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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1195/2006**of 18 July 2006****amending Annex IV to Regulation (EC) No 850/2004 of the European Parliament and of the Council
on persistent organic pollutants****(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 850/2004⁽¹⁾, and in particular Article 7(4)(a) and Article 14(3) thereof,

Whereas:

(1) The Commission conducted a study on the implementation of waste-related provisions of Regulation (EC) No 850/2004.

(2) The proposed concentration limits in Annex IV to Regulation (EC) No 850/2004 are considered the most appropriate to ensure a high level of protection of human health and the environment in view of the destruction or irreversible transformation of the persistent organic pollutants.

(3) For toxaphene, a mixture of over 670 substances, no agreed and relevant analytical methodology to determine the total concentration is available. However, the above mentioned study did not identify any stocks consisting of, containing or contaminated with toxaphene in the European Union. In addition, the study demonstrated that, whenever any persistent organic pollutant pesticides were detected in wastes, their concentrations were usually high when compared with the proposed concentration limits. For the time being, the available analytical methodologies for the determination of toxaphene may be considered adequate for the purposes of this Regulation.

(4) The concentration limit for PCDF/PCDD is expressed in toxic equivalent concentration ("TEQ"), using the 1998 World Health Organisation toxic equivalency factors ("TEFs"). Available data on dioxin-like PCBs are not sufficient to include these compounds in the TEQ.

(5) Hexachlorocyclohexane (HCH) is the name of a technical mixture of various isomers. The effort to completely analyse them would be disproportionate. Only alpha-, beta- and gamma-HCH is of toxicological relevance. Therefore, the concentration limit exclusively refers to them. Most commercially available analytical standard mixtures for the analysis of this compound class only identify these isomers.

(6) Regulation (EC) No 850/2004 should therefore be amended accordingly.

(7) The Committee provided for in Article 17(1) of Regulation (EC) No 850/2004 has not delivered an opinion on the measures laid down in this Regulation, following its consultation, on 25 January 2006, in accordance with the procedure laid down in Article 17(2) of that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex IV to Regulation (EC) No 850/2004 shall be replaced by the text set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 158, 30.4.2004, p. 7. Corrected version in OJ L 229, 29.6.2004, p. 5.

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

Done at Brussels, 18 July 2006.

For the Council
The President
J. KORKEAOJA

ANNEX

'ANNEX IV

List of substances subject to waste management provisions set out in article 7

Substance	CAS No	EC No	Concentration limit referred to in Article 7(4)(a)
Aldrin	309-00-2	206-215-8	50 mg/kg
Chlordane	57-74-9	200-349-0	50 mg/kg
Dieldrin	60-57-1	200-484-5	50 mg/kg
Endrin	72-20-8	200-775-7	50 mg/kg
Heptachlor	76-44-8	200-962-3	50 mg/kg
Hexachlorobenzene	118-74-1	200-273-9	50 mg/kg
Mirex	2385-85-5	219-196-6	50 mg/kg
Toxaphene	8001-35-2	232-283-3	50 mg/kg
Polychlorinated Biphenyls (PCB)	1336-36-3 and others	215-648-1	50 mg/kg (*)
DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl) ethane)	50-29-3	200-024-3	50 mg/kg
Chlordecone	143-50-0	205-601-3	50 mg/kg
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)			15 µg/kg (**)
The sum of alpha, beta- and gamma-HCH	58-89-9, 319-84-6, 319-85-7	206-270-8, 206-271-3 and 200-401-2	50 mg/kg
Hexabromobiphenyl	36355-01-8	252-994-2	50 mg/kg

(*) Where applicable, the calculation method laid down in European standards EN 12766-1 and EN 12766-2 shall be applied.

(**) The limit is calculated as PCDD and PCDF according to the following toxic equivalency factors (TEFs):

	TEF
PCDD	
2,3,7,8-TeCDD	1
1,2,3,7,8-PeCDD	1
1,2,3,4,7,8-HxCDD	0,1
1,2,3,6,7,8-HxCDD	0,1
1,2,3,7,8,9-HxCDD	0,1
1,2,3,4,6,7,8-HpCDD	0,01
OCDD	0,0001
PCDF	
2,3,7,8-TeCDF	0,1
1,2,3,7,8-PeCDF	0,05
2,3,4,7,8-PeCDF	0,5
1,2,3,4,7,8-HxCDF	0,1
1,2,3,6,7,8-HxCDF	0,1
1,2,3,7,8,9-HxCDF	0,1
2,3,4,6,7,8-HxCDF	0,1
1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,4,7,8,9-HpCDF	0,01
OCDF	0,0001'

COMMISSION REGULATION (EC) No 1196/2006**of 7 August 2006****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 August 2006.

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

Done at Brussels, 7 August 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 7 August 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	44,8
	999	44,8
0707 00 05	052	78,3
	999	78,3
0709 90 70	052	69,2
	999	69,2
0805 50 10	052	63,2
	388	73,4
	524	49,4
	528	42,0
	999	57,0
0806 10 10	052	100,5
	204	143,0
	220	164,3
	508	23,9
	999	107,9
0808 10 80	388	88,7
	400	91,6
	508	84,1
	512	85,2
	528	65,0
	720	81,3
	804	99,1
0808 20 50	999	85,0
	052	130,9
	388	96,1
	512	83,4
	528	73,7
	720	31,1
	804	186,4
0809 20 95	999	100,3
	052	215,8
	400	314,6
	404	365,2
0809 30 10, 0809 30 90	999	298,5
	052	136,0
0809 40 05	999	136,0
	068	110,8
	093	50,3
	098	53,9
	624	124,4
	999	84,9

⁽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 1197/2006**of 7 August 2006****amending Regulation (EEC) No 2967/85 laying down detailed rules for the application of the Community scale for grading pig carcasses**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(4) Regulation (EEC) No 2967/85 should therefore be amended accordingly.

Having regard to the Treaty establishing the European Community,

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

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 Articles 2 and 4(6) thereof,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽²⁾, and in particular Article 5(1) thereof,

Article 1

Regulation (EEC) No 2967/85 is amended as follows:

Whereas:

1. In Article 3, paragraphs 1 and 2 are replaced by the following:

(1) Commission Regulation (EEC) No 2967/85 ⁽³⁾ lays down detailed rules for the application of the Community scale for grading pig carcasses, and in particular the method for assessing the lean meat content of pig carcasses.

‘1. The standard statistical method for assessing the lean meat content of pig carcasses authorised as a grading method within the meaning of Article 2(3) of Regulation (EEC) No 3220/84 shall be either ordinary least squares or rank reduced methods, but other statistically proven methods may be used.

(2) The results of recent research regarding the grading of pig carcasses, in particular in the framework of the EUPIGCLASS project, have underlined the importance to improve the quality of sampling and to simplify the method for assessing the lean meat content of pig carcasses.

The method shall be based on a representative sample of the national or regional pigmeat production concerned, consisting of at least 120 carcasses whose lean meat content has been ascertained in accordance with the dissection method laid down in Annex I to this Regulation. If multiple sampling methods are used, the reference shall be measured on at least 50 carcasses and the precision shall be at least equal to that obtained using the standard statistical method on 120 carcasses using the method in Annex I.

(3) The method for assessing the lean meat content of pig carcasses and the calculation of the reference lean meat percentage laid down in Regulation (EEC) No 2967/85 should therefore be adapted.

2. Grading methods shall be authorised only if the root mean squared error of prediction (RMSEP), computed by a full cross-validation technique, is less than 2.5. In addition, any outliers shall be included in the calculation of RMSEP.’.

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

⁽²⁾ OJ L 301, 20.11.1984, p. 1. Regulation last amended by Regulation (EC) No 3513/93 (OJ L 320, 22.12.1993, p. 5).

⁽³⁾ OJ L 285, 25.10.1985, p. 39. Regulation amended by Regulation (EC) No 3127/94 (OJ L 330, 21.12.1994, p. 43).

2. in Annex I, point 2 is replaced by the following:

‘2. The reference lean meat percentage is calculated as follows:

$$y = 0,89 \times 100 \times \frac{\text{Weight of tender loin + weight of lean (fascia included) in shoulder, loin, ham and belly}}{\text{Weight of tender loin + weight of dissected cuts}}$$

The weight of the lean in those four cuts will be calculated by subtracting the total of the non-lean elements of the four cuts from the total weight of the cuts before dissection.’

Article 2

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

It shall apply to grading methods for which authorisation is requested, as provided in Article 3(3) of Regulation (EEC) No 2967/85, as from 1 July 2006.

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

Done at Brussels, 7 August 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COUNCIL DIRECTIVE 2006/67/EC**of 24 July 2006****imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products****(Codified version)****(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Whereas:

(1) Council Directive 68/414/EEC of 20 December 1968 imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.

(2) Imported crude oil and petroleum products are of importance in providing the Community with supplies of energy. Any difficulty, even temporary, having the effect of reducing supplies of such products imported from third States, or significantly increasing the price thereof on international markets, could cause serious disturbances in the economic activity of the Community. The Community must therefore be in a position to offset or at least to diminish any harmful effects in such a case.

(3) A crisis in obtaining supplies could occur unexpectedly and it is therefore essential to establish forthwith the necessary means to make good a possible shortage.

(4) To this end, it is necessary to increase the security of supply for crude oil and petroleum products in Member States by establishing and maintaining minimum stocks of the most important petroleum products.

(5) It is necessary that the organisational arrangements for oil stocks do not prejudice the smooth running of the internal market.

(6) In Directive 73/238/EEC ⁽⁵⁾ the Council decided upon appropriate measures — including drawing on oil stocks — to be taken in the event of difficulties in the supply of crude oil and petroleum products to the Community; Member States have undertaken similar obligations in the Agreement on an 'International Energy Programme'.

(7) It is necessary that stocks be at the disposal of Member States should difficulties in oil supply arise. Member States should possess the powers and the capacity to control the use of stocks so that they can be made available promptly for the benefit of the areas which most need oil supplies.

(8) Organisational arrangements for the maintenance of stocks should ensure the stocks' availability and their accessibility to the consumer.

(9) It is appropriate that organisational arrangements for the maintenance of stocks are transparent, ensuring a fair and non-discriminatory sharing of the burden of the stock-holding obligation. Therefore, information relating to the cost of holding oil stocks may be made available by Member States to interested parties.

(10) In order to organise the maintenance of stocks, Member States may have recourse to a system based on a stock-holding body or entity which will hold all, or part, of the stocks making up their stock-holding obligation. The balance, if any, should be maintained by refiners and other market operators. Partnership between the Government and the industry is essential to operate efficient and reliable stock-holding mechanisms.

⁽¹⁾ OJ C 226 E, 15.9.2005, p. 44.

⁽²⁾ OJ C 112, 30.4.2004, p. 39.

⁽³⁾ OJ L 308, 23.12.1968, p. 14. Directive as last amended by Directive 98/93/EC (OJ L 358, 31.12.1998, p. 100).

⁽⁴⁾ See Annex I, Part A.

⁽⁵⁾ OJ L 228, 16.8.1973, p. 1.

- (11) Indigenous production contributes in itself to security of supply. The oil market evolution can justify an appropriate derogation from the obligation to maintain oil stocks for Member States with indigenous oil production. In accordance with the principle of subsidiarity, Member States may exempt undertakings from the obligation to maintain stocks in respect of an amount not exceeding the quantity of products which those undertakings manufacture from indigenously produced crude oil.
- (12) It is appropriate to adopt approaches which are already followed by the Community and the Member States within their international obligations and agreements. Owing to changes in the pattern of oil consumption, international aviation bunkers have become an important component of this consumption.
- (13) There is a need to adapt and simplify the Community statistical reporting mechanism concerning oil stocks.
- (14) Oil stocks can, in principle, be held anywhere in the Community and, therefore, it is appropriate to facilitate the establishment of stocks outside national territory. It is necessary that decisions for holding stocks outside national territory be taken by the Government of the Member State concerned according to its needs and supply security considerations. In the case of stocks held at the disposal of another undertaking, or body/entity, more detailed rules are needed to guarantee their availability and accessibility in the event of oil supply difficulties.
- (15) It is desirable, in order to ensure the smooth running of the internal market, to promote the use of agreements between Member States concerning minimum stock-holding in order to further the use of storage facilities in other Member States. It is for the Member States concerned to take the decision to conclude such agreements.
- (16) It is appropriate to reinforce the administrative supervision of stocks and establish efficient mechanisms for the control and verification of stocks. A regime of sanctions is necessary to impose such a control.
- (17) The Council should be regularly informed on the state of the security stocks in the Community.
- (18) Since the objective of the action to be taken, namely the maintenance of a high level of security in the supply of crude oil within the Community, by means of reliable and transparent arrangements based on solidarity between Member States, while complying with the rules of the internal market and the competition rules, may be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In

accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

- (19) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex I, Part B,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall adopt such laws, regulations or administrative provisions as may be appropriate in order to maintain within the Community at all times, subject to the provisions of Article 10, their stocks of petroleum products at a level corresponding, for each of the categories of petroleum products listed in Article 2, to at least 90 days average daily internal consumption in the preceding calendar year referred to in Article 4(2).

2. That part of internal consumption met by derivatives of petroleum produced indigenously by the Member State concerned may be deducted up to a maximum of 25 % of the said consumption. The domestic distribution of the result of such a deduction shall be decided by the Member State concerned.

Article 2

The following categories of product shall be taken into account in calculating internal consumption:

- (a) motor spirit and aviation fuel (aviation spirit and jet-fuel of the gasoline type);
- (b) gas oil, diesel oil, kerosene and jet-fuel of the kerosene type;
- (c) fuel oils.

Bunker supplies for sea-going vessels shall not be included in the calculation of internal consumption.

Article 3

1. Stocks maintained in accordance with Article 1 shall be fully at the disposal of Member States should difficulties arise in obtaining oil supplies. Member States shall ensure that they have the legal powers to control the use of stocks in such circumstances.

At all other times, Member States shall ensure the availability and accessibility of these stocks. They shall establish arrangements allowing for the identification, accounting and control of the stocks.

2. Member States shall ensure that fair and non-discriminatory conditions apply in their stock-holding arrangements.

The cost burden resulting from the maintenance of stocks in accordance with Article 1 shall be identified by transparent arrangements. In this context, Member States may adopt measures to obtain appropriate information regarding the cost burden of stock-holding in accordance with Article 1 and to make such information available to interested parties.

3. To fulfil the requirements of paragraphs 1 and 2, Member States may decide to have recourse to a stock-holding body or entity which will be responsible for holding all or part of the stocks.

Two or more Member States may decide to have recourse to a joint stock-holding body or entity. In that case they shall be jointly responsible for the obligations deriving from this Directive.

Article 4

1. Member States shall submit to the Commission a statistical summary showing stocks existing at the end of each month, drawn up in accordance with Article 5(2) and (3) and Article 6 and specifying the number of days of average consumption in the preceding calendar year which those stocks represent. This summary shall be submitted at the latest by the 25th day of the second month after the month to be reported.

2. A Member State's stock-holding obligation shall be based on the previous calendar year's internal consumption. At the beginning of each calendar year, Member States shall recalculate their stock-holding obligation at the latest by 31 March in each year and ensure that they comply with their new obligations as soon as possible and, in any event, at the latest by 31 July in each year.

3. In the statistical summary, stocks of jet-fuel of the kerosene type shall be reported separately under the category referred to in point (b) of Article 2.

Article 5

1. Stocks required to be maintained by Article 1 may be maintained in the form of crude oil and intermediate products, as well as in the form of finished products.

2. In the statistical summary of stocks existing at the end of each month:

- (a) finished products shall be accounted for according to their actual tonnage;
- (b) crude oil and intermediate products shall be accounted for:
 - (i) in the proportions of the quantities for each category of product obtained during the preceding calendar year from the refineries of the Member State concerned; or
 - (ii) on the basis of the production programmes of the refineries of the Member State concerned for the current year; or
 - (iii) on the basis of the ratio between the total quantity manufactured during the preceding calendar year in the Member State concerned of products covered by the obligation to maintain stocks and the total amount of crude oil used during that year, up to a maximum of 40 % of the total obligation for the first and second categories (petrol and gas oils), and up to a maximum of 50 % for the third category (fuel oils).

3. Blending components, when intended for processing into the finished products listed in Article 2, may be substituted for the products for which they are intended.

Article 6

1. When the level of minimum stocks provided for in Article 1 is calculated, only those quantities which would be held in accordance with Article 3(1) shall be included in the statistical summary.

2. Subject to the provisions of paragraph 1, the following may be included in the stocks:

- (a) supplies on board oil tankers in port for the purpose of discharging, once the port formalities have been completed;
- (b) supplies held in ports of discharge;
- (c) supplies held in tanks at the entry to oil pipelines;

- (d) supplies held in refinery tanks, excluding those supplies in pipes and refining plant;
- (e) supplies held in storage by refineries and by importing, storage or wholesale distribution firms;
- (f) supplies held in storage by large-scale consumers in compliance with the provisions of national law concerning the obligation to maintain permanent stocks;
- (g) supplies held in barges and coasting-vessels engaging in transport within national frontiers, on condition that it is possible for the competent authorities to keep a check on such supplies and provided that the supplies can be made available immediately.

3. The following shall, in particular, be excluded from the statistical summary: indigenous crude oil not yet extracted; supplies intended for the bunkers of sea-going vessels; supplies in direct transit apart from the stocks referred to in Article 7(1); supplies in pipelines, in road tankers and rail tank-wagons, in the storage tanks of retail outlets, and those held by small consumers.

Quantities held by the armed forces and those held for them by the oil companies shall also be excluded from the statistical summary.

Article 7

1. For the purposes of implementing this Directive, stocks may be established, under agreements between Governments, within the territory of a Member State for the account of undertakings, or bodies/entities, established in another Member State. It is for the Government of the Member State concerned to decide whether to hold a part of its stocks outside its national territory.

The Member State on whose territory the stocks are held under the framework of such an agreement shall not oppose the transfer of these stocks to the other Member States for the account of which stocks are held under that agreement; it shall keep a check on such stocks in accordance with the procedures specified in that agreement but shall not include them in its statistical summary. The Member State on whose behalf the stocks are held may include them in its statistical summary.

Together with the statistical summary, each Member State shall send a report to the Commission concerning the stocks maintained within its own territory for the benefit of another Member State, as well as the stocks held in other Member States for its own benefit. In both cases, the storage locations

and/or companies holding the stocks, quantities and product category — or crude oil — stored will be indicated in the report.

2. Drafts of the agreements mentioned in the first subparagraph of paragraph 1 shall be sent to the Commission, which may make its comments known to the Governments concerned. The agreements, once concluded, shall be notified to the Commission, which shall make them known to the other Member States.

Agreements shall satisfy the following conditions:

- (a) they must relate to crude oil and to all petroleum products covered by this Directive;
- (b) they must lay down conditions and arrangements for the maintenance of stocks with the aim of safeguarding control and availability of these stocks;
- (c) they must specify the procedures for checking and identifying the stocks provided for, *inter alia*, the methods for carrying out and cooperating on inspections;
- (d) they must as a general rule be concluded for an unlimited period;
- (e) they must state that, where provision is made for unilateral termination, the latter shall not operate in the event of a supply crisis and that, in any event, the Commission shall receive prior information of any termination.

3. When stocks established under such agreements are not owned by the undertaking, or body/entity, which has an obligation to hold stocks, but are held at the disposal of this undertaking, or body/entity, by another undertaking, or body/entity, the following conditions shall be met:

- (a) the beneficiary undertaking, or body/entity, must have the contractual right to acquire these stocks throughout the period of the contract; the methodology for establishing the price of such acquisition must be agreed between the parties concerned;
- (b) the minimum period of such a contract must be 90 days;
- (c) storage location and/or companies holding the stocks at the disposal of the beneficiary undertaking, or body/entity, as well as quantity and category of product, or crude oil, stored in that location must be specified;

- (d) the actual availability of the stocks for the beneficiary undertaking, or body/entity, must be guaranteed, at all times throughout the period of the contract, by the undertaking or body/entity holding the stocks at the disposal of the beneficiary undertaking, or body/entity;
- (e) the undertaking, or body/entity, holding the stocks at the disposal of the beneficiary undertaking, or body/entity, must be one which is subject to the jurisdiction of the Member State on whose territory the stocks are situated insofar as the legal powers of that Member State to control and verify the existence of the stocks are concerned.

Article 8

Member States shall adopt all the necessary provisions and take all the necessary measures to ensure control and supervision of stocks. They shall put in place mechanisms to verify the stocks according to the provisions of this Directive.

Article 9

Member States shall determine the penalties applicable to breaches of the national provisions adopted pursuant to this Directive and shall take any measure necessary to ensure the implementation of these provisions. The penalties shall be effective, proportionate and dissuasive.

Article 10

1. If difficulties arise with regard to Community oil supplies, the Commission shall, at the request of any Member State or on its own initiative, arrange a consultation between the Member States.

2. Save in cases of particular urgency or in order to meet minor local needs, Member States shall refrain, prior to the consultation provided for in paragraph 1, from drawing on their stocks to any extent which would reduce those stocks to below the compulsory minimum level.

3. Member States shall inform the Commission of any withdrawals from their reserve stocks and shall communicate as soon as possible:

- (a) the date upon which stocks fell below the compulsory minimum;

- (b) the reasons for such withdrawals;
- (c) the measures, if any, taken to replenish stocks;
- (d) an appraisal, if possible, of the probable development of the situation with regard to the stocks while they remain below the compulsory minimum.

Article 11

The Commission shall submit regularly to the Council a report on the situation concerning stocks in the Community, including if appropriate on the need for harmonisation in order to ensure effective control and supervision of stocks.

Article 12

Directive 68/414/EEC shall be repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and implementation of the Directives set out in Annex I, Part B.

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

Article 13

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

Article 14

This Directive is addressed to the Member States.

Done at Brussels, 24 July 2006.

For the Council
The President
M. PEKKARINEN

ANNEX I

PART A

Repealed Directive with its amending acts

Council Directive 68/414/EEC	(OJ L 308, 23.12.1968, p. 14)
Council Directive 72/425/EEC	(OJ L 291, 28.12.1972, p. 154)
Council Directive 98/93/EC	(OJ L 358, 31.12.1998, p. 100)

PART B

**List of time-limits for transposition into national law
(referred to in Article 12)**

Directives	Time-limit for transposition	Date of application
68/414/EEC	1 January 1971	1 January 1971
98/93/EC	1 January 2000 ⁽¹⁾	

⁽¹⁾ 1 January 2003 for the Hellenic Republic as regards the obligations of Directive 98/93/EC in relation to the inclusion of bunker supplies for international aviation in the calculation of internal consumption. See Article 4 of Directive 98/93/EC.

ANNEX II

Correlation table

Directive 68/414/EEC	This Directive
Article 1	Article 1
Article 2, first paragraph, introductory wording	Article 2, first subparagraph, introductory wording
Article 2, first paragraph, first indent	Article 2, first subparagraph, point (a)
Article 2, first paragraph, second indent	Article 2, first subparagraph, point (b)
Article 2, first paragraph, third indent	Article 2, first subparagraph, point (c)
Article 2, second paragraph	Article 2, second subparagraph
Article 3	Article 3
Article 4, first paragraph	Article 4(1)
Article 4, second paragraph	Article 4(2)
Article 4, third paragraph	Article 4(3)
Article 5, first paragraph	Article 5(1)
Article 5, second paragraph, introductory wording, first part of sentence	Article 5(2), introductory wording
Article 5, second paragraph, introductory wording, second part of sentence	Article 5(2)(a)
Article 5, second paragraph, introductory wording, third part of sentence	Article 5(2)(b) introductory wording
Article 5, second paragraph, first indent	Article 5(2)(b)(i)
Article 5, second paragraph, second indent	Article 5(2)(b)(ii)
Article 5, second paragraph, third indent	Article 5(2)(b)(iii)
Article 5, third paragraph	Article 5(3)
Article 6(1)	Article 6(1)
Article 6(2), first subparagraph	Article 7(1), first subparagraph
Article 6(2), second subparagraph	Article 7(1), second subparagraph
Article 6(2), third subparagraph	Article 7(1), third subparagraph
Article 6(2), fourth subparagraph	Article 7(2), first subparagraph
Article 6(2), fifth subparagraph, introductory wording	Article 7(2), second subparagraph, introductory wording
Article 6(2), fifth subparagraph, first indent	Article 7(2), second subparagraph, point (a)
Article 6(2), fifth subparagraph, second indent	Article 7(2), second subparagraph, point (b)
Article 6(2), fifth subparagraph, third indent	Article 7(2), second subparagraph, point (c)
Article 6(2), fifth subparagraph, fourth indent	Article 7(2), second subparagraph, point (d)
Article 6(2), fifth subparagraph, fifth indent	Article 7(2), second subparagraph, point (e)
Article 6(2), sixth subparagraph, introductory wording	Article 7(3), introductory wording

Directive 68/414/EEC	This Directive
Article 6(2), sixth subparagraph, first indent	Article 7(3)(a)
Article 6(2), sixth subparagraph, second indent	Article 7(3)(b)
Article 6(2), sixth subparagraph, third indent	Article 7(3)(c)
Article 6(2), sixth subparagraph, fourth indent	Article 7(3)(d)
Article 6(2), sixth subparagraph, fifth indent	Article 7(3)(e)
Article 6(3), first subparagraph, introductory wording	Article 6(2), introductory wording
Article 6(3), first subparagraph, first indent	Article 6(2)(a)
Article 6(3), first subparagraph, second indent	Article 6(2)(b)
Article 6(3), first subparagraph, third indent	Article 6(2)(c)
Article 6(3), first subparagraph, fourth indent	Article 6(2)(d)
Article 6(3), first subparagraph, fifth indent	Article 6(2)(e)
Article 6(3), first subparagraph, sixth indent	Article 6(2)(f)
Article 6(3), first subparagraph, seventh indent	Article 6(2)(g)
Article 6(3), second subparagraph, first sentence	Article 6(3), first subparagraph
Article 6(3), second subparagraph, second sentence	Article 6(3), second subparagraph
Article 6a	Article 8
Article 6b	Article 9
Article 7, first paragraph	Article 10(1)
Article 7, second paragraph	Article 10(2)
Article 7, third paragraph, introductory wording	Article 10(3), introductory wording
Article 7, third paragraph, first indent	Article 10(3)(a)
Article 7, third paragraph, second indent	Article 10(3)(b)
Article 7, third paragraph, third indent	Article 10(3)(c)
Article 7, third paragraph, fourth indent	Article 10(3)(d)
Article 8	—
—	Article 11
—	Article 12
—	Article 13
Article 9	Article 14
—	Annex I
—	Annex II

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 9 June 2006

on the signing and provisional application of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on certain aspects of air services

(2006/550/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2), in conjunction with Article 300(2), first sentence of the first subparagraph thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Council has authorised the Commission on 5 June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.
- (2) The Commission has negotiated on behalf of the Community an agreement with the former Yugoslav Republic of Macedonia on certain aspects of air services, hereinafter referred to as 'the Agreement', in accordance with the mechanisms and directives in the Annex to the Council's decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.
- (3) The Agreement should be signed and provisionally applied subject to its conclusion at a later date,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Agreement between the European Community and the former Yugoslav Republic of Macedonia

on certain aspects of air services is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community subject to its conclusion.

Article 3

Pending its entry into force, the Agreement shall be applied provisionally from the first day of the first month following the date on which the Parties have notified each other of the completion of the necessary procedures for this purpose.

Article 4

The President of the Council is hereby authorised to make the notification provided in Article 8(2) of the Agreement.

Done at Luxembourg, 9 June 2006.

For the Council

The President

H. GORBACH

AGREEMENT**between the European Community and the former Yugoslav Republic of Macedonia on certain aspects of air services**

THE EUROPEAN COMMUNITY,

of the one part, and

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA,

of the other part

(hereinafter referred to as the Parties),

NOTING that bilateral air service agreements have been concluded between several Member States of the European Community and the former Yugoslav Republic of Macedonia containing provisions contrary to European Community law,

NOTING that the European Community has exclusive competence with respect to several aspects that may be included in bilateral air service agreements between Member States of the European Community and third countries,

NOTING that under European Community law Community air carriers established in a Member State have the right to non-discriminatory access to air routes between the Member States of the European Community and third countries,

HAVING REGARD to the agreements between the European Community and certain third countries providing for the possibility for the nationals of such third countries to acquire ownership in air carriers licensed in accordance with European Community law,

RECOGNISING that provisions of the bilateral air service agreements between Member States of the European Community and the former Yugoslav Republic of Macedonia, which are contrary to European Community law, must be brought into conformity with it in order to establish a sound legal basis for air services between the European Community and the former Yugoslav Republic of Macedonia and to preserve the continuity of such air services,

NOTING that it is not a purpose of the European Community, as part of these negotiations, to increase the total volume of air traffic between the European Community and the former Yugoslav Republic of Macedonia, to affect the balance between Community air carriers and air carriers of the former Yugoslav Republic of Macedonia, or to negotiate amendments to the provisions of existing bilateral air service agreements concerning traffic rights,

HAVE AGREED AS FOLLOWS:

*Article 1***General provisions**

1. For the purposes of this Agreement, 'Member States' shall mean Member States of the European Community.

2. References in each of the Agreements listed in Annex I to nationals of the Member State that is a party to that Agreement shall be understood as referring to nationals of the Member States of the European Community.

3. References in each of the Agreements listed in Annex I to air carriers or airlines of the Member State that is a party to that

Agreement shall be understood as referring to air carriers or airlines designated by that Member State.

*Article 2***Designation by a Member State**

1. The provisions in paragraphs 2 and 3 of this Article shall supersede the corresponding provisions in the articles listed in Annex II(a) and (b) respectively, in relation to the designation of an air carrier by the Member State concerned, its authorisations and permissions granted by the former Yugoslav Republic of Macedonia, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.

2. On receipt of a designation by a Member State, the former Yugoslav Republic of Macedonia shall grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

- (i) the air carrier is established, under the Treaty establishing the European Community, in the territory of the designating Member State and has a valid Operating Licence in accordance with European Community law;
 - (ii) effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its Air Operators' Certificate and the relevant aeronautical authority is clearly identified in the designation; and
 - (iii) the air carrier is owned and shall continue to be owned directly or through majority ownership by Member States and/or nationals of Member States, and/or by other States listed in Annex III and/or nationals of such other States, and shall at all times be effectively controlled by such States and/or such nationals.
3. The former Yugoslav Republic of Macedonia may refuse, revoke, suspend or limit the authorisations or permissions of an air carrier designated by a Member State where:
- (i) the air carrier is not established, under the Treaty establishing the European Community, in the territory of the designating Member State or does not have a valid Operating Licence in accordance with European Community law;
 - (ii) effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its Air Operators' Certificate, or the relevant aeronautical authority is not clearly identified in the designation; or
 - (iii) the air carrier is not owned, directly or through majority ownership, or it is not effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex III and/or nationals of such other States.

In exercising its right under this paragraph, the former Yugoslav Republic of Macedonia shall not discriminate between Community air carriers on the grounds of nationality.

Article 3

Rights with regard to regulatory control

1. The provisions in paragraph 2 of this Article shall complement the Articles listed in Annex II(c).

2. Where a Member State has designated an air carrier whose regulatory control is exercised and maintained by another Member State, the rights of the former Yugoslav Republic of Macedonia under the safety provisions of the Agreement between the Member State that has designated the air carrier and the former Yugoslav Republic of Macedonia shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that other Member State and in respect of the operating authorisation of that air carrier.

Article 4

Taxation of aviation fuel

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the Articles listed in Annex II(d).

2. Notwithstanding any other provision to the contrary, nothing in each of the Agreements listed in Annex II(d) shall prevent a Member State from imposing taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of the former Yugoslav Republic of Macedonia that operates between a point in the territory of that Member State and another point in the territory of that Member State or in the territory of another Member State.

Article 5

Tariffs for carriage within the European Community

1. The provisions in paragraph 2 of this Article shall complement the articles listed in Annex II(e).

2. The tariffs to be charged by the air carrier(s) designated by the former Yugoslav Republic of Macedonia under an Agreement listed in Annex I containing a provision listed in Annex II(e) for carriage wholly within the European Community shall be subject to European Community law.

Article 6

Annexes to the Agreement

The Annexes to this Agreement shall form an integral part thereof.

Article 7

Revision or amendment

The Parties may, at any time, revise or amend this Agreement by mutual consent.

*Article 8***Entry into force and provisional application**

1. This Agreement shall enter in force when the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.

2. Notwithstanding paragraph 1, the Parties agree to provisionally apply this Agreement from the first day of the month following the date on which the Parties have notified each other of the completion of the procedures necessary for this purpose.

3. Agreements and other arrangements between Member States and the former Yugoslav Republic of Macedonia which,

at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally are listed in Annex I(b). This Agreement shall apply to all such Agreements and arrangements upon their entry into force or provisional application.

*Article 9***Termination**

1. In the event that an Agreement listed in Annex I is terminated, all provisions of this Agreement that relate to the Agreement listed in Annex I concerned shall terminate at the same time.

2. In the event that all Agreements listed in Annex I are terminated, this Agreement shall terminate at the same time.

IN WITNESS WHEREOF, the undersigned, being duly authorised, have signed this Agreement.

Done at Luxembourg in duplicate, on this ninth day of June, in the year two thousand and six, in each of the official languages of the Parties.

**THE COUNCIL OF THE EUROPEAN UNION
AND THE EUROPEAN COMMISSION**

Luxembourg, 9 June 2006

Mr. Xhemali MEHAZI,
Minister of Transport and Communications
of the former Yugoslav Republic of Macedonia.

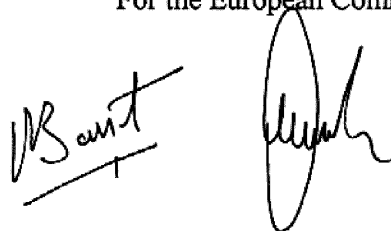
Dear Sir,

We have the honour to propose that, if it is acceptable to your Government, this letter and your confirmation shall together take the place of signature of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on certain aspects of air services.

The text of the aforementioned Agreement, herewith annexed, has been approved for signature and provisional application by a decision of the Council of the European Union. This letter constitutes the notification, on behalf of the European Community, of the completion of the procedures necessary for provisional application of the Agreement in accordance with its Article 8.2. Therefore, this Agreement shall apply provisionally on the first day of the month following the date on which the Council receives your notification of the completion of the procedures necessary for this purpose.

Please accept, Sir, the assurance of our highest consideration.

For the European Community



**REPUBLIC OF MACEDONIA
MINISTRY OF TRANSPORT AND COMMUNICATIONS**

Luxembourg, 9 June 2006

Dear Sirs,

I have the honor to acknowledge receipt of your letter dated 9 June 2006 regarding the signature of the Agreement between the Republic of Macedonia and the European Community on certain aspects of air services.

I confirm the acceptance of my Government that this letter and your letter shall together take place of signature of this Agreement.

However, I declare that the Republic of Macedonia does not accept the denomination used for my country in the above-mentioned Agreement having in view that the constitutional name of my country is the Republic of Macedonia.

Please accept, Sirs, the assurances of my highest consideration.

Xhemali MEHAZI

**Minister of Transport
and Communications**



EUROPEAN COMMUNITY

BRUSSELS

**THE COUNCIL OF THE EUROPEAN UNION
AND THE EUROPEAN COMMISSION**

Luxembourg, 9 June 2006

Mr. Xhemali MEHAZI,
Minister of Transport and Communications
of the former Yugoslav Republic of Macedonia.

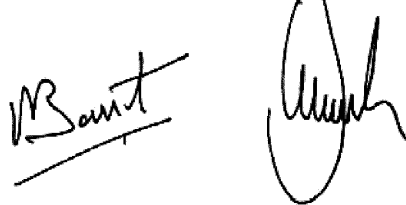
Dear Sir,

We have the honour to acknowledge receipt of your letter of today's date.

The European Community notes that the Exchange of Letters between the European Community and the Former Yugoslav Republic of Macedonia, which takes the place of signature of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on certain aspects of air services, has been accomplished and that this cannot be interpreted as acceptance or recognition by the European Community in whatever form or content of a denomination other than the "former Yugoslav Republic of Macedonia".

Please accept, Sir, the assurance of our highest consideration.

For the European Community



ANNEX I

List of agreements referred to in Article 1 of this Agreement

- (a) Air service agreements between the former Yugoslav Republic of Macedonia and Member States of the European Community which, at the date of signature of this Agreement, have been concluded, signed and/or are being applied provisionally

— 'Air Transport Agreement between the Austrian Federal Government and the Macedonian Government', signed at Graz on 8 November 1996 (hereinafter referred to as the Agreement with Austria),

— 'Agreement between the Belgian Government and the Macedonian Government relating to Air Transport' signed at Brussels on 22 October 1998 (hereinafter referred to as the Agreement with Belgium),

To be read together with the Memorandum of Understanding done at Brussels on 5 October 1998.

— 'Air Transport Agreement between the Czechoslovak Republic and the Federative People's Republic of Yugoslavia', signed at Belgrade on 28 February 1956 (hereinafter referred to as the Agreement with the Czech Republic),

— 'Air Services Agreement between the Government of the Kingdom of Denmark and the Macedonian Government' signed at Copenhagen on 20 March 2000 (hereinafter referred to as the Agreement with Denmark),

— 'Air Services Agreement between the Government of the Federal Republic of Germany and the Macedonian Government' signed at Skopje on 16 July 2002 (hereinafter referred to as the Agreement with Germany),

— 'Agreement between the Hungarian Government and the Macedonian Government on Air Services' signed at Budapest on 11 May 2000 (hereinafter referred to as the Agreement with Hungary),

— 'Agreement between the Government of the Italian Republic and the Macedonian Government concerning Air Services' signed at Skopje on 3 February 1997 (hereinafter referred to as the Agreement with Italy),

— 'Agreement between the Government of the Kingdom of the Netherlands and the Macedonian Government for Air Services between and beyond their respective territories' signed at Skopje on 6 February 1997 (hereinafter referred to as the Agreement with the Netherlands),

— 'Air Services Agreement between the Government of the Slovak Republic and the Government of the Republic of Macedonia' signed at Bratislava on 15 May 2002 (hereinafter referred to as the Agreement with the Slovak Republic),

— 'Agreement between the Republic of Slovenia and the Republic of Macedonia on Scheduled Air Services' signed at Horrid on 24 March 1992 (hereinafter referred to as the Agreement with Slovenia),

Amended on 20 July 1992 and on 6 November 1992;

— 'Air Transport Agreement between the Government of Spain and the Macedonian Government' signed at Skopje on 2 March 1999 (hereinafter referred to as the Agreement with Spain),

— 'Air Services Agreement between the Government of the Kingdom of Sweden and the Government of the Republic of Macedonia' signed at Copenhagen on 20 March 2000 (hereinafter referred to as the Agreement with Sweden),

— 'Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Macedonia concerning Air Services' signed at Skopje on 1 October 1999 (hereinafter referred to as the Agreement with the UK);

(b) Air service agreements and other arrangements initialled or signed between the Former Yugoslav Republic of Macedonia and Member States of the European Community which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally

— ‘Air Services Agreement between the Government of the Republic of Estonia and the Government of the Republic of Macedonia’ initialled on 4 November 2000 (hereinafter referred to as the Agreement with Estonia),

— ‘Agreement between the Government of the French Republic and the Government of the Republic of Macedonia relating to Air Services’ initialled at Paris on 11 February 2002 (hereinafter referred to as the Agreement with France),

— ‘Agreement between the Government of the Republic of Poland and the Government of the Republic of Macedonia on Air Services’ initialled at Warsaw on 14 June 2000 (hereinafter referred to as the Agreement with Poland);

To be read together with the Memorandum of Understanding done at Warsaw on 14 June 2000.

ANNEX II

List of articles in the Agreements listed in Annex I and referred to in Articles 2 to 5 of this Agreement

- (a) Designation by a Member State:
- Article 3 of the Agreement with Austria,
 - Article 2 of the Agreement with the Czech Republic,
 - Article 3(4) of the Agreement with Denmark,
 - Article 3 of the Agreement with Estonia,
 - Article 3(2)(a) of the Agreement with France,
 - Article 3(4) of the Agreement with Germany,
 - Article 3 of the Agreement with Hungary,
 - Article 4(4) of the Agreement with Italy,
 - Article 4(4) of the Agreement with the Netherlands,
 - Article 3(4) of the Agreement with Poland,
 - Article 3(5) of the Agreement with the Slovak Republic,
 - Article 6 of the Agreement with Slovenia,
 - Article 3(4) of the Agreement with Spain,
 - Article 3(4) of the Agreement with Sweden,
 - Article 4 of the Agreement with the UK;
- (b) Refusal, revocation, suspension or limitation of authorisations or permissions:
- Article 4(1)(a) of the Agreement with Austria,
 - Article 5(1)(d) of the Agreement with Belgium,
 - Article 4(1)(a) of the Agreement of Denmark,
 - Article 4 of the Agreement with Estonia,
 - Article 4(1)(a) of the Agreement with France,
 - Article 4 of the Agreement with Germany,
 - Article 5(1)(d) of the Agreement with Hungary,
 - Article 5(1)(a) of the Agreement with Italy,
 - Article 5(1)(c) of the Agreement with the Netherlands,
 - Article 4(1)(c) of the Agreement with Poland,
 - Article 4(1)(a) of the Agreement with the Slovak Republic,
 - Article 7 of the Agreement with Slovenia,
 - Article 4(1)(a) of the Agreement with Spain,
 - Article 4(1)(a) of the Agreement with Sweden,
 - Article 5 of the Agreement with the UK;
- (c) Regulatory control:
- Article 16 of the Agreement with Estonia,
 - Article 8 of the Agreement with France,
 - Article 12 of the Agreement with Germany,
 - Article 8 of the Agreement with Hungary,
 - Article 14 of the Agreement with the Netherlands,
 - Article 17 of the Agreement with Poland,
 - Article 15 of the Agreement with the Slovak Republic,
 - Article 13 of the Agreement with Spain;

(d) Taxation of aviation fuel:

- Article 8 of the Agreement with Austria,
- Article 10 of the Agreement with Belgium,
- Article 6 of the Agreement with the Czech Republic,
- Article 6 of the Agreement with Denmark,
- Article 9 of the Agreement with Estonia,
- Article 10 of the Agreement with France,
- Article 6 of the Agreement with Germany,
- Article 11 of the Agreement with Hungary,
- Article 6 of the Agreement with Italy,
- Article 10 of the Agreement with the Netherlands,
- Article 6 of the Agreement with Poland,
- Article 9 of the Agreement with the Slovak Republic,
- Article 9 of the Agreement with Slovenia,
- Article 5 of the Agreement with Spain,
- Article 6 of the Agreement with Sweden,
- Article 8 of the Agreement with the UK;

(e) Tariffs for carriage within the European Community:

- Article 12 of the Agreement with Austria,
 - Article 13 of the Agreement with Belgium,
 - Article 7 of the Agreement with the Czech Republic,
 - Article 11 of the Agreement with Denmark,
 - Article 14 of the Agreement with Estonia,
 - Article 14 of the Agreement with France,
 - Article 10 of the Agreement with Germany,
 - Article 14 of the Agreement with Hungary,
 - Article 8 of the Agreement with Italy,
 - Article 6 of the Agreement with the Netherlands,
 - Article 10 of the Agreement with Poland,
 - Article 13 of the Agreement with the Slovak Republic,
 - Article 13 of the Agreement with Slovenia,
 - Article 7 of the Agreement with Spain,
 - Article 11 of the Agreement with Sweden,
 - Article 7 of the Agreement with the UK.
-

*ANNEX III***List of other States referred to in Article 2 of this Agreement**

- (a) The Republic of Iceland (under the Agreement on the European Economic Area);
 - (b) The Principality of Liechtenstein (under the Agreement on the European Economic Area);
 - (c) The Kingdom of Norway (under the Agreement on the European Economic Area);
 - (d) The Swiss Confederation (under the Agreement between the European Community and the Swiss Confederation on Air Transport).
-

COUNCIL DECISION
of 24 July 2006
appointing the President of the Community Plant Variety Office
(2006/551/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights ⁽¹⁾, and in particular Article 43(1) and (2) thereof,

Having regard to the communication submitted by the Commission on 3 July 2006, after obtaining the opinion of the Administrative Council of the Community Plant Variety Office,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Bart KIEWIET, born on 7 January 1947, is hereby appointed President of the Community Plant Variety Office for a period of five years.

His term of office shall run from the date on which he takes up his duties, which date shall be agreed between the President and the Administrative Council of the Office.

Done at Brussels, 24 July 2006.

For the Council
The President
M. PEKKARINEN

⁽¹⁾ OJ L 227, 1.9.1994, p. 1. Regulation as last amended by Regulation (EC) No 873/2004 (OJ L 162, 30.4.2004, p. 38).

COMMISSION

COMMISSION DECISION

of 3 August 2006

amending Annex XI to Council Directive 2003/85/EC as regards the list of laboratories authorised to handle live foot-and-mouth disease virus for vaccine production

(notified under document number C(2006) 3447)

(Text with EEA relevance)

(2006/552/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Member State. Germany has renewed the necessary security guarantees for the laboratory situated on its territory.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC ⁽¹⁾, and in particular Article 67(2) thereof,

Whereas:

(1) Directive 2003/85/EC sets out minimum control measures to be applied in the event of an outbreak of foot-and-mouth disease and certain preventive measures aimed at increasing the awareness and preparedness of the competent authorities and the farming community concerning that disease.

(2) The preventive measures set out in Directive 2003/85/EC include the provision that Member States are to ensure that the handling of the live foot-and-mouth disease virus for the manufacturing of either inactivated antigens for the production of vaccines or vaccines and related research is carried out only in approved laboratories listed in Part B of Annex XI to that Directive.

(3) The competent authorities of Germany have officially informed the Commission of some changes relating to manufacturers of foot-and-mouth disease vaccines in this

(4) For security reasons it is important to keep the list of laboratories authorised to handle live foot-and-mouth disease virus for vaccine production in Directive 2003/85/EC updated.

(5) Accordingly, it is necessary to replace the list of laboratories authorised to handle live foot-and-mouth disease virus for vaccine production in Part B of Annex XI to Directive 2003/85/EC by the list set out in the Annex to this Decision.

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

HAS ADOPTED THIS DECISION:

Article 1

In Annex XI to Directive 2003/85/EC, Part B is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply from 3 July 2006.

⁽¹⁾ OJ L 306, 22.11.2003, p. 1. Directive as amended by Commission Decision 2005/615/EC (OJ L 213, 18.8.2005, p. 14).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 3 August 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

In Annex XI to Directive 2003/85/EC, Part B is replaced by the following:

'Laboratories authorised to handle live foot-and-mouth disease virus for vaccine production

Member State where laboratory is situated		Laboratory
ISO-code	Name	
DE	Germany	Intervet International GmbH, Köln
FR	France	Merial, S.A.S., Laboratoire IFFA, Lyon
GB	United Kingdom	Merial, S.A.S., Pirbright Laboratory, Pirbright
NL	Netherlands	CIDC-Lelystad, Central Institute for Animal Disease Control, Lelystad'

COMMISSION DECISION**of 4 August 2006****on the purchase by the Community of marker vaccine against classical swine fever to increase the Community stocks of those vaccines***(notified under document number C(2006) 3461)**(2006/553/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 6(2) and Article 8(2) thereof,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽²⁾, and in particular Article 18(2) thereof,

Whereas:

(1) Classical swine fever is a threat for domestic and feral pigs (wild boar) in the Community.

(2) Outbreaks of classical swine fever in domestic pig holdings can lead to very serious consequences and economic losses in the Community, in particular if they occur in areas with a high density of pigs.

(3) The rules for applying emergency vaccination of domestic and feral pigs and the definition of marker vaccine are laid down in Directive 2001/89/EC.

(4) The Community already has 1 000 000 doses of live attenuated vaccine against classical swine fever in stock and is in the process of purchasing 1 550 000 doses of marker vaccine against classical swine fever.

(5) An emergency vaccination against classical swine fever with marker vaccine that exceeds the number of doses of vaccine that the Community stocks has become more likely in the light of the situation in the Community and especially the situation of the disease in the acceding States.

(6) For the purpose of reinforcing the Community capability to respond quickly to classical swine fever, it is necessary to purchase an adequate number of doses of marker vaccine and to make arrangements for keeping them in stock and having them rapidly available in case of an emergency.

(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,

HAS ADOPTED THIS DECISION:

Article 1

1. The Community shall purchase as soon as possible 7 000 000 doses of marker vaccine against classical swine fever.

2. The Community shall make arrangements for the storage and distribution of the vaccine referred to in paragraph 1.

Article 2

The maximum cost of the measures referred to in Article 1 shall not exceed EUR 7 500 000.

Article 3

The measures provided for in Article 1(2) shall be carried out by the Commission in cooperation with the suppliers designated by call for tender.

⁽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 316, 1.12.2001, p. 5. Directive as amended by the 2003 Act of Accession.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 4 August 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission
