of laboratory samples from aggregate sample
≤ 0,1	10	3	1 (no division)
> 0,1-≤ 0,2	15	4,5	1 (no division)
> 0,2-≤ 0,5	20	6	1 (no division)
> 0,5-≤ 1,0	30	9 (– < 12 kg)	1 (no division)
> 1,0-≤ 2,0	40	12	2
> 2,0-≤ 5,0	60	18 (– < 24 kg)	2
> 5,0-≤ 10,0	80	24	3
> 10,0-≤ 15,0	100	30	3

- Weight of the aggregate sample ≤ 30 kg which shall be mixed and divided into two or three equal laboratory samples of ≤ 10 kg before grinding (this division into two or three laboratory samples is not necessary in case of dried figs, groundnuts and nuts subjected to further sorting or other physical treatment and of the availability of equipment which is able to homogenise up to 30 kg samples).

In cases where the aggregate sample weights are less than 30 kg, the aggregate sample shall be divided into laboratory samples according to following guidance:

- < 12 kg: no division into laboratory samples
- ≥ 12- < 24 kg: division into two laboratory samples
- ≥ 24 kg: division into three laboratory samples

- Each laboratory sample shall be separately ground finely and mixed thoroughly to achieve complete homogenisation, in accordance with the provisions laid down in Annex II.
- If it is not possible to carry out the method of sampling described above because of the unacceptable commercial consequences resulting from damage to the lot (because of packaging forms, means of transport, etc.) an alternative method of sampling may be applied provided that it is as representative as possible and is fully described and documented.

D.5. Method of sampling for derived products and compound foods

D.5.1. *Derived products with very small particle weight, i.e. flour, peanut butter (homogeneous distribution of aflatoxin contamination)*

- Number of incremental samples: 100; for lots of under 50 tonnes the number of incremental samples shall be 10 to 100, depending on the lot weight (see Table 3)

Table 3

Number of incremental samples to be taken depending on the weight of the lot

Lot weight (tonnes)	Number of incremental samples	Aggregate sample weight (kg)
≤ 1	10	1
> 1-≤ 3	20	2
> 3-≤ 10	40	4
> 10-≤ 20	60	6
> 20-≤ 50	100	10

- The weight of the incremental sample shall be about 100 grams. In the case of lots in retail packing, the weight of the incremental sample depends on the weight of the retail packing.
- Weight of aggregate sample = 1 to 10 kg sufficiently mixed.

D.5.2. *Other derived products with a relatively large particle size (heterogeneous distribution of aflatoxin contamination)*

Method of sampling and acceptance as for dried figs, groundnuts and nuts ((D.3 and D.4)

D.6. Sampling at retail stage

Sampling of foodstuffs at the retail stage shall be done where possible in accordance with the provisions set out in this part of Annex I.

Where that is not possible, other effective methods of sampling at retail stage may be used provided that they ensure that the aggregate sample is sufficiently representative of the sampled lot and is fully described and documented. In any case, the aggregate sample shall be at least 1 kg ⁽¹⁾.

D.7. Specific method of sampling for groundnuts, nuts, dried figs and derived products traded in vacuum packs

D.7.1. *Pistachios, groundnuts, Brazil nuts and dried figs*

For lots equal to or more than 15 tonnes at least 50 incremental samples resulting in a 30 kg aggregate sample shall be taken and for lots of less than 15 tonnes, 50 % of the number of incremental samples mentioned in Table 2 shall be taken resulting in an aggregate sample of which the weight corresponds to the weight of the sampled lot (see Table 2).

D.7.2. *Nuts other than pistachios and Brazil nuts*

For lots equal to or more than 15 tonnes at least 25 incremental samples resulting in a 30 kg aggregate sample shall be taken and for lots less than 15 tonnes, 25 % of the number of incremental samples mentioned in Table 2 shall be taken resulting in an aggregate sample of which the weight is equal to the weight of the sampled lot (see Table 2).

⁽¹⁾ In case the portion to be sampled is so small that it is impossible to obtain an aggregate sample of 1 kg, the aggregate sample weight might be less than 1 kg.

D.7.3. Products derived from nuts, figs and groundnuts with small particle size

For lots equal to or more than 50 tonnes at least 25 incremental samples resulting in a 10 kg aggregate sample shall be taken and for lots less than 50 tonnes, 25 % of the number of incremental samples mentioned in Table 3 shall be taken resulting in an aggregate sample of which the weight corresponds to the weight of the sampled lot (see Table 3).

D.8. Acceptance of a lot or subplot

- For dried figs, groundnuts and nuts subjected to a sorting or other physical treatment:
 - acceptance if the aggregate sample or the average of the laboratory samples conforms to the maximum limit, taking into account the correction for recovery and measurement uncertainty,
 - rejection if the aggregate sample or the average of the laboratory samples exceeds the maximum limit beyond reasonable doubt taking into account the correction for recovery and measurement uncertainty.
- For dried figs, groundnuts and nuts intended for direct human consumption:
 - acceptance if none of the laboratory samples exceeds the maximum limit, taking into account the correction for recovery and measurement uncertainty,
 - rejection if one or more of the laboratory samples exceeds the maximum limit beyond reasonable doubt taking into account the correction for recovery and measurement uncertainty.
- In cases where the aggregate sample is 12 kg or less:
 - acceptance if the laboratory sample conforms to the maximum limit, taking into account the correction for recovery and measurement uncertainty,
 - rejection if the laboratory sample exceeds the maximum limit beyond reasonable doubt taking into account the correction for recovery and measurement uncertainty.

E. METHOD OF SAMPLING FOR SPICES

This method of sampling is of application for the official control of the maximum levels established for aflatoxin B1 and total aflatoxins in spices.

E.1. Weight of the incremental sample

The weight of the incremental sample shall be about 100 grams, unless otherwise defined in this part E of Annex I.

In the case of lots in retail packings, the weight of the incremental sample depends on the weight of the retail packing.

In the case of retail packs of >100 grams, this will result in aggregate samples weighing more than 10 kg. If the weight of a single retail pack is >> 100 grams, then 100 grams shall be taken from each individual retail pack as an incremental sample. This can be done either when the sample is taken or in the laboratory. However, in cases where such method of sampling would lead to unacceptable commercial consequences resulting from damage to the lot (because of packaging forms, means of transport, etc.), then an alternative method of sampling can be applied. For example, in case where a valuable product is marketed in retail packs of 500 grams or 1 kg, the aggregate sample can be obtained by the aggregation of a number of incremental samples that is smaller than the number indicated in Tables 1 and 2, on the condition that the weight of the aggregate sample corresponds to the required weight of the aggregate sample mentioned in Tables 1 and 2.

Where the retail pack is less than 100 grams and if the difference is not very large, one retail pack shall be considered as one incremental sample, resulting in an aggregate sample of less than 10 kg. If the weight of the retail pack is much less than 100 grams, one incremental sample shall consist of two or more retail packs, whereby the 100 grams are approximated as closely as possible.

E.2. General survey of the method of sampling for spices

Table 1

Subdivision of lots into sublots depending on product and lot weight

Commodity	Lot weight (tonnes)	Weight or number of sublots	Number of incremental samples	Aggregate sample Weight (kg)
Spices	≥ 15	25 tonnes	100	10
	< 15	—	5-100 (*)	0,5-10

(*) Depending on the lot weight — see Table 2 of this part of this Annex.

E.3. Method of sampling for spices (lots ≥ 15 tonnes)

- On condition that the subplot can be separated physically, each lot shall be subdivided into sublots following Table 1. Taking into account that the weight of the lot is not always an exact multiple of the weight of the sublots, the weight of the subplot may exceed the mentioned weight by a maximum of 20 %.
- Each subplot shall be sampled separately.
- Number of incremental samples: 100. Weight of the aggregate sample = 10 kg.
- If it is not possible to carry out the method of sampling described above because of the unacceptable commercial consequences resulting from damage to the lot (because of packaging forms, means of transport, etc.) an alternative method of sampling may be applied provided that it is as representative as possible and is fully described and documented.

E.4. Method of sampling for spices (lots < 15 tonnes)

For lots of spices less than 15 tonnes the sampling plan shall be used with 5 to 100 incremental samples, depending on the lot weight, resulting in an aggregate sample of 0,5 to 10 kg.

The figures in the following Table can be used to determine the number of incremental samples to be taken.

Table 2

Number of incremental samples to be taken depending on the weight of the lot of spices

Lot weight (tonnes)	Number of incremental samples	Aggregate sample weight (kg)
≤ 0,01	5	0,5
> 0,01-≤ 0,1	10	1
> 0,1-≤ 0,2	15	1,5
> 0,2-≤ 0,5	20	2
> 0,5-≤ 1,0	30	3
> 1,0-≤ 2,0	40	4
> 2,0-≤ 5,0	60	6
> 5,0-≤ 10,0	80	8
> 10,0-≤ 15,0	100	10

E.5. Sampling at retail stage

Sampling of foodstuffs at the retail stage shall be done where possible in accordance with the sampling provisions set out in this part of Annex I.

Where that is not possible, an alternative method of sampling at retail stage may be used provided that it ensures that the aggregate sample is sufficiently representative of the sampled lot and is fully described and documented. In any case, the aggregate sample shall be at least 0,5 kg ⁽¹⁾.

E.6. Specific method of sampling for spices traded in vacuum packs

For lots equal to or more than 15 tonnes at least 25 incremental samples resulting in a 10 kg aggregate sample shall be taken and for lots less than 15 tonnes, 25 % of the number of incremental samples mentioned in Table 2 shall be taken resulting in an aggregate sample of which the weight corresponds to the weight of the sampled lot (see Table 2).

E.7. Acceptance of a lot or subplot

- acceptance if the laboratory sample conforms to the maximum limit, taking into account the correction for recovery and measurement uncertainty;
- rejection if the laboratory sample exceeds the maximum limit beyond reasonable doubt taking into account the correction for recovery and measurement uncertainty.

F. METHOD OF SAMPLING FOR MILK AND MILK PRODUCTS; INFANT FORMULAE AND FOLLOW-ON FORMULAE, INCLUDING INFANT MILK AND FOLLOW-ON MILK

This method of sampling is of application for the official control of the maximum levels established for aflatoxin M1 in milk and milk products and infant formulae and follow-on formulae, including infant milk and follow-on milk and dietary foods (milk and milk products) for special medical purposes intended specifically for infants.

F.1. Method of sampling for milk, milk products, infant formulae and follow-on formulae, including infant milk and follow-on milk.

The aggregate sample shall be at least 1 kg or 1 litre except where it is not possible e.g. when the sample consists of one bottle.

The minimum number of incremental samples to be taken from the lot shall be as given in Table 1. The number of incremental samples determined is function of the usual form in which the products concerned are commercialised. In the case of bulk liquid products the lot shall be thoroughly mixed insofar as possible and insofar it does not affect the quality of the product, by either manual or mechanical means immediately prior to sampling. In this case, a homogeneous distribution of aflatoxin M1 is assumed within a given lot. It is therefore sufficient to take three incremental samples from a lot to form the aggregate sample.

The incremental samples, which might frequently be a bottle or a package, shall be of similar weight. The weight of an incremental sample shall be at least 100 grams, resulting in an aggregate sample of at least about 1 kg or 1 litre. Departure from this method shall be recorded in the record provided for under part A.3.8 of Annex I.

Table 1

Minimum number of incremental samples to be taken from the lot

Form of commercialisation	Volume or weight of lot (in litre or kg)	Minimum number of incremental samples to be taken	Minimum volume or weight of aggregate sample (in litre or kg)
Bulk	—	3-5	1
Bottles/packages	≤ 50	3	1
Bottles/packages	50 to 500	5	1
Bottles/packages	> 500	10	1

F.2. Sampling at retail stage

Sampling of foodstuffs at the retail stage shall be done where possible in accordance with the provisions set out in this part of Annex I.

⁽¹⁾ In case the portion to be sampled is so small that it is impossible to obtain an aggregate sample of 0,5 kg, the aggregate sample weight might be less than 0,5 kg.

Where that is not possible, an alternative method of sampling at retail stage may be used provided that it ensures that the aggregate sample is sufficiently representative of the sampled lot and is fully described and documented ⁽¹⁾.

F.3. Acceptance of a lot or subplot

- acceptance if the laboratory sample conforms to the maximum limit, taking into account the correction for recovery and measurement uncertainty (or decision limit — see Annex II, point 4.4.),
- rejection if the laboratory sample exceeds the maximum limit beyond reasonable doubt taking into account the correction for recovery and measurement uncertainty (or decision limit — see Annex II, point 4.4.).

G. METHOD FOR SAMPLING COFFEE AND COFFEE PRODUCTS

This method of sampling is of application for the official control of the maximum levels established for ochratoxin A in roasted coffee beans, ground roasted coffee and soluble coffee.

G.1. Weight of the incremental sample

The weight of the incremental sample shall be about 100 grams, unless otherwise defined in this part G of Annex I.

In the case of lots in retail packings, the weight of the incremental sample shall depend on the weight of the retail packing.

In the case of retail packs of more than 100 grams, this will result in aggregate samples weighing more than 10 kg. If the weight of a single retail pack is much more than 100 grams, then 100 grams shall be taken from each individual retail pack as an incremental sample. This can be done either when the sample is taken or in the laboratory. However, in cases where such method of sampling would lead to unacceptable commercial consequences resulting from damage to the lot (because of packaging forms, means of transport, etc.), then an alternative method of sampling can be applied. For example, in case where a valuable product is marketed in retail packs of 500 grams or 1 kg, the aggregate sample can be obtained by the aggregation of a number of incremental samples that is smaller than the number indicated in Tables 1 and 2, on the condition that the weight of the aggregate sample corresponds to the required weight of the aggregate sample mentioned in Tables 1 and 2.

Where the retail pack is less than 100 grams and if the difference is not very large, one retail pack shall be considered as one incremental sample, resulting in an aggregate sample of less than 10 kg. If the weight of the retail pack is much less than 100 grams, one incremental sample shall consist of two or more retail packs, whereby the 100 grams are approximated as closely as possible.

G.2. General survey of the method of sampling for roasted coffee

Table 1

Subdivision of lots into sublots depending on product and lot weight

Commodity	Lot weight (tonnes)	Weight or number of sublots	Number of incremental samples	Aggregate sample Weight (kg)
Roasted coffee beans, ground roasted coffee and soluble coffee	≥ 15	15-30 tonnes	100	10
	< 15	—	10-100 (*)	1-10

(*) Depending on the lot weight — see Table 2 of this Annex.

G.3. Method of sampling for roasted coffee beans, ground roasted coffee, soluble coffee (lots ≥ 15 tonnes)

- On condition that the subplot can be separated physically, each lot shall be subdivided into sublots following Table 1. Taking into account that the weight of the lot is not always an exact multiple of the weight of the sublots, the weight of the subplot may vary from the mentioned weight by a maximum of 20 %.
- Each subplot shall be sampled separately.
- Number of incremental samples: 100.

⁽¹⁾ In case the portion to be sampled is so small that it is impossible to obtain an aggregate sample of 1 kg, the aggregate sample weight might be less than 1 kg.

— Weight of the aggregate sample = 10 kg.

— If it is not possible to carry out the method of sampling described above because of the unacceptable commercial consequences resulting from damage to the lot (because of packaging forms, means of transport, etc.) an alternative method of sampling may be applied provided that it is as representative as possible and is fully described and documented.

G.4. Method of sampling for roasted coffee beans, ground roasted coffee, soluble coffee (lots < 15 tonnes)

For roasted coffee beans, ground roasted coffee, soluble coffee under 15 tonnes the sampling plan shall be used with 10 to 100 incremental samples, depending on the lot weight, resulting in an aggregate sample of 1 to 10 kg.

The figures in the following table can be used to determine the number of incremental samples to be taken.

Table 2

Number of incremental samples to be taken depending on the weight of the lot of roasted coffee beans, ground roasted coffee, soluble coffee

Lot weight (tonnes)	Number of incremental samples	Aggregate sample weight (kg)
≤ 0,1	10	1
> 0,1-≤ 0,2	15	1,5
> 0,2-≤ 0,5	20	2
> 0,5-≤ 1,0	30	3
> 1,0-≤ 2,0	40	4
> 2,0-≤ 5,0	60	6
> 5,0-≤ 10,0	80	8
> 10,0-≤ 15,0	100	10

G.5. Method of sampling for roasted coffee beans, ground roasted coffee, soluble coffee traded in vacuum packs

For lots equal to or more than 15 tonnes at least 25 incremental samples resulting in a 10 kg aggregate sample shall be taken and for lots less than 15 tonnes, 25 % of the number of incremental samples mentioned in Table 2 shall be taken resulting in an aggregate sample of which the weight corresponds to the weight of the sampled lot (see Table 2).

G.6. Sampling at retail stage

Sampling of foodstuffs at the retail stage shall be done where possible in accordance with the sampling provisions set out in this part of Annex I.

Where that is not possible, an alternative method of sampling at retail stage may be used provided that it ensures that the aggregate sample is sufficiently representative of the sampled lot and is fully described and documented. In any case, the aggregate sample shall be at least 1 kg ⁽¹⁾.

G.7. Acceptance of a lot or subplot

- acceptance if the laboratory sample conforms to the maximum limit, taking into account the correction for recovery and measurement uncertainty;
- rejection if the laboratory sample exceeds the maximum limit beyond reasonable doubt taking into account the correction for recovery and measurement uncertainty.

⁽¹⁾ In case the portion to be sampled is so small that it is impossible to obtain an aggregate sample of 1 kg, the aggregate sample weight might be less than 1 kg.

H. METHOD OF SAMPLING FOR FRUIT JUICES INCLUDING GRAPE JUICE, GRAPE MUST, CIDER AND WINE

This method of sampling is of application for the official control of the maximum levels established for

- ochratoxin A in wine, grape juice and grape must and
- patulin in fruit juices, fruit nectar, spirit drinks, cider and other fermented drinks derived from apples or containing apple juice.

H.1. Method of sampling

The aggregate sample shall be at least one litre except where it is not possible e.g. when the sample consists of one bottle.

The minimum number of incremental samples to be taken from the lot shall be as given in Table 1. The number of incremental samples determined is function of the usual form in which the products concerned are commercialised. In the case of bulk liquid products the lot shall be thoroughly mixed insofar as possible and insofar it does not affect the quality of the product, by either manual or mechanical means immediately prior to sampling. In this case, a homogeneous distribution of ochratoxin A and patulin can be assumed within a given lot. It is therefore sufficient to take three incremental samples from a lot to form the aggregate sample.

The incremental samples, which might frequently be a bottle or a package, shall be of similar weight. The weight of an incremental sample shall be at least 100 grams, resulting in an aggregate sample of at least about 1 litre. Departure from this method shall be recorded in the record provided for under part A.3.8 of Annex I.

Table 1

Minimum number of incremental samples to be taken from the lot

Form of commercialisation	Volume of lot (in litres)	Minimum number of incremental samples to be taken	Minimum volume of the aggregate sample (in litres)
Bulk (fruit juice, spirit drinks, cider, wine)	—	3	1
Bottles/packages (fruit juice, spirit drinks, cider)	≤ 50	3	1
Bottles/packages (fruit juice, spirit drinks, cider)	50 to 500	5	1
Bottles/packages (fruit juice, spirit drinks, cider)	> 500	10	1
Bottles/packages wine	≤ 50	1	1
Bottles/packages wine	50 to 500	2	1
Bottles/packages wine	> 500	3	1

H.2. Sampling at retail stage

Sampling of foodstuffs at the retail stage shall be done where possible in accordance with the provisions set out in this part of Annex I ⁽¹⁾.

Where that is not possible, an alternative method of sampling at retail stage may be used provided that it ensures that the aggregate sample is sufficiently representative of the sampled lot and is fully described and documented.

H.3. Acceptance of a lot or subplot

- acceptance if the laboratory sample conforms to the maximum limit, taking into account the correction for recovery and measurement uncertainty,
- rejection if the laboratory sample exceeds the maximum limit beyond reasonable doubt taking into account the correction for recovery and measurement uncertainty.

⁽¹⁾ In case the portion to be sampled is so small that it is impossible to obtain an aggregate sample of 1 litre, the aggregate sample volume might be less than 1 litre.

I. METHOD OF SAMPLING FOR SOLID APPLE PRODUCTS AND APPLE JUICE AND SOLID APPLE PRODUCTS FOR INFANTS AND YOUNG CHILDREN

This method of sampling is of application for the official control of the maximum levels established for patulin in solid apple products and apple juice and solid apple products for infants and young children.

I.1. Method of sampling

The aggregate sample shall be at least 1 kg, except where it is not possible e.g. when sampling a single package.

The minimum number of incremental samples to be taken from the lot shall be as given in Table 1. In the case of liquid products the lot shall be thoroughly mixed insofar as possible by either manual or mechanical means immediately prior to sampling. In this case, a homogeneous distribution of patulin can be assumed within a given lot. It is therefore sufficient to take three incremental samples from a lot to form the aggregate sample.

The incremental samples shall be of similar weight. The weight of an incremental sample shall be at least 100 grams, resulting in an aggregate sample of at least 1 kg. Departure from this method shall be recorded in the record provided for under part A.3.8 of Annex I.

Table 1

Minimum number of incremental samples to be taken from the lot

Weight of lot (in kg)	Minimum number of incremental samples to be taken	Aggregate sample weight(kg)
< 50	3	1
50 to 500	5	1
> 500	10	1

If the lot consists of individual packages, then the number of packages, which shall be taken to form the aggregate sample, is given in Table 2.

Table 2

Number of packages (incremental samples) which shall be taken to form the aggregate sample if the lot consists of individual packages

Number of packages or units in the lot	Number of packages or units to be taken	Aggregate sample weight(kg)
1 to 25	1 package or unit	1
26 to 100	about 5 %, at least two packages or units	1
> 100	about 5 %, at maximum 10 packages or units	1

I.2. Sampling at retail stage

Sampling of foodstuffs at the retail stage shall be done where possible in accordance with the sampling provisions set out in this part of the Annex.

Where that is not possible, an alternative method of sampling at retail stage may be used provided that it ensures that the aggregate sample is sufficiently representative of the sampled lot and is fully described and documented ⁽¹⁾.

I.3. Acceptance of a lot or subplot

— acceptance if the laboratory sample conforms to the maximum limit, taking into account the measurement uncertainty and correction for recovery,

⁽¹⁾ In case the portion to be sampled is so small that it is impossible to obtain an aggregate sample of 1 kg, the aggregate sample weight might be less than 1 kg.

- rejection if the laboratory sample exceeds the maximum limit beyond reasonable doubt taking into account the measurement uncertainty and correction for recovery.

J. METHOD OF SAMPLING FOR BABY FOODS AND PROCESSED CEREAL BASED FOODS FOR INFANTS AND YOUNG CHILDREN

This method of sampling is of application for the official control of the maximum levels established:

- for aflatoxins, ochratoxin A and *Fusarium*-toxins in baby foods and processed cereal-based foods for infants and young children,
- for aflatoxins and ochratoxin A in dietary foods for special medical purposes (other than milk and milk products) intended specifically for infants and
- for patulin in baby foods other than processed cereal based foods for infants and young children. For the control of the maximum levels established for patulin in apple juice and solid apple products for infants and young children the method of sampling as described under part I of Annex I shall apply.

J.1. Method of sampling

- The method of sampling for cereals and cereal products as set out in point B.4 of Annex I shall apply to food intended for infants and young children. Accordingly the number of incremental samples to be taken shall depend on the weight of the lot, with a minimum of 10 and a maximum of 100, in accordance with Table 2 at point B.4 of Annex I. For very small lots ($\leq 0,5$ tonnes) a lower number of incremental samples may be taken, but the aggregate sample uniting all incremental samples shall be also in that case at least 1 kg.
- weight of the incremental sample shall be about 100 grams. In the case of lots in retail packing, the weight of the incremental sample shall depend on the weight of the retail packing and in case of very small lots ($\leq 0,5$ tonnes) the incremental samples shall have a weight as such that uniting the incremental samples results in an aggregate sample of at least 1 kg. Departure from this method shall be recorded in the record provided for under A.3.8.
- weight of aggregate sampling = 1-10 kg sufficiently mixed.

J.2. Sampling at retail stage

Sampling of foodstuffs at the retail stage shall be done where possible in accordance with the provisions set out in this part of Annex I.

Where that is not possible, an alternative method of sampling at retail stage may be used provided that it ensures that the aggregate sample is sufficiently representative of the sampled lot and is fully described and documented ⁽¹⁾.

J.3. Acceptance of a lot or subplot

- acceptance if the laboratory sample conforms to the maximum limit, taking into account the correction for recovery and measurement uncertainty;
- rejection if the laboratory sample exceeds the maximum limit beyond reasonable doubt taking into account the correction for recovery and measurement uncertainty.

⁽¹⁾ In case the portion to be sampled is so small that it is impossible to obtain an aggregate sample of 1 kg, the aggregate sample weight might be less than 1 kg.

ANNEX II

CRITERIA FOR SAMPLE PREPARATION AND FOR METHODS OF ANALYSIS USED FOR THE OFFICIAL CONTROL OF THE LEVELS OF MYCOTOXINS IN FOODSTUFFS**1. INTRODUCTION****1.1. Precautions**

As the distribution of mycotoxins is generally non-homogeneous, samples shall be prepared, and especially homogenised, with extreme care.

The complete sample as received by the laboratory shall be homogenized, in case the homogenisation is performed by the laboratory.

For the analysis of aflatoxins, daylight should be excluded as much as possible during the procedure, since aflatoxin gradually breaks down under the influence of ultra-violet light.

1.2. Calculation of proportion of shell/kernel of whole nuts

The limits fixed for aflatoxins in Regulation (EC) No 466/2001 apply to the edible part. The level of aflatoxins in the edible part can be determined by:

- samples of nuts 'in shell' can be shelled and the level of aflatoxins is determined in the edible part.
- the nuts 'in shell' can be taken through the sample preparation procedure. The method of sampling and analysis shall estimate the weight of nut kernel in the aggregate sample. The weight of nut kernel in the aggregate sample shall be estimated after establishing a suitable factor for the proportion of nut shell to nut kernel in whole nuts. This proportion is used to ascertain the amount of kernel in the bulk sample taken through the sample preparation and method of analysis.

Approximately 100 whole nuts shall be taken at random separately from the lot or shall be put aside from each aggregate sample. The ratio may, for each laboratory sample, be obtained by weighing the whole nuts, shelling and re-weighing the shell and kernel portions.

However, the proportion of shell to kernel may be established by the laboratory from a number of samples and so can be assumed for future analytical work. But if a particular laboratory sample is found to be in contravention of any limit, the proportion shall be determined for that sample using the approximately 100 nuts that have been set aside.

2. TREATMENT OF THE SAMPLE AS RECEIVED IN THE LABORATORY

Each laboratory sample shall be finely grinded and mixed thoroughly using a process that has been demonstrated to achieve complete homogenisation.

In case the maximum level applies to the dry matter, the dry matter content of the product shall be determined on a part of the homogenised sample, using a method that has been demonstrated to determine accurately the dry matter content.

3. REPLICATE SAMPLES

The replicate samples for enforcement, trade (defence) and reference (referee) purposes shall be taken from the homogenised material unless such procedure conflicts with Member States' rules as regards the rights of the food business operator.

4. METHOD OF ANALYSIS TO BE USED BY THE LABORATORY AND LABORATORY CONTROL REQUIREMENTS

4.1. Definitions

A number of the most commonly used definitions that the laboratory shall be required to use are the following:

r = Repeatability, the value below which the absolute difference between two single test results obtained under repeatability conditions, namely same sample, same operator, same apparatus, same laboratory, and short interval of time may be expected to lie within a specific probability (typically 95 %) and hence $r = 2,8 \times s_r$.

s_r = Standard deviation, calculated from results generated under repeatability conditions.

RSD_r = Relative standard deviation, calculated from results generated under repeatability conditions $[(s_r / \bar{x}) \times 100]$.

R = Reproducibility, the value below which the absolute difference between single test results obtained under reproducibility conditions, namely on identical material obtained by operators in different laboratories, using the standardised test method may be expected to lie within a certain probability (typically 95 %); $R = 2,8 \times s_R$.

s_R = Standard deviation, calculated from results under reproducibility conditions.

RSD_R = Relative standard deviation calculated from results generated under reproducibility conditions $[(s_R / \bar{x}) \times 100]$.

4.2. General requirements

Methods of analysis used for food control purposes shall comply with the provisions of items 1 and 2 of Annex III to Regulation (EC) No 882/2004.

4.3. Specific requirements

4.3.1. Performance criteria

Where no specific methods for the determination of mycotoxin levels in foodstuffs are required by Community legislation, laboratories may select any method provided the selected method meets the following criteria:

(a) Performance criteria for aflatoxins

Criterion	Concentration Range	Recommended Value	Maximum permitted Value
Blanks	All	Negligible	—
Recovery — Aflatoxin M1	0,01-0,05 µg/kg	60 to 120 %	
	> 0,05 µg/kg	70 to 110 %	
Recovery — Aflatoxins B ₁ , B ₂ , G ₁ , G ₂	< 1,0 µg/kg	50 to 120 %	
	1-10 µg/kg	70 to 110 %	
	> 10 µg/kg	80 to 110 %	
Precision RSD_R	All	As derived from Horwitz Equation	2 × value derived from Horwitz Equation

Precision RSD_r may be calculated as 0,66 times Precision RSD_R at the concentration of interest.

Note:

- Values to apply to both B₁ and sum of B₁ + B₂ + G₁ + G₂.
- If sum of individual aflatoxins B₁ + B₂ + G₁ + G₂ are to be reported, then response of each to the analytical system must be either known or equivalent.

(b) Performance criteria for ochratoxin A

Level µg/kg	Ochratoxin A		
	RSD _r %	RSD _R %	Recovery %
< 1	≤ 40	≤ 60	50 to 120
1-10	≤ 20	≤ 30	70 to 110

(c) Performance criteria for patulin

Level µg/kg	Patulin		
	RSD _r %	RSD _R %	Recovery %
< 20	≤ 30	≤ 40	50 to 120
20-50	≤ 20	≤ 30	70 to 105
> 50	≤ 15	≤ 25	75 to 105

(d) Performance criteria for deoxynivalenol

Level µg/kg	Deoxynivalenol		
	RSD _r %	RSD _R %	Recovery %
> 100-≤ 500	≤ 20	≤ 40	60 to 110
> 500	≤ 20	≤ 40	70 to 120

(e) Performance criteria for zearalenone

Level µg/kg	Zearalenone		
	RSD _r %	RSD _R %	Recovery %
≤ 50	≤ 40	≤ 50	60 to 120
> 50	≤ 25	≤ 40	70 to 120

(f) Performance criteria for Fumonisin B₁ and B₂

Level µg/kg	Fumonisin B ₁ or B ₂		
	RSD _r %	RSD _R %	Recovery %
≤ 500	≤ 30	≤ 60	60 to 120
> 500	≤ 20	≤ 30	70 to 110

(g) Performance criteria for T-2 and HT-2 toxin

Level µg/kg	T-2 toxin		
	RSD _r %	RSD _R %	Recovery %
50-250	≤ 40	≤ 60	60 to 130
> 250	≤ 30	≤ 50	60 to 130

Level µg/kg	HT-2 toxin		
	RSD _r %	RSD _R %	Recovery %
100-200	≤ 40	≤ 60	60 to 130
> 200	≤ 30	≤ 50	60 to 130

(h) Notes to the performance criteria for the mycotoxins

- The detection limits of the methods used are not stated as the precision values are given at the concentrations of interest
- The precision values are calculated from the Horwitz equation, i.e.:

$$RSD_R = 2^{(1-0,5\log C)}$$

where:

- RSD_R is the relative standard deviation calculated from results generated under reproducibility conditions $[(s_R/\bar{x}) \times 100]$
- C is the concentration ratio (i.e. 1 = 100g/100g, 0,001 = 1 000 mg/kg)

This is a generalised precision equation which has been found to be independent of analyte and matrix but solely dependent on concentration for most routine methods of analysis.

4.3.2. 'Fitness-for-purpose' approach

In the case where there are a limited number of fully validated methods of analysis, alternatively, a 'fitness-for-purpose' approach, defining a single parameter, a fitness function, to evaluate the acceptability of methods of analysis may be used. A fitness function is an uncertainty function that specifies maximum levels of uncertainty regarded as fit for purpose.

Given the limited number of methods of analysis, fully validated by a collaborative trial, especially for the determination of T-2 and HT-2 toxin, the uncertainty function approach, specifying the maximum acceptable uncertainty, may also be used to assess the suitability (the 'fitness-for-purpose') of the method of analysis to be used by the laboratory. The laboratory may use a method which produces results within the maximum standard uncertainty. The maximum standard uncertainty may be calculated using the following formula:

$$Uf = \sqrt{(LOD/2)^2 + (\alpha \times C)^2}$$

where:

- Uf is the maximum standard uncertainty (µg/kg)
- LOD is the limit of detection of the method (µg/kg)

— α is a constant, numeric factor to be used depending on the value of C . The values to be used are set out in the table hereafter

— C is the concentration of interest ($\mu\text{g/kg}$).

If the analytical method provides results with uncertainty measurements less than the maximum standard uncertainty the method shall be considered being equally suitable to one which meets the performance criteria given in point 4.3.1.

Table

Numeric values to be used for α as constant in formula set out in this point, depending on the concentration of interest

C ($\mu\text{g/kg}$)	α
≤ 50	0,2
51-500	0,18
501-1 000	0,15
1 001-10 000	0,12
$> 10\ 000$	0,1

4.4. Estimation of measurement uncertainty, recovery calculation and reporting of results ⁽¹⁾

The analytical result must be reported corrected or uncorrected for recovery. The manner of reporting and the level of recovery must be reported. The analytical result corrected for recovery shall be used for controlling compliance.

The analytical result must be reported as $x \pm U$ whereby x is the analytical result and U is the expanded measurement uncertainty.

U is the expanded measurement uncertainty, using a coverage factor of 2 which gives a level of confidence of approximately 95 %.

For food of animal origin, the taking into account of the measurement uncertainty can also be done by establishing the decision limit ($CC\alpha$) in accordance with Commission Decision 2002/657/EC ⁽²⁾ (point 3.1.2.5. of the Annex — the case of substances with established permitted limit).

The present interpretation rules of the analytical result in view of acceptance or rejection of the lot apply to the analytical result obtained on the sample for official control. In case of analysis for defence or referee purposes, the national rules apply.

4.5. Laboratory quality standards

Laboratory must comply with the provisions of Article 12 of Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽³⁾.

⁽¹⁾ More details on procedures for the estimation of measurement uncertainty and on procedures for assessing recovery can be found in the report 'Report on the relationship between analytical results, measurement uncertainty, recovery factors and the provisions of EU food and feed legislation' — http://europa.eu.int/comm/food/food/chemicalsafety/contaminants/report-sampling_analysis_2004_en.pdf

⁽²⁾ OJ L 221, 17.8.2002, p. 8. Decision as last amended by Decision 2004/25/EC (OJ L 6, 10.1.2004, p. 38).

⁽³⁾ See also the transitional arrangements provided for in article 18 of Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulation (EC) No 853/2004, 854/2004 and 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and 854/2004 (OJ L 338, 22.12.2005, p. 83).

COMMISSION REGULATION (EC) No 402/2006**of 8 March 2006****amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In the light of experience gained since Commission Regulation (EC) No 89/97 of 20 January 1997 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾ entered into force, it is necessary to specify the methods to be used for determining the net weight of fresh bananas. These methods should include the weighing of fresh bananas, to establish their net weight, and the drawing up of banana weighing certificates attesting that weight, by economic operators authorised by customs authorities. The net weight of fresh bananas should be established for each consignment of fresh bananas delivered by any means of transport.
- (2) To give sufficient time to Member States and economic operators to prepare for the authorisation of weighers, the measures concerning the weighing of fresh bananas and the drawing up of banana weighing certificates should apply from 1 June 2006.
- (3) For imports of certain electronic circuits covered by Chapters 84 and 85 of the Combined Nomenclature, countervailing duties have been imposed by Council Regulation (EC) No 1480/2003 of 11 August 2003 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain electronic microcircuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea ⁽³⁾. With a view to ensuring the uniform application of these countervailing duties, it is necessary to have a specific rule of origin for the products covered by the said Regulation.

(4) Commission Regulation (EEC) No 2454/93 ⁽⁴⁾ should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2454/93 is amended as follows:

1. after Article 290, the following text is inserted:

‘CHAPTER 1a

Provisions concerning bananas’;

2. Article 290a is replaced by the following:

‘Article 290a

For the purposes of this Chapter, and of Annexes 38b and 38c, the following definitions shall apply:

- (a) “authorised weigher” means any economic operator authorised by a customs office for the purpose of weighing fresh bananas;
- (b) “applicant’s records” means any documents related to the weighing of fresh bananas;
- (c) “net weight of fresh bananas” means the weight of the bananas themselves without packing materials and packing containers of any kind;
- (d) “consignment of fresh bananas” means the consignment comprising the total quantity of fresh bananas loaded on a single means of transport and shipped by a single exporter to one or more consignees;
- (e) “place of unloading” means any place where a consignment of fresh bananas can be unloaded or removed to under a customs procedure, or in the case of containerised traffic, where the container is offloaded from the ship, or aircraft, or other principal means of transport or where the container is unpacked.’;

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

⁽²⁾ OJ L 17, 21.1.1997, p. 28.

⁽³⁾ OJ L 212, 22.8.2003, p. 1. Regulation as amended by Regulation (EC) No 2116/2005 (OJ L 340, 23.12.2005, p. 7).

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 215/2006 (OJ L 38, 9.2.2006, p. 11).

3. the following Article 290b is inserted:

'Article 290b

1. Any customs office shall grant the status of authorised weigher, on application, to an economic operator involved in the importation, carriage, storage or handling of fresh bananas, provided that the following conditions are fulfilled:

- (a) the applicant offers all the necessary guarantees for the proper conduct of the weighing;
- (b) the applicant has at his disposal appropriate weighing equipment;
- (c) the applicant's records enable the customs authorities to carry out effective checks.

The customs office shall refuse the status of authorised weigher if the applicant has seriously or repeatedly infringed the customs legislation.

The authorisation shall be limited to the weighing of fresh bananas carried out at the place supervised by the authorising customs office.

2. The authorising customs office shall withdraw the status of authorised weigher if the holder no longer fulfils the conditions set out in paragraph 1.;

4. the following Article 290c is inserted:

'Article 290c

1. For the purposes of checking the net weight of fresh bananas imported into the Community falling within CN code 0803 00 19, declarations for release for free circulation shall be accompanied by a banana weighing certificate stating the net weight of the consignment of the fresh bananas concerned, by type of packaging and origin.

The banana weighing certificates shall be drawn up by authorised weighers, in accordance with the procedure set out in Annex 38b and in the form corresponding to the specimen provided in Annex 38c.

Under conditions to be laid down by the customs authorities such certificates may be provided to the customs authorities in electronic form.

2. The authorised weigher shall give the customs authorities advance notice of the weighing of a consignment of fresh bananas for the purpose of drawing up a banana weighing certificate, giving details of the type of packaging, the origin and the time and place of weighing.

3. Customs offices shall verify the net weight of fresh bananas entered on banana weighing certificates, on the basis of risk analysis, by checking at least 5 % of the total number of banana weighing certificates presented each year, either by being present at the weighing of the representative samples of the bananas by the authorised weigher or by weighing those samples themselves, in accordance with the procedure set out in points 1, 2 and 3 of Annex 38b.;

5. the following Article 290d is inserted:

'Article 290d

The Member States shall communicate to the Commission the list of authorised weighers and any subsequent changes thereto.

The Commission shall forward such information to the other Member States.;

- 6. Annex 11 is amended in accordance with Annex I to this Regulation.
- 7. Annex 38b is replaced by the text set out in Annex II to this Regulation.
- 8. Annex 38c is inserted in accordance with Annex III to this Regulation.

Article 2

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

However, points 4, 7 and 8 of Article 1 shall apply from 1 June 2006.

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

Done at Brussels, 8 March 2006.

For the Commission

László KOVÁCS

Member of the Commission

ANNEX I

Annex 11 is amended as follows:

- (a) between the entries concerning products classified within CN codes 'ex 7117' and 'ex 8482' the following text is inserted:

'ex 8473 30 10 and ex 8473 50 10	Electronic integrated circuits known as dynamic random access memories (DRAMs)	Manufacture where the increase in value acquired as a result of working and processing, and, if applicable, the incorporation of parts originating in the country of manufacture, represents at least 45 % of the ex-works price of the products. When the 45 % rule is not met, the DRAMs originate in the country in which the major portion in value of the materials used originated'
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- (b) between the entries concerning products classified within CN codes 'ex 8542' and 'ex 9009' the following text is inserted:

'ex 8548 90 10	Electronic integrated circuits known as dynamic random access memories (DRAMs)	Manufacture where the increase in value acquired as a result of working and processing, and, if applicable, the incorporation of parts originating in the country of manufacture, represents at least 45 % of the ex-works price of the products. When the 45 % rule is not met, the DRAMs originate in the country in which the major portion in value of the materials used originated'
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ANNEX II

‘ANNEX 38b

Procedure referred to in Article 290c(1)

For the purposes of Article 290c, the net weight of each consignment of fresh bananas shall be determined by authorised weighers at any place of unloading in accordance with the following procedure:

1. a sample of units of packed bananas shall be selected for each type of packaging and for each origin. The sample of units of packed bananas to be weighed shall constitute a representative sample of the consignment of fresh bananas. It shall contain at least the quantities indicated below:

Number of units of packed bananas (by type of packaging and origin)	Number of units of packed bananas to be inspected
— up to 400	5
— from 401 to 700	7
— from 701 to 1 000	10
— from 1 001 to 2 000	13
— from 2 001 to 4 000	15
— from 4 001 to 6 000	18
— more than 6 000	21

2. the net weight shall be determined as follows:
 - (a) by weighing each unit of packed bananas to be inspected (gross weight);
 - (b) by opening at least one unit of packed bananas, then calculating the weight of the packaging;
 - (c) the weight of that packaging shall be accepted for all packaging of the same type and origin, and shall be deducted from the weight of all the units of packed bananas weighed;
 - (d) the average net weight per unit of packed bananas thus established for each type and origin, based on the weight of the samples checked, shall be accepted as the basis for determining the net weight of the consignment of fresh bananas;
 3. where the customs authority does not check the banana weighing certificates contemporaneously, the net weight declared on such certificates shall be acceptable to customs authorities provided that the difference is not more or less than 1 % between the declared net weight and the average net weight established by customs authorities;
 4. the banana weighing certificate shall be presented to the customs office at which the declaration for release for free circulation is submitted. The customs authorities shall apply the results of the sampling shown on the banana weighing certificate to the whole consignment of fresh bananas to which that certificate relates.’
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ANNEX III

The following Annex 38c is inserted:

'ANNEX 38c

Form referred to in Article 290c(1)

BANANA WEIGHING CERTIFICATE					
1. Authorized weigher name			2. Weighing certificate issuance date and number		
			3. Trader reference		
4. Identity of means of transport at arrival			5. Country of origin		
6. Number and type of packaging			7. Total established net weight		
8. Brand(s)					
9. Inspected units of packed bananas (Enter gross weight for each weighed unit)					
1		8		15	
2		9		16	
3		10		17	
4		11		18	
5		12		19	
6		13		20	
7		14		21	
10. Total gross weight of inspected units of packed bananas: 11. Number of units of packed bananas inspected: _____ : 12. Average gross weight: _____ 13. Tare: _____ - 14. Average net weight per unit of packed bananas: _____					
15. Signature and stamp of the authorised weigher 16. Place and date:					

COMMISSION REGULATION (EC) No 403/2006**of 8 March 2006****fixing the export refunds on beef and veal**

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, paragraph 3, third indent, thereof,

Whereas:

- (1) Article 33 of Regulation (EC) No 1254/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulations (EEC) No 32/82 ⁽²⁾, (EEC) No 1964/82 ⁽³⁾, (EEC) No 2388/84 ⁽⁴⁾, (EEC) No 2973/79 ⁽⁵⁾ and (EC) No 2051/96 ⁽⁶⁾ lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products, and the conditions for granting of assistance concerning certain destinations.
- (3) The increasing shortage of beef and veal on the Community market has pushed prices significantly beyond the basic price as referred to in Article 26(1) of Regulation (EC) No 1254/1999, which represents the desired support level on the Community market.
- (4) There is increasing general public concern for the welfare of animals which are exported over particularly long distances and for which humane treatment cannot be completely ensured, in particular once they are delivered in third countries. As regards transport, although the conditions for transport of live animals are subject to massive substantive, procedural and control requirements that were reinforced in 2003

experience shows that the respect of animal welfare conditions is not always ensured. Moreover, animal welfare standards in the countries of destination are often lower than in the Community.

- (5) Exports of live animals for slaughter represent a lower value added for the Community and export refunds granted for the export of those animals imply higher costs for the monitoring and control of animal welfare conditions. Therefore, in order to ensure equilibrium and the natural development of prices and trade on the internal market, as well as the welfare of animals, exports of live animals for slaughter to third countries should no longer be encouraged by virtue of export refunds.
- (6) As to live animals for reproduction, in order to prevent any abuse, export refunds for pure-bred breeding animals should be limited to heifers and cows of no more than 30 months of age.
- (7) Commission Regulation (EC) No 2147/2005 of 23 December 2005 fixing the export refunds on beef and veal ⁽⁷⁾ should therefore be repealed.
- (8) In order to enable some Community beef and veal products to be disposed of on the international market, export refunds should be granted for certain destinations on some products under CN codes 0201, 0202 and 1602 50.
- (9) The uptake of export refunds for certain categories of beef and veal products proves to be insignificant. This is also the case with regard to the uptake for certain destinations very close to the Community territory. For such categories, export refunds should no longer be fixed.
- (10) The refunds provided for in this Regulation are set on the basis of the product codes as defined in the nomenclature adopted by Commission Regulation (EEC) No 3846/87 of 17 December 1987 establishing an agricultural product nomenclature for export refunds ⁽⁸⁾.
- (11) The refunds on all frozen cuts should be in line with those on fresh or chilled cuts other than those from adult male bovine animals.

⁽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 4, 8.1.1982, p. 11. Regulation as last amended by Regulation (EC) No 744/2000 (OJ L 89, 11.4.2000, p. 3).

⁽³⁾ OJ L 212, 21.7.1982, p. 48. Regulation as last amended by Regulation (EC) No 2772/2000 (OJ L 321, 19.12.2000, p. 35).

⁽⁴⁾ OJ L 221, 18.8.1984, p. 28. Regulation as last amended by Regulation (EEC) No 3661/92 (OJ L 370, 19.12.1992, p. 16).

⁽⁵⁾ OJ L 336, 29.12.1979, p. 44. Regulation as last amended by Regulation (EEC) No 3434/87 (OJ L 327, 18.11.1987, p. 7).

⁽⁶⁾ OJ L 274, 26.10.1996, p. 18. Regulation as amended by Regulation (EC) No 2333/96 (OJ L 317, 6.12.1996, p. 13).

⁽⁷⁾ OJ L 342, 24.12.2005, p. 12.

⁽⁸⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 558/2005 (OJ L 94, 13.4.2005, p. 22).

(12) Checks on products covered by CN code 1602 50 should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽¹⁾.

(13) Refunds should be granted only on products that are allowed to move freely in the Community. Therefore, to be eligible for a refund, products should be required to bear the health mark laid down in Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat ⁽²⁾, Council Directive 77/99/EEC of 21 December 1976 on health problems affecting intra-Community trade in meat products ⁽³⁾ and Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations ⁽⁴⁾.

(14) Pursuant to the third subparagraph of Article 6(2) of Regulation (EEC) No 1964/82, the special refund is to be reduced if the quantity of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.

(15) The negotiations within the framework of the Europe Agreements between the European Community and Romania and Bulgaria aim in particular to liberalise trade in products covered by the common organisation of the market concerned. For these two countries export refunds should therefore be abolished. That abolition should not, however, lead to a differentiated refund for exports to other countries.

(16) The Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which export refunds as referred to in Article 33 of Regulation (EC) No 1254/1999 are granted, and the amount thereof and the destinations, shall be as set out in the Annex to this Regulation.

2. The products must meet the relevant health marking requirements of:

- Chapter XI of Annex I to Directive 64/433/EEC,
- Chapter VI of Annex B to Directive 77/99/EEC,
- Chapter VI of Annex I to Directive 94/65/EC.

Article 2

In the case referred to in the third subparagraph of Article 6(2) of Regulation (EEC) No 1964/82 the rate of the refund on products falling within product code 0201 30 00 9100 shall be reduced by 10 EUR/100 kg.

Article 3

The fact that no export refund is set for Romania and Bulgaria shall not be deemed to constitute a differentiation of the refund.

Article 4

Regulation (EC) No 2147/2005 is repealed.

Article 5

This Regulation shall enter into force on 9 March 2006.

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

Done at Brussels, 8 March 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 62, 7.3.1980, p. 5. Regulation as last amended by Commission Regulation (EC) No 444/2003 (OJ L 67, 12.3.2003, p. 3).

⁽²⁾ OJ 121, 29.7.1964, p. 2012/64. Directive as last amended by the 2003 Act of Accession.

⁽³⁾ OJ L 26, 31.1.1977, p. 85. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽⁴⁾ OJ L 368, 31.12.1994, p. 10. Directive as amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

ANNEX

to the Commission Regulation of 8 March 2006 fixing export refunds on beef

Product code	Destination	Unit of measurement	Refunds (7)
0102 10 10 9140	B00	EUR/100 kg live weight	33,3
0102 10 30 9140	B00	EUR/100 kg live weight	33,3
0201 10 00 9110 ⁽¹⁾	B02	EUR/100 kg net weight	47,1
	B03	EUR/100 kg net weight	27,7
0201 10 00 9130 ⁽¹⁾	B02	EUR/100 kg net weight	62,8
	B03	EUR/100 kg net weight	37,0
0201 20 20 9110 ⁽¹⁾	B02	EUR/100 kg net weight	62,8
	B03	EUR/100 kg net weight	37,0
0201 20 30 9110 ⁽¹⁾	B02	EUR/100 kg net weight	47,1
	B03	EUR/100 kg net weight	27,7
0201 20 50 9110 ⁽¹⁾	B02	EUR/100 kg net weight	78,5
	B03	EUR/100 kg net weight	46,2
0201 20 50 9130 ⁽¹⁾	B02	EUR/100 kg net weight	47,1
	B03	EUR/100 kg net weight	27,7
0201 30 00 9050	US ⁽³⁾	EUR/100 kg net weight	15,2
	CA ⁽⁴⁾	EUR/100 kg net weight	15,2
0201 30 00 9060 ⁽⁶⁾	B02	EUR/100 kg net weight	29,1
	B03	EUR/100 kg net weight	9,7
0201 30 00 9100 ^{(2) (6)}	B04	EUR/100 kg net weight	109,1
	B03	EUR/100 kg net weight	64,2
	EG	EUR/100 kg net weight	133,1
0201 30 00 9120 ^{(2) (6)}	B04	EUR/100 kg net weight	65,4
	B03	EUR/100 kg net weight	38,5
	EG	EUR/100 kg net weight	79,8
0202 10 00 9100	B02	EUR/100 kg net weight	20,9
	B03	EUR/100 kg net weight	7,0
0202 20 30 9000	B02	EUR/100 kg net weight	20,9
	B03	EUR/100 kg net weight	7,0
0202 20 50 9900	B02	EUR/100 kg net weight	20,9
	B03	EUR/100 kg net weight	7,0
0202 20 90 9100	B02	EUR/100 kg net weight	20,9
	B03	EUR/100 kg net weight	7,0
0202 30 90 9100	US ⁽³⁾	EUR/100 kg net weight	15,2
	CA ⁽⁴⁾	EUR/100 kg net weight	15,2
0202 30 90 9200 ⁽⁶⁾	B02	EUR/100 kg net weight	29,1
	B03	EUR/100 kg net weight	9,7

Product code	Destination	Unit of measurement	Refunds ⁽⁷⁾
1602 50 31 9125 ⁽⁵⁾	B00	EUR/100 kg net weight	55,1
1602 50 31 9325 ⁽⁵⁾	B00	EUR/100 kg net weight	49,0
1602 50 39 9125 ⁽⁵⁾	B00	EUR/100 kg net weight	55,1
1602 50 39 9325 ⁽⁵⁾	B00	EUR/100 kg net weight	49,0

⁽¹⁾ Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Regulation (EEC) No 32/82.

⁽²⁾ The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 1964/82.

⁽³⁾ Carried out in accordance with amended Regulation (EEC) No 2973/79.

⁽⁴⁾ Carried out in accordance with amended Regulation (EC) No 2051/96.

⁽⁵⁾ The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 2388/84.

⁽⁶⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39). The term 'average content' refers to the sample quantity as defined in Article 2(1) of Regulation (EC) No 765/2002 (OJ L 117, 4.5.2002, p. 6). The sample is to be taken from that part of the consignment presenting the highest risk.

⁽⁷⁾ Article 33(10) of amended Regulation (EC) No 1254/1999 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The alphanumeric destination codes are set out in Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12).

The other destinations are defined as follows:

B00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Romania and Bulgaria.

B02: B04 and destination EG.

B03: Albania, Croatia, Bosnia and Herzegovina, Serbia, Kosovo, Montenegro, former Yugoslav Republic of Macedonia, stores and provisions (destinations referred to in Articles 36 and 45, and if appropriate in Article 44, of Commission Regulation (EC) No 800/1999, as amended (OJ L 102, 17.4.1999, p. 11)).

B04: Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong, Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroon, Central African Republic, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.

COMMISSION REGULATION (EC) No 404/2006
of 8 March 2006
fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, and in particular the second paragraph of Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for these products within the Community may be covered by an export refund.
- (2) Given the present situation in the market in pigmeat, export refunds should therefore be fixed in accordance with the rules and criteria provided for in Article 13 of Regulation (EEC) No 2759/75.
- (3) Article 13(3) of Regulation (EEC) No 2759/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 2759/75 according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that bear the health mark as provided for in Article 5(1)(a) of 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 ⁽²⁾.

Those products should also comply with the requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽³⁾ and of 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 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 13 of Regulation (EEC) No 2759/75 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the condition provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 must meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, notably preparation in an approved establishment and compliance with the health marking requirements laid down in Annex I, Section I, Chapter III to Regulation (EC) No 854/2004.

Article 2

This Regulation shall enter into force on 9 March 2006.

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

Done at Brussels, 8 March 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22.

⁽³⁾ OJ L 139, 30.4.2004, p. 1. Corrected version in OJ L 226, 25.6.2004, p. 3.

⁽⁴⁾ OJ L 139, 30.4.2004, p. 206. Corrected version in OJ L 226, 25.6.2004, p. 83.

ANNEX

Export refunds on pigmeat applicable from 9 March 2006

Product code	Destination	Unit of measurement	Amount of refund
0210 11 31 9110	P08	EUR/100 kg	54,20
0210 11 31 9910	P08	EUR/100 kg	54,20
0210 19 81 9100	P08	EUR/100 kg	54,20
0210 19 81 9300	P08	EUR/100 kg	54,20
1601 00 91 9120	P08	EUR/100 kg	19,50
1601 00 99 9110	P08	EUR/100 kg	15,20
1602 41 10 9110	P08	EUR/100 kg	29,00
1602 41 10 9130	P08	EUR/100 kg	17,10
1602 42 10 9110	P08	EUR/100 kg	22,80
1602 42 10 9130	P08	EUR/100 kg	17,10
1602 49 19 9130	P08	EUR/100 kg	17,10

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12).

The other destinations are defined as follows:

P08 All destinations except for Bulgaria and Romania.

COMMISSION REGULATION (EC) No 405/2006**of 8 March 2006****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽³⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁴⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

- (2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.

- (3) It is necessary to apply this amendment as soon as possible, given the situation on the market.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 9 March 2006.

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

Done at Brussels, 8 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003.

⁽³⁾ OJ L 282, 1.11.1975, p. 104. Regulation as last amended by Commission Regulation (EC) No 2916/95 (OJ L 305, 19.12.1995, p. 49).

⁽⁴⁾ OJ L 145, 29.6.1995, p. 47. Regulation as last amended by Regulation (EC) No 224/2006 (OJ L 38, 9.2.2006, p. 32).

ANNEX

to the Commission Regulation of 8 March 2006 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

‘ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as “65 % chickens”, or otherwise presented, frozen	108,2	3	01
		95,8	7	02
0207 14 10	Boneless cuts of fowl of the species Gallus domesticus, frozen	190,7	35	01
		221,6	24	02
		277,8	7	03
0207 25 10	Turkey carcasses, known as 80 % turkeys, frozen	170,0	0	01
0207 27 10	Boneless cuts of turkey, frozen	247,4	15	01
		261,8	11	03
1602 32 11	Preparations of uncooked fowl of the species Gallus domesticus	179,7	34	01
		167,9	40	02

⁽¹⁾ Origin of imports:

01 Brazil

02 Argentina

03 Chile.’

COMMISSION REGULATION (EC) No 406/2006
of 8 March 2006
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹⁾, and in particular the third subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8(1) of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the market in poultrymeat, export refunds should therefore be fixed in accordance with the rules and criteria provided for in Article 8 of Regulation (EEC) No 2777/75.
- (3) Article 8(3), second subparagraph of Regulation (EEC) No 2777/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that bear the identification mark as provided for in Article

5(1)(b) of 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 ⁽²⁾. Those products should also comply with the requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽³⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 8 of Regulation (EEC) No 2777/75 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the condition provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 must meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, notably preparation in an approved establishment and compliance with the identification marking requirements laid down in Annex II, Section I to Regulation (EC) No 853/2004.

Article 2

This Regulation shall enter into force on 9 March 2006.

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

Done at Brussels, 8 March 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 139, 30.4.2004, p. 55, as corrected by OJ L 226, 25.6.2004, p. 22.

⁽³⁾ OJ L 139, 30.4.2004, p. 1, as corrected by OJ L 226, 25.6.2004, p. 3.

ANNEX

Export refunds on poultrymeat applicable from 9 March 2006

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	A02	EUR/100 pcs	0,80
0105 11 19 9000	A02	EUR/100 pcs	0,80
0105 11 91 9000	A02	EUR/100 pcs	0,80
0105 11 99 9000	A02	EUR/100 pcs	0,80
0105 12 00 9000	A02	EUR/100 pcs	1,60
0105 19 20 9000	A02	EUR/100 pcs	1,60
0207 12 10 9900	V03	EUR/100 kg	40,00
0207 12 90 9190	V03	EUR/100 kg	40,00
0207 12 90 9990	V03	EUR/100 kg	40,00
0207 14 20 9900	V03	EUR/100 kg	20,00
0207 14 60 9900	V03	EUR/100 kg	20,00
0207 14 70 9190	V03	EUR/100 kg	20,00
0207 14 70 9290	V03	EUR/100 kg	20,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12).

The other destinations are defined as follows:

V03 A24, Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.

COMMISSION DIRECTIVE 2006/29/EC**of 8 March 2006****amending Directive 2000/12/EC of the European Parliament and of the Council as regards the exclusion or inclusion of certain institutions from the scope of application**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

Article 1

The fourth indent of Article 2(3) of Directive 2000/12/EC is replaced by the following:

Having regard to Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions ⁽¹⁾, and in particular Article 60(2) thereof,

‘— in Denmark, the “Dansk Eksportfinansieringsfond”, the “Danmarks Skibskreditfond”, the “Dansk Landbrugs Realkreditfond”, and the “KommuneKredit”,’.

Article 2

Whereas:

The sixth indent of Article 2(3) of Directive 2000/12/EC is replaced by the following:

- (1) Article 2(3) of Directive 2000/12/EC lists those institutions explicitly excluded from the scope of application of the Directive.

‘— in Greece, the “Ταμείο Παρακαταθηκών και Δανείων” (Tamio Parakatathikon kai Danion),’.

Article 3

- (2) The Danish Ministry of Economic Affairs and the Danish Ministry of the Interior and Health has requested the Mortgage Credit Association of Municipalities (KommuneKredit) to be taken up into the list of Article 2(3) of Directive 2000/12/EC thereby excluding KommuneKredit from the scope of the Directive. A review of the legal status and the particular structure of KommuneKredit justifies inclusion in Article 2(3).

The fourteenth indent of Article 2(3) of Directive 2000/12/EC is replaced by the following:

‘— in Finland, the “Teollisen yhteistyön rahasto Oy/Fonden för industriellt samarbete AB”, and the “Finnvera Oyj/Finnvera Abp”,’.

Article 4

- (3) The Finnish Ministry of Finance renewed its request to replace the listing of Kera OY/Kera Ab with that of FinnveraOyj/Finnvera Abp in Article 2(3). Finnvera Plc is a result of the merger of Kera Plc and the Finnish Guarantee Board. Finnvera Plc carries on the same activities as its predecessor Kera Plc.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2006 at the latest. They shall forthwith inform the Commission thereof.

- (4) The Greek Ministry of Economy and Finance has requested the deletion of Elliniki Trapeza Viomichanikis Anaptyxeos and Tachidromiko Tamieftirio from the list of exclusions under Article 2(3). The former has ceased to exist after merging with a commercial bank and the latter will operate as an authorised credit institution according to Directive 2000/12/EC,

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 5

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

⁽¹⁾ OJ L 126, 26.5.2000, p. 1. Directive as last amended by Directive 2005/1/EC (OJ L 79, 24.3.2005, p. 9).

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 8 March 2006.

For the Commission
Charlie McCREEVY
Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 5/2004 OF THE ACP-EC COMMITTEE OF AMBASSADORS

of 17 December 2004

concerning the Financial Regulation of the Centre for the Development of Enterprise

(2006/192/EC)

THE ACP-EC COMMITTEE OF AMBASSADORS,

HAS DECIDED AS FOLLOWS:

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, hereinafter referred to as 'the Agreement' and in particular Article 2(6) of Annex III, thereto,

Having regard to the Internal Agreement of 12 September 2000 between Representatives of the Governments of the Member States, meeting within the Council, on the Financing and Administration of Community Aid under the Financial Protocol to the Agreement,

Having regard to the Financial Regulation applicable to the ninth European Development Fund (9th EDF),

Whereas:

(1) The Committee of Ambassadors, after the signature of the Agreement, should lay down the Financial Regulation of the Centre for the Development of Enterprise, hereinafter referred to as 'the Centre'.

(2) The Committee of Ambassadors should lay down the procedures for the adoption of the Centre's budget,

I. GENERAL PRINCIPLES

PRINCIPLES OF UNITY, BUDGET ACCURACY, EQUILIBRIUM AND UNIT OF ACCOUNT

Article 1

1. All items of revenue and expenditure of the Centre shall be included in estimates based on a costed annual work programme to be drawn up for each financial year and shall be shown in the budget.

2. The revenue and expenditure shown in the budget shall be in balance.

Article 2

The budget shall be drawn up and implemented in euro and the accounts shall be presented in euro. However, for cash-flow purposes, the accounting officer and, in the case of imprest accounts, imprest administrators shall be authorised to carry out operations in national currencies of ACP and EU countries.

Article 3

1. Revenue shall include the contribution by the EDF, the amount levied in taxes on the salaries, wages and other emoluments paid by the Centre, and other miscellaneous receipts.

2. Revenue shall include contributions from other donors to the budget of the Centre.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

3. In accordance with Article 4(3) of its Statutes and Rules of Procedure, the Centre may also manage on behalf of third Parties resources intended for the execution of activities laid down for it in the Agreement. The financial rules applicable to the management of these resources are set out in Article 37 of this Financial Regulation.

Article 4

The estimates of expenditure shall include operating and intervention expenditure. A clear distinction shall be made between them.

PRINCIPLE OF ANNUALITY

Article 5

1. The financial year shall begin on 1 January and end on 31 December.

2. Appropriations entered in the budget shall be authorised for a period of one financial year.

(a) However, appropriations duly committed during a financial year but not paid by 31 December of that year shall be carried over automatically to the following financial year only. Appropriations carried over in this way shall be clearly identified in the accounts of the current year;

(b) Under certain conditions applicable to long-term projects, the Director may approve the carry-over of appropriations for a second consecutive year. The accounts shall identify appropriations carried over in this way. However, the Director shall inform the Executive Board of his decision at its next meeting;

(c) At the end of each financial protocol of the Agreement, any appropriations committed but not yet paid out shall be carried over automatically to the next financial protocol of the Agreement. Appropriations committed but not yet paid out at the end of the Agreement shall be carried over, but only during the transitional period between this Agreement and the next or, if applicable, the twelve-month winding-up period;

(d) In accordance with the rules applicable to the drawing-up of the budget, appropriations that lapse at the end of one financial year shall be available again for subsequent budgets.

3. If, at the beginning of a financial year, the budget for that year has not been finally adopted, the Director shall, in order to ensure continuity in the operation of the Centre, authorise commitment to, authorisation of and payment of monthly administrative and operating expenditure in accordance with the procedures laid down in this Financial Regulation. Such

monthly expenditure for the current year may not, however, exceed one twelfth of the corresponding appropriations, article by article, approved in the budget for the preceding year.

PRINCIPLE OF SOUND FINANCIAL MANAGEMENT

Article 6

1. Budget appropriations shall be used in accordance with the principle of sound financial management, that is to say economy, efficiency and effectiveness.

2. The principle of economy requires that the resources used by the Centre to implement its activities shall be made available in due time, in appropriate quantity and quality and at the best price.

The principle of efficiency is concerned with the best relationship between resources employed and results achieved.

The principle of effectiveness is concerned with attaining the specific objectives set and achieving the intended results.

3. Specific, measurable, achievable, relevant and timed objectives shall be set for all sectors of activity covered by the budget. Achievement of those objectives shall be monitored by performance indicators for each activity, and information shall be provided to the Executive Board by the Director. This information shall be provided annually at the latest in the documents accompanying the preliminary draft budget and should be provided along with the documents supplied to the Commission justifying the annual amount requested by the Centre from the EDF.

4. In order to improve decision-making, the Centre shall regularly carry out *ex ante* and *ex post* evaluations of programmes or activities in accordance with a multi-annual programme of evaluation to be fixed in agreement with the Commission. Evaluation results shall be included in the documents supplied to the Commission justifying the annual amount requested by the Centre from the EDF.

II. ESTABLISHMENT OF THE BUDGET

Article 7

1. Within the limits of the overall budget allocated to the Centre by the financial protocol, increased by possible contributions from other donors, and on the basis of the guidelines laid down by the strategy approved by the Committee, the Director shall draw up a draft annual work programme and related budget. This draft shall be forwarded to the Executive Board no later than 15 July of the year preceding its implementation.

The annual work programme and related budget shall be approved by the Executive Board by 31 July and submitted to the Committee of Ambassadors for adoption. The budget shall be forwarded to the Commission of the European Communities (hereinafter referred to as the Commission), which shall initiate the Community procedures in force as regards the contribution requested from the EDF, on the basis of the separate allocation provided for this purpose.

2. The budget shall only be available for commitment as from the date on which the competent Community authority takes the financing decision on the contribution requested from the EDF. The Centre shall be informed of this decision.

3. The terms and conditions applicable to the contribution from the EDF shall be fixed in a financing agreement signed between the Centre and the Commission.

4. The budget shall include proper estimates of revenue from other donors.

Article 8

1. The dates for the payment of the contribution from the EDF shall be fixed in the financing agreement referred to in Article 7(3). The contribution from preceding financial years representing lapsed appropriations shall be deducted.

2. The budget shall be subdivided into titles (budget headings), chapters, articles and items according to the nature or purpose of the revenue or expenditure.

Article 9

Where necessary, the Director shall submit a draft supplementary or amending budget, which shall be examined and approved in the same form and according to the same procedures as the budget containing the original estimates.

III. IMPLEMENTATION OF THE BUDGET

Article 10

1. The Director shall implement the budget on his own responsibility, in accordance with the principles set out in section I, and within the limits of the appropriations authorised. He shall report to the Executive Board on the administration of the budget.

2. The authorised appropriations shall be used only in accordance with the principles and rules laid down in the Financial Regulation and in particular the principle of sound financial management as defined in Article 6.

Article 11

1. No revenue shall be collected or expenditure effected unless credited to or charged against an appropriate article in the budget.

No expenditure may be committed or authorised in excess of the appropriations authorised for the financial year concerned or of the appropriations carried over from previous financial years.

2. Revenue and expenditure shall be entered in full in the accounts without any adjustment against each other.

— By way of derogation from this rule, the following shall be deducted from the amounts authorised:

- (a) fines imposed on a party to a contract;
- (b) adjustment of amounts paid in error, which may be achieved by means of deduction when a subsequent validation is effected under the chapter, article and financial year in respect of which the excess payment was made;
- (c) the value of vehicles, equipment and installations, taken in part exchange upon purchase of new items of the same kind; the net purchase price shall be entered in the accounts as the historical cost for the valuation of the inventory.

— By way of derogation from this rule, the following may be reused:

- (a) refunds of amounts paid in error;
- (b) insurance payments received;
- (c) proceeds from the sale of vehicles, equipment and installations disposed of when replaced;
- (d) proceeds from the sale of the Centre's publications.

Article 12

1. Transfers from one title to another shall be decided by the Director, except where transfers from or to articles related to staff emoluments are concerned. He shall inform the Executive Board of his decisions at its next meeting.

Transfers from one title to another, where articles related to staff emoluments are concerned, shall be decided by the Executive Board, on the basis of a proposal from the Director.

2. Transfers from one chapter to another and within chapters shall be decided by the Director, who shall inform the Executive Board accordingly.

Article 13

The revenue of the Centre shall be paid into one or more accounts opened in the name of the Centre.

IV. FINANCIAL CONTROL

Article 14

1. The financial control shall be composed of a financial controller and, if necessary, one or more assistant controllers, who must all be experienced in the financial regulations of international organisations.

2. The controller shall report for administrative purposes directly to the Director and the assistant controllers shall report directly to the controller.

3. The controller and the assistant controllers shall be appointed by the Executive Board. The controller and the assistant controllers shall be bound by the Staff Regulations in force. However, any measures relating to disciplinary action, suspension, termination of employment or legal proceedings must be endorsed by the Executive Board, on the basis of a fully substantiated proposal from the Director.

4. Before any operation is authorised by an authorising officer, the operational and financial aspects shall be verified by the financial control. The purpose of this verification shall be to ascertain that:

- (a) the expenditure is in order and conforms to the relevant provisions;
- (b) the principle of sound financial management referred to in Article 6 has been applied.

This verification shall result in the granting or withholding of approval.

The financial control shall withhold its approval if it considers that the above conditions are not fulfilled. In each case where approval is withheld, the financial control shall make a written statement, stating the full reasons therefor, and shall notify the Director.

Except where the availability of the appropriations is in doubt, the Director may, by a decision stating the full reasons therefor and taken on his sole responsibility, overrule such a refusal. This decision shall be final and binding and shall be communicated for information to the financial control. The Director shall

inform the Executive Board of all such decisions in writing at its next meeting.

The financial control shall have access to all the supporting documents and to any other document relating to the expenditure and revenue to be verified. It may carry out verifications on the spot.

5. In carrying out their duties, the controller and the assistant controllers shall enjoy complete independence. They shall not receive any instruction nor have any restriction imposed with regard to carrying out the duties assigned to them by virtue of this Financial Regulation as a consequence of their appointment.

6. The Director may request the financial control to give its opinion on matters relating to the diagnosis, organisation or improvement of the Centre's internal procedures. The Director may also request the financial control to carry out verifications of documents and, where appropriate, on-the-spot verifications to check that operations financed by the budget have been correctly implemented.

7. At the end of each financial year, and no later than 30 April of the following year, the financial control shall prepare an activity report in which it gives its opinion on the financial management and on the implementation of the budget. It shall submit its report to the Director, who shall forward it, along with his comments if necessary, to the Executive Board at its next meeting.

Article 15

The external auditors referred to in Article 27 shall express independent opinions on the quality of the management and control systems.

V. ADMINISTRATION OF THE BUDGET

Article 16

1. The budget of the Centre shall be administered in accordance with the principle that authorising officers and accounting officers are different individuals.

2. The duties of authorising officer, controller and accounting officer shall be mutually incompatible.

3. The appropriations shall be administered by the authorising officer, who alone shall be empowered to enter into commitments regarding expenditure, determine entitlements to be collected and issue recovery and payment orders. Collection and payment operations shall be carried out by the accounting officer.

Article 17

1. All measures which may give rise to expenditure payable by the Centre shall be preceded by a proposal for commitment from the authorising officer. The proposal, accompanied by the original supporting documents, shall be sent to the financial control for prior verification.
2. A provisional commitment may be entered into in respect of recurrent expenditure.
3. An account shall be kept of commitments and payment orders.

Article 18

1. The purpose of validation of expenditure by the authorising officer shall be:
 - (a) to verify the existence of the rights of the creditor;
 - (b) to determine or verify the existence and the amount of the debt;
 - (c) to verify the conditions under which payment falls due.
2. Validation of any expenditure shall be subject to the submission of supporting documents showing the creditor's claim and, where appropriate, the service rendered.

Article 19

1. Authorisation is the act whereby the authorising officer, by the issue of a payment order, instructs the accounting officer to pay an item of expenditure which he has validated.
2. The payment order shall be accompanied by the original supporting documents, which shall bear or be accompanied by the approval of the authorising officer confirming that the amounts to be paid are correct, that the supplies have been received or that the service has been performed.
3. Copies of the supporting documents, certified as true copies by the authorising officer may, in some cases, be accepted in place of the originals.
4. Payment orders shall be sent to the financial control for prior verification.

Article 20

1. Payment is the final action whereby the Centre is discharged of its obligations towards its creditors.

2. Payment shall be made by the accounting officer within the limits of the funds available.

3. In the event of a substantive error or of the validity of the discharge being contested or of failure to observe the formalities prescribed by this Financial Regulation, the accounting officer shall immediately inform the authorising officer and the financial control. The Director may require in writing, and on his own responsibility, that payment is made. The Director shall inform the Executive Board of all such decisions in writing at its next meeting.

Article 21

1. Payments shall, as a general rule, be made through a bank account, preferably by bank transfer or, where good grounds exist, by cheque. The transactions shall be denominated in euro. In exceptional cases, and if appropriate, another currency may be used.

2. Cheques and bank transfer orders shall bear two signatures, one of which must be that of the accounting officer.

3. For duly substantiated reasons, the Director may authorise cash payments. A receipt shall be obtained in respect of those payments.

4. In the absence of the actual exchange rates used, the conversion rates to be used for the calculation in euro of payments to be made, or of revenue to be collected in local ACP currencies, shall be those in force on the first working day of the month in which the real date of the operation falls, as recorded by the European Central Bank.

Article 22

1. For the payment of certain categories of expenditure, imprest accounts may be set up in accordance with the conditions laid down by the Centre.

2. Each decision to grant an imprest account shall be taken by the Director on the basis of a proposal from the staff member in charge of the file. Prior to submission to the Director, each proposal must be approved by the accounting officer and agreed by the financial control.

3. Each decision shall specify:

— the name of the imprest administrator,

- the responsibility of the administrator so designated,
- the maximum amount of the advance,
- the duration of the utilisation of the advance,
- the means whereby supporting documents shall be provided and the time limit for so doing,
- the nature and maximum amount of each item of expenditure.

4. Each payment of an advance must also be preceded by a commitment.

5. The authorising officer and the accounting officer shall take whatever steps are necessary to ensure that clearances in respect of the advances granted are issued for the correct amounts and within an appropriate lapse of time.

Article 23

1. The Director shall be the authorising officer for the appropriations entered in the budget of the Centre.

2. The Director may delegate some of his duties to staff members under his authority. Each decision to delegate powers shall state the duration and extent of the mandate to act as authorising officer.

3. The Director may delegate certain duties related to implementation to carefully selected appropriate third parties.

Article 24

1. The accounting officer shall be appointed by the Director with the endorsement of the Executive Board.

2. He shall be responsible in the Centre for:

- (a) proper implementation of payments, collection of revenue and recovery of amounts established as being receivable;
- (b) preparing and presenting the accounts in accordance with Article 26;
- (c) keeping the accounts in accordance with Article 26;
- (d) implementing, in accordance with Article 26, the accounting rules and methods and the chart of accounts in accordance with the provisions adopted by the Commission's accounting officer;

(e) laying down and validating the accounting systems and where appropriate validating systems laid down by the authorising officer to supply or justify accounting information;

(f) treasury management.

3. The accounting officer shall obtain from the authorising officer, who shall guarantee its reliability, all the information necessary for the production of accounts which accurately represent the Centre's financial assets and budget implementation.

4. Subject to paragraph 5 of this Article and Article 22, the accounting officer is the only person empowered to manage monies and other assets. He shall be responsible for their safe-keeping.

5. The accounting officer may delegate certain tasks to subordinates subject to the Staff Regulations, where this is indispensable for the performance of his duties.

6. The instrument of delegation shall lay down the tasks entrusted to the subordinates and their rights and obligations.

Article 25

1. The recovery of any sum due to the Centre shall give rise to the issue of a recovery order by the authorising officer. Recovery orders shall be submitted to the internal control body for prior verification.

2. The accounting officer shall assume responsibility for recovery orders forwarded to him by the authorising officer.

3. A receipt shall be issued in respect of all cash payments made to the accounting officer or imprest administrator.

VI. ACCOUNTS, FINANCIAL STATEMENTS, AUDIT, COURT OF AUDITORS, OLAF

Article 26

1. The accounts shall be kept in euro, by the double entry method and on the basis of the calendar year. They shall show all revenue and expenditure from 1 January to 31 December of each year and shall include the original supporting documents.

The accounts shall be closed at the end of the financial year to enable the Centre's financial statements to be drawn up.

2. Entries shall be made on the basis of an accounting system comprising a nomenclature of budgetary items which makes a clear distinction between the accounts that permit the balance sheet to be drawn up and those that permit the revenue and expenditure account to be drawn up. These entries may be recorded in a computerised system, which will make it possible to draw up a general monthly balance. All imprests shall be entered in a suspense account and cleared no later than the end of the following financial year, except in the case of standing imprests.

3. When the authorising officer, the controller and the accounting officer consider by mutual agreement that the system offers guarantees that satisfy requirements in terms of security, the Centre may use electronic processing.

4. The separate accounts kept for the resources managed on behalf of third Parties, as provided for in Article 37, shall be consolidated in the balance sheet and the revenue and expenditure account of the Centre.

5. The Centre shall draw up a balance sheet and a revenue and expenditure account no later than 31 March of year N + 1.

The balance sheet shall show the assets and liabilities of the Centre at 31 December of year N.

The revenue and expenditure account shall include:

(a) a revenue table comprising:

- expected receipts from the EDF based on approved commitments of the current year and those carried over from previous years,
- actual receipts from taxes on salaries and from interest earned,
- other actual receipts;

(b) an expenditure table comprising:

- actual payments on commitments of the year carried over from previous financial years,
- actual payments or commitments charged against the budget of the year N,
- a summary table showing actual payments for furniture, equipment and other inventory items,

— authorised commitments to be carried over to the following financial year.

(c) notes on the financial statements comprising:

- accounting principles applied,
- summary tables of appropriations committed, paid, cancelled or carried over in respect of the preceding and current years,
- detailed notes and calculations in support of the line items in the statements.

6. Each quarter a statement shall be drawn up showing the situation as regards implementation of the current budget and use of the appropriations carried over; this statement shall be certified by the financial control and forwarded to the Executive Board.

Article 27

1. The Executive Board shall appoint a firm of auditors of international repute for a period of three years from a list of at least three proposed firms in order to audit the financial statements of the Centre. However, the same firm of auditors cannot be appointed for more than three consecutive years.

2. The auditors shall audit the books and the cash held at the Centre, verify that the inventories and balance sheets have been drawn up in a proper manner and in good faith, in accordance with proper accounting procedures, and ensure that the information regarding the accounts of the Centre is correct.

The purpose of the audit shall be to establish that all revenue due has been received and all expenditure incurred in a lawful and proper manner and that the financial management has been sound.

The auditors shall certify that the financial statements have been drawn up in a proper manner according to international accounting standards, and that they represent a true and fair view of the financial position of the Centre.

3. The auditors shall advise the Centre on dealing with risks by issuing independent opinions on the quality of management and control systems and by issuing recommendations for improving the conditions of implementation of operations and promoting sound financial management.

The auditors shall be responsible for:

(a) assessing the suitability and effectiveness of internal management systems and the performance of the Centre in implementing programmes and actions by reference to the risks associated with them; and

(b) assessing the suitability and quality of the internal control systems applicable to every budgetary implementation operation.

4. The auditors shall perform their duties on all the Centre's activities and units. They shall enjoy full and unlimited access to all information required to perform their duties.

5. After the close of each financial year the auditors shall draw up a report by 30 June at the latest. This report shall be forwarded to the Director, who shall in turn forward it, with his comments if necessary, to the Executive Board. The Executive Board shall then forward the report to the Committee with its recommendations.

On the basis of this report and the financial statements, the Committee shall give the Director a discharge in respect of the implementation of the budget.

Article 28

The Commission, the Court of Auditors and OLAF may undertake checks on the financing received by the Centre from the EDF in accordance with the EDF Financial Regulation. The Court of Auditors may check that revenue has been received and expenditure incurred in a lawful and proper manner and that the provisions of the Agreement and those of the Financial Regulation of the ninth EDF have been respected.

VII. RESPONSIBILITIES OF THE AUTHORISING OFFICERS, ACCOUNTING OFFICER, ASSISTANT ACCOUNTING OFFICERS AND IMPREST ADMINISTRATORS

Article 29

Authorising officers who, when determining entitlements to be recovered, issuing recovery orders, entering into a commitment of expenditure or signing a payment order, violate this Financial Regulation, shall render themselves liable to disciplinary action and, where appropriate, to payment of compensation. The same shall apply if they fail to draw up a document establishing a debt or if they neglect to issue recovery orders or are late in

issuing them without justification. Such liability may only be invoked when the violation was committed intentionally or was the result of serious negligence on their part.

Article 30

1. The accounting officer and assistant accounting officers shall render themselves liable to disciplinary action and, where appropriate, to payment of compensation as regards payments made by them in violation of Article 19.

They shall render themselves liable to disciplinary action and to payment of compensation as regards any loss or damage of the monies, assets and documents in their keeping, where such loss or damage was caused intentionally or was the result of serious negligence on their part.

Under the same conditions, they shall be responsible for the correct execution of orders received by them in respect of the use and the administration of the bank accounts, and in particular:

(a) where they recover or pay amounts that are not in conformity with the corresponding recovery or payment orders;

(b) where they make payments to persons other than those entitled.

2. Imprest administrators shall render themselves liable to disciplinary action and, where appropriate, to payment of compensation in the following cases:

(a) where they cannot provide proper supporting documents for payments made by them;

(b) where they make payments to persons other than those entitled.

Imprest administrators shall be liable to disciplinary action and to payment of compensation in respect of any loss or damage of the monies, assets and documents in their keeping, where such loss or damage was caused intentionally or was the result of serious negligence on their part.

Article 31

1. The accounting officer, assistant accounting officers and imprest administrators shall be insured against the risks inherent in their respective duties.

The Centre shall cover the insurance costs relating thereto. It shall specify the categories of staff members serving as accounting officers, assistant accounting officers and imprest administrators, as well as the conditions subject to which it will cover the insurance costs borne by the said staff members to guard against the risks inherent in their respective duties.

2. Special allowances shall be granted to the accounting officer, assistant accounting officers and imprest administrators. The level of these allowances shall be laid down in a regulation drawn up by the Centre. The amounts corresponding to these allowances shall be credited each month to an account opened by the Centre on behalf of each of these staff members in order to establish a guarantee fund for the purpose of covering any loss for which the person concerned might render himself liable, insofar as such a loss has not been covered by refunds from insurance companies.

The credit balance in these guarantee accounts shall be paid to the persons concerned after the end of their appointment as accounting officer, assistant accounting officer or impress administrator and after they have received the final discharge in respect of their management.

3. The discharge to the accounting officer, assistant accounting officers and imprest administrators will be given by the Director, based on the external auditors' report within two years after the closing of the financial year concerned.

Article 32

The liability to payment of compensation and to disciplinary action of the authorising officer, accounting officer, assistant accounting officers and imprest administrators shall be determined in accordance with the Staff Regulations of the Centre.

VIII. PROCUREMENT PROCEDURES AND OTHER PROVISIONS

Article 33

A. APPLICABLE PROCUREMENT RULES

The award of contracts to be concluded by the Centre for the supply of goods and services shall be governed by the provisions of this Article, supplemented as necessary by the provisions of the Agreement and the General Regulations adopted on its basis by the ACP-EC Council of Ministers and by the rules concerning the award of contracts in the Financial Regulation applicable to the EDF; i.e. the candidates must be nationals of Member States of the Community or of the ACP States, except in duly substantiated cases accepted by the Director.

In the event of conflict, the rules referred to under A, shall apply.

B. DEFINITIONS

For the purposes of this Article the following definitions shall apply:

1. 'direct agreement'

Procedure in which the Centre consults the candidate of its choice and negotiates the terms of the contract with him;

2. 'simplified procedure'

Procedure without prior publication of a notice and terms of reference in which only candidates (a minimum of three) invited by the Centre may submit tenders;

3. 'negotiated procedure'

Procedure without prior publication of a notice and terms of reference in which the Centre consults the candidate or candidates of its choice and negotiates the terms of the contract with one or more of them. One or more of the conditions set out in point C.1(e) below must apply;

4. 'restricted invitation to tender without publication of a notice'

Procedure in which only candidates invited by the Centre on the basis of its data file of suppliers may submit a tender in response to terms of reference prepared by the Centre;

5. 'restricted invitation to tender with publication of a notice'

Procedure in which only candidates invited by the Centre may submit a tender in response to the notice and terms of reference published by the Centre;

6. 'open invitation to tender'

Procedure in which any natural or legal person or group thereof may submit a tender in response to the notice and terms of reference published by the Centre.

C. CONTRACTS WITH SUPPLIERS OF GOODS AND SERVICES

1. Supply contracts

- (a) Contracts relating to the purchase or hire of supplies, equipment or movable property shall be concluded following an open tender. The candidates must be nationals of Member States of the Community or of the ACP States, except in duly substantiated cases accepted by the Director;
- (b) The contracts may be concluded by direct agreement (a single offer) when the total amount of the contract does not exceed EUR 4 999;
- (c) They are concluded by a simplified procedure, with at least three suppliers being consulted, when the total amount of the contract is between EUR 5 000 and EUR 29 999;
- (d) They are concluded after a restricted invitation to tender to at least three candidates, without publication of a notice, when the total amount of the contract is between EUR 30 000 and EUR 149 999.
- (e) They may be concluded by a negotiated procedure, after agreement by the Director and on the basis of a duly-substantiated file, when the amount of the contract exceeds EUR 4 999 and one or more of the following conditions applies:
 - for reasons of urgency that are not attributable to the Centre,
 - when there are specifically technical and duly substantiated reasons,
 - when the contract is for ancillary supplies, services or work that, for technical reasons, cannot be separate from the main contract,
 - when the invitation to tender has proved unsuccessful.

The conditions in which the derogations referred to in (e) may be approved shall be specified in an internal directive drawn up by the Executive Board, which shall be informed of any such decisions immediately.

2. Contracts for the provision of services

- (a) Contracts relating to the provision of services shall be concluded following a restricted invitation to tender to at least three candidates. These candidates must be nationals of Member States of the Community or of the ACP States, except in duly-substantiated cases accepted by the Director.

- (b) The contracts may be concluded by direct agreement when the total cost of the services to the Centre does not exceed EUR 4 999.

- (c) The contracts are concluded by a simplified procedure, with at least three suppliers being consulted, when the total cost of the services to the Centre is between EUR 5 000 and EUR 199 999. However, for contracts between EUR 150 000 and EUR 199 999 the consultation shall take place on the basis of detailed terms of reference.

- (d) The contracts are concluded by a negotiated procedure after agreement by the Director and on the basis of a duly substantiated file, when the amount of the contract exceeds EUR 4 999 and one or more of the conditions set out in point C. 1(e) applies.

- 3. The contractor shall be selected on the basis of the price quoted, evidence of professional competence, experience and financial soundness, and the time limit proposed for completion of the contract.

- 4. Contracts shall be drawn up exclusively in euro.

- 5. In cases where the services covered by points 1 and 2 are split up into several contracts, it is the total cost of the services that must be taken into consideration in application of this Article.

- 6. In specific cases, the Centre may delegate the organisation of the simplified procedures and invitations to tender to an external body, provided that the choice of the companies contacted, the terms of reference and the selection of the contractor remain its responsibility or, in the event of co-financing, the joint responsibility of the Centre and the other co-financiers.

Article 34

The Centre may make financial contributions to initiatives of enterprises, entrepreneurs, intermediaries and service suppliers, as follows:

- 1. The Centre may contribute to the cost of services for eligible projects for which the financing and management responsibility are incumbent on a natural or legal person who is a national of a Member State of the Community or of an ACP State and who has submitted a request for assistance to the Centre.

2. The Centre shall assess the cost of the services, the choice of suppliers, evidence of professional competence, experience and financial soundness, the time limit for completion of the work, and the expected impact of the programme proposed by the beneficiary. To that end, it shall use a weighted list of criteria similar to that which the Commission uses to manage the EDF, adjusted to fit the Centre's objectives.
3. If he is subcontracting, the beneficiary shall comply with Article 33.
4. The agreements shall be drawn up exclusively in euro.
5. The methods of applying these contributions shall be set out in an internal directive.

Article 35

1. A permanent inventory shall be kept of all movable and immovable property belonging to the Centre. Only movable property whose value is EUR 350 or more shall be entered in the inventory. The inventory number shall be entered on each invoice before the latter is paid.
2. Any sale of movable property and equipment of a unit purchase value in excess of EUR 1 000 shall be suitably advertised, in accordance with an internal directive to be drawn up by the Director.
3. A record signed by both the Director and the person responsible for the equipment and certified by the internal control shall be drawn up whenever any property or article in the inventory is disposed of, scrapped or is found to be missing on account of loss or theft, or for any other reason.
4. The Centre shall keep a physical and an accounting inventory, which shall be reconciled on a regular basis. This reconciliation shall be cleared by the internal control body.

Article 36

This Financial Regulation shall be applicable in full to the Centre's decentralised structures.

IX. MANAGEMENT ON BEHALF OF THIRD PARTIES

Article 37

1. The Centre may also manage resources intended for the execution of activities laid down for it in the Agreement on

behalf of third Parties. The list of these resources shall be given in an annex to the budget of the Centre.

2. This Financial Regulation shall be applicable to the management of these resources.

However, the management of the other resources made available by the Commission shall be governed by the financial provisions laid down in the agreement signed by the Commission and the Centre. If there are no such provisions, this Financial Regulation shall remain applicable.

3. Proper estimates of the expenses that will be financed by these resources shall also be annexed to the budget of the Centre. A clear distinction shall be made between operating and intervention expenses.

4. Separate accounts shall be kept for the management of these resources on behalf of third Parties.

5. The financial statements of each fund managed by the Centre on behalf of a third Party shall include a balance sheet and a revenue and expenditure account, indicating the situation as at 31 December of the financial year concerned. They shall be certified in accordance with the provisions of the agreement signed between the Centre and the donor.

If there are no such provisions, the certification shall be carried out by the financial control of the Centre.

6. These financial statements shall be attached as an annex to the financial statements of the Centre.

Article 38

The ACP States, the Member States and the Community shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

Article 39

This Decision shall enter into force on 1 January 2005.

Done at Brussels, 17 December 2004.

For the ACP-EC Committee of Ambassadors

The Chairman

T. J. A. M. de BRUIJN

COMMISSION

COMMISSION DECISION

of 1 March 2006

laying down rules, under Regulation (EC) No 761/2001 of the European Parliament and of the Council, on the use of the EMAS logo in the exceptional cases of transport packaging and tertiary packaging

(notified under document number C(2006) 306)

(Text with EEA relevance)

(2006/193/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

packaging or tertiary packaging, as an effective way of communicating environmental information to stakeholders.

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) ⁽¹⁾, and in particular the second subparagraph of Article 8(3) thereof,

Whereas:

(4) The evaluation, carried out pursuant to Article 15(3) of Regulation (EC) No 761/2001 by the Commission in cooperation with the Member States, of the use, recognition and interpretation of the logo concluded that the case of transport packaging and tertiary packaging, as defined in Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste ⁽²⁾, is an exceptional circumstance as envisaged by Article 8(3) of Regulation (EC) No 761/2001, given that such packaging is not directly related to the products and therefore the use of the EMAS logo on such packaging is permissible.

(1) The EMAS logo indicates to the public and other interested parties that the EMAS-registered organisation has established an environmental management system in compliance with the requirements of Regulation (EC) No 761/2001.

(2) The EMAS logo may not be used on products or their packaging, or in conjunction with comparative claims concerning other products, activities or services. However, as a part of the evaluation provided for in Article 15(3) of Regulation (EC) No 761/2001, the Commission is to consider under which exceptional circumstances the EMAS logo may be used.

(3) Certain EMAS-registered organisations have manifested an interest in using the EMAS logo on their transport

(5) Moreover, in order to ensure that there is no possibility for confusion with environmental product labels and to clearly communicate to the public and other interested parties that the use of the logo is not related in any way to the products or characteristics of product embodied by the transport packaging or tertiary packaging but to the environmental management system applied by the registered organisation, additional information should be added to the logo.

(6) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 14 of Regulation (EC) No 761/2001,

⁽¹⁾ OJ L 114, 24.4.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 196/2006 (OJ L 32, 4.2.2006, p. 4).

⁽²⁾ OJ L 365, 31.12.1994, p. 10. Directive as last amended by Directive 2005/20/EC of the European Parliament and of the Council (OJ L 70, 16.3.2005, p. 17).

HAS ADOPTED THIS DECISION:

Article 1

EMAS registered organisations may use the two versions of the EMAS logo set out in Annex IV to Regulation (EC) No 761/2001 on their transport packaging or tertiary packaging within the meaning of Article 3(1) of Directive 94/62/EC.

In such cases, the EMAS logo shall be complemented by the following text: '[*Name of the EMAS-registered organisation*] is an organisation registered under the Community Eco-Management and Audit Scheme (EMAS)'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 March 2006.

For the Commission
Stavros DIMAS
Member of the Commission

COMMISSION DECISION**of 2 March 2006****establishing a questionnaire relating to Council Directive 96/61/EC concerning integrated pollution prevention and control (IPPC)***(notified under document number C(2006) 598)***(Text with EEA relevance)****(2006/194/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control ⁽¹⁾, and in particular Article 16(3) thereof,

Whereas:

- (1) The questionnaire to be used by the Member States for the purpose of drawing up the reports on the implementation of Directive 96/61/EC concerning integrated pollution prevention and control should aim at ascertaining a detailed account of the application by the Member States of the chief measures laid down in that Directive.
- (2) In view of experience gained in the implementation of Directive 96/61/EC and in the use of previous questionnaires, as set out in Commission Decision 1999/391/EC of 31 May 1999 concerning the questionnaire relating to Council Directive 96/61/EC concerning integrated pollution prevention and control (IPPC) (implementation of Council Directive 91/692/EEC) ⁽²⁾, the questionnaire for the period 2006 to 2008 needs to be adapted. For the sake of clarity Decision 1999/391/EC should be replaced.

- (3) The measures provided for in this Decision are in accordance with the opinion of the Committee established in accordance with Article 6 of Directive 91/692/EEC ⁽³⁾,

HAS ADOPTED THIS DECISION:

Article 1

The questionnaire as set out in the Annex to this Decision related to Directive 96/61/EC is hereby established.

The Member States shall use that questionnaire as a basis for drawing up the report to be submitted to the Commission pursuant to Article 16(3) of Directive 96/61/EC covering the period from 1 January 2006 to 31 December 2008.

Article 2

Decision 1999/391/EC is hereby repealed.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 2 March 2006.

For the Commission

Stavros DIMAS

Member of the Commission

⁽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).

⁽²⁾ OJ L 148, 15.6.1999, p. 39. Decision as amended by Decision 2003/241/EC (OJ L 89, 5.4.2003, p. 17).

⁽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

PART 1

QUESTIONNAIRE ON THE IMPLEMENTATION OF DIRECTIVE 96/61/EC CONCERNING INTEGRATED POLLUTION PREVENTION AND CONTROL (IPPC)*General notes:*

This third questionnaire under Directive 96/61/EC covers the period 2006 to 2008. In view of the experience gained in the implementation of the Directive and the information already obtained through the first questionnaire and further requested in the second questionnaire, the present questionnaire focuses on the changes and progress made by Member States in the actual implementation of the Directive. As regards transposition aspects, the Commission will pursue all necessary actions to ensure full and proper transposition of the Directive into national laws, notably through diligent follow-up of infringement procedures.

In those cases where questions are similar to those of the previous questionnaires, reference can simply be made to previous answers where the situation is unchanged, although this clearly will not be possible for Member States for which this represents the first reporting period. If there have been new developments, these should be described in a new answer. However, in order to help the reader by making questionnaire responses complete, please also generally reproduce the text of the previous answers when they are referred to in this way, unless there are practical reasons against this.

While answering the questionnaire on specific questions regarding general binding rules, or official guidelines issued by administrative bodies, please provide outline information on the type of rules or guidelines and web links or other means of accessing them, as appropriate.

1. General description

- 1.1. Have any significant changes been made since the last reporting period (2003 to 2005) to national or sub-national legislation and to the permitting system(s) that implement Directive 96/61/EC? If so, describe these changes and the reasons for them, and provide references to new legislation.
- 1.2. Have Member States experienced any difficulties in implementing the Directive 96/61/EC associated with the availability and capacity of staff resources? If so, describe these difficulties, for instance illustrated as appropriate by data on current resources. Describe any plans to address these difficulties (for instance by increasing staff capacity).

2. Numbers of installations and permits (Article 2(3) and 2(4) and Article 4)

- 2.1. Give details of the numbers of new and existing installations as defined by Directive 96/61/EC (IPPC installations) and permits by activity type, referring to the template and notes laid down in Part 2.

3. Existing installations (Article 5)

- 3.1. Describe any legally binding measures or administrative plans established to ensure compliance with the requirements referred to in Article 5(1) by 30 October 2007. Have operators been obliged to submit, or could competent authorities request from operators the submission of, permit applications for this purpose?

4. Permit applications (Article 6)

- 4.1. Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues (e.g. methodology for the assessment of significant emissions from installations).

5. Coordination of the permitting procedure and conditions (Articles 7 and 8)

- 5.1. Describe any changes made since the last reporting period in the organisational structure of the permitting procedures (levels of authorities, distribution of competencies, etc.).
- 5.2. Are there any particular difficulties in ensuring full coordination of the permitting procedure and conditions, especially where more than one competent authority is involved, as required by Article 7? Describe any legislation or guidance documents produced on this issue.

- 5.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of Directive 96/61/EC? If available, give information on the numbers and circumstances in which permits have been refused.
6. **Appropriateness and adequacy of permit conditions (Articles 3(d), 3(f), 9, 16(1), 16(2))**
- 6.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued on the following issues:
- (1) the procedures and criteria for setting emission limit values and other permit conditions.
 - (2) the general principles for the determination of best available techniques.
 - (3) the implementation of Article 9(4).
- 6.2. Issues related to the BAT Reference Documents (BREFs) established pursuant to Article 16(2) of Directive 96/61/EC:
- (1) How, in general terms, is the information published by the Commission pursuant to Article 16(2) taken into account generally or in specific cases when determining best available techniques? How are the BREFs concretely used for setting permit conditions? Are the BREFs (or part of them) translated?
 - (2) How useful, as a source of information for determining emission limit values, equivalent parameters and technical measures based on the best available techniques, is the information published by the Commission pursuant to Article 16(2)? How could it be improved?
- 6.3. Other issues relating to permit conditions:
- (1) Have environmental management systems been taken into account in setting permit conditions? If so, how?
 - (2) What types of permit conditions or other measures have typically been applied for the purposes of Article 3(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice?
 - (3) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(d))? How has the possibility set in Article 9(3) to choose not to impose requirements relating to energy efficiency been used?
7. **Available representative data (Article 16(1))**
- 7.1. Provide available representative data on the limit values and environmental performance laid down by specific category of activities in accordance with Annex I to Directive 96/61/EC and, if appropriate, the best available techniques from which those values are derived. Describe how these data have been chosen and collected. *The Commission will, before or during the reporting period, suggest guidance for responding to this question in order to target two particular sectors. The reported data (on emission limit values and environmental performance) will be assessed to compare, as far as possible, the limit values set and the performance achieved. A comparison could then be done with the BAT-associated emission levels in BREFs.*
8. **General binding rules (Article 9(8))**
- 8.1. For which categories of installations and which requirements, if any, have general binding rules been established, as provided for by Article 9(8)? Provide reference to the general binding rules. What form do such rules take (e.g. who establishes them and what legal status do they have)? When applying such rules, is provision still made for taking into account the local factors (mentioned in Article 9(4))?
- 8.2. If known, how many installations (either as an absolute number or a percentage) were subject to these rules by the end of the reporting period?
9. **Environmental quality standards (Article 10)**
- 9.1. Have cases arisen where Article 10 applies and the use of best available techniques is insufficient to satisfy an environmental quality standard set out in Community legislation (as defined in Article 2(7))? If so, give examples of such cases and the additional measures taken.

10. Developments in best available techniques (Article 11)

- 10.1. Have any steps been taken to ensure that, in accordance with Article 11, competent authorities follow or are informed of developments in best available techniques? If so, provide details. If not, what plans are there to meet this requirement?

11. Changes to installations (Articles 12 and 2(10))

- 11.1. How do competent authorities decide in practice, under Article 12, whether a 'change in operation' may have consequences for the environment (Article 2(10)(a)), and whether such a change is a 'substantial change' which may have significant negative effects on human beings or the environment (Article 2(10)(b))? Give reference to relevant legal provisions, guidance or procedures.
- 11.2. How many applications for 'substantial changes' were determined during the reporting period? Provide the data by activity type, referring to the template and notes laid down in Part 2.

12. Reconsideration and updating of permit conditions (Article 13)

- 12.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions (Article 13) specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to relevant legislation, guidance or procedures.
- 12.2. What is the representative frequency (or expected representative frequency) for the reconsideration of permit conditions? In cases of differences between installations or sectors, provide illustrative information if available.
- 12.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the best available techniques implemented? Give reference to relevant legislation, guidance or procedures.

13. Compliance with permit conditions (Article 14)

- 13.1. How is the requirement of Article 14 that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to any specific regulations, procedures or guidelines for competent authorities on this subject. Is a periodic monitoring report submitted by operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide information if available.
- 13.2. To the extent available, and if not submitted in the reporting under the Recommendation providing for minimum criteria for environmental inspections in the Member States, provide representative information, as regards installations falling under the scope of Directive 96/61/EC, on the following issues:

— the carrying-out of on-site inspections and the taking of samples (type, number, frequency),

— types and numbers of actions (e.g. sanctions or other measures) taken as a result of accidents, incidents and non-compliance with permit conditions.

14. Information and participation of the public (Articles 15, 15(a))

- 14.1. What, if any, significant changes have there been since the last reporting period to transposing legislation providing for information and participation of the public in the permit procedure, as required by Directive 96/61/EC (Articles 15 and 15(a)) as amended by the Directive 2003/35/EC of the European Parliament and of the Council⁽¹⁾? What has been the effect upon competent authorities, permit applicants and the public concerned of the amended requirements?

15. Transboundary cooperation (Article 17)

- 15.1. Have there been instances in the reporting period of the use of Article 17 requirements in respect of transboundary information and cooperation? Provide examples illustrative of the general procedures used.

⁽¹⁾ OJ L 156, 25.6.2003, p. 17.

16. Relationship with other community instruments

- 16.1. How do Member States generally view the effectiveness of Directive 96/61/EC, *inter alia* in comparison with other Community environmental instruments? Based on relevant studies and analysis, if available, what have been the estimated environmental benefits and costs (including administrative and compliance costs) of implementing the Directive 96/61/EC? Give references to these studies and analyses.
- 16.2. What is your practical experience regarding the interface between the permitting requirements under the Directive 96/61/EC and other Community instruments which can apply to installations falling under scope of Directive 96/61/EC? What measures have been taken within national or sub-national legislation or administrative arrangements to increase coherence between implementation of the Directive 96/61/EC and other instruments? Examples of the other Community instruments which may be relevant for this question include:
- Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment ⁽¹⁾,
 - Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances ⁽²⁾,
 - Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations ⁽³⁾,
 - Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste ⁽⁴⁾,
 - Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽⁵⁾,
 - Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste ⁽⁶⁾,
 - Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants ⁽⁷⁾,
 - 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 ⁽⁸⁾,
 - Regulation (EC) No 166/2006.
- 16.3. Have measures been introduced at national or sub-national levels to streamline the reporting requested by competent authorities from operators under the Directive 96/61/EC and other Community instruments? If available, provide reference to such measures, and any possibilities that you see for improvement of the EU requirements in this area.

17. General observations

- 17.1. Are there any particular implementation issues that give rise to concerns in your Member State? If so, please specify.

⁽¹⁾ OJ L 175, 5.7.1985, p. 40.

⁽²⁾ OJ L 10, 14.1.1997, p. 13.

⁽³⁾ OJ L 85, 29.3.1999, p. 1.

⁽⁴⁾ OJ L 182, 16.7.1999, p. 1.

⁽⁵⁾ OJ L 327, 22.12.2000, p. 1.

⁽⁶⁾ OJ L 332, 28.12.2000, p. 91.

⁽⁷⁾ OJ L 309, 27.11.2001, p. 1.

⁽⁸⁾ OJ L 275, 25.10.2003, p. 32.

Table 1

[illegible]

[illegible]

[illegible]

[illegible]

Table 2

	Totals (see note 9)
Total number of permits considered compliant (Table 1 columns 2 + 4 + 5 + 6)	
Total number, if any, of outstanding permits at end 2008 (in conflict with the Directive) (Table 1 column 7)	

Notes:

General note: This template is for collection of data on numbers of 'installations' as defined by Article 2(3) and 'permits' as defined by Article 2(9). The numbers for installations and permits will not necessarily be identical because, according to Article 2(9), a permit may cover part of an installation, a whole installation, or more than one installation. Further guidance and explanation in relation to the data sought in Tables 1 and 2 are given in notes 1-9 below. Member States are requested to complete Table 1 as far as possible. Member States may also wish to provide additional comments (for instance as regards site restoration) if necessary to support and explain the data in Tables 1 and 2. The number of permits should include all the permits issued after the date of transposition of Directive 96/61/EC (30 October 1999) for installations still in operation at the end of 2008.

1. For all of the columns numbered 1-10, Table 1 provides a template for collection of data based on the main Annex I activity of an installation. If possible, the information should be provided at the level of the Annex I subheadings (1.1, 2.3(a), 6.4(b), etc.). The lefthand column therefore sets out the relevant Annex I subheading numbers and a condensed summary of the corresponding activity descriptions (see Annex I to Directive 96/61/EC for the full descriptions including thresholds). In completing Table 1, care should be taken not to count the same installation or permit more than once, even if it covers several activities. Where an installation or permit comprises activities under two or more Annex I categories, therefore, it should be listed against only one Annex I category (e.g. the one that best describes the installation or permit).
2. Columns 1 and 3 request a simple count of the numbers of new and existing installations respectively, for each main Annex I activity type, that were operating at the end of the reporting period. 'Existing installations' are those determined according to Article 2(4) of Directive 96/61/EC, and 'new installations' are all others. Column 8 then simply represents the sum of the figures in columns 1 and 3.
3. Column 2 requests data on the number of permits granted to new installations in accordance with Article 4 by the end of the reporting period. As noted in the general note above, this will not necessarily be the same as the number of installations, even if all new installations have been fully permitted.
4. Columns 4-6 cover the various ways in which existing installations can be made subject to permits that are considered compliant with Directive 96/61/EC. These are as follows:
 - (a) the granting of a permit in accordance with the procedure set down by Articles 6 and 8. Column 4 refers to such a permit as a new permit. The figures include any such new permits granted as a consequence of a proposed 'substantial change'.
 - (b) as an alternative to applying the procedure of Articles 6 and 8, Article 5(1) allows a competent authority to bring existing installations into compliance 'by reconsidering and, where necessary, by updating' the conditions to which the installations were already subject, e.g. under what might be termed a pre-IPPC permit (i.e. a permit issued under legislation preceding implementation of the Directive 96/61/EC). Column 5 requests data on those cases where the conditions of such a pre-IPPC permit were reconsidered, but no updating was undertaken because the conditions were considered to already comply with the requirements of Directive 96/61/EC.

- (c) column 6 similarly requests data on those cases where the conditions of a pre-IPPC permit were reconsidered, and the conditions were subsequently updated in order to comply with Directive 96/61/EC. This includes any such permits where the reconsideration and updating was brought about as a consequence of a proposed 'substantial change'.
5. Column 7 requests data on any permits for existing installations which had yet to be issued, or reconsidered and updated if appropriate, at the end of the reporting period, in conflict with the requirements of Article 5(1). Member States are requested to describe how they are handling any such outstanding permit requirements.
6. Column 9 request data on the number of applications for permits (or permit updates) from operators of existing or new installations in respect of a proposed 'substantial change' as defined by Article 2(10(b)) that were determined during the reporting period. This includes substantial changes to installations that have already been made subject to compliance with Directive 96/61/EC.
7. Column 10 request data on any permits for existing installations which had yet to be issued, or reconsidered and updated if appropriate, at the end of October 2007, in conflict with the requirements of Article 5(1). Member States are requested to describe how they are handling any such outstanding permit requirements.
8. Although Member States are generally requested to report by the main activity types listed in Table 1 to the extent possible, it is recognised that the chemical sector is especially complex in this regard, and that many chemical installations carry out more than one activity as defined in the subheadings of Heading 4. Member States are therefore requested to report by the subheadings if the data are available, but otherwise to report only the overall figures for Heading 4 (i.e. no figures for individual subheadings).
9. Table 2 aims at providing the total number of permits considered compliant or outstanding at the end of the reporting period. The first row represents the sum of the totals of columns 2, 4, 5 and 6 of Table 1. The second row represents the total of column 7 of Table 1.
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COMMISSION DECISION

of 2 March 2006

**as regards Community financial aid for the year 2006, to certain Community reference laboratories
in the veterinary public health field of residues**

*(notified under document number C(2006) 604)***(Only the German, French, Italian and Dutch texts are authentic)**

(2006/195/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

functions and duties provided for in Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽³⁾.

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 28(2) thereof,

(5) Further aid should also be granted for the organisation of workshops in the areas falling under the responsibility of the Community reference laboratories.

Whereas:

(1) Decision 90/424/EEC provides that the Community is to contribute towards improving the efficiency of veterinary inspections by granting financial aid to reference laboratories. Any reference laboratory designated as such, in accordance with Community veterinary legislation may receive Community aid, subject to certain conditions.

(6) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽⁴⁾, veterinary and plant health measures undertaken in accordance with Community rules are financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund. For financial control purposes, Articles 8 and 9 of Regulation (EC) No 1258/1999 apply to this Decision.

(2) Commission Regulation (EC) No 156/2004 of 29 January 2004 on the Community's financial assistance to Community reference laboratories pursuant to Article 28 of Decision 90/424/EEC ⁽²⁾ provides that the financial contribution from the Community is to be granted if the approved work programmes are efficiently carried out and that the beneficiaries supply all the necessary information within certain time limits.

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

(3) The Commission has assessed the work programmes and corresponding budget estimates submitted by the concerned Community reference laboratories for the year 2006.

HAS ADOPTED THIS DECISION:

Article 1

(4) Accordingly, Community financial aid should be granted to designed Community reference laboratories for the

1. The Community grants financial aid to Germany for the functions and duties provided for in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (formerly the Bundesinstitut für gesundheitlichen Verbraucherschutz und Veterinärmedizin (BGVV), Berlin, Germany, for the detection of residues of certain substances.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Decision 2006/53/EC (OJ L 29, 2.2.2006, p. 37).

⁽²⁾ OJ L 27, 30.1.2004, p. 5.

⁽³⁾ OJ L 125, 23.5.1996, p. 10. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1, corrected by OJ L 191, 28.5.2004, p. 1).

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

For the period from 1 January 2006 to 31 December 2006, that financial aid shall not exceed EUR 425 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to Germany for the organisation of a workshop by the laboratory referred to in paragraph 1. That aid shall not exceed EUR 30 000.

Article 2

1. The Community grants financial aid to France for the functions and duties provided for in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Laboratoire d'études et de recherches sur les médicaments vétérinaires et les désinfectants de L'Agence Française de Sécurité Sanitaire des aliments, (formerly the Laboratoire des médicaments vétérinaires (CNEVA-LMV)), Fougères, France, for the detection of residues of certain substances.

For the period from 1 January 2006 to 31 December 2006, that financial aid shall not exceed EUR 425 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to France for the organisation of a workshop by the laboratory referred to in paragraph 1. That aid shall not exceed EUR 30 000.

Article 3

1. The Community grants financial aid to Italy for the functions and duties provided for in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Istituto Superiore di Sanità, Rome, Italy, for the detection of residues of certain substances.

For the period from 1 January 2006 to 31 December 2006, that financial aid shall not exceed EUR 255 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to Italy for the organisation of one workshop by the laboratory referred to in paragraph 1. That aid shall not exceed EUR 30 000.

Article 4

1. The Community grants financial aid to the Netherlands for the functions and duties referred to in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Rijksinstituut voor Volksgezondheid en Milieuhygiëne (RIVM), Bilthoven, the Netherlands, for the detection of residues of certain substances.

For the period from 1 January 2006 to 31 December 2006, that financial aid shall not exceed EUR 425 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to the Netherlands for the organisation of a workshop by the laboratory referred to in paragraph 1. That aid shall not exceed EUR 30 000.

Article 5

This Decision is addressed to the Federal Republic of Germany, the French Republic, the Italian Republic and the Kingdom of the Netherlands.

Done at Brussels, 2 March 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION

of 3 March 2006

amending Appendix B to Annex XII to the 2003 Act of Accession as regards certain establishments in the meat and milk sectors in Poland*(notified under document number C(2006) 609)***(Text with EEA relevance)**

(2006/196/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Annex XII, Chapter 6, Section B, Subsection I(1)(e) thereto,

Whereas:

- (1) Poland has been granted transitional periods for certain establishments listed in Appendix B ⁽¹⁾ to Annex XII to the 2003 Act of Accession.
- (2) Appendix B to Annex XII to the 2003 Act of Accession has been amended by Commission Decisions 2004/458/EC ⁽²⁾, 2004/471/EC ⁽³⁾, 2004/474/EC ⁽⁴⁾, 2005/271/EC ⁽⁵⁾, 2005/591/EC ⁽⁶⁾, 2005/854/EC ⁽⁷⁾ and 2006/14/EC ⁽⁸⁾.
- (3) According to an official declaration from the Polish competent authority certain establishments in the meat and milk sectors have completed their upgrading process and are now in full compliance with Community legislation. Furthermore certain establishments have ceased activities. Those establishments should therefore be deleted from the list of establishments in transition.

(4) Appendix B to Annex XII to the 2003 Act of Accession should therefore be amended accordingly.

(5) The Standing Committee on the Food Chain and Animal Health has been informed of the measures provided for in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The establishments listed in the Annex to this Decision are deleted from Appendix B to Annex XII to the 2003 Act of Accession.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 March 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ C 227 E, 23.9.2003, p. 1392.

⁽²⁾ OJ L 156, 30.4.2004, p. 53, corrected by OJ L 202, 7.6.2004, p. 39.

⁽³⁾ OJ L 160, 30.4.2004, p. 56, corrected by OJ L 212, 12.6.2004, p. 31.

⁽⁴⁾ OJ L 160, 30.4.2004, p. 73, corrected by OJ L 212, 12.6.2004, p. 44.

⁽⁵⁾ OJ L 86, 5.4.2005, p. 13.

⁽⁶⁾ OJ L 200, 30.7.2005, p. 96.

⁽⁷⁾ OJ L 316, 2.12.2005, p. 17.

⁽⁸⁾ OJ L 10, 14.1.2006, p. 66.

ANNEX

List of establishments to be deleted from Appendix B to Annex XII to the 2003 Act of Accession**Meat establishments***Initial list*

No	Veterinary No	Name of establishment
35.	08040206	AGROMAS Sp. z o.o.
71.	12160208	Wojnickie Zakłady Mięsne 'MEAT COMPANY'
99.	14370101	Ubojnia Trzody i Bydła 'WILPOL'
155.	24610323	'Basco' s.c.
181.	24170301	Zakład Przetwórstwa Mięsnego B. Wisniewska
186.	26040209	'Wir' Szproch I Przetwórstwo Mięsa SJ.
209.	30090103	Firma Handlowo Usługowa – Andrzej Mejsner
239.	30280102	PHU ROMEX Grażyna Pachela, Ubojnia Bydła
243.	30290201	Rzeźnictwo Kujawa, Maik s.j.
246.	30300112	Ubój Trzody Mariusz Marciniak

Poultrymeat*Initial list*

No	Veterinary No	Name of establishment
31.	18630501	Jedynka Spółka z o.o. Zakład Produkcyjny
34.	24610602	Szerwał 2000 Sp. z o.o.

Milk sector*Initial list*

No	Veterinary No	Name of establishment
57.	20111601	OSM Dąbrowa Białostocka
66.	24781601	OSM w Zabrze
68.	24061602	OSM Krzepice
74.	24161602	OSM 'Rokitnianka' w Szczekocinach
101.	30151601	OSM 'Top-Tomyśl'
103.	30201601	OSM Kowalew – Dobrzyca Zakład Kowalew
107.	30231601	SM Udziałowców
110.	30281601	ZPM 'Mlecz' Wolsztyn, Oddział Damasławek
111.	30301601	SM Września

COMMISSION DECISION

of 3 March 2006

authorising the placing on the market of food containing, consisting of, or produced from genetically modified maize line 1507 (DAS-Ø15Ø7-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council

(2006/197/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed⁽¹⁾, and in particular Article 7(3) thereof,

Whereas:

- (1) On 15 February 2001, Pioneer Overseas Corporation and Dow AgroSciences Europe jointly submitted to the competent authorities of the Netherlands a request, in accordance with Article 4 of Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients⁽²⁾, for the placing on the market of foods and food ingredients derived from genetically modified maize line 1507 as novel foods or as novel food ingredients (the products).
- (2) In their initial assessment report of 4 November 2003, the Netherlands competent food assessment body concluded that the products are just as safe as foods and food ingredients derived from conventional maize lines and may be used in the same manner.
- (3) The Commission forwarded the initial assessment report to all Member States on 10 November 2003. Within the 60-day period laid down in Article 6(4) of Regulation (EC) No 258/97, reasoned objections to the placing on the market of the products were raised in accordance with that provision. As a consequence, an additional assessment report was required.
- (4) Article 46(1) of Regulation (EC) No 1829/2003 (hereinafter referred to as the Regulation) provides that requests submitted pursuant to Article 4 of Regulation (EC) No 258/97 before the date of application of the

Regulation, i.e. 18 April 2004, shall be transformed into applications pursuant to Chapter II, Section 1 of the Regulation in cases where an additional assessment report is required in accordance with Article 6(3) or (4) of Regulation (EC) No 258/97.

- (5) The scope of Regulation (EC) No 258/97 is limited to the placing on the market, within the Community, of novel foods or novel food ingredients. Consequently the present decision does not cover the placing on the market of feed containing, consisting of or produced from maize line 1507.
- (6) In particular, the placing on the market of genetically modified maize line 1507 as or in some products including feed containing or consisting of this maize is subject to Commission Decision 2005/772/EC of 3 November 2005 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests and for tolerance to the herbicide glufosinate-ammonium⁽³⁾.
- (7) Feed produced from maize line 1507 has been placed on the market before the date of application of the Regulation, i.e. 18 April 2004. As a consequence, it is subject to the requirements provided for in Article 20 of the Regulation and may be placed on the market and used in accordance with the conditions laid down in the Community Register of genetically modified food and feed.
- (8) On 3 March 2005, the European Food Safety Authority (Authority) gave its opinion in accordance with Article 6 of the Regulation that there is no evidence to indicate that the placing on the market of the products is likely to cause adverse effects on human or animal health or the environment⁽⁴⁾. In giving its opinion, the Authority considered all specific questions and concerns raised by the Member States.

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 43, 14.2.1997, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽³⁾ OJ L 291, 5.11.2005, p. 42.

⁽⁴⁾ http://www.efsa.eu.int/science/gmo/gm_ff_applications/more_info/503/op_gm07_ej182_1507_opinion_nl_doc2_en1.pdf

- (9) Accordingly, the Authority advised that no specific labelling requirements other than those provided for in Article 13(1) of the Regulation are necessary. The Authority also advised that no specific conditions or restrictions for the placing on the market and/or specific conditions or restrictions for the use and handling, including post-market monitoring requirements, and no specific conditions for the protection of particular ecosystems/environment and/or geographical areas, as provided for in point (e) of Article 6(5) of the Regulation, are required.
- (10) In its opinion, the Authority concluded that the environmental monitoring plan, consisting of a general surveillance plan, submitted by the applicant is in line with the intended use of the products.
- (11) In the light of the above considerations, authorisation should be granted.
- (12) A unique identifier should be assigned to maize line 1507 as provided for in Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms ⁽¹⁾.
- (13) All information contained in the Annex to this Decision on the authorisation of the products should be entered in the Community Register of genetically modified food and feed as provided for in the Regulation.
- (14) In accordance with Article 4(2) of the Regulation, the conditions for authorisation of the product bind all persons placing it on the market.
- (15) This Decision should be notified through the Biosafety Clearing House to the Parties to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, pursuant to Articles 9(1) and to point 2(c) of Article 15 of Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms ⁽²⁾.
- (16) No opinion was delivered by the Standing Committee on the Food Chain and Animal Health; the Commission has therefore submitted a proposal to the Council on 5 October 2005 in accordance with Article 5(4) of Council Decision 1999/468/EC ⁽³⁾, the Council being required to act within three months.

- (17) However, the Council has not acted within the required time limit; a Decision should now be adopted by the Commission,

HAS DECIDED AS FOLLOWS:

Article 1

Products

This Decision covers foods and food ingredients containing, consisting of, or produced from the genetically modified maize (*Zea mays* L.) line 1507 further specified in the Annex to this Decision (the products) and assigned the unique identifier DAS-Ø15Ø7-1, as provided for in Regulation (EC) No 65/2004.

Article 2

Placing on the market

The placing on the market of the products, according to the conditions specified in this Decision and its Annex, is authorised for the purposes of Article 4(2) of Regulation (EC) No 1829/2003.

Article 3

Labelling

For the purposes of the specific labelling requirements provided for in Article 13(1) of Regulation (EC) No 1829/2003, the 'name of the organism' shall be 'maize'.

Article 4

Monitoring for environmental effects

1. Authorisation holders shall ensure that the monitoring plan for environmental effects, as specified in the Annex to this Decision, is put in place and implemented.
2. Authorisation holders shall submit to the Commission annual reports on the implementation and the results of the monitoring activities.

The reports shall clearly state those parts of the reports which are considered to be confidential, together with a verifiable justification for confidentiality in accordance with Article 30 of Regulation (EC) No 1829/2003.

Confidential parts of such reports shall be submitted in separate documents.

⁽¹⁾ OJ L 10, 16.1.2004, p. 5.

⁽²⁾ OJ L 287, 5.11.2003, p. 1.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

*Article 5***Community Register**

The information in the Annex to this Decision shall be entered in the Community Register of genetically modified food and feed, as provided for in Article 28 of Regulation (EC) No 1829/2003.

*Article 6***Authorisation holders**

The authorisation holders are:

- (a) Pioneer Overseas Corporation, Belgium, representing Pioneer Hi-Bred International, United States of America; and
- (b) Dow AgroSciences Europe, United Kingdom, representing Mycogen Seeds, United States of America;

both of which are responsible for fulfilling the duties of authorisation holders provided for in this Decision and in Regulation (EC) No 1829/2003.

*Article 7***Validity**

This Decision shall be valid for a period of 10 years from the date of its adoption.

Done at Brussels, 3 March 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

(a) **Applicants and authorisation holders:**

Name: Pioneer Overseas Corporation

Address: Avenue des Arts 44, B-1040 Brussels.

On behalf of Pioneer Hi-Bred International, Inc., 400 Locus Street, Suite 800, Des Moines, IA50309, United States of America

and

Name: Dow AgroSciences Europe Ltd

Address: European Development Centre, 3 Milton Park, Abingdon, Oxon OX14 4RN, United Kingdom.

On behalf of Mycogen Seeds c/o Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268-1054, United States of America.

(b) **Designation and specification of the products:**

Foods and food ingredients containing, consisting of, or produced from genetically modified maize (*Zea mays* L.) line 1507 as described in the application, unique identifier DAS-Ø15Ø7-1, with resistance to the European corn borer (*Ostrinia nubilalis*) and certain other lepidopteran pests and with tolerance to the herbicide glufosinate-ammonium. The genetically modified maize DAS-Ø15Ø7-1 contains the following DNA sequences in two cassettes:

(a) cassette 1:

A synthetic version of the truncated *cry1F* gene from *Bacillus thuringiensis* subsp. *aizawai*, which confers resistance to the European corn borer (*Ostrinia nubilalis*) and certain other lepidopteran pests, under the regulation of the ubiquitin promoter *ubiZM1(2)* from *Zea mays* L. and the ORF25PolyA terminator from *Agrobacterium tumefaciens* pTi15955;

(b) cassette 2:

A synthetic version of the *pat* gene from *Streptomyces viridochromogenes* strain Tü494, which confers tolerance to the herbicide glufosinate-ammonium, under the regulation of the 35S promoter and terminator sequences from *Cauliflower Mosaic Virus*.

(c) **Labelling:**

No specific requirements other than those provided pursuant to Article 13(1) of Regulation (EC) No 1829/2003.

For the purpose of Article 13(1) of Regulation (EC) No 1829/2003, the 'name of the organism' shall be 'maize'.

(d) **Method for detection:**

- Event specific real-time quantitative PCR based method for genetically modified maize DAS-Ø15Ø7-1.
- Validated by the Community reference laboratory established pursuant to Regulation (EC) No 1829/2003, published at <http://gmo-crl.jrc.it/detectionmethods/TC1507-WEB-Protocol-Validation.pdf>
- Reference Material: ERM®-BF418 accessible via the Joint Research Centre (JRC) of the European Commission, the Institute of Reference Materials and Measurements (IRMM) at http://www.irmm.jrc.be/html/reference_materials_catalogue/index.htm

(e) **Unique identifier:**

DAS-Ø15Ø7-1

(f) **Information required in accordance with Annex II to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity:**

Biosafety Clearing House, Record ID: see Decision 2006/197/EC.

(g) **Conditions or restrictions on the placing on the market, use or handling of the products:**

Not required.

(h) **Monitoring plan:**

Monitoring plan for environmental effects conforming with Annex VII to Directive 2001/18/EC

(Link: <http://gmo-crl.jrc.it/detectionmethods/TC1507-WEB-Protocol-Validation.pdf>)

(i) **Post market monitoring requirements for the use of the food for human consumption:**

Not required.

Note: links to relevant documents may need to be modified over time. Those modifications will be made available to the public via the updating of the Community Register of genetically modified food and feed.
