

Official Journal

of the European Union

L 112

English edition

Legislation

Volume 49

26 April 2006

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 633/2006
of 25 April 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 26 April 2006.

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

Done at Brussels, 25 April 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 25 April 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	132,0
	204	65,0
	212	139,0
	624	138,6
	999	118,7
0707 00 05	052	129,4
	628	147,3
	999	138,4
0709 90 70	052	136,6
	204	43,5
	999	90,1
0805 10 20	052	37,7
	204	35,7
	212	51,8
	220	40,7
	624	66,2
	999	46,4
0805 50 10	052	43,0
	624	56,2
	999	49,6
0808 10 80	388	85,3
	400	128,3
	404	94,7
	508	76,2
	512	82,1
	524	68,2
	528	94,8
	720	73,9
	804	108,3
	999	90,2
0808 20 50	388	85,4
	512	82,3
	524	57,8
	528	83,3
	720	91,3
	999	80,0

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 634/2006**of 25 April 2006****laying down the marketing standard applicable to headed cabbages and amending Regulation (EEC) No 1591/87**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular Article 2(2) thereof,

Whereas:

(1) Cabbages are among the products listed in Annex I to Regulation (EC) No 2200/96 for which standards are to be adopted. Commission Regulation (EEC) No 1591/87 of 5 June 1987 laying down quality standards for cabbages, Brussels sprouts, ribbed celery and spinach ⁽²⁾ has been amended several times. For reasons of clarity, the rules on headed cabbages should be separated from those on other products under Regulation (EEC) No 1591/87 and laid down in a separate Regulation.

(2) To that end, and in the interest of preserving transparency on the world market, account should be taken of the UN/ECE standard FFV-09 concerning marketing and quality control of headed cabbages recommended by the Working party on agricultural quality standards of the United Nations Economic Commission for Europe (UN/ECE).

(3) Packages containing a mixture of types of headed cabbage are becoming more common on the market. Therefore the provision concerning marking of these packages need to be clarified.

(4) Application of the new standard should remove products of unsatisfactory quality from the market, bring production into line with consumer requirements and facilitate trade based on fair competition, thereby helping to improve profitability.

(5) The standards are applicable at all marketing stages. Long-distance transport, storage over a certain period and the various processes the products undergo may cause some degree of deterioration owing to the biological development of the products or their perishable nature. Account should be taken of such deterioration when applying the standard at the marketing stages following dispatch.

(6) Regulation (EEC) No 1591/87 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The marketing standard applicable to headed cabbages falling within CN code 0704 90 shall be as set out in the Annex.

2. The standard shall apply to all marketing stages under the conditions laid down in Regulation (EC) No 2200/96.

However, at stages following dispatch, products may show, in relation to the requirements of the standard:

(a) a slight lack of freshness and turgidity;

(b) slight deterioration due to their development and their tendency to perish.

Article 2

Regulation (EEC) No 1591/87 is amended as follows:

1. the title is replaced by the following:

‘Commission Regulation (EEC) No 1591/87 of 5 June 1987 laying down quality standards for Brussels sprouts, ribbed celery and spinach’.

2. in the first paragraph of Article 1, the first indent is deleted.

3. Annex I is deleted.

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

⁽²⁾ OJ L 146, 6.6.1987, p. 36. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

Article 3

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

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

Done at Brussels, 25 April 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

MARKETING STANDARD FOR HEADED CABBAGES**1. DEFINITION OF PRODUCE**

This standard applies to headed cabbages grown from varieties (cultivars) of *Brassica oleracea* L. var. *capitata* L. (including red cabbages and pointed cabbages) and from *Brassica oleracea* L. var. *sabauda* L. (savoy cabbages), supplied fresh to the consumer, cabbages for industrial processing being excluded.

2. PROVISIONS CONCERNING QUALITY

The purpose of this standard is to define the quality requirements for headed cabbages after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the headed cabbages must be:

- intact; missing outer leaves and slight cracks in the stem are not regarded as a defect,
- fresh in appearance,
- showing no signs of flower development,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- practically free from pests,
- practically free from damage caused by pests,
- clean, practically free of any visible foreign matter,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

The stem should be cut slightly below the lowest point of leaf growth; the leaves should remain firmly attached, and the cut should be clean.

The condition of the headed cabbages must be such as to enable them:

- to withstand transport and handling,
- to arrive in satisfactory condition at the place of destination.

B. Classification

Headed cabbages are classified into two classes defined as follows:

(i) Class I

Headed cabbages of Class I must be of good quality and characteristic of the variety. They should be compact, having regard to the variety.

Headed cabbages must be closely trimmed. In the case of green Savoy headed cabbages and early headed cabbages a number of leaves may be left for protection.

The following slight defects, however, may be allowed provided they do not affect the general appearance of the headed cabbages, the quality, the keeping quality and presentation in the package:

- small cracks in the outer leaves,
- slight bruising and light trimming of the outer leaves,
- slight damage due to frost.

(ii) *Class II*

This class includes headed cabbages which do not qualify for inclusion in Class I, but meet the minimum requirements specified in Section A.

The following defects may be allowed provided the headed cabbages retain their essential characteristics as regards the quality, the keeping quality and presentation:

- cracks in the outer leaves,
- more of their outer leaves may be removed provided the essential characteristics of the variety are retained,
- bruises and/or damages not more than two outer leaves deep,
- slight traces of damage by pests or disease on not more than two outer leaves deep,
- damage due to frost.

3. PROVISIONS CONCERNING SIZING

Size is determined by unit weight. The minimum size is 350 grams per unit.

The weight of the heaviest head in any one package must not be more than double the weight of the lightest head. When the weight of the heaviest head is equal to or less than 2 kilograms the difference between the heaviest and the lightest head may be up to 1 kilogram.

The size requirements shall not apply to miniature produce.

'Miniature produce' means a variety or cultivar of cabbages, obtained by plant breeding and/or special cultivation techniques, excluding cabbages of non-miniature varieties which have not fully developed or are of inadequate size. All other requirements of the standard shall apply.

4. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size are allowed in each package for produce not satisfying the requirements for the class indicated.

A. **Quality tolerances**

(i) *Class I*

10 % by number or weight of headed cabbages not satisfying the requirements of the class, but meeting the requirements for Class II or, exceptionally, coming within the tolerances for that class.

(ii) *Class II*

10 % by number or weight of headed cabbages not satisfying the requirements of the class, or the minimum requirements, but excluding headed cabbages visibly affected by rotting or any other deterioration rendering them unfit for consumption.

B. Size tolerances

For all classes: 10 % by number or weight of headed cabbages not meeting the specified requirements.

However, no head may weigh less than 300 grams.

5. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package, must contain only headed cabbages of the same origin, variety and quality.

In Class I, the headed cabbages must be uniform in shape and colour.

Miniature produce must be reasonably uniform in size.

However, a mixture of the various types of headed cabbages described in this standard may be packed together, provided they are uniform in quality and, for each type concerned, in variety, size and origin.

The visible part of the contents of the package must be representative of the entire contents.

Notwithstanding the first to fifth paragraphs, products covered by this standard may be mixed, in sales packages of a net weight of three kilograms or less, with different types of fresh fruit and vegetables on the conditions laid down by Commission Regulation (EC) No 48/2003 ⁽¹⁾.

B. Packaging

The headed cabbages must be packed in such a way as to protect the produce properly.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials and particularly of paper or stamps bearing trade specifications is allowed provided that the printing or labelling has been done with a non-toxic ink or glue.

Packages must be free of all foreign matter.

Stickers individually affixed on product shall be such as, when removed, neither to leave visible traces of glue, nor to lead to skin defects.

6. PROVISIONS CONCERNING MARKETING

1. Each package must bear the following particulars in letters grouped on the same side, legibly and indelibly marked and visible from the outside:

A. Identification

The name and the address of the packer and/or the dispatcher.

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference 'Packer and/or Dispatcher' (or equivalent abbreviations),

⁽¹⁾ OJ L 7, 11.1.2003, p. 65.

- for pre-packages only, by the name and the address of a seller established within the Community indicated in close connection with the mention 'Packed for:' or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Nature of produce

- 'Red cabbages', 'White headed cabbages', 'Pointed cabbages', 'Savoy cabbages' or equivalent denomination, if the contents are not visible from the outside,
- where different types of headed cabbages are mixed together:
 - the indication 'Mixed headed cabbages', or
 - the indication of each type of headed cabbage, and, where the contents are not visible from the outside, the indication of the number of pieces of each type.

C. Origin of produce

- Country of origin and, optionally, district where grown, or national, regional or local place name,
- In the case of packages containing a mixture of types of headed cabbages of different origins, the indication of each country of origin shall appear next to the name of the type concerned.

D. Commercial specifications

- Class,
- Number of units,
- 'Mini cabbages', 'baby cabbages' or other appropriate term for miniature produce, where appropriate.

E. Official control mark (optional)

2. Packages need not to bear the particulars mentioned in point 1 when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.
-

COMMISSION REGULATION (EC) No 635/2006**of 25 April 2006****repealing Regulation (EEC) No 1251/70 on the right of workers to remain in the territory of a Member State after having been employed in that State****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 39(3)(d) thereof,

Whereas:

- (1) Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC ⁽¹⁾, consolidated in a single text the legislation on the free movement of citizens of the Union. Article 17 thereof includes the main elements of Commission Regulation (EEC) No 1251/70 of 29 June 1970 on the right of workers to remain in the territory

of a Member State after having been employed in that State ⁽²⁾ and amends them by granting beneficiaries of the right to remain a more privileged status, namely that of the right of permanent residence.

- (2) Regulation (EEC) No 1251/70 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1251/70 is hereby repealed with effect from 30 April 2006.

Article 2

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

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

Done at Brussels, 25 April 2006.

For the Commission

Vladimír ŠPIDLA

Member of the Commission

⁽¹⁾ OJ L 158, 30.4.2004, p. 77.

⁽²⁾ OJ L 142, 30.6.1970, p. 24.

COMMISSION REGULATION (EC) No 636/2006**of 20 March 2006****establishing a prohibition of fishing for herring in ICES IV c, VII d by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 51/2006 of 22 December 2005 fixing for 2006 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2006.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2006.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2006 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 20 March 2006.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

⁽³⁾ OJ L 16, 20.1.2006, p. 1.

ANNEX

No	03
Member State	France
Stock	HER/4CXB7D
Species	Herring (<i>Clupea harengus</i>)
Zone	IV c, VII d
Date	1 March 2006

II

(Acts whose publication is not obligatory)

COUNCIL

Information concerning the entry into force of the Protocol to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway

The aforementioned Protocol to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway, which the Council concluded on 21 February 2006, will enter into force on 1 May 2006, the notifications concerning the completion of the procedures in accordance with Article 5 of the Protocol having been carried out on 27 March 2006.

COMMISSION

COMMISSION DECISION

of 25 April 2006

terminating the anti-dumping proceeding concerning imports of ethyl alcohol originating in Guatemala and Pakistan

(2006/301/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 26th May 2005, by a notice published in the *Official Journal of the European Union* ⁽²⁾, the Commission announced the initiation of an anti-dumping proceeding with regard to imports into the Community of ethyl alcohol, whether denatured or undenatured, having an alcoholic strength by volume of 80 % vol or higher, originating in Guatemala and Pakistan, normally declared under CN codes 2207 10 00 and ex 2207 20 00.
- (2) The anti-dumping proceeding was initiated, pursuant to Article 5 of the basic Regulation, following a complaint lodged on 11th April 2005 by the Committee of Industrial Ethanol Producers of the European Union (the 'complainant') on behalf of producers representing a major proportion, in this case more than 30 %, of the Community production of ethyl alcohol.
- (3) The complaint contained *prima facie* evidence of the existence of dumping of the said product and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.

- (4) The Commission officially advised the exporting producers in Guatemala and Pakistan, importers/traders, suppliers and users known to be concerned, the representatives of the exporting countries concerned, the complainant and all other known Community producers of the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation and questionnaires were sent to all parties concerned.

B. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

- (5) By a letter dated 31st January 2006 and addressed to the Commission, the complainant formally withdrew its complaint. According to the complainant, this withdrawal was prompted by the recent significant change in the Generalised System of Preferences on ethyl alcohol originating in Pakistan. According to the complainant, though this has not eliminated dumping practices, it has helped to significantly curb the large and injurious volumes of imports from Pakistan into the Community. As the injury data in the complaint was based on the combined effect of imports from Guatemala and Pakistan, the complainant believed that the withdrawal of the complaint with regard to both countries is a reasonable course of action at the present time.
- (6) In accordance with Article 9(1) of the basic Regulation, the proceeding may be terminated where the complaint is withdrawn unless such termination would not be in the Community interest.
- (7) The Commission considered that the present proceeding should be terminated since the investigation had not brought to light any consideration showing that such termination would not be in the Community interest. Interested parties were informed accordingly and were given the opportunity to comment. However, no comments which could alter this decision were received.
- (8) The Commission therefore concludes that the anti-dumping proceeding concerning imports into the Community of ethyl alcohol originating in Guatemala and Pakistan should be terminated without the imposition of anti-dumping measures,

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

⁽²⁾ OJ C 129, 26.5.2005, p. 22.

HAS ADOPTED THIS DECISION:

Sole Article

The anti-dumping proceeding concerning imports of ethyl alcohol, whether denatured or undenatured, having an alcoholic strength by volume of 80 % vol or higher, originating in Guatemala and Pakistan, normally declared under CN codes 2207 10 00 and ex 2207 20 00 is hereby terminated.

Done at Brussels, 25 April 2006.

For the Commission

Peter MANDELSON

Member of the Commission

COMMISSION DECISION

of 25 April 2006

concerning the non-inclusion of methabenzthiazuron in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance*(notified under document number C(2006) 1653)***(Text with EEA relevance)**

(2006/302/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2004/20/EC ⁽²⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

(1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I of that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.

(2) Commission Regulation (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the second and third stages of the programme of work referred to in Article 8(2) of Directive 91/414/EEC. For active substances under these Regulations no completeness check or evaluation of the dossier shall be performed. For methabenzthiazuron no complete dossier has been submitted within the prescribed time limit. As a consequence, this active substance should not be included in Annex I to Directive 91/414/EEC and Member States should withdraw all authorisations for plant protection products containing this substance.

(3) For the active substances for which there is only a short period of advance notice for the withdrawal of plant

protection products containing such substances, it is reasonable to provide for a period of grace for disposal, storage, placing on the market and use of existing stocks for a period no longer than twelve months to allow existing stocks to be used in no more than one further growing. In cases where a longer advance notice period is provided, such period can be shortened to expire at the end of the growing season.

(4) For methabenzthiazuron information has been presented and evaluated by the Commission together with Member State experts which has shown a need for further use of the substance concerned. In such cases temporary measures should be provided for to enable the development of alternatives.

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

HAS ADOPTED THIS DECISION:

Article 1

Methabenzthiazuron shall not be included in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

(a) Authorisations for plant protection products containing methabenzthiazuron are withdrawn by 25 October 2006;

(b) From 26 April 2006 no authorisations for plant protection products containing methabenzthiazuron are granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 70, 9.3.2004, p. 32.

⁽³⁾ OJ L 224, 21.8.2002, p. 23. Regulation as amended by Commission Regulation (EC) No 1044/2003 of 18 June 2003 (OJ L 151, 19.6.2003, p. 32).

Article 3

1. By derogation from Article 2, a Member State listed in column B of the Annex may maintain authorisations for plant protection products containing substances listed in column A for uses listed in column C of that Annex until 30 June 2009 at the latest.

A Member State making use of the derogation provided for in the first subparagraph shall ensure that the following conditions are complied with:

- (a) the continued use is only accepted so far as it has no harmful effects on human or animal health and no unacceptable influence on the environment;
- (b) such plant protection products remaining on the market after 25 October 2006 are relabelled in order to match the restricted use conditions;
- (c) all appropriate risk mitigation measures are imposed to reduce any possible risks;
- (d) alternatives for such uses are being seriously sought.

2. The Member State concerned shall inform the Commission about the measures taken in application of

paragraph 1, and in particular about the actions taken pursuant to points (a) to (d), by 31 December of each year.

Article 4

Any period of grace granted by Member States in accordance with Article 4(6) of Directive 91/414/EEC, shall be as short as possible.

Where authorisations shall be withdrawn in accordance with Article 2 by 25 October 2006 at the latest, the period shall expire on 25 October 2007 at the latest.

Where authorisations shall be withdrawn in accordance with Article 3(1) by 30 June 2009 at the latest, the period shall expire on 31 December 2009 at the latest.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 25 April 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

List of authorisations referred to in Article 3(1)

Column A	Column B	Column C
Active substance	Member State	Use
Methabenzthiazuron	Belgium	Leek, peas
	France	Allium crops Forage grasses Leguminous crops

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

COUNCIL JOINT ACTION 2006/303/CFSP

of 25 April 2006

amending and extending Joint Action 2005/355/CFSP on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (DRC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

(1) On 2 May 2005 the Council adopted Joint Action 2005/355/CFSP on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (DRC) ⁽¹⁾ (EUSEC RD Congo) and, subsequently on 1 December 2005, adopted Joint Action 2005/868/CFSP amending Joint Action 2005/355/CFSP with regard to setting up a technical assistance project on improving the chain of payments of the Ministry of Defence in the DRC ⁽²⁾.

(2) The mandate of EUSEC RD Congo expires on 2 May 2006.

(3) The Political and Security Committee has agreed to the prolongation of the mandate of EUSEC RD Congo until the end of June 2007 and to the adaptation of the structure of the mission to the post transition phase in the DRC.

(4) Joint Action 2005/355/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2005/355/CFSP is hereby amended as follows:

1. point (b) in Article 3 shall be replaced by the following:

‘(b) experts assigned, *inter alia*, to the following key posts within the Congolese administration:

- the private office of the Minister for Defence,
- the combined general staff,
- the army general staff,
- the naval forces general staff, and
- the air force general staff.’;

2. in Article 15(1) the date of application shall be replaced by the following:

‘30 June 2007’.

Article 2

The financial reference amount to cover expenditure relating to the mission from 3 May 2006 to 30 June 2007 shall be EUR 4 750 000.

Article 3

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

Article 4

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

Done at Luxembourg, 25 April 2006.

For the Council
The President
J. PRÖLL

⁽¹⁾ OJ L 112, 3.5.2005, p. 20.

⁽²⁾ OJ L 318, 6.12.2005, p. 29.

COUNCIL JOINT ACTION 2006/304/CFSP**of 10 April 2006****on the establishment of an EU Planning Team (EUP T Kosovo) regarding a possible EU crisis management operation in the field of rule of law and possible other areas in Kosovo**

THE COUNCIL OF THE EUROPEAN UNION,

in close cooperation with the relevant partners and international organisations.

Having regard to the Treaty on European Union and, in particular Article 14 and the third subparagraph of Article 25 thereof,

Whereas:

- (1) Pursuant to United Nations Security Council Resolution (UNSCR) 1244, a process to determine the future status of Kosovo was launched at the beginning of November 2005 with the appointment of the UN Status Envoy, Mr Martti Ahtisaari. The success of this process is essential not only for providing a clearer perspective for the people of Kosovo but also for the overall stability of the region.
- (2) The United Nations will remain fully engaged in Kosovo until the end of UNSCR 1244. However, the UN has indicated that it will no longer take the lead in a post-Status presence. The EU has a vital interest in a positive result of this process, as well as the responsibility and the means to contribute to such an outcome. It is likely that the EU together with other partners will make a major contribution. The EU will thus have to undertake an important role in Kosovo in a complex environment. It could take on responsibility for significant operations, particularly in the police and rule of law area.
- (3) The Stabilisation and Association Process (hereinafter referred to as 'SAP') is the strategic framework for the EU's policy towards the Western Balkan region, and its instruments are open to Kosovo, including a European Partnership, political and technical dialogue under the SAP Tracking Mechanism, *inter alia*, regarding standards in the field of rule of law, and related Community assistance programmes.
- (4) In June 2005 the European Council stressed that Kosovo would, in the medium term, continue to need a civilian and military presence to ensure security and in particular protection for minorities, to help with the continuing implementation of standards and to exercise appropriate supervision of compliance with the provisions contained in the status agreement. In this respect, the European Council stressed the EU's willingness to play a full part,
- (5) On 7 November 2005 the Council welcomed Ambassador Kai Eide's Comprehensive Review of the situation in Kosovo and expressed its full support for the UN Secretary General's intention to start a political process to determine Kosovo's future status.
- (6) In view of the possibility of the EU enhancing its engagement in Kosovo, the Council on 7 November 2005 also invited the Secretary-General/High Representative (hereinafter referred to as 'SG/HR') together with the Commission to continue their work in identifying the possible future EU role and contribution, including in the areas of police, rule of law and the economy, and to submit joint proposals to the Council in the near future.
- (7) On 6 December 2005 the SG/HR and the Commission submitted their report on 'The Future EU Role and Contribution in Kosovo' to the Council. The report suggested an outline for the EU's future involvement in Kosovo. It stressed the desire to normalise the EU's relations with Kosovo as far as possible by using all the instruments available within the SAP. In addition it stressed the need to prepare for a future ESDP mission, including by creating and deploying a regular Planning Team soon enough to initiate EU planning for an integrated EU mission *inter alia* in the areas of rule of law and police.
- (8) On 12 December 2005 the Council reiterated its full support for the political process to determine Kosovo's future status and for Mr Martti Ahtisaari. It also reiterated its determination to participate fully in the definition of the status of Kosovo and its readiness to be closely involved in the negotiations and implementation of Kosovo's future status, through the EU representative to the Kosovo future status process. The Council stressed again the paramount importance of the ongoing implementation of standards now and in the future to help progress towards European standards. In particular, the Provisional Institutions of Self-Government need to make further progress on protection of minorities, full respect for the rule of law, a transparent public administration free from political interference, a climate conducive to returns, and the protection of cultural and religious sites.

- (9) On 12 December 2005 the Council also 'welcomed the joint report by the SG/HR and the Commission on the EU's future role and contribution in Kosovo. It asked the SG/HR and the Commission to continue the examination of these issues in coordination with other international actors, particularly in the areas of police and the rule of law (including contingency planning for a possible ESDP mission), economic development and fostering Kosovo's European perspective, and to keep the relevant Council bodies actively engaged in order to ensure continuing timely preparation of an EU role in Kosovo.'
- (10) A Joint Council-Commission Fact Finding Mission to Kosovo took place between 19 and 27 February 2006 regarding possible future ESDP and Community engagement in the broader field of the rule of law. In its report, the Fact Finding Mission, recommended, *inter alia*, that the EU establish a Planning Team tasked to ensure that EU decision-making could be based on a solid and well analysed basis that is in step with the future status process.
- (11) In a letter to the SG/HR on 4 April 2006, the UN SRSG Jessen-Petersen welcomed the EU's engagement in the discussions on the future international engagement in Kosovo and invited the EU to deploy an EU Planning Team for Kosovo (EUPK Kosovo) to Pristina.
- (12) During the Fact Finding Mission and other consultations with the EU, the Provisional Institutions of Self Government indicated that they would welcome an EU Planning Team tasked to take forward contingency planning for a possible ESDP mission in the field of rule of law.
- (13) The establishment of an EUPK Kosovo will not in any way or form prejudice the outcome of the Future Status process or any subsequent decision by the EU to launch an ESDP mission in Kosovo.
- (14) In accordance with the guidelines of the European Council meeting at Nice on 7 to 9 December 2000, this Joint Action should determine the role of the SG/HR, in accordance with Articles 18(3) and 26 of the Treaty.
- (15) Article 14(1) of the Treaty calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action. The indication of amounts to be financed by the general budget of the European Union illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year.
- (16) Recourse should be made to the extent possible to redeployment of equipment left over from other current or terminated EU operational activities, especially EUPOL PROXIMA, EUPAT and EUPM, taking into account operational needs and the principles of sound financial management.
- (17) The mandate of EUPK Kosovo will be implemented in the context of a situation where the rule of law is not fully secured and which could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Objective

1. The European Union hereby establishes a European Union Planning Team (EUPK Kosovo) regarding a possible EU crisis management operation in Kosovo.
2. The objective of the EUPK Kosovo shall be:
 - to initiate planning, including necessary procurement processes, to ensure a smooth transition between selected tasks of UNMIK and a possible EU crisis management operation, in the field of rule of law and other areas that might be identified by the Council in the context of the future status process,
 - to provide technical advice as necessary in order for the EU to contribute to support and maintain the dialogue with UNMIK as regards its plans for downsizing and transferral of competencies to the local institutions.

Article 2

Tasks

In carrying out its objective the EUPK Kosovo shall focus on the following tasks:

1. Initiating a dialogue with the international community, the Kosovo institutions and local stakeholders on their views and considerations regarding operational issues linked to future arrangements.
2. Following closely and analysing UNMIK planning towards the end of its mandate, and actively providing advice.

3. Initiating planning to allow the smooth transfer of authority from selected tasks of UNMIK to a future EU crisis management operation, in the field of rule of law and other areas that might be identified by the Council in the context of the future status process.
4. Initiating work on identifying possible elements for mandates, objectives, specific tasks and programmes and personnel strength for a possible EU crisis management operation, including a draft budget, which can be used as a basis for later decision making by the EU. In this context the EUPT Kosovo shall initiate reflections on the development of exit strategies.
5. Drafting and preparing all possible aspects of procurement requirements for the possible EU crisis management operation.
6. Ensuring appropriate logistical support for a possible EU crisis management operation, including through the establishment of a warehouse capacity enabling it to store, maintain and service equipment, including transferred from other present or former EU crisis management operation, where this will contribute to the overall effectiveness and efficiency of the possible EU crisis management operation.
7. Drafting and preparing threat and risk analysis, under the guidance of the EU SITCEN and the Council Security Office, for the various component parts of a possible EU crisis management operation in Kosovo and devising an indicative budget (drawing on the experience of OMIK and UNMIK) for the cost of security.
8. Contributing to a comprehensive and integrated EU approach, taking into account assistance in the police and judiciary area provided in the framework of the SAP.
9. In the context of contingency planning for a possible EU crisis management operation in Kosovo, exchanging, as appropriate, specific assistance with EU crisis management operations or Fact Finding/Preparatory missions for the establishment of EU crisis management operations. Such assistance shall be explicitly agreed upon by the Head of EUPT Kosovo and shall be for a limited period of time.

Article 3

Structure

1. EUPT Kosovo shall in principle be structured as follows:
 - an office of the Head of EUPT Kosovo,
 - a police team,
 - a justice team,
 - an administration team.

2. EUPT Kosovo shall establish:

- an office in Pristina,
- a coordinating office in Brussels.

Article 4

Head of the EUPT Kosovo and staff

1. The Head of the EUPT Kosovo shall be responsible for managing and coordinating EUPT Kosovo activities.
2. The Head of EUPT Kosovo shall assume the day-to-day management of EUPT Kosovo and shall be responsible for staff and disciplinary matters. For seconded personnel, disciplinary action shall be exercised by the national or EU authority concerned.
3. The Head of EUPT Kosovo shall sign a contract with the Commission.
4. EUPT Kosovo shall primarily consist of civilian staff seconded by Member States or EU Institutions. Each Member State or EU institution shall bear the costs related to any of the staff seconded by it including salaries, medical coverage, travel expenses to and from Kosovo, and allowances other than per diems.
5. EUPT Kosovo may also recruit international staff and local staff on a contractual basis, as required.
6. While remaining under the authority of their sending Member States or EU institutions, all staff in the EUPT Kosovo shall carry out their duties and act in the sole interest of the EU supporting action. All staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾ (hereinafter referred to as 'Council's security regulations').
7. EUPT Kosovo shall be deployed gradually beginning with a core team from the end of April 2006 with the intention of having the full team in place before 1 September 2006.

Article 5

Chain of command

1. The structure of EUPT Kosovo shall have a unified chain of command.
2. The PSC shall provide the political control and strategic direction to EUPT Kosovo.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2005/952/EC (OJ L 346, 29.12.2005, p. 18).

3. The SG/HR shall give guidance to the Head of EUPT Kosovo.

4. The Head of EUPT Kosovo shall lead EUPT Kosovo and assume its day-to-day management.

5. The Head of EUPT Kosovo shall report to the SG/HR.

Article 6

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of EUPT Kosovo.

2. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the Treaty. This authorisation shall include the powers to appoint a Head of EUPT Kosovo, upon a proposal from the SG/HR. The powers of decision with respect to the objectives and termination of EUPT Kosovo shall remain vested in the Council.

3. The PSC shall receive reports at regular intervals and may request specific reports by the Head of EUPT Kosovo on the implementation of the tasks mentioned in Article 2 and on the coordination with other actors referred to in Article 10. The PSC may invite the Head of EUPT Kosovo to its meetings, as appropriate.

4. The PSC shall report to the Council at regular intervals.

Article 7

Participation of third States

Without prejudice to the decision-making autonomy of the EU and its single institutional framework, acceding States shall be invited to contribute to EUPT Kosovo provided that they bear the cost of the staff seconded by them, including salaries, medical coverage, allowances, high-risk insurance and travel expenses to and from the mission area, and contribute to the running costs of EUPT Kosovo, as appropriate.

Article 8

Security

1. The Head of EUPT Kosovo shall be responsible for the security of EUPT Kosovo and shall, in consultation with the Security Office of the General Secretariat of the Council, be responsible for ensuring compliance with minimum security requirements applicable to the mission.

2. EUPT Kosovo shall have a dedicated Security Officer reporting to the Head of EUPT Kosovo.

Article 9

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to EUPT Kosovo shall be EUR 3 005 000.

2. The expenditure financed by the amount referred to in paragraph 1 shall be managed in accordance with the rules and procedures applicable to the general budget of the EU, with the exception that any pre-financing shall not remain the property of the Community.

3. The Head of EUPT Kosovo shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

4. The financial arrangements shall respect the operational requirements of EUPT Kosovo, including compatibility of equipment and interoperability of its teams.

5. Expenditure shall be eligible as from the date of entry into force of this Joint Action.

Article 10

Coordination with other actors

1. Close coordination between the EU and all relevant actors, including the UN/UNMIK, the OSCE, NATO/KFOR as well as other key actors such as the US and Russia, shall continue to ensure complementarity and synergy of the efforts of the international community. All EU Member States shall be kept fully informed on the coordination process.

2. In performing his duties the Head of EUPT Kosovo shall participate in the EU coordination mechanisms established in Pristina, Kosovo.

Article 11

Status of staff of EUPT Kosovo

1. Where required, the status of EUPT Kosovo staff in Kosovo, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUPT Kosovo shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty. The SG/HR assisting the Presidency may negotiate such an agreement on its behalf.

2. The Member State or EU institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The Member State or EU institution in question shall be responsible for bringing any action against the seconded.

3. The conditions of employment and the rights and obligations of international and local contracted staff shall be laid down in the contracts between the Head of EUPT Kosovo and the staff member.

Article 12

Community action

The Council and the Commission shall, each in accordance with its respective powers, ensure consistency between the implementation of this Joint Action and external activities of the Community in accordance with the second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end.

Article 13

Release of classified information

1. The SG/HR shall be authorised to release to NATO/KFOR EU classified information and documents up to the level 'CONFIDENTIEL UE' generated for the purposes of the action, in accordance with the Council's security regulations.

2. The SG/HR shall be authorised to release to the UN/UNMIK and the OSCE, in accordance with the operational needs of the EUPT Kosovo, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the action, in accordance with the Council's security regulations. Local arrangements shall be drawn up for this purpose.

3. The SG/HR shall be authorised to release to third parties associated with this Joint Action EU non-classified documents related to the deliberations of the Council with regard to the action covered by the obligation of professional secrecy

pursuant to Article 6(1) of Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure ⁽¹⁾.

Article 14

Review

By 31 October 2006 the Council shall evaluate whether the EUPT Kosovo should be continued after 31 December 2006, taking into account the necessity of a smooth transition to a possible EU crisis management operation in Kosovo.

Article 15

Entry into force and expiry

1. This Joint Action shall enter into force on the date of its adoption.

2. It shall expire on 31 December 2006.

Article 16

Publication

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

Done at Brussels, 10 April 2006.

For the Council
The President
U. PLASSNIK

⁽¹⁾ OJ L 106, 15.4.2004, p. 22. Decision as last amended by Decision 2006/34/EC, Euratom (OJ L 22, 26.1.2006, p. 32).