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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1458/2006
of 2 October 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 3 October 2006.

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

Done at Brussels, 2 October 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 2 October 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	68,0
	096	42,0
	999	55,0
0707 00 05	052	93,6
	999	93,6
0709 90 70	052	87,2
	999	87,2
0805 50 10	052	65,6
	388	58,9
	524	55,3
	528	50,3
	999	57,5
0806 10 10	052	77,1
	400	177,6
	624	139,2
	999	131,3
0808 10 80	388	85,6
	400	95,0
	508	77,8
	512	86,1
	720	74,9
	800	137,9
	804	99,3
0808 20 50	999	93,8
	052	114,6
	388	88,1
	720	67,2
	999	90,0

⁽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 1459/2006

of 28 September 2006

on the application of Article 81(3) of the Treaty to certain categories of agreements and concerted practices concerning consultations on passenger tariffs on scheduled air services and slot allocation at airports

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3976/87 of 14 December 1987 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector⁽¹⁾, and in particular Article 2 thereof,

Having published a draft of this Regulation⁽²⁾,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas:

- (1) Since 1 May 2004, the air transport sector has been subject to the generally applicable provisions of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty⁽³⁾.
- (2) Regulation (EC) No 1/2003 provides that agreements which fall under Article 81(1) of the Treaty which satisfy the conditions of Article 81(3) are not prohibited, no prior decision to that effect being required. In principle, undertakings and associations must now assess for themselves whether their agreements, concerted practices and decisions are compatible with Article 81 of the Treaty.
- (3) Regulation (EEC) No 3976/87 empowers the Commission to apply Article 81(3) of the Treaty by Regulation to certain categories of agreements, decisions or concerted practices relating directly or indirectly to the provision of air transport services on routes between Community airports and on routes between the Community and third countries.
- (4) Agreements, decisions or concerted practices concerning consultations on passenger tariffs on scheduled air

services and slot allocation and airport scheduling are liable to restrict competition and affect trade between Member States.

- (5) However, since such agreements, decisions or concerted practices may benefit air transport users and/or air carriers, Commission Regulation (EEC) No 1617/93 of 25 June 1993 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices concerning joint planning and coordination of schedules, joint operations, consultations on passenger and cargo tariffs on scheduled air services and slot allocation at airports⁽⁴⁾ declared that Article 81(1) of the Treaty did not apply, *inter alia*, to certain agreements, decisions or concerted practices concerning consultations on tariffs and slot allocation at airports for air services between Community airports. Regulation (EEC) No 1617/93 expired on 30 June 2005.
- (6) In June 2004 the Commission initiated a consultation on the revision of Regulation (EEC) No 1617/93 to determine whether the block exemption should be discontinued, maintained in its original form or extended in scope. The Commission received responses from Member States, airlines, travel agents and consumer groups.
- (7) In view of the results of the consultation and the directly applicable exception system introduced by Regulation (EC) No 1/2003, there are not sufficient grounds to continue to declare by Regulation Article 81(1) inapplicable to consultations on slot allocation and airport scheduling agreements or to consultations on tariffs for the carriage of passengers, with their baggage, on scheduled air services between Community airports. However, the airline industry should be allowed sufficient time to adapt to the new situation and to assess for themselves whether their agreements and practices are compatible with Article 81 of the Treaty and, if necessary, to amend them. Since Regulation (EEC) No 1617/93 has already expired, it is necessary to adopt a new block exemption regulation for a transitional period.

⁽¹⁾ OJ L 374, 31.12.1987, p. 9. Regulation as last amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

⁽²⁾ OJ C 42, 18.2.2006, p. 15.

⁽³⁾ OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

⁽⁴⁾ OJ L 155, 26.6.1993, p. 18. Regulation as last amended by the 2003 Act of Accession.

- (8) Arrangements on slot allocation at airports and airport scheduling can improve the efficient utilization of airport capacity and airspace, facilitate air-traffic control and help to spread the supply of air transport services from the airport. Entry to congested airports must remain possible if competition is not to be eliminated. In order to provide a satisfactory degree of security and transparency, arrangements in this respect can only be accepted if all air carriers concerned can participate in the negotiations, and if the allocation is made on a non-discriminatory and transparent basis.
- (9) A block exemption should be granted until 31 December 2006 in respect of consultations on slot allocation and airport scheduling in so far as they concern air services the point of origin and/or point of destination of which is located in the Community. After 31 December 2006, the airline industry should assess for itself whether agreements and concerted practices between undertakings and decisions of associations of undertakings caught by Article 81(1) of the Treaty satisfy the conditions of Article 81(3). The assessment should, *inter alia*, consider whether all carriers concerned can participate in the consultations on slot allocation and airport scheduling, and whether these consultations are conducted in a non-discriminatory and transparent manner. This Regulation is without prejudice to Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports ⁽¹⁾.
- (10) Consultations on passenger tariffs may contribute to the generalised acceptance of interlinable passenger tariffs to the benefit of air carriers as well as air transport users. However, consultations must not exceed the aim of facilitating interlining.
- (11) The results of the consultation initiated by the Commission in June 2004 for the review of Regulation (EEC) No 1617/93 indicate that the intra-Community air transport market has evolved in such a way that the degree of assurance that consultations on tariffs will continue to meet all the criteria of Article 81(3) of the Treaty is declining.
- (12) A block exemption should therefore be granted until 31 December 2006 in respect of consultations on tariffs for the carriage of passengers, with their baggage, on scheduled air services between Community airports.
- After that date, the airline industry should assess for itself whether agreements and concerted practices between undertakings and decisions of associations of undertakings caught by Article 81(1) of the Treaty satisfy the conditions of Article 81(3) of the Treaty.
- (13) Since 1 May 2004, the Commission has been empowered to apply Article 81(3) of the Treaty by Regulation in respect of air services on routes between the Community and third countries, as well as on routes between Community airports.
- (14) In contrast to intra-Community air-traffic, air services between Member States and third countries are, in general, governed by bilateral air services agreements. The nature and level of detail of regulatory requirements set out in these agreements vary widely. Without prejudice to Community law, including Regulation (EC) No 847/2004 of the European Parliament and of the Council of 29 April 2004 on the negotiation and implementation of air service agreements between Member States and third countries ⁽²⁾, it is common for air services agreements to restrict and/or regulate market access and/or pricing, which may impede competition between air carriers on routes between the Community and third countries. Moreover, it is common for air services agreements to restrict the ability of carriers to enter into the kind of bilateral cooperation agreements which provide consumers with alternatives to the International Air Transport Association (IATA) interlining system.
- (15) On routes between the Community and third countries, the proportion of passenger journeys involving a connection is appreciably higher than on intra-Community international flights. Therefore, the benefits of interlining for consumers obtained through tariff consultations should be greater on routes between the Community and third countries.
- (16) It can be assumed with sufficient certainty that consultations on tariffs for the carriage of passengers, with their baggage, on scheduled air services between points in the Community and points in third countries currently satisfy the conditions of Article 81(3) of the Treaty. However, markets for air transport are undergoing rapid developments. A short block exemption should therefore be granted in respect of such consultations until 31 October 2007.

⁽¹⁾ OJ L 14, 22.1.1993, p. 1. Regulation as last amended by Regulation (EC) No 793/2004 of the European Parliament and of the Council (OJ L 38, 30.4.2004, p. 50).

⁽²⁾ OJ L 157, 30.4.2004, p. 7, as corrected by OJ L 195, 2.6.2004, p. 3.

(17) The competent authorities in the United States of America and Australia are reviewing their respective antitrust policies in respect of IATA tariff conferences. These reviews are likely to be completed by June 2007. It is, therefore, appropriate that the Commission should review the block exemption for passenger tariff conferences with respect to routes between the Community and these countries by that time.

(18) Data should be collected to enhance the Commission's knowledge on the relative use of the passenger tariffs set in the consultations and their relative importance for actual interlining on scheduled services between the Community and third countries. The data should also enable the Commission to better assess the effects of regulatory restrictions flowing from bilateral air services agreements. Air carriers participating in consultations should therefore be required to collect data for all fare classes in which interlinable fares are agreed, for each IATA season starting from 1 May 2004.

(19) In accordance with Article 4 of Regulation (EEC) No 3976/87, this Regulation should apply with retroactive effect to agreements, decisions and concerted practices in existence on the date of entry into force of this Regulation, provided that they meet the conditions for exemption set out in this Regulation.

(20) Community law in the field of civil aviation that is relevant for the internal market was extended to the area comprising the Community and Norway, Iceland and Liechtenstein through the Agreement on the European Economic Area. Therefore, flights between the Community and Norway, Iceland and Liechtenstein should be treated in the same manner as intra-Community flights. Community legislation is extended to the territory covered by the EEA Agreement through decisions by the EEA Joint Committee. For the purposes of this Regulation, however, it is necessary to stipulate that the block exemption provided for in respect of extra-Community flights does not apply to flights between points in the Community and points in Norway, Iceland and Liechtenstein.

(21) Community law in the field of civil aviation that is relevant for the internal market was extended to the area comprising the Community and Switzerland through the Agreement between the European Community and the Swiss Confederation on Air Transport ⁽¹⁾. As long as that agreement remains in force, therefore, flights between the Community and

Switzerland should be treated in the same manner as intra-Community flights. Community legislation is extended to the territory covered by the Agreement through decisions by the Joint Committee set up under the Agreement. For the purposes of this Regulation, however, it is necessary to stipulate that the block exemption provided for in respect of routes between the Community and third countries does not apply to flights between points in the Community and points in Switzerland.

(22) This Regulation is without prejudice to the application of Article 82 of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Exemptions

Pursuant to Article 81(3) of the Treaty and subject to the provisions of this Regulation, it is hereby declared that Article 81(1) of the Treaty shall not apply to agreements between undertakings in the air transport sector, decisions by associations of such undertakings and concerted practices between such undertakings which have as their purpose one or more of the following:

- (a) the holding of consultations on slot allocation and airport scheduling in so far as they concern air services the point of origin and/or point of destination of which is located in the Community;
- (b) the holding of consultations on tariffs for the carriage of passengers, with their baggage, on scheduled air services between points in the Community or between points in the Community, on the one hand, and points in Switzerland, Norway, Iceland or Liechtenstein, on the other;
- (c) the holding of consultations on tariffs for the carriage of passengers, with their baggage, on scheduled air services between points in the Community, on the one hand, and points in Australia or the United States of America, on the other;
- (d) the holding of consultations on tariffs for the carriage of passengers, with their baggage, on scheduled air services between points in the Community, on the one hand, and points in third countries other than those referred to in points (b) and (c), on the other.

⁽¹⁾ Agreement between the European Community and the Swiss Confederation on Air Transport (OJ L 114, 30.4.2002, p. 73).

*Article 2***Slot allocation and airport scheduling**

1. Article 1(a) shall apply only if the following conditions are fulfilled:

- (a) the consultations are open to all air carriers having expressed an interest in the slots which are the subject of the consultations;
- (b) rules of priority are established and applied without discrimination, whether direct or indirect, on the grounds of carrier identity, nationality or category of service, which take into account constraints or air traffic distribution rules laid down by competent national or international authorities and give due consideration to the needs of the travelling publics and of the airport concerned; subject to point (c), such rules of priority may take account of rights acquired by air carriers through the use of particular slots in the previous corresponding season;
- (c) slots are allocated to new entrants, as defined in Article 2(b) of Regulation (EEC) No 95/93 as follows:
 - (i) at Community airports, a 50 % share of newly created or unused slots and slots which have been given up by a carrier during or by the end of the season or which otherwise become available to enable new entrants to be able to compete effectively with established carriers on routes to/from the airport in question; the share allocated to new entrants may be less than 50 % if requests by new entrants represent less than 50 % of all applications for such new slots;
 - (ii) at third country airports, a sufficient share of such available slots for entry at congested airports to remain possible on routes between such airports and points located in the Community;
- (d) the rules of priority, once established, are made available on request to any interested party;
- (e) air carriers participating in the consultations have access, at the time of the consultations at the latest, to information relating to:
 - (i) historical slots by air carrier, in chronological order, for all air carriers at the airport;
 - (ii) requested slots (initial submissions) by air carrier, in chronological order, for all air carriers;
 - (iii) allocated slots, and outstanding slot requests listed individually in chronological order, by air carrier, for all air carriers;
 - (iv) remaining slots available;
 - (v) full details of the criteria used in the allocation;
- (f) if a request for slots is not accepted, the air carrier concerned is entitled to a statement of the reasons therefor.

2. The Commission and the Member States concerned shall be entitled to send observers to consultations on slot allocation and airport scheduling held in the context of a multilateral meeting in advance of each season. For this purpose, air carriers shall give the Member States concerned and the Commission the same notice as is given to participants of the date, venue and subject matter of the consultations. The notice given to the Member States concerned and to the Commission shall not be less than 10 days.

Such notice shall be given:

- (a) to the Member States concerned according to procedures to be established by the competent authorities of those Member States;
- (b) to the Commission according to procedures to be published in the *Official Journal of the European Union*.

*Article 3***Consultations on passenger tariffs**

1. Article 1(b), (c) and (d) shall apply only if the following conditions are fulfilled:

- (a) the participants in the consultations only discuss air fares to be paid by air transport users directly to a participating air carrier or to its authorised agents, for carriage as passengers on a scheduled service, and the conditions relating to those passenger tariffs; the consultations do not extend to the capacity for which such tariffs are to be available;

(b) the consultations give rise to interlining, that is to say, air transport users are able, in respect of the types of passenger tariffs and of the seasons which were the subject of the consultations:

(i) to combine on a single ticket the service which was the subject of the consultations, with services on the same or on connecting routes operated by other air carriers, whereby the applicable passenger tariffs and conditions are set by the airline or airlines effecting carriage; and

(ii) in so far as is permitted by the conditions governing the initial reservation, to change a reservation on a service which was the subject of the consultations onto a service on the same route operated by another air carrier at the passenger tariffs and conditions applied by that other carrier;

(c) an air carrier is entitled to refuse to allow combinations and changes of reservation for objective and non-discriminatory reasons of a technical or commercial nature, in particular where the air carrier effecting carriage is concerned about the credit worthiness of the air carrier who would be collecting payment for this carriage, in which case the latter air carrier must be notified thereof in writing;

(d) the passenger tariffs which are the subject of the consultations are applied by participating air carriers without discrimination on grounds of passenger nationality or place of residence;

(e) participation in the consultations is voluntary and open to any air carrier who operates or intends to operate direct or indirect services on the route concerned;

(f) the consultations are not binding on participants, that is to say, following the consultations the participants retain the right to act independently in respect of passenger tariffs;

(g) the consultations do not entail agreement on agents' remuneration or other elements of the tariffs discussed.

2. Air carriers participating in consultations on passenger tariffs for scheduled air services between points in the Community and points in third countries other than those referred to in Article 1(b) shall collect data with regard to:

(a) the number of tickets issued at tariffs set in the consultations in the total number of tickets issued for travel between the Community and third countries other than those referred to in Article 1(b);

(b) the extent to which tickets at tariffs set in the consultations are issued for travel on a journey where the passenger interlines;

(c) the extent to which tickets which are not at tariffs set in the consultations are issued for travel on a journey where the passenger interlines.

That data shall be collected for all types of ticket and fare which are the subject of the consultations. The data shall make it possible to distinguish between the various forms of cooperation between air carriers that enable passengers to combine services operated by more than one carrier onto a single ticket. The data collected shall be provided to the Commission by or on behalf of the air carriers involved for each IATA season, starting from 1 May 2004. The data may be made available to the competent authorities of the Member States.

3. The Commission and the Member States concerned shall be entitled to send observers to consultations on passenger tariffs. For this purpose, air carriers shall give the Member States concerned and the Commission the same notice as is given to participants of the date, venue and subject matter of the consultations. The notice given to the Member States concerned and to the Commission shall not be less than 10 days.

Such notice shall be given:

(a) to the Member States concerned according to procedures to be established by the competent authorities of those Member States;

(b) to the Commission according to procedures to be published in the *Official Journal of the European Union*.

A full report on the consultations shall be submitted to the Commission by or on behalf of the air carriers involved at the same time as it is submitted to participants, but not later than six weeks after the consultations were held.

Article 4

Entry into force

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

Exemptions granted pursuant to Article 1(a) and (b) shall apply until 31 December 2006.

Exemptions granted pursuant to Article 1(c) shall apply until 30 June 2007.

Exemptions granted pursuant to Article 1(d) shall apply until 31 October 2007.

This Regulation shall apply with retroactive effect to agreements, decisions and concerted practices in existence on the day on which it enters into force, with effect from the time when the conditions set out in this Regulation were fulfilled.

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

Done at Brussels, 28 September 2006.

For the Commission

Neelie KROES

Member of the Commission

COMMISSION REGULATION (EC) No 1460/2006**of 2 October 2006****derogating from Regulation (EC) No 1227/2000 as regards transitional arrangement concerning the final allocations for the restructuring and conversion of vineyards**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 15 thereof,

Whereas:

(1) Articles 16 and 17 of Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential ⁽²⁾ lay down the rules on financing the restructuring and conversion scheme.

(2) According to Article 16(1)(b) of Regulation (EC) No 1227/2000, Member States forward to the Commission, not later than 10 July each year in respect of the restructuring and conversion system, a statement of expenditure validated at 30 June of the current financial year and the total area concerned.

(3) Article 17(2) of Regulation (EC) No 1227/2000 provides for that Member States make the statement referred to in Article 16(1)(b) only if the amount which they have declared in accordance with Article 16(1)(a), is at least equal to 75 % of the amount of the initial allocation of the given Member State. The absence of the statement referred to in Article 16(1)(b) leads, in turn, to the ineligibility of the validated expenditure for support under the restructuring and conversion scheme.

(4) Some Member States for which the 2005/2006 wine year is the second year of application of the restructuring and conversion scheme were unable to pay out 75 % of

their initial allocation, though they validated a certain part of it. The difficulties were related to the lack of familiarity with the conditions of the scheme. Application of Article 17 of Regulation (EC) No 1227/2000 would result in excessive reductions in the appropriations available to those Member States for restructuring and conversion in this financial year.

(5) Therefore, on a transitional basis, for the 2005/2006 wine year, these excessive reductions are to be avoided, by way of derogation from Regulation (EC) No 1227/2000, by allowing the Member States for which the 2005/2006 wine year is the second year of application of the restructuring and conversion scheme to pay out, by the end of the current financial year, the totality of their appropriations in respect of which the corresponding expenditure was incurred or validated on 30 June 2006.

(6) A similar solution was applied in 2002 when the vineyard restructuring and conversion scheme was in the second year of application for the old Member States and some of them had problems of the same nature now encountered by some of the Member States for in which the scheme is applied for the second year.

(7) As this Regulation must apply from 1 July 2006, it should enter into force on the day of its publication in the *Official Journal of the European Union*.

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 17(2) of Regulation (EC) No 1227/2000 and as the 2006 financial year concerns, no conditions apply to the statement referred to in Article 16(1)(b) of that Regulation in the case of Member States for which the 2005/2006 wine year is the second year of application of the restructuring and conversion scheme. They may pay out, not later than 15 October 2006, the sum of the expenditure they reported to the Commission under Article 16(1)(a) and (b) of this Regulation.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2165/2005 (OJ L 345, 28.12.2005, p. 1).

⁽²⁾ OJ L 143, 16.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1216/2005 (OJ L 199, 29.7.2005, p. 32).

Article 2

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

It shall apply from 1 July 2006.

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

Done at Brussels, 2 October 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1461/2006**of 29 September 2006****amending Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) The Annex to Regulation (EC) No 2580/2001 lists the competent authorities to whom information and requests concerning the measures imposed by that Regulation should be sent.

- (2) The Czech Republic, Estonia and Greece requested that the information concerning their competent authorities be amended. The address of the Commission should also be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2580/2001 is hereby amended as set out in the Annex to this Regulation.

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, 29 September 2006.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 344, 28.12.2001, p. 70. Regulation as last amended by Commission Regulation (EC) No 1957/2005 (OJ L 314, 30.11.2005, p. 16).

ANNEX

The Annex to Regulation (EC) No 2580/2001 is amended as follows:

- (1) The address details under the heading 'Czech Republic' shall be replaced with:

Ministerstvo financí/Ministry of Finance
Finanční analytický útvar/Financial Analytical Unit
PO BOX 675
Jindřišská 14
111 21 Praha 1
Tel.: (420-2) 570 44 501
Fax: (420-2) 570 44 502
E-mail: fau@mfc.cz'.

- (2) The address details under the heading 'Estonia' shall be replaced with:

Välisministeerium
Islandi väljak 1
15049 Tallinn
Tel: (+372) 6 377 100
Fax: (+372) 6 377 199

Finantsinspektsioon
Sakala 4
15030 Tallinn
Tel: (+372) 66 80 500
Fax: (+372) 66 80 501'.

- (3) The address details under the heading 'Greece' shall be replaced with:

Ministry of National Economy
General Directorate of Economic Policy
5 Nikis str.
GR-105 63 Athens
Tel. (30-210) 333 27 81-2
Fax (30-210) 333 28 10

Υπουργείο Εθνικής Οικονομίας
Γενική Διεύθυνση Οικονομικής Πολιτικής
Νίκης 5
GR-105 63 Αθήνα
Τηλ.: (30-210) 333 27 81-2
Φαξ: (30-210) 333 28 10'.

- (4) The address details under the heading 'European Community' shall be replaced with:

Commission of the European Communities
Directorate-General for External Relations
Directorate A. Crisis Platform and Policy Coordination in CFSP
Unit A.2. Crisis Management and Conflict Prevention
CHAR 12/45
B-1049 Brussels
Tel. (32-2) 295 55 85, 299 11 76
Fax (32-2) 299 08 73
E-mail: relex-sanctions@ec.europa.eu'.

COMMISSION REGULATION (EC) No 1462/2006**of 2 October 2006****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

- (5) The Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on the 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, 2 October 2006.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 996/2006 (OJ L 197, 1.7.2006, p. 26).

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

ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
An article, in the form of a sheep, measuring approximately 10 cm in height. A knitted fabric, representing the fleece, covers most of the ceramic body leaving part of the head and four hoofs visible. The fabric is glued on the ceramic body. (See photograph No 639) (*)	6913 90 10	Classification is determined by the provisions of General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 6913, 6913 90 and 6913 90 10. It is an article of ceramic of the type designed essentially for the interior decoration of homes. It has no utility value and is wholly intended for ornamental use; it is not intended essentially for the amusement of persons and, therefore, it does not possess the character of toys of chapter 95. See the HS Explanatory Notes to heading 6913 first paragraph and second paragraph (A) and the HS Explanatory Notes to heading 9503 first paragraph. This article is a composite article made of ceramic and knitted fabric. The ceramic material forming the body of the article (figure of a sheep) is the material giving the essential character within the meaning of GR 3(b), as it gives the article its shape.

(*) The photograph is purely for information.



II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 September 2006

authorising the United Kingdom to introduce a special measure derogating from Articles 5(6) and 11(A)(1)(b) of Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2006/659/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽¹⁾, and in particular Article 27(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) By letter registered by the Secretariat-General of the Commission on 7 April 2005, the United Kingdom requested authorisation to derogate from Articles 5(6) and 11(A)(1)(b) of Directive 77/388/EEC.

(2) In accordance with Article 27(2) of Directive 77/388/EEC, the Commission informed the other Member States by letter dated 26 October 2005 of the request made by the United Kingdom. By letter dated 27 October 2005, the Commission notified the United Kingdom that it had all the information it considered necessary for appraisal of the request.

(3) The United Kingdom wishes to replace the derogation, provided for by Council Decision 86/356/EEC of 21 July 1986 authorising the United Kingdom to apply flat-rate measures in respect of the non-deductible value added tax charged on fuel expenditure in company cars ⁽²⁾, which authorised special simplification measures in order to determine on a flat-rate basis the proportion of value added tax (VAT) relating to expenditure on fuel in business cars partly used for private purposes. This procedure relieves taxable persons of the need to keep detailed mileage records in order to calculate, for each car, the exact amount of VAT related to private and business motoring. Like this system, the proposed new system will be optional for taxable persons.

(4) The current system is based on the type of fuel used and the engine size of the car. The United Kingdom wishes to amend this system and base it on the level of carbon dioxide (CO₂) emissions from the car, as there is a proportional correlation between emissions and fuel consumption and therefore with expenditure on fuel. This means that a flat-rate scale system based on CO₂ emissions could achieve the same objective of taxing fuel expenditure incurred by a business for private motoring. At the same time, the United Kingdom also expects to achieve greater accuracy in determining the charge for private consumption by increasing, and therefore refining, the number of scale bands in comparison with the existing bands.

(5) This arrangement has effectively enabled the United Kingdom to simplify the procedure for charging tax in relation to expenditure on fuel for business cars and the proposed system, based on CO₂ emissions, will have a similar effect. Private consumption should be more accurately reflected under the new system.

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2006/69/EC (OJ L 221, 12.8.2006, p. 9).

⁽²⁾ OJ L 212, 2.8.1986, p. 35.

- (6) The authorisation should be limited in time, so that in the light of the experience gained up to that date an assessment may be made as to whether or not the derogation is still justified.
- (7) Decision 86/356/EEC should be repealed after a certain period but in any case at the entry into force of the national provisions introducing the new special measure, in order to avoid a situation in which authorisations for both systems exist at the same time.
- (8) The United Kingdom should inform the Commission of the national provisions introducing the new special measure as soon as they have been adopted and should ensure that this measure will not enter into force before 30 April 2007.
- (9) The derogation has no negative impact on the Community's own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Articles 5(6) and 11(A)(1)(b) of Directive 77/388/EEC, the United Kingdom is authorised, from 1 May 2007 until 31 December 2015, to fix on a flat-rate basis the proportion of value added tax relating to expenditure on fuel used for private purposes in business cars.

Article 2

The proportion of the tax referred to in Article 1 shall be expressed in fixed amounts, established on the basis of the CO₂ emissions level of the type of vehicle, that reflect fuel consumption. The United Kingdom shall adjust these fixed amounts annually to reflect changes in the average cost of fuel.

Article 3

The system set up on the basis of this Decision shall be optional for taxable persons.

Article 4

Decision 86/356/EEC is repealed on 30 April 2007.

The United Kingdom shall inform the Commission of the national provisions referred to in Article 1 as soon as they have been adopted.

Article 5

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 25 September 2006.

For the Council
The President
M. PEKKARINEN

COMMISSION

COMMISSION DECISION

of 29 September 2006

granting Community limited recognition to the Polish Register of Shipping

(notified under document number C(2006) 4107)

(Text with EEA relevance)

(2006/660/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations ⁽¹⁾, and in particular Article 4(2) thereof,

Having regard to the letters of 10 March 2004 from the Polish authorities, of 4 July 2005 from the Czech authorities, of 10 March 2006 from the Cypriot authorities, of 13 March 2006 from the Maltese authorities, of 30 March 2006 from the Lithuanian authorities and of 11 April 2006 from the Slovak authorities requesting the Commission to grant Community recognition to the Polish Register of Shipping (hereinafter PRS) pursuant to Article 4(2) of Directive 94/57/EC,

Whereas:

- (1) The limited recognition pursuant to Article 4(2) of Directive 94/57/EC is a recognition granted to organisations known as classification societies, which fulfil all criteria other than those set out under paragraphs 2 and 3 of the 'General' section A of the Annex thereto, but limited in time and scope in order for the organisation concerned to gain further experience.
- (2) The Commission has verified that the PRS meets all criteria of the Annex to Directive 94/57/EC other than those set out under paragraphs 2 and 3 of the 'General' section A of that Annex.
- (3) The PRS has undertaken to comply with the provisions of Article 15(2), (4) and (5) of Directive 94/57/EC.

- (4) The organization's safety and pollution performance records, albeit slightly below the average of recognised organisations, are satisfactory and show a positive evolution, particularly in the area of the Paris Memorandum of Understanding on Port State Control where a sustained improvement has been achieved since 2000.

- (5) The measures provided for in this Decision are in accordance with the opinion of the COSS Committee set up by Article 7 of Directive 94/57/EC,

HAS ADOPTED THIS DECISION:

Article 1

The 'Polish Register of Shipping' is recognised pursuant to Article 4(2) of Directive 94/57/EC for a period of three years as from the date of adoption of this Decision.

Article 2

The effects of the recognition are limited to the Czech Republic, Cyprus, Lithuania, Malta, Poland and the Slovak Republic.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 September 2006.

For the Commission

Jacques BARROT
Vice-President

⁽¹⁾ OJ L 319, 12.12.1994, p. 20. Directive as last amended by Directive 2002/84/EC of the European Parliament and of the Council (OJ L 324, 29.11.2002, p. 53).

COMMISSION DECISION

of 29 September 2006

as regards a Community financial contribution for the year 2006, to new Community reference laboratories in the food and feed control area

(notified under document number C(2006) 4277)

(Only the texts in Spanish, Danish, German, English, French, Italian, Dutch and Swedish are authentic)

(2006/661/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾, and in particular Article 32(7) thereof,

Whereas:

(1) Community reference laboratories in the food and feed control area may be granted a Community financial contribution in accordance with Article 28 of Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽²⁾.

(2) Commission Regulation (EC) No 156/2004 of 29 January 2004 on the Community's financial assistance to Community reference laboratories pursuant to Article 28 of Decision 90/424/EEC ⁽³⁾ provides that the financial contribution from the Community is to be granted if the approved work programmes are efficiently carried out and that the beneficiaries supply all the necessary information within certain time limits.

(3) In July 2005 the Commission launched a call for the selection and designation of new Community reference laboratories in the food and feed control area. The evaluation of the applications was completed in December 2005 and the results were notified to the competent authorities of the Member States concerned. Following that evaluation the successful candidates were selected to be designated as new Community reference laboratories.

(4) Commission Regulation (EC) No 776/2006 of 23 May 2006 amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards Community reference laboratories ⁽⁴⁾ designated new Community reference laboratories in the following areas: *Listeria monocytogenes*, Coagulase positive *Staphylococci*, *Escherichia coli*, including Verotoxigenic *E. coli* (VTEC), *Campylobacter*, parasites (in particular *Trichinella*, *Echinococcus*, *Anisakis*), antimicrobial resistance, animal proteins in feedingstuffs, residues of pesticides (food of animal origin and commodities with high fat content, cereals and feedingstuffs, fruits and vegetables including commodities with high water and high acid content, and single residue methods for all previously mentioned matrixes), and dioxins and PCBs in food and feed.

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

(6) Accordingly, a Community financial contribution should be granted to the Community reference laboratories designated to carry out the functions and duties provided for in Regulation (EC) No 882/2004. The Community's financial contribution should be at the rate of 100 % of eligible costs as defined in Regulation (EC) No 156/2004.

(7) In addition to the financial contribution from the Community, a further contribution should be granted for the organisation of workshops in areas falling under the responsibility of the Community reference laboratories.

(8) A financial contribution for workshops organised by Community reference laboratories should comply with the eligibility rules laid down in Regulation (EC) No 156/2004 and be limited to 30 participants.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1. Regulation as amended by Commission Regulation (EC) No 776/2006 (OJ L 136, 24.5.2006, p. 3).

⁽²⁾ 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).

⁽³⁾ OJ L 27, 30.1.2004, p. 5.

⁽⁴⁾ OJ L 136, 24.5.2006, p. 3.

(9) Pursuant to Article 3(2)(a) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy⁽¹⁾, veterinary and plant health measures are financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund.

(10) 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 grants a financial contribution to France for the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, to be carried out by the Laboratoire d'études et de recherches sur la qualité des aliments et sur les procédés agroalimentaires (LERQAP), Maisons-Alfort, France, in respect of analysis and testing of *Listeria monocytogenes*. contribution.

For the period from 1 July 2006 to 31 December 2006, that financial contribution shall not exceed 98 000 EUR.

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

Article 2

1. The Community grants financial contribution to France for the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, to be carried out by the Laboratoire d'études et de recherches sur la qualité des aliments et sur les procédés agroalimentaires (LERQAP), Maisons-Alfort, France, in respect of analysis and testing of Coagulase positive *Staphylococci*, including *Staphylococcus aureus*.

For the period from 1 July 2006 to 31 December 2006, that financial contribution shall not exceed 66 000 EUR.

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

Article 3

1. The Community grants financial contribution to Italy for the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, to be carried out by the Istituto Superiore di Sanità (ISS), Rome, Italy, in respect of analysis and testing of *Escherichia coli*, including Verotoxigenic *E. Coli* (VTEC).

For the period from 1 July 2006 to 31 December 2006, that financial contribution shall not exceed EUR 68 000.

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

Article 4

1. The Community grants financial contribution to Sweden for the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, to be carried out by the Statens Veterinärmedicinska Anstalt (SVA), Uppsala, Sweden, for the monitoring of *Campylobacter*.

For the period from 1 July 2006 to 31 December 2006, that financial contribution shall not exceed 118 000 EUR.

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

Article 5

1. The Community grants financial contribution to Italy for the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, to be carried out by the Istituto Superiore di Sanità (ISS), Rome, Italy, in respect of analysis and testing of parasites (in particular *Trichinella*, *Echinococcus* and *Anisakis*).

For the period from 1 July 2006 to 31 December 2006, that financial contribution shall not exceed EUR 117 000.

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

⁽¹⁾ OJ L 209, 11.8.2005, p. 1. Regulation as amended by Regulation (EC) No 320/2006 (OJ L 58, 28.2.2006, p. 42).

Article 6

The Community grants financial contribution to Denmark for the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, to be carried out by the Danmarks Fødevareforskning (DFVF), Copenhagen, Denmark, for the monitoring of antimicrobial resistance.

For the period from 1 July 2006 to 31 December 2006, that financial contribution shall not exceed 128 000 EUR.

Article 7

The Community grants financial contribution to Belgium for the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, to be carried out by the Centre Wallon de Recherches agronomiques (CRA-W), Gembloux, Belgium in respect of analysis and testing of animal proteins in feedingstuffs.

For the period from 1 July 2006 to 31 December 2006, that financial contribution shall not exceed 263 000 EUR.

Article 8

1. The Community grants financial contribution to Germany for the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, to be carried out by the Chemisches und Veterinäruntersuchungsamt (CVUA) Freiburg, Germany in respect of analysis and testing of residues of pesticides in food of animal origin and commodities with high fat content.

For the period from 1 July 2006 to 31 December 2006, that financial contribution shall not exceed 150 000 EUR.

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

Article 9

1. The Community grants financial contribution to Denmark for the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, to be carried out by the Danmarks Fødevareforskning (DFVF) Copenhagen, Denmark, in respect of analysis and testing of residues of pesticides in cereals and feedingstuffs.

For the period from 1 July 2006 to 31 December 2006, that financial contribution shall not exceed EUR 150 000.

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

Article 10

1. The Community grants financial contribution to Spain for the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, to be carried out by the Laboratorio Agrario de la Generalitat Valenciana (LAGV)/Grupo de Residuos de Plaguicidas de la Universidad de Almería (PRRG), Spain, in respect of analysis and testing of residues of pesticides in fruits and vegetables, including commodities with high water and high acid content.

For the period from 1 July 2006 to 31 December 2006, that financial contribution shall not exceed EUR 400 000.

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

Article 11

1. The Community grants financial contribution to Germany for the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, to be carried out by the Chemisches und Veterinäruntersuchungsamt (CVUA) Stuttgart, Germany in respect of analysis and testing of residues of pesticides by single residue methods.

For the period from 1 July 2006 to 31 December 2006, that financial contribution shall not exceed EUR 300 000.

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

Article 12

1. The Community grants financial contribution to Germany for the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004, to be carried out by the Chemisches und Veterinäruntersuchungsamt (CVUA) Freiburg, Germany in respect of analysis and testing of dioxins and PCBs in food and feed.

For the period from 1 July 2006 to 31 December 2006, that financial contribution shall not exceed EUR 400 000.

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

Article 13

The Community's financial contribution referred to in Articles 1 to 12 shall be at the rate of 100 % of eligible costs as defined in Regulation (EC) No 156/2004.

Article 14

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Italian Republic and the Kingdom of Sweden.

Done at Brussels, 29 September 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION

of 29 September 2006

concerning a financial contribution from the Community towards a baseline survey on the prevalence of *Salmonella* in turkeys to be carried out in the Member States

(notified under document number C(2006) 4308)

(2006/662/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 20 thereof,

Whereas:

- (1) Pursuant to Decision 90/424/EEC the Community is to undertake or assist the Member States in undertaking the technical and scientific measures necessary for the development of veterinary legislation and for the development of veterinary education or training.
- (2) Under Article 4 of Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents ⁽²⁾, a Community target is to be established for reducing the prevalence of salmonella in populations of flocks of turkeys by the end of 2007.
- (3) In order to set the Community target, comparable data on the prevalence of salmonella in populations of turkeys in the Member States needs to be available. Such information is not at hand and a special survey should therefore be carried out to monitor the prevalence of salmonella in turkeys over a suitable period in order to take account of possible seasonal variations.
- (4) The survey is to provide technical information necessary for the development of Community veterinary legislation. Given the importance of collecting comparable data on the prevalence of salmonella in turkeys in the Member States, they should be granted a Community financial

contribution for implementing the specific requirements of the survey. It is appropriate to reimburse 100 % of the costs incurred on the laboratory testing, subject to a ceiling. All other costs such as sampling, travel, administration, etc should not be eligible for any Community financial contribution.

- (5) A financial contribution from the Community should be granted provided that the survey is carried out in accordance with the relevant provisions of Community law and subject to compliance with certain other conditions.
- (6) A financial contribution from the Community should be granted in so far as the actions provided for are effectively carried out and provided that the authorities furnish all the necessary information within the time limits provided for.
- (7) There is a need to clarify the rate to be used for the conversion of payment applications submitted in national currencies as defined in Article 1(d) of Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽³⁾.
- (8) 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

Objective of the survey and general provisions

1. A survey shall be carried out to assess the prevalence of *Salmonella* spp. across the Community in

— flocks of fattening turkeys sampled within three weeks of leaving the selected holding for slaughter;

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31).

⁽²⁾ OJ L 325, 12.12.2003, p. 1. Regulation as last amended by Regulation (EC) No 1003/2005 (OJ L 170, 1.7.2005, p. 12).

⁽³⁾ OJ L 349, 24.12.1998, p. 1.

— flocks of breeding turkeys within 9 weeks before depopulation.

2. The results of the survey shall be used to set Community targets as provided for in Article 4 of Regulation (EC) No 2160/2003.

3. The survey shall cover a one-year period commencing on 1 October 2006.

4. For the purposes of this Decision, 'competent authority' shall be the authority or authorities of a Member State as designated under Article 3 of Regulation (EC) No 2160/2003.

Article 2

Sampling frame

1. Sampling for the purpose of the survey in flocks of turkeys shall be organised by the Member States and shall be performed from 1 October 2006 on holdings containing at least 500 fattening birds or 250 breeding birds. On each selected holding of fattening turkeys, one flock of the appropriate age shall be sampled.

However, in countries where the calculated number of flocks to be sampled is higher than the number of holdings available with at least the above number birds, in order to achieve the calculated number of flocks, up to four flocks may be sampled on the same holding. Where possible the additional flocks from a single holding shall be from different turkey houses and samples taken in different seasons.

If the number of flocks to be sampled is still not sufficient, more than four flocks may be sampled on the same holding, larger holdings being focused on.

2. Sampling shall be performed by the competent authority or under its supervision.

Article 3

Detection of *Salmonella* spp. and serotyping of the relevant isolates

1. Detection of *Salmonella* spp. and serotyping of the relevant isolates shall take place in national reference laboratories for salmonella.

However, where a national reference laboratory does not have the capacity to perform all the analyses or if it is not the laboratory that performs detection routinely, the competent authorities may designate a limited number of other laboratories involved in official controls of salmonella to perform the analyses.

Those laboratories shall have proven experience in using the required detection method, shall implement a quality-assurance system complying with ISO standard 17025, and shall be supervised by the national reference laboratory.

2. The detection of *Salmonella* spp. shall be performed in accordance with the method recommended by the Community reference laboratory for salmonella.

3. Serotyping of the relevant isolates shall be performed according to the Kaufmann-White scheme.

Article 4

Collection of data, assessment and reporting

1. The national authority responsible for preparing the yearly national report pursuant to Article 9(1) of Directive 2003/99/EC⁽¹⁾ shall collect and assess the results achieved pursuant to Article 3 of this Decision on the basis of the sampling frame referred to in Article 2 thereof, and shall report all necessary data and its assessment to the Commission.

2. The Commission shall forward the data to the European Food Safety authority, which shall examine them.

3. National aggregated data and results shall be made available publicly in a form that ensures confidentiality.

Article 5

Technical specifications

The tasks and activities referred to in Articles 2, 3 and 4 of this Decision shall be performed in conformity with the technical specifications presented at the meeting of the Standing Committee on the Food Chain and Animal Health on ... as published on the Commission website http://europa.eu.int/comm/food/food/biosafety/salmonella/impl_reg_en.htm

⁽¹⁾ OJ L 325, 12.12.2003, p. 31.

*Article 6***Scope of the Community financial contribution**

1. The Community shall provide financial contribution for the costs incurred by the Member States on laboratory testing, i.e. bacteriological detection of *Salmonella* spp. and serotyping of the relevant isolates.
2. The maximum financial contribution from the Community shall be EUR 20 per test for bacteriological detection of *Salmonella* spp. and EUR 30 for serotyping of the relevant isolates.
3. The financial contribution from the Community shall not exceed the amounts set out in Annex I for the duration of the survey.

*Article 7***Conditions for granting a Community financial contribution**

1. The financial contribution provided for in Article 6 shall be granted to the Member States provided that the survey is implemented in accordance with the relevant provisions of Community law, including the rules on competition and on the award of public contracts, and subject to compliance with the following conditions:
 - (a) by 1 October 2006, the laws, regulations and administrative provisions required to implement the survey shall come into force;
 - (b) a progress report covering the first three months of the survey shall be forwarded by 28 February 2007; the progress report should contain all information given in Chapter 6 Reporting of the technical specifications referred to in Article 5;
 - (c) a final report shall be forwarded by 31 October 2007 at the latest on the technical execution of the survey, together with supporting evidence for the costs incurred and the results attained during the period 1 October 2006 to 30

September 2007; the evidence as to costs incurred shall comprise at least the information set out in Annex II;

(d) the survey shall be implemented effectively.

2. An advance of 50 % of the total amount referred to in Annex I may be paid at the request of the Member State concerned.

3. Failure to comply with the time limit in paragraph 1(c) shall entail a progressive reduction of the financial contribution to be paid, amounting to 25 % of the total amount by 15 November 2007, 50 % by 1 December 2007 and 100 % by 15 December 2007.

*Article 8***Conversion rate for applications in national currencies**

The conversion rate for applications submitted in national currencies in month 'n' shall be that for the 10th day of month 'n + 1' or the first day before that day for which a rate is quoted.

*Article 9***Application**

This Decision shall apply from 1 October 2006.

*Article 10***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 29 September 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

Maximum Community financial contribution to the Member States

Member State	Amount (EUR)
Belgium — BE	15 210
Czech republic — CZ	30 030
Denmark — DK	8 190
Germany — DE	61 100
Estonia — EE	0
Greece — EL	15 990
Spain — ES	37 700
France — FR	85 670
Ireland — IE	35 230
Italy — IT	62 920
Cyprus — CY	1 040
Latvia — LV	0
Lithuania — LT	7 930
Luxembourg — LU	0
Hungary — HU	41 860
Malta — MT	650
Netherlands — NL	24 830
Austria — AT	26 130
Poland — PL	58 370
Portugal — PT	15 730
Slovenia — SI	19 110
Slovakia — SK	9 100
Finland — FI	25 740
Sweden — SE	7 280
United Kingdom — UK	53 300
Total	643 110

ANNEX II

Certified financial report on the implementation of a baseline survey on the prevalence of *Salmonella* spp. in flocks of turkeys

Reporting period: to

Statement on costs incurred on the survey and eligible for Community financial contribution:

Reference number of Commission Decision providing Community financial contribution:

.....

Costs incurred related to functions at/by	Number of tests	Total costs of testing incurred during reporting period (national currency)
Bacteriology for <i>Salmonella</i> spp.		
Serotyping <i>Salmonella</i> isolates		

Declaration by the beneficiary

We certify that

- the above costs are genuine and have been incurred in carrying out the tasks laid down in this Decision and were essential for the proper performance of those tasks;
- all supporting documents supporting for the costs are available for audit purposes.

Date:

Person financially responsible:

Signature:
