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### Legislation

#### Contents

#### I Acts whose publication is obligatory

Commission Regulation (EC) No 1783/2006 of 4 December 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 1

★ Commission Regulation (EC) No 1784/2006 of 4 December 2006 amending Regulation (EC) No 2037/2000 of the European Parliament and of the Council with regard to the use of processing agents ..... 3

★ Commission Regulation (EC) No 1785/2006 of 4 December 2006 laying down rules for the management and distribution of textile quotas established for the year 2007 under Council Regulation (EC) No 517/94 ..... 5

★ Commission Regulation (EC) No 1786/2006 of 4 December 2006 amending Annexes III B, IV, and VI to Council Regulation (EC) No 517/94 as regards textile quotas for 2007 ..... 12

★ Commission Regulation (EC) No 1787/2006 of 4 December 2006 amending Commission Regulation (EC) 809/2004 implementing Directive 2003/71/EC of the European Parliament and of the Council as regards information contained in prospectuses as well as the format, incorporation by reference and publication of such prospectuses and dissemination of advertisements ..... 17

★ Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel ..... 21

Price: EUR 18

(Continued overleaf)

# EN

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

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

**Council**

2006/872/EC:

- ★ **Council Decision of 17 November 2006 on the signature on behalf of the Community of a Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)** ..... 33

**Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)** ..... 34

2006/873/EC:

- ★ **Council Decision of 20 November 2006 on the conclusion of a Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)** ..... 43

2006/874/EC:

- ★ **Council Decision of 28 November 2006 on the accession of the Community to United Nations Economic Commission for Europe Regulation No 107 on uniform provisions concerning the approval of category M<sub>2</sub> or M<sub>3</sub> vehicles with regard to their general construction <sup>(1)</sup>** ..... 45

**Commission**

2006/875/EC:

- ★ **Commission Decision of 30 November 2006 approving programmes for the eradication and monitoring of animal diseases, of certain TSEs, and for the prevention of zoonoses presented by the Member States for the year 2007 (notified under document number C(2006) 5677)** ..... 46

2006/876/EC:

- ★ **Commission Decision of 30 November 2006 approving programmes for the eradication and monitoring of animal diseases, of certain TSEs, and for the prevention of zoonoses presented by Bulgaria and Romania for the year 2007 and amending Decision 2006/687/EC (notified under document number C(2006) 5702)** ..... 57

**Corrigenda**

- ★ **Corrigendum to Decision 1719/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing the 'Youth in Action' programme for the period 2007 to 2013 (OJ L 327, 24.11.2006)** 68

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1783/2006****of 4 December 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 <sup>(1)</sup>, 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 5 December 2006.

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

Done at Brussels, 4 December 2006.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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 4 December 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code                                           | Third country code <sup>(1)</sup> | Standard import value |
|---------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                                        | 052                               | 74,2                  |
|                                                   | 204                               | 44,5                  |
|                                                   | 999                               | 59,4                  |
| 0707 00 05                                        | 052                               | 139,4                 |
|                                                   | 204                               | 74,2                  |
|                                                   | 628                               | 163,6                 |
|                                                   | 999                               | 125,7                 |
| 0709 90 70                                        | 052                               | 165,3                 |
|                                                   | 204                               | 60,8                  |
|                                                   | 999                               | 113,1                 |
| 0805 10 20                                        | 388                               | 46,7                  |
|                                                   | 999                               | 46,7                  |
| 0805 20 10                                        | 052                               | 63,4                  |
|                                                   | 204                               | 55,7                  |
|                                                   | 999                               | 59,6                  |
| 0805 20 30, 0805 20 50, 0805 20 70,<br>0805 20 90 | 052                               | 56,1                  |
|                                                   | 388                               | 111,5                 |
|                                                   | 999                               | 83,8                  |
| 0805 50 10                                        | 052                               | 53,3                  |
|                                                   | 388                               | 44,4                  |
|                                                   | 528                               | 33,5                  |
|                                                   | 999                               | 43,7                  |
| 0808 10 80                                        | 388                               | 59,7                  |
|                                                   | 400                               | 100,7                 |
|                                                   | 404                               | 99,8                  |
|                                                   | 508                               | 80,5                  |
|                                                   | 720                               | 45,7                  |
|                                                   | 999                               | 77,3                  |
| 0808 20 50                                        | 052                               | 107,8                 |
|                                                   | 400                               | 111,9                 |
|                                                   | 720                               | 51,2                  |
|                                                   | 999                               | 90,3                  |

<sup>(1)</sup> 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 1784/2006****of 4 December 2006****amending Regulation (EC) No 2037/2000 of the European Parliament and of the Council with regard to the use of processing agents**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer <sup>(1)</sup>, and in particular the third sentence of the sixteenth indent of Article 2 thereof,

Whereas:

- (1) The ozone-depleting substance carbon tetrachloride (CTC) is listed as a controlled substance in Group IV of Annex I to Regulation (EC) No 2037/2000 and therefore use restrictions apply under this Regulation.
- (2) Taking account of new information and technical developments reported by the Process Agents Task Force of the Montreal Protocol on substances that deplete the ozone layer in its progress report dated October 2004 <sup>(2)</sup>, the Parties to the Montreal Protocol adopted Decision XVII/7 <sup>(3)</sup> at their 17th Meeting in December 2005. More specifically, Decision XVII/7 adds CTC to the revised Table A for Decision X/14 as the processing agent for the production of radio-labelled cyanocobalamin which is a medical drug used for the diagnosis of the likely causes of vitamin B<sub>12</sub> deficiency.

(3) At present, the use of CTC as processing agent for the production of radio-labelled cyanocobalamin is banned in the Community under Regulation (EC) No 2037/2000. In order for this particular use to be allowed, in accordance with the abovementioned Decision recently agreed upon under the Montreal Protocol, Annex VI of the Regulation should be amended.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 18(1) of Regulation (EC) No 2037/2000,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex VI to Regulation (EC) No 2037/2000 is replaced by the Annex to this Regulation.

*Article 2*

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, 4 December 2006.

*For the Commission*

Stavros DIMAS

*Member of the Commission*

<sup>(1)</sup> OJ L 244, 29.9.2000, p. 1. Regulation as last amended by Regulation (EC) No 1366/2006 (OJ L 264, 25.9.2006, p. 12).

<sup>(2)</sup> Report of the Process Agents Task Force, October 2004, p. 17 ([http://hq.unep.org/ozone/teap/Reports/PATF/PATF\\_Report2004.pdf](http://hq.unep.org/ozone/teap/Reports/PATF/PATF_Report2004.pdf)).

<sup>(3)</sup> 17th Meeting of the Parties to the Montreal Protocol in 2005, Decision XVII/7: list of uses of controlled substances as process agents ([http://hq.unep.org/ozone/Meeting\\_Documents/mop/17mop/17mop-11.e.pdf](http://hq.unep.org/ozone/Meeting_Documents/mop/17mop/17mop-11.e.pdf)).

## ANNEX

## ‘ANNEX VI

**Processes in which controlled substances are used as processing agents as referred to in the sixteenth indent of Article 2**

- (a) use of carbon tetrachloride for the elimination of nitrogen trichloride in the production of chlorine and caustic soda;
  - (b) use of carbon tetrachloride in the recovery of chlorine in tail gas from production of chlorine;
  - (c) use of carbon tetrachloride in the manufacture of chlorinated rubber;
  - (d) use of carbon tetrachloride in the manufacture of isobutyl acetophenone (ibuprofen-analgesic);
  - (e) use of carbon tetrachloride in the manufacture of poly-phenylene-terephthalamide;
  - (f) use of carbon tetrachloride for the production of radio-labelled cyanocobalamin;
  - (g) use of CFC-11 in manufacture of fine synthetic polyolefin fibre sheet;
  - (h) use of CFC-12 in the photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives;
  - (i) use of CFC-113 in the reduction of perfluoropolyetherpolyperoxide intermediate for production of perfluoropolyether diesters;
  - (j) use of CFC-113 in the preparation of perfluoropolyether diols with high functionality;
  - (k) use of carbon tetrachloride in production of Cyclodime;
  - (l) use of HCFCs in the processes set out in points (a) to (k) when used to replace CFC or carbon tetrachloride.’
-

**COMMISSION REGULATION (EC) No 1785/2006****of 4 December 2006****laying down rules for the management and distribution of textile quotas established for the year 2007 under Council Regulation (EC) No 517/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules<sup>(1)</sup>, and in particular Article 17(3) and (6) and Article 21(2) thereof,

Whereas:

- (1) Regulation (EC) No 517/94 established quantitative restrictions on imports of certain textile products originating in certain third countries to be allocated on a first come, first served basis.
- (2) Under that Regulation it is possible, in certain circumstances, to use other allocation methods, to divide quotas into tranches, or to reserve a proportion of a specific quantitative limit exclusively for applications which are supported by evidence of the results of past import performance.
- (3) Rules for management of the quotas established for 2007 should be adopted before the quota year begins so that the continuity of trade flows is not affected unduly.
- (4) The measures adopted in previous years, such as those in Commission Regulation (EC) No 2038/2005 of 14 December 2005 laying down rules for the management and distribution of textile quotas established for the year 2006 under Council Regulation (EC) No 517/94<sup>(2)</sup>, proved to be satisfactory and it is therefore appropriate to adopt similar rules for 2007.
- (5) In order to satisfy the greatest possible number of operators it is appropriate to make the 'first come, first served' allocation method more flexible by placing a ceiling on the quantities which can be allocated to each operator by that method.
- (6) To guarantee a degree of continuity in trade and efficient quota administration, operators should be allowed to make their initial import authorisation application for 2007 equivalent to the quantity which they imported in 2006.
- (7) To achieve optimum use of the quantities, an operator who has used up at least one half of the amount already authorised should be permitted to apply for a further amount, provided that quantities are available in the quotas.
- (8) For the sake of sound administration, import authorisations should be valid for nine months from the date of issue but only until the end of the year at the latest. Member States should issue licences only after being notified by the Commission that quantities are available and only if an operator can prove the existence of a contract and can certify, in the absence of a specific provision to the contrary, that he has not already been allocated a Community import authorisation under this Regulation for the categories and countries concerned. The competent national authorities should, however, be authorised, in response to importers' applications, to extend by three months and up to 31 March 2008 licences of which at least one half has been used by the application date.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee established by Article 25 of Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

*Article 1*

The purpose of this Regulation is to lay down rules on the management of quantitative quotas for imports of certain textile products set out in Annexes III B and IV to Regulation (EC) No 517/94 for the year 2007.

*Article 2*

The quotas referred to in Article 1 shall be allocated according to the chronological order of receipt by the Commission of Member States' notifications of applications from individual operators, for amounts not exceeding the maximum quantities per operator set out in Annex I.

<sup>(1)</sup> OJ L 67, 10.3.1994, p. 1. Regulation as last amended by Commission Regulation (EC) No 931/2005 (OJ L 162, 23.6.2005, p. 37).

<sup>(2)</sup> OJ L 328, 15.12.2005, p. 27.

The maximum quantities shall not, however, apply to operators able to prove to the competent national authorities, when making their first application for 2007, that, in respect of given categories and given third countries, they imported more than the maximum quantities specified for each category pursuant to import licences granted to them for 2006.

In the case of such operators, the competent authorities may authorise imports not exceeding the quantities imported in 2006 from given third countries and in given categories, provided that enough quota capacity is available.

#### *Article 3*

Any importer who has already used up 50 % or more of the amount allocated to him under this Regulation may make a further application, in respect of the same category and country of origin, for amounts not exceeding the maximum quantities laid down in Annex I.

#### *Article 4*

1. The competent national authorities listed in Annex II may, from 10 a.m. on 4 January 2007, notify the Commission of the amounts covered by requests for import authorisations.

The time fixed in the first subparagraph shall be understood as Brussels time.

2. The competent national authorities shall issue authorisations only after being notified by the Commission pursuant

to Article 17(2) of Regulation (EC) No 517/94 that quantities are available for importation.

They shall issue authorisations only if an operator:

- (a) proves the existence of a contract relating to the provision of the goods and,
- (b) certifies in writing that, in respect of the categories and countries concerned:
  - (i) he has not already been allocated an authorisation under this Regulation; or
  - (ii) he has been allocated an authorisation under this Regulation but has used up at least 50 % of it.

3. Import authorisations shall be valid for nine months from the date of issue, but until 31 December 2007 at the latest.

The competent national authorities may, however, at the importer's request, grant a three-month extension for authorisations which are at least 50 % used up at the time of the request. Such extension shall in no circumstances expire later than 31 March 2008.

#### *Article 5*

This Regulation shall enter into force on 1 January 2007.

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

Done at Brussels, 4 December 2006.

*For the Commission*

Peter MANDELSON

*Member of the Commission*

## ANNEX I

Maximum amounts referred to in Articles 2 and 3

| Country concerned | Category | Unit      | Maximum amount |
|-------------------|----------|-----------|----------------|
| North Korea       | 1        | Kilograms | 10 000         |
|                   | 2        | Kilograms | 10 000         |
|                   | 3        | Kilograms | 10 000         |
|                   | 4        | Pieces    | 10 000         |
|                   | 5        | Pieces    | 10 000         |
|                   | 6        | Pieces    | 10 000         |
|                   | 7        | Pieces    | 10 000         |
|                   | 8        | Pieces    | 10 000         |
|                   | 9        | Kilograms | 10 000         |
|                   | 12       | Pairs     | 10 000         |
|                   | 13       | Pieces    | 10 000         |
|                   | 14       | Pieces    | 10 000         |
|                   | 15       | Pieces    | 10 000         |
|                   | 16       | Pieces    | 10 000         |
|                   | 17       | Pieces    | 10 000         |
|                   | 18       | Kilograms | 10 000         |
|                   | 19       | Pieces    | 10 000         |
|                   | 20       | Kilograms | 10 000         |
|                   | 21       | Pieces    | 10 000         |
|                   | 24       | Pieces    | 10 000         |
|                   | 26       | Pieces    | 10 000         |
|                   | 27       | Pieces    | 10 000         |
|                   | 28       | Pieces    | 10 000         |
|                   | 29       | Pieces    | 10 000         |
|                   | 31       | Pieces    | 10 000         |
|                   | 36       | Kilograms | 10 000         |
|                   | 37       | Kilograms | 10 000         |
|                   | 39       | Kilograms | 10 000         |
|                   | 59       | Kilograms | 10 000         |
|                   | 61       | Kilograms | 10 000         |
|                   | 68       | Kilograms | 10 000         |
|                   | 69       | Pieces    | 10 000         |
|                   | 70       | Pieces    | 10 000         |
|                   | 73       | Pieces    | 10 000         |
|                   | 74       | Pieces    | 10 000         |
|                   | 75       | Pieces    | 10 000         |
|                   | 76       | Kilograms | 10 000         |
|                   | 77       | Kilograms | 5 000          |
|                   | 78       | Kilograms | 5 000          |
|                   | 83       | Kilograms | 10 000         |
|                   | 87       | Kilograms | 10 000         |
|                   | 109      | Kilograms | 10 000         |
|                   | 117      | Kilograms | 10 000         |
|                   | 118      | Kilograms | 10 000         |
|                   | 142      | Kilograms | 10 000         |
|                   | 151A     | Kilograms | 10 000         |
|                   | 151B     | Kilograms | 10 000         |
|                   | 161      | Kilograms | 10 000         |

| Country concerned                                | Category | Unit      | Maximum amount |
|--------------------------------------------------|----------|-----------|----------------|
| Republic of Montenegro,<br>Kosovo <sup>(1)</sup> | 1        | Kilograms | 20 000         |
|                                                  | 2        | Kilograms | 20 000         |
|                                                  | 2a       | Kilograms | 10 000         |
|                                                  | 3        | Kilograms | 10 000         |
|                                                  | 5        | Pieces    | 10 000         |
|                                                  | 6        | Pieces    | 10 000         |
|                                                  | 7        | Pieces    | 10 000         |
|                                                  | 8        | Pieces    | 10 000         |
|                                                  | 9        | Kilograms | 10 000         |
|                                                  | 15       | Pieces    | 10 000         |
|                                                  | 16       | Pieces    | 10 000         |
|                                                  | 67       | Kilograms | 10 000         |

<sup>(1)</sup> As defined by the United Nations Security Council Resolution 1244 of 10 June 1999.

## ANNEX II

## List of licensing offices referred to in Article 4

|                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                        |                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>1. Austria</b></p> <p>Bundesministerium für Wirtschaft und Arbeit<br/>Außenwirtschaftsadministration<br/>Abteilung C2/2<br/>Stubenring 1<br/>A-1011 Wien<br/>Tel. (43-1) 711 00-0<br/>Fax (43-1) 711 00-8386</p>                                                                                                                                                              | <p><b>2. Belgium</b></p> <p>FOD Economie, KMO,<br/>Middenstand en Energie<br/>Economisch Potentieel<br/>KBO-Beheerscel —<br/>Vergunningen<br/>Leuvenseweg 44<br/>B-1000 Brussel<br/>Tel. (32-2) 548 64 69<br/>Fax (32-2) 548 65 70</p> | <p>SPF économie, PME, classes moyennes et énergie<br/>Potentiel économique<br/>Cellule de gestion BCE —<br/>Licences<br/>Rue de Louvain 44<br/>B-1000 Bruxelles<br/>Tel. (32-2) 548 64 69<br/>Fax (32-2) 548 65 70</p> |
| <p><b>3. Bulgaria</b></p> <p>Министерство на икономиката и енергетиката<br/>Дирекция „Регистриране, лицензиране и контрол“ ул.<br/>„Славянска“ № 8<br/>1052 София<br/>Република България<br/>Tel. (359) 29 40 7008 / (359) 29 40 7673 /<br/>(359) 29 40 7800<br/>Fax (359) 29 81 5041 / (359) 29 80 4710 /<br/>(359) 29 88 3654</p>                                                 | <p><b>4. Cyprus</b></p> <p>Ministry of Commerce, Industry and Tourism<br/>Trade Department<br/>6 Andrea Araouzou Str.<br/>1421 Nicosia<br/>Tel. (357-2) 86 71 00<br/>Fax (357-2) 37 51 20</p>                                          |                                                                                                                                                                                                                        |
| <p><b>5. Czech Republic</b></p> <p>Ministerstvo průmyslu a obchodu<br/>Licenční správa<br/>Na Františku 32<br/>110 15 Praha 1<br/>Tel. (420) 224 90 71 11<br/>Fax (420) 224 21 21 33</p>                                                                                                                                                                                            | <p><b>6. Denmark</b></p> <p>Erhvervs- og Byggestyrelsen<br/>Økonomi- og Erhvervsministeriet<br/>Vejlsøvej 29<br/>DK-8600 Silkeborg<br/>Tel. (45) 35 46 64 30<br/>Fax (45) 35 46 64 01</p>                                              |                                                                                                                                                                                                                        |
| <p><b>7. Estonia</b></p> <p>Majandus- ja Kommunikatsiooniministeerium<br/>Harju 11<br/>15072 Tallinn<br/>Tel. (372) 625 64 00<br/>Fax (372) 631 36 60</p>                                                                                                                                                                                                                           | <p><b>8. Finland</b></p> <p>Tullihallitus<br/>Erottajankatu 2<br/>FIN-00101 Helsinki<br/>Tel. (358) 9 61 41<br/>Fax (358) 20 492 28 52</p>                                                                                             |                                                                                                                                                                                                                        |
| <p><b>9. France</b></p> <p>Ministère de l'économie, des finances et de l'industrie<br/>Direction générale de l'industrie, des technologies de l'information et des postes<br/>Service des industries manufacturières (SIM)<br/>Mission Textile-Importations<br/>Le Bervil<br/>12, rue Villiot<br/>F-75572 Paris Cedex 12<br/>Tel. (33-1) 44 87 17 17<br/>Fax (33-1) 53 44 91 81</p> | <p><b>10. Germany</b></p> <p>Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)<br/>Frankfurter Str. 29—35<br/>D-65760 Eschborn<br/>Tel. (49-61) 969 08-0<br/>Fax (49-61) 969 42 26</p>                                              |                                                                                                                                                                                                                        |

|                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>11. Greece</b></p> <p>Υπουργείο Οικονομίας &amp; Οικονομικών<br/>Γενική Διεύθυνση Διεθνούς Οικονομικής Πολιτικής<br/>Διεύθυνση Καθεστώτων Εισαγωγών-Εξαγωγών, Εμπορικής<br/>Άμυνας<br/>Κορνάρου 1<br/>GR-105 63 Αθήνα<br/>Tel. (30-210) 328 60 21-22<br/>Fax (30-210) 328 60 94</p>                             | <p><b>12. Hungary</b></p> <p>Magyar Kereskedelmi Engedélyezési Hivatal<br/>H-1024 Budapest<br/>Margit krt. 85.<br/>Postafiók: 1537 Budapest Pf. 345.<br/>Tel. (36-1) 336 73 00<br/>Fax (36-1) 336 73 02</p>                                                                                                                        |
| <p><b>13. Ireland</b></p> <p>Department of Enterprise, Trade and Employment<br/>Internal Market<br/>Kildare Street<br/>IRL-Dublin 2<br/>Tel. (353-1) 631 21 21<br/>Fax (353-1) 631 28 26</p>                                                                                                                          | <p><b>14. Italy</b></p> <p>Ministero del Commercio con l'estero<br/>Direzione generale per la politica commerciale e per la<br/>gestione del regime degli scambi<br/>DIV. III<br/>Viale America, 341<br/>I-00144 Roma<br/>Tel. (39-6) 59 64 75 17, 59 93 2202/2215<br/>Fax (39-6) 59 93 2235/2263<br/>Telex (39-6) 59 64 75 31</p> |
| <p><b>15. Latvia</b></p> <p>Ekonomikas ministrija<br/>Brīvības iela 55<br/>LV-1519 Rīga<br/>Tel. (371) 701 30 06<br/>Fax (371) 728 08 82</p>                                                                                                                                                                          | <p><b>16. Lithuania</b></p> <p>Lietuvos Respublikos ūkio ministerija<br/>Gedimino pr. 38/2<br/>LT-01104 Vilnius<br/>Tel. (370) 5 262 87 50 / (370) 5 261 94 88<br/>Fax (370) 5 262 39 74</p>                                                                                                                                       |
| <p><b>17. Luxembourg</b></p> <p>Ministère des affaires étrangères<br/>Office des licences<br/>Boîte postale 113<br/>L-2011 Luxembourg<br/>Tel. (352) 478 23 71<br/>Fax (352) 46 61 38</p>                                                                                                                             | <p><b>18. Malta</b></p> <p>Ministry for Competitiveness and Communication<br/>Commerce Division, Trade Services Directorate Lascaris<br/>Valletta CMR02 Malta<br/>Tel. (356) 21 23 71 12<br/>Fax (356) 21 23 79 00</p>                                                                                                             |
| <p><b>19. Netherlands</b></p> <p>Belastingdienst/Douane centrale dienst voor in- en uitvoer<br/>Engelse Kamp 2<br/>Postbus 30003<br/>NL-9700 RD Groningen<br/>Tel. (31-50) 523 91 11<br/>Fax (31-50) 523 22 10</p>                                                                                                    | <p><b>20. Poland</b></p> <p>Ministerstwo Gospodarki<br/>Pl. Trzech Krzyży 3/5<br/>00-950 Warszawa<br/>Tel. 0048/22/693 55 53<br/>Fax 0048/22/693 40 21</p>                                                                                                                                                                         |
| <p><b>21. Portugal</b></p> <p>Ministério das Finanças<br/>Direcção-Geral das Alfândegas e dos Impostos Especiais<br/>sobre o Consumo<br/>Rua Terreiro do Trigo<br/>Edifício da Alfândega<br/>PT-1149-060 LISBOA<br/>Tel. (351-1) 218 81 42 63<br/>Fax (351-1) 218 81 42 61<br/>E-mail: dsl@dgaiec.min-financas.pt</p> | <p><b>22. Romania</b></p> <p>Ministerul Economiei și Comerțului<br/>Direcția Generală Politici Comerciale<br/>Str. Ion Câmpineanu nr. 16<br/>București, Sector 1<br/>Cod poștal 010036<br/>Tel. (40) 21 315 00 81<br/>Fax (40) 21 315 04 54<br/>E-mail: clc@dce.gov.ro</p>                                                         |

|                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>23. Slovakia</b><br><br>Ministerstvo hospodárstva SR<br>Oddelenie licencií<br>Mierová 19<br>827 15 Bratislava<br>Slovenská republika<br>Tel. (421-2) 48 54 20 21/ (421-2) 48 54 71 19<br>Fax (421-2) 43 42 39 19                     | <b>24. Slovenia</b><br><br>Ministrstvo za finance<br>Carinska uprava Republike Slovenije<br>Carinski urad Jesenice<br>Center za TARIC in kvote<br>Spodnji Plavž 6c<br>SI-4270 Jesenice<br>Tel. (386-4) 297 44 70<br>Fax (386-4) 297 44 72<br>E-mail: taric.cuje@gov.si |
| <b>25. Spain</b><br><br>Ministerio de Industria, Turismo y Comercio<br>Secretaría General de Comercio Exterior<br>Paseo de la Castellana 162<br>E-28046 Madrid<br>Tel. (34-91) 349 38 17, 349 37 48<br>Fax (34-91) 563 18 23, 349 38 31 | <b>26. Sweden</b><br><br>National Board of Trade (Kommerskollegium)<br>Box 6803<br>S-113 86 Stockholm<br>Tel. (46-8) 690 48 00<br>Fax (46-8) 30 67 59                                                                                                                  |
| <b>27. United Kingdom</b><br><br>Department of Trade and Industry<br>Import Licensing Branch<br>Queensway House<br>West Precinct<br>Billingham<br>UK TS23 2NF<br>Tel. (44-1642) 36 43 33, 36 43 34<br>Fax (44-1642) 53 35 57            |                                                                                                                                                                                                                                                                        |

**COMMISSION REGULATION (EC) No 1786/2006****of 4 December 2006****amending Annexes III B, IV, and VI to Council Regulation (EC) No 517/94 as regards textile quotas for 2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules <sup>(1)</sup>, and in particular Article 5(2) thereof,

Whereas:

(1) Regulation (EC) No 517/94 establishes the annual quantitative limits for certain textile products originating in Montenegro, Kosovo <sup>(2)</sup> and North Korea.

(2) As from 1 January 2007, the European Union will include two new Member States, Romania and Bulgaria. Article 6(7) of the Act of Accession provides that the quantitative restrictions applied by the Community on imports of textile and clothing products are to be adjusted to take account of the accession of the new Member States to the Community. The quantitative restrictions applicable to imports of certain textile products from third countries into the enlarged Community should consequently be adjusted so as to cover imports into the two new Member States. This requires the amendment of certain Annexes to Regulation (EC) No 517/94.

(3) In order to prevent the enlargement of the Community from having restrictive effects on trade, it is appropriate, when amending the quantities, to use a methodology which takes into account, for the purpose of adjusting

the new quota levels, the traditional imports into the new Member States. A formula consisting of the average of the last three years' imports into the two new Member States originating in third countries provides an adequate measurement of those historical flows. Due to the fact that Montenegro became independent on 3 June 2006, the Commission has no separate figures of the trade flow between Montenegro and Kosovo, on one hand, and the new Member States on the other hand. Therefore, the new quota levels have been established using the most appropriate criterion for doing so, namely the population ratios of the two new Member States. A growth rate has been added in both cases.

(4) Annexes III B, IV and VI to Regulation (EC) No 517/94 should therefore be amended so as to list quota levels applicable for the year 2007. The detailed rules governing 2007 quota allocation are those contained in Commission Regulation (EC) No 1785/2006 <sup>(3)</sup> on the management of textile quotas established under Regulation (EC) No 517/94 for the year 2007.

(5) All provisions of Regulation (EC) No 517/94 are to apply to imports into the new Member States. Regulation (EC) No 517/94 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee established by Article 25 of Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes III B, IV and VI to Regulation (EC) No 517/94 are replaced as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 January 2007.

<sup>(1)</sup> OJ L 67, 10.3.1994, p. 1. Regulation as last amended by Commission Regulation (EC) No 931/2005 (OJ L 162, 23.6.2005, p. 37).

<sup>(2)</sup> As defined by the United Nations Security Council Resolution 1244 of 10 June 1999.

<sup>(3)</sup> See page 5 of this Official Journal.

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

Done at Brussels, 4 December 2006.

*For the Commission*  
Peter MANDELSON  
*Member of the Commission*

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## ANNEX

Annexes III B, IV and VI to Regulation (EC) No 517/94 are amended as follows:

1. Annex III B is replaced by the following:

'ANNEX III B

**Annual Community quantitative limits referred to in the fourth indent of Article 2(1)**

**Republic of Montenegro, Kosovo <sup>(1)</sup>**

| Category | Unit         | Quantity |
|----------|--------------|----------|
| 1        | tonnes       | 631      |
| 2        | tonnes       | 765      |
| 2a       | tonnes       | 173      |
| 3        | tonnes       | 84       |
| 5        | 1 000 pieces | 356      |
| 6        | 1 000 pieces | 191      |
| 7        | 1 000 pieces | 104      |
| 8        | 1 000 pieces | 297      |
| 9        | tonnes       | 78       |
| 15       | 1 000 pieces | 148      |
| 16       | 1 000 pieces | 75       |
| 67       | tonnes       | 65       |

<sup>(1)</sup> As defined by the United Nations Security Council Resolution 1244 of 10 June 1999.'

2. Annex IV is replaced by the following:

'ANNEX IV

**Annual Community quantitative limits referred to in Article 3(1)**

**North Korea**

| Category | Unit         | Quantity |
|----------|--------------|----------|
| 1        | tonnes       | 128      |
| 2        | tonnes       | 153      |
| 3        | tonnes       | 117      |
| 4        | 1 000 pieces | 289      |
| 5        | 1 000 pieces | 189      |
| 6        | 1 000 pieces | 218      |
| 7        | 1 000 pieces | 101      |
| 8        | 1 000 pieces | 302      |
| 9        | tonnes       | 71       |
| 12       | 1 000 pairs  | 1 308    |
| 13       | 1 000 pieces | 1 509    |

| Category | Unit         | Quantity |
|----------|--------------|----------|
| 14       | 1 000 pieces | 154      |
| 15       | 1 000 pieces | 175      |
| 16       | 1 000 pieces | 88       |
| 17       | 1 000 pieces | 61       |
| 18       | tonnes       | 61       |
| 19       | 1 000 pieces | 411      |
| 20       | tonnes       | 142      |
| 21       | 1 000 pieces | 3 416    |
| 24       | 1 000 pieces | 263      |
| 26       | 1 000 pieces | 176      |
| 27       | 1 000 pieces | 289      |
| 28       | 1 000 pieces | 286      |
| 29       | 1 000 pieces | 120      |
| 31       | 1 000 pieces | 293      |
| 36       | tonnes       | 96       |
| 37       | tonnes       | 394      |
| 39       | tonnes       | 51       |
| 59       | tonnes       | 466      |
| 61       | tonnes       | 40       |
| 68       | tonnes       | 120      |
| 69       | 1 000 pieces | 184      |
| 70       | 1 000 pieces | 270      |
| 73       | 1 000 pieces | 149      |
| 74       | 1 000 pieces | 133      |
| 75       | 1 000 pieces | 39       |
| 76       | tonnes       | 120      |
| 77       | tonnes       | 14       |
| 78       | tonnes       | 184      |
| 83       | tonnes       | 54       |
| 87       | tonnes       | 8        |
| 109      | tonnes       | 11       |
| 117      | tonnes       | 52       |
| 118      | tonnes       | 23       |
| 142      | tonnes       | 10       |
| 151A     | tonnes       | 10       |
| 151B     | tonnes       | 10       |
| 161      | tonnes       | 152'     |

3. Annex VI is replaced by the following:

‘ANNEX VI

**OUTWARD PROCESSING TRAFFIC**

**Annual Community limits referred to in Article 4(2)**

**Republic of Montenegro, Kosovo <sup>(1)</sup>**

| Category | Unit         | Quantity |
|----------|--------------|----------|
| 5        | 1 000 pieces | 403      |
| 6        | 1 000 pieces | 1 196    |
| 7        | 1 000 pieces | 588      |
| 8        | 1 000 pieces | 1 325    |
| 15       | 1 000 pieces | 691      |
| 16       | 1 000 pieces | 369      |

<sup>(1)</sup> As defined by the United Nations Security Council Resolution 1244 of 10 June 1999.’

**COMMISSION REGULATION (EC) No 1787/2006****of 4 December 2006****amending Commission Regulation (EC) 809/2004 implementing Directive 2003/71/EC of the European Parliament and of the Council as regards information contained in prospectuses as well as the format, incorporation by reference and publication of such prospectuses and dissemination of advertisements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

not drawn up in accordance with such standards it must be presented in the prospectus in the form of restated financial statements.

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2003/71/EC of the European Parliament and of the Council of 4 November 2003 on the prospectus to be published when securities are offered to the public or admitted to trading and amending Directive 2001/34/EC<sup>(1)</sup>, and in particular Article 7(1) thereof,

Whereas:

(1) Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards<sup>(2)</sup> requires companies governed by the law of a Member State, whose securities are admitted to trading on a regulated market of any Member State, to prepare their consolidated accounts in accordance with adopted international accounting standards, now commonly referred to as International Financial Reporting Standards (IFRS), for each financial year starting on or after 1 January 2005.

(2) Regulation (EC) No 809/2004 of 29 April 2004 implementing Directive 2003/71/EC of the European Parliament and of the Council as regards information contained in prospectuses as well as the format, incorporation by reference and publication of such prospectuses and dissemination of advertisements<sup>(3)</sup> requires that the historical financial information provided by third country issuers in prospectuses for offer of securities to the public or the admission of securities to trading on a regulated market be prepared in accordance with IFRS adopted pursuant to Article 3 of Regulation (EC) No 1606/2002 or with the national accounting standards of a third country equivalent to these standards. If historical financial information was

(3) However, Article 35 of Regulation (EC) No 809/2004 contains transitional provisions which, in certain limited cases, exempt third country issuers from the obligation to restate historical financial information which was not drawn up in accordance with either IFRS or accounting standards of a third country equivalent to IFRS. Under those transitional provisions, the obligation to restate historical financial information does not apply to any prospectus filed before 1 January 2007 by a third country issuer which has either prepared its historical financial information in accordance with internationally accepted standards, or which has prepared its historical financial information in accordance with the national accounting standards of a third country and has securities admitted to trading on a regulated market before that date. In the latter case, if the historical financial information does not give a true and fair view of the assets and liabilities, financial position and profit and loss of the issuer, that information must also be supplemented by such more detailed or additional information as is necessary to ensure that a true and fair view is given.

(4) Under Regulation (EC) No 809/2004 as currently drafted, those transitional exemptions will no longer apply in respect of prospectuses filed from 1 January 2007, and historical financial information which is not presented in accordance with either IFRS or equivalent third country accounting standards will have to be restated.

(5) Since the adoption of Regulation (EC) No 1606/2002 many countries have adopted IFRS directly into their national accounting standards. This clearly demonstrates that one of the aims of this Regulation — namely to encourage the increasing convergence of accounting standards so that IFRS are accepted internationally and are truly global standards — is being fulfilled. Accordingly, it is appropriate that third country issuers should be exempt from the obligation to restate historical financial information prepared in accordance with national accounting standards, or to provide a narrative description of differences as referred to in Article 1(2)(5A) hereof, if, in accordance with IAS 1 Presentation of Financial Statements, they contain an explicit and unreserved statement that they comply with IFRS.

<sup>(1)</sup> OJ L 345, 31.12.2003, p. 64.

<sup>(2)</sup> OJ L 243, 11.9.2002, p. 1.

<sup>(3)</sup> OJ L 149, 30.4.2004, p. 1; corrected by OJ L 215, 16.6.2004, p. 3.

- (6) In its advice delivered in June 2005, the Committee of European Securities Regulators (CESR), established by Commission Decision 2001/527/EC<sup>(1)</sup>, considered that the Generally Accepted Accounting Principles (GAAP) of Canada, Japan and the United States, each taken as a whole, are equivalent to IFRS adopted pursuant to Article 3 of Regulation (EC) No 1606/2002, subject to remedies, such as additional disclosures and in some instances supplementary financial statements.
- (7) In January 2005, the Accounting Standards Board of Japan (ASBJ) and the International Accounting Standards Board (IASB) announced their agreement to launch a joint project to reduce differences between IFRS and Japanese GAAP and launched a joint work programme in March 2005 towards the convergence of Japanese GAAP with IFRS. In January 2006, the Accounting Standards Board of Canada publicly stated its objective to move to a single set of globally accepted high-quality standards for public companies and concluded that this objective is best accomplished by converging Canadian accounting standards with IFRS within five years. In February 2006, the IASB and the US Financial Accounting Standards Board published a memorandum of understanding which outlines a work programme for convergence between IFRS and US GAAP with a view to fulfilling one of the US Securities and Exchange Commission's (SEC) conditions that need to be met before it will lift the reconciliation requirement for foreign issuers using IFRS that are registered with the SEC, by 2009 at the latest.
- (8) It is important, however, that the quality of the principle-based IFRS financial reporting is preserved, that the IFRS standards are consistently implemented, that appropriate legal certainty is provided for companies and investors and that equal treatment of financial statements on a worldwide basis is offered to EU companies. The future assessment of equivalence should be based on a detailed technical and objective analysis of the differences between IFRS and third country accounting standards, as well as on the concrete implementation of these GAAPs compared to IFRS. The progress of the convergence process should be closely examined before any decision on equivalence is taken.
- (9) In light of the efforts of the accounting standard setters in Canada, Japan and the United States to converge with IFRS, it is appropriate to grant the transitional provisions provided for in Article 35 of Regulation (EC) No 809/2004 to exempt third country issuers from an obligation to restate historical financial information which was drawn up in accordance with the accounting standards of Canada, Japan or the United States, or (as the case may be) to provide a narrative description of differences, for a further maximum two year period while standard setters and regulators pursue an active dialogue, the convergence process continues and the progress report is completed.
- (10) Whilst many countries have adopted IFRS directly into their national GAAP, other countries are converging national GAAP to IFRS over a period of time. In the light of this, it is appropriate, for a maximum two year transitional period, also to exempt such third country issuers from restating historical financial information or (as the case may be) from providing a narrative description of differences, provided that the national authority responsible has made a public commitment to this effect and established a work programme. In order to ensure that the exemption is available only in cases where these conditions are satisfied, the third country issuer should be required to provide evidence that satisfies the competent authority that the national authority has made a public statement and established a work programme. To ensure consistency within the Community, CESR should coordinate the competent authorities' assessment as to whether those conditions are satisfied in respect of individual third country GAAPs.
- (11) During that two year period, the Commission should not only pursue an active dialogue with the relevant third country authorities but also closely monitor the progress in the convergence between IFRS and the GAAPs of Canada, Japan, the United States, and other third countries that have established a convergence programme, in order to ensure that it is in a position to take a decision on equivalence at least six months before 1 January 2009. In addition, the Commission will actively monitor ongoing progress in the work by the relevant third country authorities to eliminate any requirement for Community issuers accessing the financial markets of a third country to reconcile financial statements prepared using IFRS. At the end of the additional transitional period, the decision of the Commission will have to be such that community and non-EU issuers should be on equal footing.
- (12) The Commission should keep the European Securities Committee and the European Parliament regularly informed of the progress made towards the elimination of reconciliation obligations and of the process towards convergence. Accordingly, the Commission shall report to the European Securities Committee and the European Parliament before 1 April 2007 on the timetable envisaged by national accounting authorities of Canada, Japan and the United States for the convergence. In addition, before 1 April 2008 and after consulting CESR, the Commission should report to the European

<sup>(1)</sup> OJ L 191, 13.7.2001, p. 43.

Securities Committee and the European Parliament on the evaluation of the GAAPs of third countries used by issuers which are not required to restate historical information or (as the case may be) to provide a narrative description of differences included in a prospectus filed with a competent authority before 1 January 2009. Lastly, before 1 January 2008, and after appropriate consultation with CESR, the Commission should ensure that there is a definition of equivalence which is used for the determination of the equivalence of third country GAAP, on the basis of an equivalence mechanism set up to that end.

- (13) Accordingly, it is appropriate to amend Article 35 of Regulation (EC) No 809/2004 so that third country issuers are not required to restate historical financial information or (as the case may be) to provide a narrative description of differences in the cases described during a maximum period of two years so that further dialogue can take place. In all other cases, third country issuers should be subject to the obligation to restate their historical financial information in accordance with adopted IFRS, or (in appropriate cases) to provide a narrative description of differences, in any prospectus filed with a competent authority on or after 1 January 2007.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the European Securities Committee,

HAS ADOPTED THIS REGULATION:

#### Article 1

Article 35 of Regulation (EC) No 809/2004 is amended as follows:

1. Paragraph 5 is replaced by the following:

‘5. Subject to paragraph 5A, from 1 January 2007, third country issuers referred to in paragraphs 3 and 4 shall present their historical financial information in accordance with international accounting standards adopted under Regulation (EC) No 1606/2002 or a third country’s national accounting standards equivalent to those standards. If such historical financial information is not in accordance with any such standards, it must be presented in the form of restated financial statements.’

2. The following paragraphs 5A, 5B, 5C, 5D and 5E are inserted:

‘5A. Third country issuers are not subject to a requirement, under Annex I, item 20.1; Annex IV, item 13.1; Annex VII, item 8.2; Annex X, item 20.1 or Annex XI, item 11.1, to restate historical financial information or to a requirement under Annex VII, item 8.2.bis; Annex IX, item 11.1; or Annex X, item 20.1.bis, to provide a narrative description of the differences between international

accounting standards adopted under Regulation (EC) No 1606/2002 and the accounting principles in accordance with which such information is drawn up, included in a prospectus filed with a competent authority before 1 January 2009, where one of the following conditions is met:

- (a) the notes to the financial statements that form part of the historical financial information contain an explicit and unreserved statement that they comply with International Financial Reporting Standards in accordance with IAS 1 Presentation of Financial Statements;
- (b) the historical financial information is prepared in accordance with the Generally Accepted Accounting Principles of either Canada, Japan or the United States of America;
- (c) the historical financial information is prepared in accordance with the Generally Accepted Accounting Principles of a third country other than Canada, Japan or the United States of America, and the following conditions are satisfied:
  - (i) the third country authority responsible for the national accounting standards in question has made a public commitment, before the start of the financial year in which the prospectus is filed, to converge those standards with International Financial Reporting Standards;
  - (ii) that authority has established a work programme which demonstrates the intention to progress towards convergence before 31 December 2008; and
  - (iii) the issuer provides evidence that satisfies the competent authority that the conditions in (i) and (ii) are met.

5B. By 1 April 2007, the Commission shall present to the European Securities Committee and the European Parliament a first report on the work timetable of the authorities responsible for national accounting standards in the US, Japan and Canada for the convergence between IFRS and the Generally Accepted Accounting Principles of those countries.

The Commission shall closely monitor, and regularly inform the European Securities Committee and the European Parliament about the amount of progress in the convergence between International Financial Reporting Standards and the Generally Accepted Accounting Principles of Canada, Japan and the United States of America and of progress on the elimination of reconciliation requirements that apply to Community issuers in those countries. In particular, it shall inform the European Securities Committee and the European Parliament immediately if the process is not proceeding satisfactorily.

5C. The Commission shall also regularly inform the European Securities Committee and the European Parliament about the development of regulatory discussions and the amount of progress in the convergence between International Financial Reporting Standards and the Generally Accepted Accounting Principles of third countries mentioned in paragraph 5A(c) and progress towards the elimination of any reconciliation requirements. In particular, the Commission shall inform the European Securities Committee and the European Parliament immediately if the process is not proceeding satisfactorily.

5D. In addition to the obligations under paragraphs 5B and 5C, the Commission shall engage in and maintain a regular dialogue with third country authorities and, before 1 April 2008 at the latest, the Commission shall present a report to the European Securities Committee and to the European Parliament on the progress in convergence and progress towards the elimination of any reconciliation requirements that apply to Community issuers under the rules of a third country covered by paragraph 5A (b) or

(c). The Commission may request or require another person to prepare the report.

5E. At least six months before 1 January 2009, the Commission shall ensure a determination of the equivalence of the Generally Accepted Accounting Principles of third countries, pursuant to a definition of equivalence and an equivalence mechanism that it will have established before 1 January 2008 in accordance with the procedure referred to in Article 24 of Directive 2003/71/EC. When complying with this paragraph, the Commission shall first consult the Committee of European Securities Regulators on the appropriateness of the definition of equivalence, the equivalence mechanism and the determination of the equivalence that is made.'

#### *Article 2*

This Regulation shall enter into force on the third 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, 4 December 2006.

*For the Commission*

Charlie McCREEVY

*Member of the Commission*

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**COUNCIL DIRECTIVE 2006/117/EURATOM****of 20 November 2006****on the supervision and control of shipments of radioactive waste and spent fuel**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 31(2) and 32 thereof,

Having regard to the proposal from the Commission drawn up after obtaining the opinion of a group of persons appointed by the Scientific and Technical Committee from among scientific experts in the Member States, in accordance with Article 31 of the Treaty, and after having consulted the European Economic and Social Committee <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) Operations involved in shipments of radioactive waste or spent fuel are subject to a number of requirements under Community and international legal instruments regarding in particular the safe transport of radioactive material and the conditions under which radioactive waste or spent fuel is disposed of or stored in the country of destination.
- (2) Further to these requirements, the health protection of workers and the general public requires that shipments of radioactive waste or spent fuel between Member States and into and out of the Community be subject to a compulsory and common system of prior authorisation.
- (3) As stated in Council Resolution of 22 May 2002 on the establishment of national systems for surveillance and control of the presence of radioactive materials in the recycling of metallic materials in the Member States <sup>(3)</sup>, it is important to minimise the radiological risk deriving from the presence of radioactive materials among metallic materials destined for recycling.

- (4) Council Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community <sup>(4)</sup> established a Community system of strict control and prior authorisation for shipments of radioactive waste that has proved satisfactory. It needs, nevertheless, to be amended in the light of experience in order to clarify and add concepts and definitions, to address situations that had been omitted in the past, to simplify the existing procedure for the shipment of radioactive waste between Member States and to guarantee consistency with other Community and international provisions, and in particular with the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (hereinafter referred to as Joint Convention), to which the Community acceded on 2 January 2006.

- (5) In the framework of the Fifth Phase of the SLIM (Simpler Legislation for the Internal Market) initiative, a working group of representatives of Member States and of users was set up in order to address a number of concerns expressed by users of Directive 92/3/Euratom, while bringing it into line with current international rules and instruments.

- (6) The procedure laid down in Directive 92/3/Euratom has been applied in practice only to shipments of spent fuel for which no further use is intended, considered thus as 'radioactive waste' for the purposes of that Directive. From a radiological point of view, excluding the application of such supervision and control procedure to spent fuel where it is intended for reprocessing is not justified. It is therefore appropriate that this Directive cover all shipments of spent fuel, whether it is intended for disposal or for reprocessing.
- (7) Each Member State should remain fully responsible for the choice of its own policy on the management of the nuclear waste and spent fuel within its jurisdiction, some choosing reprocessing of spent fuel, others aiming at final disposal of spent fuel with no other use foreseen. This Directive should therefore be without prejudice to the right of Member States to export their spent fuel for reprocessing and nothing in this Directive should imply that a Member State of destination has to accept shipments of radioactive waste and spent fuel for final treatment or disposal except in the case of reshipment. Any refusal of such shipments should be justified on the basis of the criteria set out in this Directive.

<sup>(1)</sup> OJ C 286, 17.11.2005, p. 34.

<sup>(2)</sup> Opinion delivered on 5 July 2006 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 119, 22.5.2002, p. 7.

<sup>(4)</sup> OJ L 35, 12.2.1992, p. 24.

- (8) Simplification of the existing procedure should not hamper the existing rights of the Member States to object to, or impose conditions in relation to, a shipment of radioactive waste which require their consent. Objections should not be arbitrary and should be founded on relevant national, Community or international law. This Directive should be without prejudice to rights and obligations under international law, and in particular to the exercise, by ships and aircraft, of maritime, river and air navigation rights and freedoms, as provided for under international law.
- (9) The possibility for a Member State of destination or of transit to refuse the automatic procedure for granting consent to shipments imposes an unjustified administrative burden and generates uncertainty. The mandatory acknowledgement of receipt of the application by the authorities of the countries of destination and transit, together with the extension of the period for granting consent, should allow tacit approval to be assumed with a high degree of certainty.
- (10) The 'authorisations' for shipments in the sense of this Directive should not replace any specific national requirements for the shipments such as transport licences.
- (11) To protect human health and the environment against the dangers arising from radioactive waste, account should be taken of risks occurring outside the Community. In the case of radioactive waste and spent fuel leaving the Community, the third country of destination should not only be informed of the shipment, but should also give its consent to it.
- (12) The competent authorities of the Member State of destination should cooperate and liaise with the other competent authorities involved in order to avoid undue delays and to ensure a smooth operation of the consent procedure laid down by this Directive.
- (13) The requirement that the person responsible for the shipment take corrective safety measures where necessary in case of shipment failure should not prevent the application of mechanisms established by the Member States at national level.
- (14) The requirement that the holder be liable for costs arising in case of shipment failure should not prevent that mechanisms established by the Member States at national level or any contractual arrangement between the holder and any other person involved in the shipment, apply.
- (15) While radioactive waste should, as far as is compatible with the safe management of such material, be disposed of in the State in which it was generated it is recognized that Member States should promote agreements between themselves in order to facilitate the safe and efficient management of radioactive waste or spent fuel from Member States that produced it in small quantities and where the establishment of appropriate facilities would not be justified from a radiological point of view.
- (16) When an arrangement between a consignee in a third country and a holder in a third country has been concluded pursuant to Article 27 of the Joint Convention, the same arrangement could be used for the purpose of this Directive.
- (17) For the purposes of this Directive and in the light of past experience it is appropriate to adapt the existing standard document. For the sake of clarity the obligation to establish the new standard document by the date of transposition of this Directive should be laid down. However, should this deadline not be met, transitional provisions should provide for the use of the existing standard document. Moreover, clear rules on the use of languages should allow for legal certainty and prevent unjustified delays.
- (18) Periodical reporting from Member States to the Commission and from the Commission to the European Parliament, to the Council and to the European Economic and Social Committee should provide a useful overview of authorisations given Community-wide and should identify possible difficulties encountered in practice by the Member States and solutions applied.
- (19) Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation<sup>(1)</sup>, applies, *inter alia*, to the transport, import to and export from the Community of radioactive substances and provides for a reporting and authorisation system of practices involving ionising radiation. Those provisions are therefore relevant to the field covered by this Directive.
- (20) In the light of the foregoing, it is necessary, for reasons of clarity, to repeal and replace Directive 92/3/Euratom. This Directive should not prejudice the obligations of the Member States concerning the deadlines for transposition into national law and application of the repealed Directive.

<sup>(1)</sup> OJ L 159, 29.6.1996, p. 1.

- (21) In accordance with paragraph 34 of the interinstitutional agreement on better law making <sup>(1)</sup> Member States are encouraged to draw up, for themselves and in the interest of the Community, their own tables which will, as far as possible, illustrate the correlation between this Directive and the transposition measures and to make them public,

HAS ADOPTED THIS DIRECTIVE:

## CHAPTER 1

### PRELIMINARY PROVISIONS

#### Article 1

##### **Subject matter and scope**

1. This Directive lays down a Community system of supervision and control of transboundary shipments of radioactive waste and spent fuel, so as to guarantee an adequate protection of the population.
2. This Directive shall apply to transboundary shipments of radioactive waste or spent fuel whenever:
  - (a) the country of origin or the country of destination or any country of transit is a Member State of the Community; and
  - (b) the quantities and concentration of the consignment exceed the levels laid down in Article 3(2) points (a) and (b) of Directive 96/29/Euratom.
3. This Directive shall not apply to shipments of disused sources to a supplier or manufacturer of radioactive sources or to a recognised installation.
4. This Directive shall not apply to shipments of radioactive materials recovered, through reprocessing, for further use.
5. This Directive shall not apply to transboundary shipments of waste that contains only naturally occurring radioactive material which does not arise from practices.
6. This Directive is without prejudice to rights and obligations under international law.

#### Article 2

##### **Reshipments related to processing and reprocessing operations**

This Directive shall not affect the right of a Member State or an undertaking in the Member State to which:

- (a) radioactive waste is to be shipped for processing; or

- (b) other material is to be shipped with the purpose to recover the radioactive waste,

to return the radioactive waste after treatment to its country of origin. Nor shall it affect the right of a Member State or an undertaking in that Member State to which spent fuel is to be shipped for reprocessing to return to its country of origin radioactive waste recovered from the reprocessing operation.

#### Article 3

##### **Transboundary shipments of spent fuel for reprocessing**

Without prejudice to the competence of each Member State to define its own spent fuel cycle policy, this Directive shall not affect the right of a Member State to export spent fuel for reprocessing, taking into account the principles of the nuclear common market, in particular the free movement of goods. Those shipments and exports shall be supervised and controlled in accordance with the procedures laid down in this Directive.

#### Article 4

##### **Reshipment related to non-authorised shipments and undeclared radioactive waste**

This Directive shall not affect the right of a Member State to safely return to its country of origin:

- (a) shipments of radioactive waste and spent fuel which fall under the scope of this Directive but which were not duly authorised in accordance with this directive; and
- (b) radioactively contaminated waste or material containing a radioactive source where this material has not been declared as radioactive waste by the country of origin.

#### Article 5

##### **Definitions**

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

1. 'radioactive waste' means radioactive material in gaseous, liquid or solid form for which no further use is foreseen by the countries of origin and destination, or by a natural or legal person whose decision is accepted by these countries, and which is controlled as radioactive waste by a regulatory body under the legislative and regulatory framework of the countries of origin and destination;
2. 'spent fuel' means nuclear fuel that has been irradiated in and permanently removed from a reactor core; spent fuel may either be considered as usable resource that can be reprocessed or be destined for final disposal with no further use foreseen and treated as radioactive waste;

<sup>(1)</sup> OJ C 321, 31.12.2003, p. 1.

3. 'reprocessing' means a process or operation, the purpose of which is to extract radioactive isotopes from spent fuel for further use;
4. 'shipment' means the whole of operations involved in moving radioactive waste or spent fuel from the country or the Member State of origin to the country or the Member State of destination;
5. 'intra-community shipment' means a shipment carried out where the country of origin and the country of destination are Member States;
6. 'extra-community shipment' means a shipment carried out where the country of origin and/or the country of destination are third countries;
7. 'disposal' means the emplacement of radioactive waste or spent fuel in an authorised facility without the intention of retrieval;
8. 'storage' means the holding of radioactive waste or spent fuel in a facility that provides for its containment, with the intention of retrieval;
9. 'holder' means any natural or legal person who, before carrying out a shipment of radioactive waste or spent fuel is responsible under the applicable national law for such materials and plans to carry out a shipment to a consignee;
10. 'consignee' means any natural or legal person to whom radioactive waste or spent fuel is shipped;
11. 'country or Member State of origin' and 'country or Member State of destination' respectively means any country or Member State from which a shipment is planned to be initiated or is initiated, and any country or Member State to which a shipment is planned or takes place;
12. 'country or Member State of transit' means any country or Member State other than the country or the Member State of origin or the country or the Member State of destination, through the territory of which a shipment is planned or takes place;
13. 'competent authorities' means any authority which, under the law or regulations of the countries of origin, transit or destination, are empowered to implement the system of supervision and control of shipments of radioactive waste or spent fuel;
14. 'sealed source' has the meaning given to it by Directive 96/29/Euratom and includes the capsule, where applicable, enclosing the radioactive material as an integral part of the source;
15. 'disused source' means a sealed source which is no longer used or intended to be used for the practice for which authorisation was granted;
16. 'recognised installation' means a facility located in the territory of a country authorised by the competent authorities of that country in accordance with national law for the long-term storage or disposal of sealed sources or an installation duly authorised under national law for the interim storage of sealed sources;
17. 'duly completed application' means the standard document that complies with all the requirements, as established in accordance with Article 17.

## CHAPTER 2

### INTRA-COMMUNITY SHIPMENTS

#### Article 6

#### Application for shipment authorisation

1. A holder who plans to carry out an intra-Community shipment of radioactive waste or spent fuel or to arrange for such a shipment to be carried out shall submit a duly completed application for authorisation to the competent authorities of the Member State of origin.
2. The application may be sent in respect of more than one shipment, provided that:
  - (a) the radioactive waste or the spent fuel to which it relates essentially has the same physical, chemical and radioactive characteristics; and
  - (b) the shipments are to be made from the same holder to the same consignee and involve the same competent authorities, and
  - (c) where shipments involve transit through third countries, such transit is via the same frontier post of entry to and/or exit from the Community and via the same frontier post(s) of the third country or countries concerned, unless otherwise agreed between the competent authorities concerned.

*Article 7***Transmission of the application to the competent authorities**

1. The competent authorities of the Member State of origin shall send the duly completed application referred to in Article 6 for consent to the competent authorities of the Member State of destination and of the Member States of transit, if any.
2. The competent authorities of the Member States involved shall take the necessary measures to ensure that all information regarding shipments covered by this Directive is handled with due care and protected against any misuse.

*Article 8***Acknowledgement of receipt and request for information**

1. Within 20 days following the receipt of the application, the competent authorities of the Member State of destination and transit shall verify that the application is duly completed, within the meaning of Article 5(17).
2. In case the application is duly completed, the competent authorities of the Member State of destination shall send an acknowledgement of receipt to the competent authorities of the Member State of origin and copy it to the other competent authorities concerned, not later than 10 days after expiry of the 20 days period set out in paragraph 1.
3. If any of the competent authorities of the Member States concerned consider that the application is not duly completed, they shall request the missing information from the competent authorities of the Member State of origin and inform the other competent authorities of such request. This request shall be made not later than the expiry of the period set out in paragraph 1.

The competent authorities of the Member State of origin shall transmit the requested information to the competent authorities concerned.

Not later than 10 days after the date of receipt of the missing information and not earlier than after expiry of the 20 days period set out in paragraph 1, the competent authorities of the Member State of destination shall send an acknowledgement of receipt to the competent authorities of the Member State of origin and copy it to the other competent authorities concerned.

4. The time periods set out in paragraphs 1, 2 and 3 for issuing the acknowledgement of receipt may be shortened if the competent authorities of destination and transit are satisfied that the application is duly completed.

*Article 9***Consent and refusal**

1. Not later than two months from the date of acknowledgement of receipt the competent authorities of all Member States concerned shall notify the competent authorities of the Member State of origin of their consent, or of the conditions which they consider necessary for giving their consent, or of their refusal to grant consent.

However, the competent authorities of the Member State of destination or of any Member State of transit may request a further period of not more than one month in addition to the period referred to in the first subparagraph to make their position known.

2. If upon expiry of the periods set out in paragraph 1, no reply has been received from the competent authorities of the Member State of destination and/or the intended Member State of transit, those countries shall be deemed to have given their consent for the shipment requested.

3. Reasons shall be given by Member States for any refusal to grant consent, or for conditions attached to their consent, which shall be based:

- (a) for Member States of transit, on the relevant national, Community or international legislation applicable to the transport of radioactive material;
- (b) for the Member State of destination, on relevant legislation applicable to the management of radioactive waste or spent fuel or on relevant national, Community or international legislation applicable to the transport of radioactive material.

Any conditions imposed by the competent authorities of the Member States, whether they are the country of transit or of destination, may not be more stringent than those laid down for similar shipments within those Member States.

4. The Member State or States which gave consent to transit for a given shipment may not refuse to give consent to reshipment in the following cases:

- (a) when the initial consent concerned material being shipped for treatment or reprocessing purposes, if the reshipment concerns radioactive waste or other products equivalent to the original material after treatment or reprocessing, and all relevant legislation is respected;
- (b) under the circumstances described in Article 12, if the reshipment is undertaken on the same conditions and with the same specifications.

5. Unjustified delays and/or lack of cooperation by the competent authorities of another Member State shall be reported to the Commission.

#### Article 10

##### Authorisation of shipments

1. If all the consents necessary for shipment have been given, the competent authorities of the Member State of origin shall be entitled to authorise the holder to carry out the shipment and shall inform the competent authorities of the Member State of destination and of any Member State or third country of transit accordingly.

2. The authorisation referred to in paragraph 1 shall not in any way affect the responsibility of the holder, the transporters, the owner, the consignee or any other natural or legal person involved in the shipment.

3. A single authorisation may cover more than one shipment, where the conditions set out in Article 6(2) are met.

4. Any authorisation shall be valid for a period of not more than three years.

When establishing this period of validity, Member States shall take into account any conditions set out in the consent given by the Member States of destination or of transit.

#### Article 11

##### Acknowledgement of receipt of the shipment

1. Within 15 days of receipt, the consignee shall send the competent authorities of the Member State of destination an acknowledgement of receipt of each shipment.

2. The competent authorities of the Member State of destination shall send copies of the acknowledgement of receipt to the Member State of origin and any Member State or third country of transit.

3. The competent authorities of the Member State of origin shall send a copy of the acknowledgement of receipt to the original holder.

#### Article 12

##### Shipment failure

1. The Member State of destination, origin or transit may decide that the shipment may not be completed if the conditions for shipment are no longer complied with in accordance with this Directive, or are not in accordance with the authorisations or consents given pursuant to this Directive.

Such Member State shall forthwith inform the competent authorities of the other Member States involved in the shipment of this decision.

2. Where a shipment cannot be completed or if the conditions for shipment are not complied with in accordance with this Directive, the competent authorities of the Member State of origin shall ensure that the radioactive waste or the spent fuel in question is taken back by the holder, unless an alternative safe arrangement can be made. These competent authorities shall ensure that the person responsible for the shipment takes corrective safety measures where necessary.

3. The holder shall be liable for costs arising in cases where the shipment cannot or may not be completed.

#### CHAPTER 3

##### EXTRA-COMMUNITY SHIPMENTS

#### Article 13

##### Imports into the Community

1. Where radioactive waste or spent fuel falling within the scope of this Directive is to enter the Community from a third country and the country of destination is a Member State, the consignee shall submit an application for authorisation to the competent authorities of that Member State. The application may be sent in respect of more than one shipment, under the conditions set out in Article 6(2).

The application shall include evidence that the consignee has made an arrangement with the holder established in the third country, and which has been accepted by the competent authorities of that third country, obliging that holder to take back the radioactive waste or the spent fuel where a shipment cannot be completed in accordance with this Directive, as provided for in paragraph 5 of this Article.

2. The competent authorities of the Member State of destination shall send the application referred to in paragraph 1 for consent to the competent authorities of the Member States of transit, if any.

Articles 8 and 9 shall apply.

3. If all the consents necessary for the shipment have been granted, the competent authorities of the Member State of destination shall be entitled to authorise the consignee to carry out the shipment and shall inform the competent authorities of any Member State or third country of origin or of transit accordingly.

Article 10(2), (3) and (4) shall apply.

4. Within 15 days of receipt of the shipment, the consignee shall send the competent authorities of the Member State of destination an acknowledgement of receipt of each shipment. The competent authorities of the Member State of destination shall send copies of the acknowledgement to the country of origin and to any Member State or third country of transit.

5. The Member State of destination or any Member State of transit may decide that the shipment may not be completed if the conditions for shipment are no longer complied with in accordance with this Directive, or are not in accordance with the authorisations or consents issued pursuant to this Directive. Such Member State shall forthwith inform the competent authorities of the country of origin of this decision.

6. The consignee shall be liable for costs arising in cases where the shipment cannot or may not be completed.

#### Article 14

##### Transit through the Community

1. Where radioactive waste or spent fuel is to enter the Community from a third country and the country of destination is not a Member State, the natural or legal person who has the responsibility for managing the shipment within the Member State through whose customs post radioactive waste or spent fuel is first to enter the Community (first Member State of transit) shall submit an application for authorisation to the competent authorities of that Member State. The application may be sent in respect of more than one shipment, under the conditions set out in Article 6(2).

The application shall include evidence that the consignee established in the third country has made an arrangement with the holder established in the third country, and accepted by the competent authorities of that third country, obliging that holder to take back radioactive waste or the spent fuel where a shipment cannot be completed in accordance with this Directive, as provided for in paragraph 5 of this Article.

2. The competent authorities of the first Member State of transit shall send the application referred to in paragraph 1 for consent to the competent authorities of other Member States of transit, if any.

Articles 8 and 9 shall apply.

3. If all the consents necessary for shipment have been granted, the competent authorities of the first Member State of transit shall be entitled to authorise the person responsible

referred to in paragraph 1 to carry out the shipment and shall inform the competent authorities of any other Member State or third country of transit or of origin accordingly.

Article 10(2), (3) and (4) shall apply.

4. The person responsible referred to in paragraph 1 shall notify the competent authorities of the first Member State of transit that the radioactive waste or spent fuel has reached its destination in the third country within 15 days of the date of arrival and shall indicate the last customs post in the Community through which the shipment passed.

The notification shall be substantiated by a declaration or certification by the consignee stating that the radioactive waste or spent fuel has reached its proper destination and indicating the customs post of entry in the third country.

5. A Member State of transit may decide that the shipment may not be completed if the conditions for shipment are no longer complied with in accordance with this Directive, or are not in accordance with the authorisations or consents issued pursuant to this Directive. Such Member State shall forthwith inform the competent authorities of the country of origin of this decision. The person responsible referred to in paragraph 1 shall be liable for costs arising in cases where the shipment cannot or may not be completed.

#### Article 15

##### Exports out of the Community

1. Where radioactive waste or spent fuel is to be exported from the Community to a third country, the holder shall submit an application for authorisation to the competent authorities of the Member State of origin. The application may be sent in respect of more than one shipment, under the conditions set out in Article 6(2).

2. The competent authorities of the Member State of origin shall:

(a) notify the competent authorities of the country of destination of the planned shipment and ask their consent; and

(b) send the application referred to in paragraph 1 for consent to the competent authorities of the Member States of transit, if any.

Article 8 shall apply.

3. If all the consents necessary for shipment have been given, the competent authorities of the Member State of origin shall be entitled to authorise the holder to carry out the shipment and shall inform the competent authorities of the third country of destination and of any Member State or third country of transit accordingly.

Article 10(2), (3) and (4) shall apply.

4. The holder shall notify the competent authorities of the Member State of origin that the radioactive waste or spent fuel has reached its destination in the third country within 15 days of the date of arrival and shall indicate the last customs post in the Community through which the shipment passed.

The notification shall be substantiated by a declaration or certification by the consignee stating that the radioactive waste or spent fuel has reached its proper destination and indicating the customs post of entry in the third country.

5. The Member State of origin or any Member State of transit may decide that the shipment may not be completed if the conditions for shipment are no longer complied with in accordance with this Directive, or are not in accordance with the authorisations or consents issued pursuant to this Directive. Such Member State of transit shall forthwith inform the competent authorities of the Member State of origin of this decision.

Article 12(2) and (3), shall apply.

#### Article 16

##### **Prohibited exports**

1. The competent authorities of Member States shall not authorise shipments:

- (a) to a destination south of latitude 60° south; or
- (b) to a State which is party to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, (Cotonou ACP-EC Agreement) which is not a Member State, without prejudice to Article 2, or
- (c) to a third country which does not, in the opinion of the competent authorities of the Member State of origin, in accordance with the criteria referred to in paragraph 2 of this Article, have the administrative and technical capacity and regulatory structure to manage the radioactive waste or spent fuel safely, as stated in the Joint Convention. In coming to an opinion on this issue, Member States shall

take duly into account any relevant information from other Member States. In this respect, Member States shall inform the Commission and the Advisory committee, as set up under Article 21 on a yearly basis.

2. The Commission shall, in accordance with the procedure laid down in Article 21, establish criteria, taking due account of, *inter alia*, relevant safety standards of the International Atomic Energy Agency (IAEA), facilitating Member States to evaluate whether requirements for exports are met.

#### CHAPTER 4

##### **GENERAL PROVISIONS**

##### *Article 17*

##### **Use of a standard document**

1. A standard document shall be used for all shipments within the scope of this Directive.

2. The Commission shall, in accordance with the procedure laid down in Article 21, establish the standard document which shall include as an Annex a list of the minimum requirements of a duly completed application.

The standard document and its Annexes shall be published in the *Official Journal of the European Union* and be made available in electronic form not later than 25 December 2008. If necessary, it shall be updated following the same procedure.

3. The application for authorisation shall be completed and any further documentation and information referred to in Articles 10, 13, 14 and 15 shall be supplied in a language that is acceptable to the competent authorities of the Member State to whom the application for authorisation is submitted in accordance with this Directive.

An authenticated translation shall be supplied by the holder at the request of the competent authorities of the country of destination or transit in a language acceptable to them.

4. Any additional requirements for authorising a shipment shall be attached to the standard document.

5. Without prejudice to any other accompanying documents required under other relevant legal provisions, the completed standard document certifying that the authorisation procedure has been duly complied with shall accompany each shipment falling under the scope of this Directive, including cases where the authorisation relates to more than one shipment in a single document.

6. These documents shall be available to the competent authorities of the country of origin and destination and any country of transit.

#### Article 18

##### Competent authorities

1. Member States shall forward to the Commission not later than 25 December 2008 the name(s) and the address(es) of the competent authority or authorities and all necessary information for rapidly communicating with such authorities.

2. Member States shall regularly forward to the Commission any changes to such data.

#### Article 19

##### Transmission

1. The Commission shall, in accordance with the procedure laid down in Article 21, establish recommendations for a secure and effective system of transmission of the documents and information relating to the provisions of this Directive.

2. The Commission shall establish and maintain an electronic communication platform to publish;

- (a) the name(s) and address(es) of the competent authority or authorities of each Member State;
- (b) the languages acceptable to the competent authorities of each Member State; and
- (c) all general conditions and additional requirements, if any, necessary for the competent authorities of each Member State to authorise a shipment.

#### Article 20

##### Regular reports

1. By 25 December 2011 and every three years afterwards, Member States shall forward to the Commission reports on the implementation of this Directive.

2. On the basis of these reports, the Commission shall, in accordance with the procedure laid down in Article 21, establish a summary report for the European Parliament, the Council and the European Economic and Social Committee, paying particular attention to the implementation of Article 4.

#### Article 21

##### Advisory committee

1. In performing the tasks laid down in Articles 16(2), 17(2), 19(1) and Article 20(2) the Commission shall be assisted by a Committee of an advisory nature composed of representatives of the Member States and chaired by a representative of the Commission (hereinafter referred to as the Committee).

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

3. The opinion shall be recorded in the minutes. Each Member State shall have the right to ask to have its position recorded in the minutes.

4. The Commission shall take account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

#### Article 22

##### Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 25 December 2008. They shall forthwith inform the Commission thereof.

When they are adopted by the Member States, these measures shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### Article 23

##### Repeal

1. Directive 92/3/Euratom shall be repealed with effect from 25 December 2008, without prejudice to the obligations of the Member States relating to the time limit for transposition into national law and application of that Directive.

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

*Article 24***Transitional provisions**

1. Where the application for authorisation has been duly approved by or submitted to the competent authorities of the country of origin before 25 December 2008, Directive 92/3/Euratom shall apply to all shipment operations covered by the same authorisation.

2. When deciding on applications for authorisation submitted before 25 December 2008, for more than one shipment of radioactive waste or spent fuel to a third country of destination, the Member State of origin shall take account of all relevant circumstances, and in particular:

- (a) the planned time schedule for carrying out all shipments covered by the same application;
- (b) the justification for including all shipments in the same application;
- (c) the appropriateness of authorising a number of shipments lower than that covered by the application.

3. Until the standard document provided for in Article 17 of this Directive becomes available, the standard document established by Commission Decision 93/552/Euratom<sup>(1)</sup> shall be used *mutatis mutandis* for the purposes of this Directive.

*Article 25***Entry into force**

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

*Article 26*

This Directive is addressed to the Member States.

Done at Brussels, 20 November 2006.

*For the Council*

*The President*

J. KORKEAOJA

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<sup>(1)</sup> Commission Decision 93/552/Euratom of 1 October 1993 establishing the standard document for the supervision and control of shipments of radioactive waste referred to in Council Directive 92/3/Euratom (OJ L 268, 29.10.1993, p. 83).

## ANNEX

## CORRELATION TABLE

| Directive 92/3/Euratom                         | This Directive                     |
|------------------------------------------------|------------------------------------|
| Article 1                                      | Article 1                          |
| Article 2                                      | Article 5                          |
| Article 3                                      | First recital                      |
| Article 4, first subparagraph, first sentence  | Article 6(1)                       |
| Article 4, first subparagraph, second sentence | Article 7(1)                       |
| Article 4, second subparagraph                 | Article 17(1)                      |
| Article 4, third subparagraph                  | none                               |
| Article 5(1)                                   | Article 6(2)                       |
| Article 5(2)                                   | Article 10(4)                      |
| Article 6(1), first subparagraph               | Article 9(1)                       |
| Article 6(1), second subparagraph              | Article 17(1)                      |
| Article 6(2)                                   | Article 9(3)                       |
| Article 6(3)                                   | Article 9(1), second subparagraph  |
| Article 6(4)                                   | Article 9(2)                       |
| Article 7, first subparagraph                  | Article 10(1)                      |
| Article 7, second subparagraph                 | Article 17(1)                      |
| Article 7, third subparagraph                  | Article 10(2)                      |
| Article 8                                      | Article 17(5)                      |
| Article 9(1), first part of the sentence       | Article 11(1)                      |
| Article 9(1), end part of the sentence         | Article 17(1)                      |
| Article 9(2), first sentence                   | Article 11(2)                      |
| Article 9(2), second sentence                  | Article 11(3)                      |
| Article 10(1)                                  | Article 13                         |
| Article 10(1), end of the first sentence       | Article 17(1)                      |
| Article 10(2)                                  | Article 14                         |
| Article 10(3)                                  | Article 13                         |
| Article 11                                     | Article 16(1)                      |
| Article 12(1)                                  | Article 15(1)                      |
| Article 12(2)                                  | Article 15(3)                      |
| Article 12(3)                                  | Article 10(2)                      |
| Article 12(4)                                  | Article 17(1)                      |
| Article 12(5)                                  | Article 15(4), first subparagraph  |
| Article 12(6)                                  | Article 15(4), second subparagraph |

| Directive 92/3/Euratom                        | This Directive                     |
|-----------------------------------------------|------------------------------------|
| Article 13                                    | Article 1(3)                       |
| Article 14                                    | Article 2                          |
| Article 15(1)                                 | Article 12(2)                      |
| Article 15(2)                                 | Article 13(1), second subparagraph |
| Article 16                                    | Article 9(4)                       |
| Article 17                                    | Article 18                         |
| Article 18                                    | Article 20                         |
| Article 19                                    | Article 21                         |
| Article 20, (first, second and third indents) | Article 17(1)                      |
| Article 20, fourth indent                     | Article 16(2)                      |
| Article 20, fifth indent                      | Article 20(2)                      |
| Article 21                                    | Article 22                         |
| Article 22                                    | Article 26                         |
|                                               | Article 3(new)                     |
|                                               | Article 4(new)                     |
|                                               | Article 8(new)                     |
|                                               | Article 19(new)                    |
|                                               | Article 23(new)                    |
|                                               | Article 24(new)                    |
|                                               | Article 25(new)                    |

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 17 November 2006

**on the signature on behalf of the Community of a Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)**

(2006/872/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania of the other part <sup>(1)</sup>, entered into force on 1 February 1995.
- (2) Article 75 of the Europe Agreement provides that cooperation in the fields of standardisation and conformity assessment procedures shall seek to achieve the conclusion of agreements on mutual recognition.
- (3) The Protocol to the Europe Agreement on Conformity Assessment and Acceptance of Industrial Products has been negotiated by the Commission on behalf of the Community.

- (4) Subject to its possible conclusion at a later date, the Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA) initialled in Brussels on 18 April 2006 should be signed,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the Community, the Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA).

The text of the Protocol is attached to this Decision.

Done at Luxembourg, 17 November 2006.

*For the Council*  
*The President*  
E. TUOMIOJA

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<sup>(1)</sup> OJ L 357, 31.12.1994, p. 2.

## PROTOCOL

### to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)

THE EUROPEAN COMMUNITY AND ROMANIA,

hereinafter referred to as 'the Parties',

WHEREAS Romania has applied for membership of the European Union and such membership implies the effective implementation of the *acquis* of the European Community,

RECOGNISING that the progressive adoption and implementation of Community law by Romania provides the opportunity to extend certain benefits of the internal market and to ensure its effective operation in certain sectors before accession,

CONSIDERING that, in the sectors covered by this Protocol, Romanian national law substantially takes over Community law,

CONSIDERING their shared commitment to the principles of free movement of goods and to promoting product quality, so as to ensure the health and safety of their citizens and the protection of the environment, including through technical assistance and other forms of cooperation between them,

DESIRING to conclude a Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania of the other part, (hereafter referred to as 'the Europe Agreement') on Conformity Assessment and Acceptance of Industrial Products (hereafter referred to as 'this Protocol') providing for the application of the mutual acceptance of industrial products which fulfil the requirements for being lawfully placed on the market in one of the Parties and of the mutual recognition of the results of conformity assessment of industrial products which are subject to Community or national law, noting that Article 75 of the Europe Agreement provides, where appropriate, for the conclusion of an agreement on mutual recognition,

NOTING the close relationship between the European Community and Iceland, Liechtenstein and Norway through the Agreement on the European Economic Area, which makes it appropriate to consider the conclusion of a parallel European Conformity Assessment Agreement between Romania and these countries equivalent to this Protocol,

BEARING IN MIND the Parties' status as Contracting Parties to the Agreement establishing the World Trade Organisation, and conscious in particular of their obligations under the World Trade Organisation Agreement on Technical Barriers to Trade,

HAVE AGREED AS FOLLOWS:

#### Article 1

##### Purpose

The purpose of this Protocol is to facilitate the elimination by the Parties of technical barriers to trade in respect of industrial products. The means to this end is the progressive adoption and implementation by Romania of national law, which is equivalent to Community law.

This Protocol provides for:

- (a) the mutual acceptance of industrial products, listed in the Annexes on mutual acceptance of industrial products, which fulfil the requirements for being lawfully placed on the market in one of the Parties;

- (b) the mutual recognition of the results of conformity assessment of industrial products subject to Community law and to the equivalent Romanian national law, both listed in the Annexes on mutual recognition of results of conformity assessment.

#### Article 2

##### Definitions

For the purpose of this Protocol,

- (a) 'industrial products' means products as specified in Article 9 of the Europe Agreement and in Protocol 2 thereto;

(b) 'Community law' means any legal act and implementing practice of the European Community applicable to a particular situation, risk or category of industrial products, as interpreted by the Court of Justice of the European Communities;

(c) 'national law' means any legal act and implementing practice by which Romania takes over Community law applicable to a particular situation, risk or category of industrial products.

The terms used in this Protocol shall have the meaning given in Community law and Romanian national law.

#### Article 3

##### **Alignment of legislation**

For the purpose of this Protocol, Romania agrees to take appropriate measures, in consultation with the Commission of the European Communities, to maintain or complete the take-over of Community law, in particular in the fields of standardisation, metrology, accreditation, conformity assessment, market surveillance, general safety of products, and producer liability.

#### Article 4

##### **Mutual acceptance of industrial products**

The Parties agree that, for the purpose of mutual acceptance, industrial products listed in the Annexes on mutual acceptance of industrial products, which fulfil the requirements for being lawfully placed on the market of a Party, may be placed on the market of the other Party, without further restriction. This shall be without prejudice to Article 36 of the Europe Agreement.

#### Article 5

##### **Mutual recognition of the results of conformity assessment procedures**

The Parties agree to recognise the results of conformity assessment procedures carried out in accordance with the Community or national law listed in the Annexes on mutual recognition of the results of conformity assessment. The Parties shall not require procedures to be repeated, nor shall they impose additional requirements, for the purposes of accepting that conformity.

#### Article 6

##### **Safeguard clause**

Where a Party finds that an industrial product placed on the market on its territory by virtue of this Protocol, and used in accordance with its intended use, may compromise the safety or

health of users or other persons, or any other legitimate concern protected by legislation identified in the Annexes, it may take appropriate measures to withdraw such a product from the market, to prohibit its placing on the market, putting into service or use, or to restrict its free movement. The Annexes shall provide for the procedure to be applied in such cases.

#### Article 7

##### **Extension of coverage**

As Romania adopts and implements further national law taking over Community law, the Parties may amend the Annexes or conclude new ones, in accordance with the procedure laid down in Article 14.

#### Article 8

##### **Origin**

The provisions of this Protocol shall apply to industrial products irrespective of their origin.

#### Article 9

##### **Obligations of Parties as regards their authorities and bodies**

The Parties shall ensure that authorities under their jurisdiction which are responsible for the effective implementation of Community and national law shall continuously apply it. Further, they shall ensure that these authorities are able, where appropriate, to notify, suspend, remove suspension and withdraw notification of bodies, to ensure the conformity of industrial products with Community or national law or to require their withdrawal from the market.

The Parties shall ensure that bodies, notified under their respective jurisdiction to assess conformity in relation to requirements of Community or national law specified in the Annexes, continuously comply with the requirements of Community or national law. Further, they shall take all necessary steps to ensure that these bodies maintain the necessary competence to carry out the tasks for which they are notified.

#### Article 10

##### **Notified bodies**

Initially, the bodies notified for the purpose of this Protocol shall be those included in the lists which Romania and the Community have exchanged before the completion of the procedures for entry into force.

Afterwards, the following procedure shall apply for the notification of bodies to assess conformity in relation to the requirements of Community or national law specified in the Annexes:

- (a) a Party shall forward its notification to the other Party in writing;
- (b) on the acknowledgement of the other Party, given in writing, the body shall be considered as notified and as competent to assess conformity in relation to the said requirements specified in the Annexes from that date.

If a Party decides to withdraw the notification of a body under its jurisdiction, it shall inform the other Party in writing. The body will cease to assess conformity in relation to the said requirements specified in the Annexes from the date of its withdrawal at the latest. Nevertheless, conformity assessment carried out before that date shall remain valid, unless otherwise decided by the Association Council.

#### Article 11

##### Verification of notified bodies

Each Party may request the other Party to verify the technical competence and compliance of a notified body under its jurisdiction. Such request shall be justified in order to allow the Party responsible for the notification to carry out the requested verification and report speedily to the other Party. The Parties may also jointly examine the body, with the participation of the relevant authorities. To this end, the Parties shall ensure the full cooperation of bodies under their jurisdiction. The Parties shall take all appropriate steps, and use whatever available means may be necessary, with a view to resolving any problems which are detected.

If the problems cannot be resolved to the satisfaction of both Parties, they may notify the Chairman of the Association Council of their disagreement, giving their reasons. The Association Council may decide on appropriate action.

Unless and until decided otherwise by the Association Council, the notification of the body and the recognition of its competence to assess conformity in relation to the requirements of Community or national law specified in the Annexes shall be suspended in part or totally from the date on which the disagreement of the Parties has been notified to the Chairman of the Association Council.

#### Article 12

##### Exchange of information and cooperation

In order to ensure a correct and uniform application and interpretation of this Protocol, the Parties, their authorities and their notified bodies shall:

- (a) exchange all relevant information concerning implementation of law and practice including, in particular, on the procedure to ensure compliance of notified bodies;
- (b) take part, as appropriate, in the relevant mechanisms of information, coordination and other related activities of the Parties;
- (c) encourage their bodies to cooperate with a view to establishing mutual recognition arrangements in the voluntary sphere.

#### Article 13

##### Confidentiality

Representatives, experts and other agents of the Parties shall be required, even after their duties have ceased, not to disclose information acquired under this Protocol which is of the kind covered by the obligation of professional secrecy. This information may not be used for purposes other than those envisaged by this Protocol.

#### Article 14

##### Management of the Protocol

Responsibility for the effective functioning of this Protocol shall be borne by the Association Council in accordance with Article 106 of the Europe Agreement. In particular, it shall have the power to take decisions regarding:

- (a) amending the Annexes;
- (b) adding new Annexes;
- (c) appointing a joint team or teams of experts to verify the technical competence of a notified body and its compliance with the requirements;
- (d) exchanging information on proposed and actual amendments to the Community and national law referred to in the Annexes;

- (e) considering new or additional conformity assessment procedures affecting a sector covered by an Annex;
- (f) resolving any questions relating to the application of this Protocol.

The Association Council may delegate the above responsibilities set out under this Protocol, in accordance with Article 110(2) of the Europe Agreement.

#### Article 15

### Technical cooperation and assistance

The European Community may provide technical cooperation and assistance to Romania where necessary in order to support the effective implementation and application of this Protocol.

#### Article 16

### Agreements with other countries

Agreements on conformity assessment concluded by either Party with a country which is not a Party to this Protocol shall not entail an obligation upon the other Party to accept

the results of conformity assessment procedures carried out in that third country, unless there is an explicit agreement between the Parties in the Association Council.

#### Article 17

### Entry into force

This Protocol shall enter into force on the first day of the second month following the date on which the Parties have exchanged diplomatic notes confirming the completion of their respective procedures for entry into force of this Protocol.

#### Article 18

### Status of the Protocol

This Protocol shall constitute an integral part of the Europe Agreement.

This Protocol is drawn up in two originals in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovene, Spanish, Swedish and Romanian languages, each text being equally authentic.

Hecho en Bucarest, el veintisiete de octubre de dos mil seis.

V Bukurești dne dvacátého sedmého října dva tisíce šest.

Udfærdiget i Bukarest, den syvogtyvende oktober totusind og seks.

Geschehen zu Bukarest am siebenundzwanzigsten Oktober zweitausendsechs.

Koostatud kahe tuhande kuuenda aasta oktoobrikuu kahekümne seitsmenda päeval Bukarestis.

Έγινε στο Βουκουρέστι, στις είκοσι επτά Οκτωβρίου του δύο χιλιάδες έξι.

Done at Bucharest on the twenty-seventh day of October in the year two thousand and six.

Fait à Bucarest, le vingt-sept octobre de l'an deux mille six.

Fatto a Bucarest, addì ventisette ottobre duemilasei.

Bukarestē, divi tūkstoši sestā gada divdesmit septītajā oktobrī

Priimta du tūkstančiai šeštų metų spalio dvidešimt septintą dieną Bukarešte

Kelt Bukarestben, a kétezerhatodik év október havának huszonhetedik napján.

Magħmul f'Bukarest fis-sebgha u ghoxrin jum ta' Ottubru fis-sena elfejn u sitta.

Gedaan te Boekarest, de zevenentwintigste oktober tweeduizend zes.

Sporządzono w Bukareszcie, dnia dwudziestego siódmego października dwa tysiące szóstego roku.

Feito em Bucareste, aos vinte e sete dias do mês de Outubro do ano de dois mil e seis.

V Bukurești dňa dvadsiateho siedmeho októbra dvetisícšesť.

V Bukarešti, sedemindvajsetega oktobra leta dva tisoč šest

Tehty Bukarestissa kahdentenakymmenentenäseitsemäntenä päivänä lokakuuta vuonna kaksituhattakuusi.

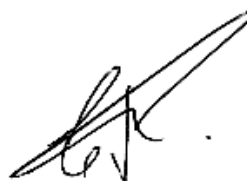
Utfärdat i Bukarest den tjugosjunde oktober år tjugohundrasex.

Întocmit la București în a douăzeci și șaptea zi a lunii octombrie anul două mii șase.

Por la Comunidad Europea  
Za Evropské společenství  
For Det Europæiske Fællesskab  
Für die Europäische Gemeinschaft  
Euroopa Ühenduse nimel  
Για την Ευρωπαϊκή Κοινότητα  
For the European Community  
Pour la Communauté européenne  
Per la Comunità europea  
Eiropas Kopienas vārdā  
Europos bendrijos vardu  
az Európai Közösség részéről  
Għall-Komunità Ewropea  
Voor de Europese Gemeenschap  
W imieniu Wspólnoty Europejskiej  
Pela Comunidade Europeia  
Za Európske spoločenstvo  
Za Evropsko skupnost  
Euroopan yhteisön puolesta  
På Europeiska gemenskapens vägnar  
Pentru Comunitatea Europeană



Por Rumanía  
Za Rumunsko  
For Rumænien  
Für Rumänien  
Rumeenia nimel  
Για τη Ρουμανία  
For Romania  
Pour la Roumanie  
Per la Romania  
Rumānijas vārdā  
Rumunijos vardu  
România részéről  
Ghar-Rumanija  
Voor Roemenië  
W imieniu Rumunii  
Pela Roménia  
Za Rumunsko  
Za Romunijo  
Romanian puolesta  
För Rumänien  
Pentru România



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ANNEX

ANNEX

*on mutual acceptance of industrial products*

**(for the record)**

## ANNEX

*on mutual recognition of results of conformity assessment***Table of contents**

## 1. Pressure equipment

**PRESSURE EQUIPMENT**

## SECTION I

**COMMUNITY AND NATIONAL LAW**

Community law: Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment.

National law: Government Decision No 584/2004 establishing the conditions for placing on the market of pressure equipment, as subsequently amended.

## SECTION II

**NOTIFYING AUTHORITIES****European Community**

|                 |                                                                                                                             |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------|
| Belgium:        | Ministère des Affaires Economiques/Ministerie van Economische Zaken.                                                        |
| Czech Republic: | Úřad pro technickou normalizaci, metrologii a státní zkušebnictví.                                                          |
| Germany:        | Bundesministerium für Arbeit und Sozialordnung.                                                                             |
| Estonia:        | Majandus- ja Kommunikatsiooniministeerium.                                                                                  |
| Greece:         | Υπουργείο Ανάπτυξης, Γενική Γραμματεία Βιομηχανίας (Ministry of Development, General Secretariat of Industry).              |
| Spain:          | Ministerio de Industria, Turismo y Comercio.                                                                                |
| France:         | Ministère de l'emploi et de la solidarité, Direction des relations du travail, Bureau CT 5.                                 |
| Ireland:        | Department of Enterprise and Employment.                                                                                    |
| Italy:          | Ministero dell'Industria, del commercio e dell'artigianato.                                                                 |
| Latvia:         | Ekonomikas ministrija.                                                                                                      |
| Hungary:        | Gazdasági és Közlekedési Minisztérium.                                                                                      |
| Malta:          | Under the authority of the Government of Malta: Consumer and Industrial Goods Directorate of the Malta Standards Authority. |
| Austria:        | Bundesministerium für Wirtschaft und Arbeit.                                                                                |
| Poland:         | Ministerstwo Gospodarki, Pracy i Polityki Społecznej.                                                                       |
| Slovenia:       | Ministrstvo za gospodarstvo.                                                                                                |
| Slovakia:       | Úrad pre normalizáciu, metrológiu a skúšobníctvo Slovenskej republiky.                                                      |
| Finland:        | Kauppa- ja teollisuusministeriö/Handels- och industriministeriet.                                                           |
| Sweden:         | Under the authority of the Government of Sweden: Styrelsen för ackreditering och teknisk kontroll (SWEDAC).                 |
| United Kingdom: | Department of Trade and Industry.                                                                                           |
| Romania:        | Ministerul Economiei si Comertului — Ministry of Economy and Commerce.                                                      |

## SECTION III

**NOTIFIED BODIES****European Community**

Bodies which have been notified by the Member States of the European Community in accordance with the Community law of Section I and notified to Romania in accordance with Article 10 of this Protocol.

**Romania**

Bodies which have been designated by Romania in accordance with the Romanian national law of Section I and notified to the European Community in accordance with Article 10 of this Protocol.

## SECTION IV

**SPECIFIC ARRANGEMENTS****Safeguard clauses***A. Safeguard clause relating to industrial products:*

1. Where a Party has taken a measure to deny free access to its market: for industrial products subject to this Annex bearing the CE marking;

or,

for industrial products subject to this Annex which are referred to in Article 3(3) or Article 14 of Directive 97/23/EC corresponding to Articles 10 and Article 17 respectively of Government Decision No 584/2004, but for which CE marking is not required;

it shall immediately inform the other Party, indicating the reasons for its decision and how non compliance has been assessed.

2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of their investigations.
3. In the case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
4. In the case of disagreement on the outcome of such investigations the matter shall be forwarded to the Association Council which may decide to have an expertise carried out.
5. Where the Association Council finds that the measure is:
  - (a) unjustified, the national authority of the Party which has taken the measure shall withdraw it;
  - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

*B. Safeguard clause relating to harmonised standards:*

1. Where Romania considers that a harmonised standard referred to in the legislation defined in this Annex, does not meet the essential requirements of such legislation, it shall inform the Association Council giving the reasons therefore.
  2. The Association Council shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation identified in this Annex.
  3. The Community shall keep the Association Council and the other Party informed of the proceedings.
  4. The outcome of the procedure shall be notified to the other Party.
-

**DECLARATION BY THE COMMUNITY ON THE ATTENDANCE OF ROMANIAN REPRESENTATIVES AT  
COMMITTEE MEETINGS**

In order to ensure a better understanding of the practical aspects of the application of the *acquis communautaire*, the Community declares that Romania is invited, under the following conditions, to the meetings of the committees established or referred to under the Community law on pressure equipment.

This participation shall be limited to meetings or parts thereof during which the application of the *acquis* is discussed; it shall not entail attendance at meetings intended to prepare and issue opinions on implementation or management powers delegated to the Commission by the Council.

This invitation may be extended, on a case-by-case basis, to groups of experts convened by the Commission.

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## COUNCIL DECISION

of 20 November 2006

**on the conclusion of a Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)**

(2006/873/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Acceptance of Industrial Products (PECA), has been signed in Bucharest on 27 October 2006, on behalf of the Community, and should be approved.

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof, in conjunction with the first sentence of the first subparagraph of Article 300(2), the first sentence of the first subparagraph of Article 300(3) and Article 300(4) thereof,

(6) The appropriate internal procedures should be established to ensure the proper functioning of the Protocol.

Having regard to the proposal from the Commission,

(7) It is necessary to empower the Commission, after consultation with a special committee appointed by the Council, to propose certain technical amendments to the Protocol and to take certain decisions for its implementation,

Whereas:

HAS DECIDED AS FOLLOWS:

(1) The Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania of the other part <sup>(1)</sup>, entered into force on 1 February 1995.

*Article 1*

The Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA) (hereinafter referred to as the Protocol), and the Declaration thereto, are hereby approved on behalf of the European Community.

(2) Article 75 of the Europe Agreement provides that cooperation in the fields of standardisation and conformity assessment procedures shall seek to achieve the conclusion of agreements on mutual recognition.

The text of the Protocol and of the Declaration thereto is attached to this Decision <sup>(3)</sup>.

(3) Article 110 of the Europe Agreement provides that the Association Council may delegate to the Association Committee any of its powers.

*Article 2*

The President of the Council shall, on behalf of the Community, transmit the diplomatic note provided for in Article 17 of the Protocol <sup>(4)</sup> as regards the entry into force of the Protocol.

(4) Article 2 of Decision 94/907/EC, ECSC, Euratom of the Council and the Commission of 19 December 1994 on the conclusion of the Europe Agreement between the European Communities and their Member States, of the one part, and Romania, of the other part <sup>(2)</sup>, provides for the Community decision-making procedures and for the presentation of the Community position in the Association Council and in the Association Committee.

*Article 3*

1. The Commission, after consultation with a special committee appointed by the Council, shall:

(5) The Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Romania, of the other part, on Conformity Assessment and

(a) carry into effect the notifications, acknowledgements, suspensions and withdrawals of bodies, and appointments of a joint team or teams of experts, in accordance with Articles 10, 11 and 14(c) of the Protocol;

<sup>(1)</sup> OJ L 357, 31.12.1994, p. 2.

<sup>(2)</sup> OJ L 357, 31.12.1994, p. 1.

<sup>(3)</sup> See p. 33 of this Official Journal.

<sup>(4)</sup> The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

(b) bring about the consultations, exchange of information, the requests for verifications and for participation in verifications, in accordance with Articles 3, 11, 12 and 14(d) and (e), and Sections III and IV of the Annexes to the Protocol;

(c) if necessary, reply to requests in accordance with Article 11, Sections III and IV of the Annexes to the Protocol.

2. Following consultation of the special committee referred to in paragraph 1, the Commission shall determine the position to be taken by the Community in the Association Council and, where applicable, in the Association Committee, with regard to:

(a) amendments to the Annexes in accordance with Article 14(a) of the Protocol;

(b) addition of new Annexes in accordance with Article 14(b) of the Protocol;

(c) any decisions regarding disagreements on the results of the verifications and the suspensions, in part or totally, of any

notified body in accordance with the second and third subparagraphs of Article 11 of the Protocol;

(d) any measures taken in the application of the safeguard clauses in Section IV of the Annexes of the Protocol;

(e) any measures concerning the verification, suspension, or withdrawal of industrial products as having mutual acceptance under Article 4 of the Protocol.

3. In all other cases the position to be taken by the Community in the Association Council and, where applicable, in the Association Committee, with regard to this Protocol shall be determined by the Council, acting by qualified majority on a proposal from the Commission.

Done at Brussels, 20 November 2006.

*For the Council*

*The President*

J. KORKEAOJA

**COUNCIL DECISION****of 28 November 2006****on the accession of the Community to United Nations Economic Commission for Europe Regulation No 107 on uniform provisions concerning the approval of category M<sub>2</sub> or M<sub>3</sub> vehicles with regard to their general construction****(Text with EEA relevance)**

(2006/874/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions (Revised 1958 Agreement) <sup>(1)</sup>, and in particular Article 3(3) and the second indent of Article 4(2) thereof,

1. The Community shall apply Regulation No 107 of the United Nations Economic Commission for Europe on uniform provisions concerning the approval of category M<sub>2</sub> or M<sub>3</sub> vehicles with regard to their general construction.

2. The text of the Regulation is attached to this Decision.

*Article 2*

Having regard to the proposal from the Commission,

Regulation No 107 of the United Nations Economic Commission for Europe on uniform provisions concerning the approval of category M<sub>2</sub> or M<sub>3</sub> vehicles with regard to their general construction shall become part of the Community type-approval system for motor vehicles.

Having regard to the assent of the European Parliament,

*Article 3*

Whereas:

The Commission shall notify the Secretary-General of the United Nations of this Decision.

(1) The standardised requirements of Regulation No 107 on uniform provisions concerning the approval of category M<sub>2</sub> or M<sub>3</sub> vehicles with regard to their general construction are intended to remove technical barriers to the trade in motor vehicles between the Contracting Parties and to ensure a high level of safety and protection in the operation of vehicles.

Done at Brussels, 28 November 2006.

(2) The Commission therefore considers that Regulation No 107 should become part of the Community system for the type approval of motor vehicles,

*For the Council*  
*The President*  
E. HEINÄLUOMA

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<sup>(1)</sup> OJ L 346, 17.12.1997, p. 78.

# COMMISSION

## COMMISSION DECISION

of 30 November 2006

**approving programmes for the eradication and monitoring of animal diseases, of certain TSEs, and for the prevention of zoonoses presented by the Member States for the year 2007**

(notified under document number C(2006) 5677)

(2006/875/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 <sup>(1)</sup>, and in particular Article 24(6) and Articles 29 and 32 thereof,

Whereas:

(1) Council Decision 90/424/EEC provides for the possibility of a financial contribution by the Community in the eradication and monitoring of animal diseases and for checks aimed at the prevention of zoonoses.

(2) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(2)</sup>, provides for annual programmes for the eradication and monitoring of transmissible spongiform encephalopathies (TSEs) in bovine, ovine and caprine animals.

(3) The Member States have submitted programmes for the eradication and monitoring of certain animal diseases, for the prevention of zoonoses and for the eradication and monitoring of TSEs in their territories.

(4) After examination of those programmes they were found to comply with relevant Community veterinary legislation and in particular with the Community criteria relating to the eradication of those diseases, in accordance with Council Decision 90/638/EEC of 27 November 1990 laying down Community criteria for the eradication and monitoring of certain animal diseases <sup>(3)</sup>.

(5) Those programmes appear on the list of programmes established by Commission Decision 2006/687/EC of 12 October 2006 on programmes which qualify for a Community financial contribution in 2007 for the eradication and monitoring of certain animal diseases, for the prevention of zoonoses, for the monitoring of TSEs as well as programmes for the eradication of BSE and scrapie <sup>(4)</sup>.

(6) In the light of the importance of those programmes for the achievement of Community objectives in the field of animal and public health, as well as the obligatory application in all Member States in the case of the TSE programmes, it is appropriate to fix the appropriate rate of financial contribution of the Community to reimburse the costs to be incurred by the Member States concerned for the measures referred to in this Decision up to a maximum amount for each programme.

(7) For the sake of better management, more efficient use of Community funds and improved transparency, it is also necessary to fix for each programme, where appropriate, maximum amounts to be reimbursed to the Member States for certain costs of such items as tests, different vaccines used in the Member States and compensation to owners for their losses due to the slaughter or culling of animals.

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

<sup>(2)</sup> OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1041/2006 (OJ L 187, 8.7.2006, p. 10).

<sup>(3)</sup> OJ L 347, 12.12.1990, p. 27. Decision as amended by Directive 92/65/EEC (OJ L 268, 14.9.1992, p. 54).

<sup>(4)</sup> OJ L 282, 13.10.2006, p. 52.

- (8) Under Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy <sup>(1)</sup>, programmes for the eradication and control of animal diseases are to be financed under the European Agricultural Guarantee Fund. For financial control purposes, Articles 9, 36 and 37 of that Regulation are to apply.
- (9) The presence of rabies in territory surrounded by the European Union would constitute a continuing source of reinfection for surrounding areas. It is, therefore, preferable to eradicate rabies rather than put in place a protective vaccination zone surrounding any such territory, which would have to be maintained indefinitely.
- (10) The financial contribution from the Community should be granted subject to the condition that the actions planned are efficiently carried out and that the competent authorities supply all the necessary information within the time limits laid down in this Decision.
- (11) There is a need to clarify the rate to be used for the conversion of the payment applications submitted in national currency as defined in Article 1(d) of Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(2)</sup>.
- (12) The approval of some of the programmes should not prejudice a decision of the Commission on rules for eradication of those diseases based on scientific advice.
- (13) 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:

#### CHAPTER I

##### **RABIES**

###### *Article 1*

1. The programmes for the eradication of rabies presented by the Czech Republic, Germany, Estonia, Latvia, Lithuania, Hungary, Austria, Poland, Slovenia, Slovakia and Finland are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member

State referred to in paragraph 1 for the cost of laboratory tests and for the purchase and distribution of vaccine plus baits for the programmes and shall not exceed:

- (a) EUR 490 000 for the Czech Republic;
- (b) EUR 850 000 for Germany;
- (c) EUR 925 000 for Estonia;
- (d) EUR 1 200 000 for Latvia;
- (e) EUR 1 850 000 for Hungary;
- (f) EUR 185 000 for Austria;
- (g) EUR 4 850 000 for Poland;
- (h) EUR 375 000 for Slovenia;
- (i) EUR 500 000 for Slovakia;
- (j) EUR 112 000 for Finland.

3. The financial contribution by the Community shall be at the rate of 50 % of the cost of laboratory tests to be incurred by Lithuania and 100 % of the costs to be incurred by Lithuania for the purchase and distribution of vaccine plus baits outside its territory and shall not exceed EUR 600 000.

4. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for the purchase of one vaccine dose EUR 0,5 per dose for the programmes referred to in paragraph 2(c) and (d); and
- (b) for the purchase of one vaccine dose EUR 0,3 per dose for the other programmes referred to in paragraphs 2 and 3.

#### CHAPTER II

##### **BOVINE BRUCELLOSIS**

###### *Article 2*

1. The programmes for the eradication of bovine brucellosis presented by Spain, Ireland, Italy, Cyprus, Portugal and the United Kingdom are hereby approved for the period from 1 January 2007 to 31 December 2007.

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

<sup>(2)</sup> OJ L 349, 24.12.1998, p. 1.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of laboratory tests, the compensation to owners for their losses due to the slaughter of animals subject to those programmes and the purchase of vaccine doses and shall not exceed:

- (a) EUR 3 500 000 for Spain;
- (b) EUR 1 100 000 for Ireland;
- (c) EUR 2 000 000 for Italy;
- (d) EUR 95 000 for Cyprus;
- (e) EUR 1 600 000 for Portugal;
- (f) EUR 1 100 000 for the United Kingdom.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for a rose bengal test EUR 0,2 per test;
- (b) for a SAT test EUR 0,2 per test;
- (c) for a complement fixation test EUR 0,4 per test;
- (d) for an ELISA test EUR 1 per test;
- (e) for the purchase of one vaccine dose EUR 0,5 per dose.

#### CHAPTER III

##### BOVINE TUBERCULOSIS

###### Article 3

1. The programmes for the eradication of bovine tuberculosis presented by Spain, Italy, Poland and Portugal are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the costs of tuberculin testing, the cost of laboratory tests and the compensation to owners for their losses due to the slaughter of animals subject to those programmes and shall not exceed:

- (a) EUR 3 000 000 for Spain;
- (b) EUR 2 500 000 for Italy;

(c) EUR 1 100 000 for Poland;

(d) EUR 450 000 for Portugal.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for a tuberculin test EUR 0,8 per test;
- (b) for a gamma-interferon test EUR 5 per test.

#### CHAPTER IV

##### ENZOOTIC BOVINE LEUCOSIS

###### Article 4

1. The programmes for the eradication of enzootic bovine leucosis presented by Estonia, Italy, Latvia, Lithuania, Poland and Portugal are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of laboratory tests and compensation to owners for their losses due to the slaughter of animals subject to those programmes and shall not exceed:

- (a) EUR 20 000 for Estonia;
- (b) EUR 400 000 for Italy;
- (c) EUR 35 000 for Latvia;
- (d) EUR 135 000 for Lithuania;
- (e) EUR 2 300 000 for Poland;
- (f) EUR 225 000 for Portugal.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for an ELISA test EUR 0,5 per test;
- (b) for an agar gel immune diffusion test EUR 0,5 per test.

## CHAPTER V

**OVINE AND CAPRINE BRUCELLOSIS***Article 5*

1. The programmes for the eradication of ovine and caprine brucellosis presented by Greece, Spain, France, Italy, Cyprus and Portugal are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the purchase of vaccines, the cost of laboratory tests and the compensation to owners for their losses due to the slaughter of animals subject to those programmes and shall not exceed:

- (a) EUR 5 000 000 for Spain;
- (b) EUR 200 000 for France;
- (c) EUR 4 000 000 for Italy;
- (d) EUR 120 000 for Cyprus;
- (e) EUR 1 600 000 for Portugal.

3. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by Greece for the purchase of vaccines and the salaries of contractual veterinarians specially recruited for that programme and shall not exceed EUR 650 000.

4. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for a rose bengal test EUR 0,2 per test;
- (b) for a complement fixation test EUR 0,4 per test;
- (c) for the purchase of one vaccine dose EUR 0,1 per dose.

## CHAPTER VI

**BLUETONGUE***Article 6*

1. The programmes for the eradication and monitoring of bluetongue presented by Spain, France, Italy and Portugal are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of the laboratory tests for virological, serological and entomological surveillance and the purchase of traps and vaccines and shall not exceed:

- (a) EUR 4 900 000 for Spain;
- (b) EUR 160 000 for France;
- (c) EUR 1 300 000 for Italy;
- (d) EUR 600 000 for Portugal.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for an ELISA test EUR 2,5 per test;
- (b) for the purchase of one vaccine dose EUR 0,5 per dose.

## CHAPTER VII

**CERTAIN ZONOTIC SALMONELLA IN BREEDING POULTRY***Article 7*

1. The programmes for the control of salmonella in breeding poultry presented by Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Hungary, the Netherlands, Austria, Poland, Portugal and Slovakia are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of bacteriological tests, the compensation to owners for their losses due to the culling of birds and destruction of eggs and the purchase of vaccine doses and shall not exceed:

- (a) EUR 660 000 for Belgium;
- (b) EUR 330 000 for Czech Republic;
- (c) EUR 250 000 for Denmark;
- (d) EUR 175 000 for Germany;
- (e) EUR 27 000 for Estonia;
- (f) EUR 60 000 for Greece;

- (g) EUR 2 000 000 for Spain;
- (h) EUR 875 000 for France;
- (i) EUR 175 000 for Ireland;
- (j) EUR 320 000 for Italy;
- (k) EUR 40 000 for Cyprus;
- (l) EUR 60 000 for Latvia;
- (m) EUR 60 000 for Hungary
- (n) EUR 1 350 000 for the Netherlands;
- (o) EUR 80 000 for Austria;
- (p) EUR 2 000 000 for Poland;
- (q) EUR 450 000 for Portugal;
- (r) EUR 205 000 for Slovakia.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

(a) for a bacteriological test EUR 5,0 per test;

(b) for the purchase of one vaccine dose EUR 0,05 per dose.

#### CHAPTER VIII

#### CLASSICAL SWINE FEVER AND AFRICAN SWINE FEVER

##### Article 8

1. The programmes for the control and monitoring of:

(a) Classical swine fever presented by Germany, France, Luxembourg, Slovenia and Slovakia are hereby approved for the period from 1 January 2007 to 31 December 2007.

(b) Classical swine fever and African swine fever presented by Italy are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of virological and serological tests of domestic pigs and wild boar and for the programmes of Germany, France and Slovakia also for the purchase and distribution of vaccines plus baits and shall not exceed:

(a) EUR 800 000 for Germany;

(b) EUR 500 000 for France;

(c) EUR 140 000 for Italy;

(d) EUR 35 000 for Luxembourg;

(e) EUR 25 000 for Slovenia;

(f) EUR 400 000 for Slovakia.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

(a) for an ELISA test EUR 2,5 per test;

(b) for the purchase of one vaccine dose EUR 0,5 per dose.

#### CHAPTER IX

#### AUJESZKY'S DISEASE

##### Article 9

1. The programmes for the eradication of Aujeszky's disease presented by Belgium and Spain are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community shall be at the rate of 50 % of the cost of laboratory tests and shall not exceed:

(a) EUR 250 000 for Belgium;

(b) EUR 350 000 for Spain.

3. The maximum amount of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed for an ELISA test EUR 1 per test.

## CHAPTER X

**SWINE VESICULAR DISEASE***Article 10*

1. The programme for the eradication of swine vesicular disease presented by Italy is hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community shall be at the rate of 50 % of the cost of laboratory tests and shall not exceed 120 000 EUR.

## CHAPTER XI

**HEARTWATER, BABESIOSIS, AND ANAPLASMOSIS  
(POSEIDOM)***Article 11*

1. The programmes for the eradication of heartwater, babesiosis and anaplasmosis (Poseidom) transmitted by vector insects in the French overseas departments of Guadeloupe, Martinique and Réunion presented by France are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by France for the implementation of the programmes referred to in paragraph 1 and shall not exceed EUR 50 000.

## CHAPTER XII

**SURVEY PROGRAMMES FOR AVIAN INFLUENZA IN POULTRY  
AND WILD BIRDS***Article 12*

1. The programmes for avian influenza in poultry and wild birds presented by Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden and the United Kingdom are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community to the cost for analysing samples shall be at the rate of 50 % of the costs to be incurred by each Member State and shall not exceed:

- (a) EUR 66 000 for Belgium;
- (b) EUR 74 000 for the Czech Republic;
- (c) EUR 160 000 for Denmark;
- (d) EUR 243 000 for Germany;

- (e) EUR 40 000 for Estonia;
- (f) EUR 42 000 for Greece;
- (g) EUR 82 000 for Spain;
- (h) EUR 280 000 for France;
- (i) EUR 59 000 for Ireland;
- (j) EUR 510 000 for Italy;
- (k) EUR 15 000 for Cyprus;
- (l) EUR 15 000 for Latvia;
- (m) EUR 12 000 for Lithuania;
- (n) EUR 10 000 for Luxembourg;
- (o) EUR 110 000 for Hungary;
- (p) EUR 5 000 for Malta;
- (q) EUR 126 000 for the Netherlands;
- (r) EUR 42 000 for Austria;
- (s) EUR 87 000 for Poland;
- (t) EUR 121 000 for Portugal;
- (u) EUR 32 000 for Slovenia;
- (v) EUR 21 000 for Slovakia;
- (w) EUR 27 000 for Finland;
- (x) EUR 130 000 for Sweden;
- (y) EUR 275 000 for the United Kingdom.

3. The maximum amounts of the costs to be reimbursed to the Member States for the tests covered by the programmes shall not exceed the following:

- (a) ELISA test: EUR 1 per test;
- (b) agar gel immune diffusion test: EUR 1,2 per test;
- (c) HI test for H5/H7: EUR 12 per test;
- (d) virus isolation test: EUR 30 per test;
- (e) PCR test: EUR 15 per test.

## CHAPTER XIII

**MONITORING OF TRANSMISSIBLE SPONGIFORM  
ENCEPHALOPATHIES***Article 13*

1. The programmes for the monitoring of transmissible spongiform encephalopathies (TSEs) presented by Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community shall be at the rate of 100 % of the costs to be incurred by each Member State referred to in paragraph 1 for the implementation of those programmes and shall not exceed:

- (a) EUR 2 084 000 for Belgium;
- (b) EUR 1 059 000 for the Czech Republic;
- (c) EUR 1 680 000 for Denmark;
- (d) EUR 11 307 000 for Germany;
- (e) EUR 233 000 for Estonia;
- (f) EUR 1 827 000 for Greece;
- (g) EUR 10 237 000 for Spain;
- (h) EUR 24 815 000 for France;
- (i) EUR 6 755 000 for Ireland;
- (j) EUR 3 375 000 for Italy;
- (k) EUR 348 000 for Cyprus;
- (l) EUR 312 000 for Latvia;
- (m) EUR 645 000 for Lithuania;
- (n) EUR 146 000 for Luxembourg;
- (o) EUR 784 000 for Hungary;
- (p) EUR 90 000 for Malta;
- (q) EUR 5 112 000 for the Netherlands;
- (r) EUR 1 759 000 for Austria;

- (s) EUR 3 744 000 for Poland;
- (t) EUR 2 115 000 for Portugal;
- (u) EUR 308 000 for Slovenia;
- (v) EUR 1 088 000 for Slovakia;
- (w) EUR 839 000 for Finland;
- (x) EUR 2 020 000 for Sweden;
- (y) EUR 6 781 000 for the United Kingdom.

3. The financial contribution by the Community of the programmes referred to in paragraph 1 shall be for the tests performed and the maximum amount shall not exceed:

- (a) EUR 6 per test, for tests carried out in bovine animals referred to in Annex III to Regulation (EC) No 999/2001;
- (b) EUR 30 per test, for tests carried out in ovine and caprine animals referred to in Annex III to Regulation (EC) No 999/2001;
- (c) EUR 50 per test, for tests carried out in cervids animals referred to in Annex III to Regulation (EC) No 999/2001;
- (d) EUR 145 per test, for primary molecular discriminatory tests carried out as referred to in Annex X, Chapter C, point 3.2(c)(i) to Regulation (EC) No 999/2001.

## CHAPTER XIV

**ERADICATION OF BOVINE SPONGIFORM ENCEPHALOPATHY***Article 14*

1. The programmes for the eradication of bovine spongiform encephalopathy presented by Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland and the United Kingdom are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community of the programmes referred to in paragraph 1 shall be at the rate of 50 % of the cost paid by the concerned Member States for compensation to owners for the value of their animals culled and destroyed in accordance with their eradication programme, up to a maximum of EUR 500 per animal and shall not exceed:

- (a) EUR 50 000 for Belgium;
- (b) EUR 750 000 for the Czech Republic;

- |                                         |                                           |
|-----------------------------------------|-------------------------------------------|
| (c) EUR 51 000 for Denmark;             | (d) EUR 13 000 for Estonia;               |
| (d) EUR 500 000 for Germany;            | (e) EUR 1 306 000 for Greece;             |
| (e) EUR 98 000 for Estonia;             | (f) EUR 5 374 000 for Spain;              |
| (f) EUR 750 000 for Greece;             | (g) EUR 8 862 000 for France;             |
| (g) EUR 713 000 for Spain;              | (h) EUR 629 000 for Ireland;              |
| (h) EUR 50 000 for France;              | (i) EUR 3 076 000 for Italy;              |
| (i) EUR 800 000 for Ireland;            | (j) EUR 2 200 000 for Cyprus;             |
| (j) EUR 150 000 for Italy;              | (k) EUR 28 000 for Luxembourg;            |
| (l) EUR 100 000 for Luxembourg;         | (l) EUR 332 000 for Hungary;              |
| (m) EUR 60 000 for the Netherlands;     | (m) EUR 543 000 for the Netherlands;      |
| (n) EUR 48 000 for Austria;             | (n) EUR 14 000 for Austria;               |
| (o) EUR 328 000 for Poland;             | (o) EUR 716 000 for Portugal;             |
| (p) EUR 305 000 for Portugal;           | (p) EUR 83 000 for Slovenia;              |
| (q) EUR 25 000 for Slovenia;            | (q) EUR 279 000 for Slovakia;             |
| (r) EUR 250 000 for Slovakia;           | (r) EUR 11 000 for Finland;               |
| (s) EUR 25 000 for Finland;             | (s) EUR 6 000 for Sweden;                 |
| (t) EUR 347 000 for the United Kingdom. | (t) EUR 9 178 000 for the United Kingdom. |

## CHAPTER XV

**ERADICATION OF SCRAPIE***Article 15*

1. The programmes for the eradication of scrapie presented by Belgium, the Czech Republic, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Luxembourg, Hungary, the Netherlands, Austria, Portugal, Slovenia, Slovakia, Finland, Sweden and the United Kingdom are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community of the programmes referred to in paragraph 1 shall be at the rate of 50 % of the cost paid by the concerned Member States for compensation to owners for the value of their animals culled and destroyed in accordance with their eradication programme, up to a maximum of EUR 100 per animal and at a rate of 50 % of the cost of the analysis of samples for genotyping, up to a maximum of EUR 10 per genotyping test and shall not exceed:

- (a) EUR 99 000 for Belgium;
- (b) EUR 107 000 for the Czech Republic;
- (c) EUR 927 000 for Germany;

## CHAPTER XVI

**GENERAL AND FINAL PROVISIONS***Article 16*

1. For the programmes referred to in Articles 2 to 5 and 7, the eligible costs for the compensation for the losses due to the slaughtering or culling of animals shall be limited as provided for in paragraphs 2 and 3.

2. The average compensation to be reimbursed to the Member States shall be calculated on the basis of the number of animals slaughtered or culled in the Member State and:

- (a) for bovine animals, up to a maximum of EUR 300 per animal;
- (b) for sheep and goats, up to a maximum of EUR 35 per animal;
- (c) for breeding poultry, up to a maximum of EUR 2,5 per bird.

3. The maximum amount of compensation to be reimbursed to the Member States per single animal shall not exceed EUR 1 000 per bovine animal and EUR 100 per sheep or goat.

#### Article 17

The expenditure presented by the Member State for a financial contribution by the Community shall exclude value added tax and other taxes.

#### Article 18

The conversion rate for applications submitted in national currency in month 'n' shall be that of the tenth day of month 'n+1' or for the first preceding day for which a rate is quoted.

#### Article 19

1. The financial contribution by the Community for the programmes referred to in Articles 1 to 15 shall be granted provided that the Member States implement the programmes in accordance with the relevant provisions of Community law, including rules on competition and on the award of public contracts, and subject to the conditions provided for in points (a) to (f):

- (a) bringing into force by 1 January 2007 the laws, regulations and administrative provisions by the Member State concerned for implementing the programme;
- (b) forwarding by 1 June 2007 at the latest, the preliminary technical and financial evaluation of the programme, in accordance with Article 24(7) of Decision 90/424/EEC;
- (c) for the programmes referred to in Articles 1 to 11, forwarding an intermediate report, covering the first six months of the programme, at the latest four weeks after the end of the implementation period covered by the report;
- (d) for the programmes referred to in Article 12, Member States shall report to the Commission positive and negative results of investigations detected during their surveillance of poultry and wild birds every three months by the end of the following month;

(e) for the programmes referred to in Articles 13 to 15, forwarding a report to the Commission every month on the progress of the TSE monitoring programme and the costs paid by the Member State; that report must be forwarded within a period of four weeks following the end of the month covered by the report;

(f) forwarding a final report by 1 June 2008 at the latest, on the technical execution of the programme accompanied by justifying evidence as to the costs paid by the Member State and the results attained during the period from 1 January 2007 to 31 December 2007;

(g) details of the costs paid by the Member State as referred to in point (d) and (e) must be provided in a form in accordance with the table set out in the Annexes I and II;

(h) implementing the programme efficiently;

(i) no other Community contribution has been or will be requested for these measures.

2. Where a Member State does not comply with paragraph 1, the Commission shall reduce the financial contribution by the Community having regard to the nature and gravity of the infringement, and to the financial loss for the Community.

#### Article 20

This Decision shall apply from 1 January 2007.

#### Article 21

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2006.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

## ANNEX I

**Final financial report and payment applications as referred to in point (g) of Article 19(1)****One table per survey in poultry/wild birds <sup>(a)</sup>**

Member State: ..... Date: .....

Reporting period from: ..... to: .....

| Measures eligible for co-financing <sup>(b)</sup> |                                   |       |
|---------------------------------------------------|-----------------------------------|-------|
| Methods of laboratory analysis                    | Number tests performed per method | Costs |
| Serological pre-screening <sup>(c)</sup>          |                                   |       |
| Haemagglutination-inhibition-test (HI) for H5/H7  |                                   |       |
| Virus isolation test                              |                                   |       |
| PCR test                                          |                                   |       |
| Other measures to be covered                      | Specify activities                |       |
| Sampling                                          |                                   |       |
| Others                                            |                                   |       |
| Total                                             |                                   |       |

**Herewith I certify that the data given above are correct and that no other Community contribution was requested for these measures.**

<sup>(a)</sup> Strike through as appropriate.

<sup>(b)</sup> Data to be given in national currency, VAT excluded ..... (Place, Date).

<sup>(c)</sup> Please indicate test used ..... (Signature).

## ANNEX II

**Model of computerised form giving details of costs paid by the Member States as referred to in point (g) of Article 19(1)**

| <b>TSE Monitoring</b>                                                                                                |                 |           |            |
|----------------------------------------------------------------------------------------------------------------------|-----------------|-----------|------------|
| Member State:                                                                                                        | Month:          | Year:     |            |
| <b>Tests on bovine animals</b>                                                                                       |                 |           |            |
|                                                                                                                      | Number of tests | Unit cost | Total cost |
| Tests on animals referred to in Annex III, Chapter A, Part I, points 2.1,3 and 4.1 to Regulation (EC) No 999/2001    |                 |           |            |
| Tests on animals referred to in Annex III, Chapter A, Part I, points 2.2, 4.2 and 4.3 to Regulation (EC) No 999/2001 |                 |           |            |
| Total                                                                                                                |                 |           |            |
| <b>Tests on ovine animals</b>                                                                                        |                 |           |            |
|                                                                                                                      | Number of tests | Unit cost | Total cost |
| Tests on animals referred to in Annex III, Chapter A, Part II, point 2(a) to Regulation (EC) No 999/2001             |                 |           |            |
| Tests on animals referred to in Annex III, Chapter A, Part II, point 3 Regulation (EC) No 999/2001                   |                 |           |            |
| Tests on animals referred to in Annex III, Chapter A, Part II, point 5 to Regulation (EC) No 999/2001                |                 |           |            |
| Total                                                                                                                |                 |           |            |
| <b>Tests on caprine animals</b>                                                                                      |                 |           |            |
|                                                                                                                      | Number of tests | Unit cost | Total cost |
| Tests on animals referred to in Annex III, Chapter A, Part II, point 2 (b) to Regulation (EC) No 999/2001            |                 |           |            |
| Tests on animals referred to in Annex III, Chapter A, Part II, point 3 Regulation (EC) No 999/2001                   |                 |           |            |
| Tests on animals referred to in Annex III, Chapter A, Part II, point 5 to Regulation (EC) No 999/2001                |                 |           |            |
| Total                                                                                                                |                 |           |            |
| <b>Primary molecular testing with a discriminatory immuno-blotting</b>                                               |                 |           |            |
|                                                                                                                      | Number of tests | Unit cost | Total cost |
| Tests on animals referred to in Annex X, Chapter C, point 3.2(c)(i)                                                  |                 |           |            |
| <b>Tests on Cervidae</b>                                                                                             |                 |           |            |
|                                                                                                                      | Number of tests | Unit cost | Total cost |
| Tests on animals referred to in Annex II of Regulation [Sanco .../.../...]                                           |                 |           |            |

## COMMISSION DECISION

of 30 November 2006

**approving programmes for the eradication and monitoring of animal diseases, of certain TSEs, and for the prevention of zoonoses presented by Bulgaria and Romania for the year 2007 and amending Decision 2006/687/EC**

*(notified under document number C(2006) 5702)*

(2006/876/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of Bulgaria and Romania, and in particular Article 4(3) thereof,

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

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>(1)</sup>, and in particular Article 24(5), (6) and Articles 29 and 32 thereof,

Whereas:

(1) Decision 90/424/EEC provides for the possibility of a financial contribution by the Community in the eradication and monitoring of animal diseases and for checks aimed at the prevention of zoonoses.

(2) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(2)</sup>, provides for annual programmes for the eradication and monitoring of transmissible spongiform encephalopathies (TSEs) in bovine, ovine and caprine animals.

(3) In view of the Accession of Bulgaria and Romania, it is appropriate to lay down the Community financial contribution for programmes for the eradication and monitoring of animal diseases and of certain TSEs presented by Bulgaria and Romania for the year 2007.

(4) Bulgaria and Romania have submitted programmes for the eradication and monitoring of certain animal diseases, for the prevention of zoonoses and for the eradication and monitoring of TSEs in their territories.

(5) After examination of those programmes they were found to comply with relevant Community veterinary legislation and in particular with the Community criteria relating to the eradication of those diseases, in accordance with Council Decision 90/638/EEC of 27 November 1990 laying down Community criteria for the eradication and monitoring of certain animal diseases <sup>(3)</sup>.

(6) In the light of the importance of those programmes for the achievement of Community objectives in the field of animal and public health, as well as the obligatory application in all Member States in the case of the TSE programmes, it is appropriate to fix the appropriate rate of financial contribution of the Community to reimburse the costs to be incurred by Bulgaria and Romania for the measures referred to in this Decision up to a maximum amount for each programme.

(7) The presence of classical swine fever in pig holdings in Romania is a particularly serious threat for pig holdings in the rest of the Community. Therefore the rate of the Community contribution for the purchase of vaccine for the vaccination of pigs with the live attenuated vaccine should be set at the rate of 100 % of the costs.

(8) For the sake of better management, more efficient use of Community funds and improved transparency it is also necessary to fix, for each programme, where appropriate, maximum amounts to be reimbursed to Bulgaria and Romania for certain costs for items such as tests, vaccines and compensation to owners for their losses due to the slaughter or culling of animals.

(9) Under Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy <sup>(4)</sup>, programmes for the eradication and control of animal diseases are to be financed under the European Agricultural Guarantee Fund. For financial control purposes, Articles 9, 36 and 37 of that Regulation are to apply.

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1041/2006 (OJ L 187, 8.7.2006, p. 10).

<sup>(3)</sup> OJ L 347, 12.12.1990, p. 27. Decision as amended by Directive 92/65/EEC (OJ L 268, 14.9.1992, p. 54).

<sup>(4)</sup> 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).

- (10) The financial contribution from the Community should be granted subject to the condition that the actions planned are efficiently carried out and that the competent authorities supply all the necessary information within the time limits laid down in this Decision.
- (11) In accordance with Regulation (EC) No 1290/2005, the conversion rate for expenditure shall be the rate most recently set by the European Central Bank prior to the first day of the month in which the application is submitted by Bulgaria or Romania and the expenditure shall be expressed in euro.
- (12) The approval of some of the programmes should not prejudice a decision of the Commission on rules for eradication of those diseases based on scientific advice.
- (13) The list of programmes in Commission Decision 2006/687/EC of 12 October 2006 on programmes which qualify for a Community financial contribution in 2007 for the eradication and monitoring of certain animal diseases, for the prevention of zoonoses, for the monitoring of TSEs as well as programmes for the eradication of BSE and scrapie<sup>(1)</sup> should be amended to include Bulgaria and Romania.
- (14) 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:

#### CHAPTER I

##### RABIES

###### Article 1

1. The programmes for the eradication of rabies presented by the Bulgaria and Romania are hereby approved for the period from 1 January 2007 to 31 December 2007.
2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of laboratory tests and for the purchase and distribution of vaccine plus baits for the programmes and shall not exceed:
  - (a) EUR 830 000 for Bulgaria;
  - (b) EUR 800 000 for Romania.
3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed for the purchase of one vaccine

dose EUR 0,5 per dose for the programmes referred to in paragraph 2.

#### CHAPTER II

##### CLASSICAL SWINE FEVER

###### Article 2

1. The programmes for the control and monitoring of classical swine fever presented by Bulgaria and Romania are hereby approved for the period from 1 January 2007 to 31 December 2007.
2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of virological and serological tests of domestic pigs and wild boar and for the vaccination of wild boar the purchase and distribution of vaccines plus baits as well as for the vaccination of pigs while the financial contribution by the Community shall be at the rate of 100 % of the costs to be incurred by Romania for the purchase of the vaccine for the vaccination of pigs with the live attenuated vaccine and shall not exceed:
  - (a) EUR 425 000 for Bulgaria;
  - (b) EUR 5 250 000 for Romania.
3. The maximum amounts of the costs to be reimbursed to for the programmes referred to in paragraph 1 shall not exceed:

- (a) for an ELISA test EUR 2,5 per test;
- (b) for the purchase of one vaccine dose for the vaccination of wild boar EUR 0,5 per dose;
- (c) for the purchase of one vaccine dose live attenuated vaccine for the vaccination of pigs EUR 0,30 per dose.

#### CHAPTER III

##### CERTAIN ZOONOTIC SALMONELLA IN BREEDING POULTRY

###### Article 3

1. The programmes for the control of salmonella in breeding poultry presented by Bulgaria and Romania are hereby approved for the period from 1 January 2007 to 31 December 2007.
2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of bacteriological tests, the compensation to owners for their losses due to the culling of birds and destruction of eggs and the purchase of vaccine doses and shall not exceed:

<sup>(1)</sup> OJ L 282, 13.10.2006, p. 52.

(a) EUR 508 000 for Bulgaria;

(b) EUR 215 000 for Romania.

3. The maximum amounts of the costs to be reimbursed to Bulgaria and Romania for the programmes referred to in paragraph 1 shall not exceed:

(a) for a bacteriological test EUR 5,0 per test;

(b) for the purchase of one vaccine dose EUR 0,05 per dose.

4. The eligible costs for the compensation for the losses due to the culling of animals shall be limited as provided for in paragraph 5.

5. The average compensation to be reimbursed to the Member States shall be calculated on the basis of the number of animals culled in the Member State and for breeding poultry, up to a maximum of EUR 2,5 per bird.

#### CHAPTER IV

#### SURVEY PROGRAMMES FOR AVIAN INFLUENZA IN POULTRY AND WILD BIRDS

##### Article 4

1. The programmes for avian influenza in poultry and wild birds presented by Bulgaria and Romania are hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community to the cost for analysing samples shall be at the rate of 50 % of the costs to be incurred by each Member State and shall not exceed:

(a) EUR 23 000 for Bulgaria;

(b) EUR 105 000 for Romania.

3. The maximum amounts of the costs to be reimbursed to Bulgaria and Romania for the tests covered by the programmes shall not exceed the following:

(a) ELISA test: EUR 1 per test;

(b) agar gel immune diffusion test: EUR 1,2 per test;

(c) HI test for H5/H7: EUR 12 per test;

(d) virus isolation test: EUR 30 per test;

(e) PCR test: EUR 15 per test.

#### CHAPTER V

#### MONITORING OF TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES

##### Article 5

1. The programme for the monitoring of transmissible spongiform encephalopathies (TSEs) presented by Romania is hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community shall be at the rate of 100 % of the costs to be incurred by Romania referred to in paragraph 1 for the implementation of that programme and shall not exceed EUR 2 370 000.

3. The financial contribution by the Community of the programme referred to in paragraph 1 shall be for the tests performed and the maximum amount shall not exceed:

(a) EUR 6 per test, for tests carried out in bovine animals referred to in Annex III to Regulation (EC) No 999/2001;

(b) EUR 30 per test, for tests carried out in ovine and caprine animals referred to in Annex III to Regulation (EC) No 999/2001;

(c) EUR 50 per test, for tests carried out in cervids animals referred to in Annex III to Regulation (EC) No 999/2001;

(d) EUR 145 per test, for primary molecular discriminatory tests carried out as referred to in Annex X, Chapter C, point 3.2(c)(i) to Regulation (EC) No 999/2001.

#### CHAPTER VI

#### ERADICATION OF SCRAPIE

##### Article 6

1. The programme for the eradication of scrapie presented by Romania is hereby approved for the period from 1 January 2007 to 31 December 2007.

2. The financial contribution by the Community of the programme referred to in paragraph 1 shall be at the rate of 50 % of the cost paid by Romania for compensation to owners for the value of their animals culled and destroyed in accordance with their eradication programme, up to a maximum of EUR 100 per animal and at a rate of 50 % of the costs for genotyping, up to a maximum of EUR 10 per genotyping test and shall not exceed EUR 980 000.

## CHAPTER VII

## GENERAL AND FINAL PROVISIONS

## Article 7

The expenditure presented by Bulgaria and Romania for a financial contribution by the Community shall be expressed in euro and shall exclude value added tax and other taxes.

## Article 8

The conversion rate for expenditure shall be the rate most recently set by the European Central Bank prior to the first day of the month in which the application is submitted by Bulgaria or Romania.

## Article 9

1. The financial contribution by the Community for the programmes referred to in Articles 1 to 6 shall be granted provided that Bulgaria and Romania implement the programmes in accordance with the relevant provisions of Community law, including rules on competition and on the award of public contracts, and subject to the conditions provided for in points (a) to (f):

- (a) bringing into force by 1 January 2007 the laws, regulations and administrative provisions by the Member State concerned for implementing the programme;
- (b) forwarding by 1 June 2007 at the latest, the preliminary technical and financial evaluation of the programme, in accordance with Article 24(7) of Decision 90/424/EEC;
- (c) for the programmes referred to in Articles 1 to 3, forwarding an intermediate report, covering the first six months of the programme, at the latest four weeks after the end of the implementation period covered by the report;
- (d) for the programmes referred to in Article 4, Bulgaria and Romania shall report to the Commission positive and negative results of investigations detected during their surveillance of poultry and wild birds every three months by the end of the following month;
- (e) for the programmes referred to in Articles 5 and 6, forwarding a report to the Commission every month on the progress of the TSE monitoring programme and the

costs paid by Romania; that report must be forwarded within a period of four weeks following the end of the month covered by the report;

- (f) forwarding a final report by 1 June 2008 at the latest, on the technical execution of the programme accompanied by justifying evidence as to the costs paid by Bulgaria and Romania and the results attained during the period from 1 January 2007 to 31 December 2007;
- (g) details of the costs paid by Bulgaria and Romania as referred to in points (d) and (e) must be provided in a form in accordance with the table set out in the Annexes I and II;
- (h) implementing the programme efficiently;
- (i) no other Community contribution has been or will be asked for these measures.

2. Where the concerned Member State does not comply with paragraph 1, the Commission shall reduce the financial contribution by the Community having regard to the nature and gravity of the infringement, and to the financial loss for the Community.

## Article 10

The Annexes to Decision 2006/687/EC are replaced by the text in Annex III to this Decision

## Article 11

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

## Article 12

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2006.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

## ANNEX I

**Final financial report and payment applications as referred to in point (f) of Article 9(1)****One table per survey in poultry/wild birds <sup>(a)</sup>**

Member State: ..... Date: ..... Reporting period  
from: ..... to: .....

| Measures eligible for co-financing <sup>(b)</sup>   |                                   |       |
|-----------------------------------------------------|-----------------------------------|-------|
| Methods of laboratory analysis                      | Number tests performed per method | Costs |
| Serological pre-screening <sup>(c)</sup>            |                                   |       |
| Haemagglutination-inhibition-test (HI)<br>for H5/H7 |                                   |       |
| Virus isolation test                                |                                   |       |
| PCR test                                            |                                   |       |
| Other measures to be covered                        | Specify activities                |       |
| Sampling                                            |                                   |       |
| Others                                              |                                   |       |
| Total                                               |                                   |       |

**Herewith I certify that the data given above are correct and that no other Community contribution was requested for these measures.**

.....  
(Place, Date)

.....  
(Signature)

<sup>(a)</sup> Strike through as appropriate.

<sup>(b)</sup> Data to be given in national currency, VAT excluded.

<sup>(c)</sup> Please indicate test used.

## ANNEX II

**Model of computerised form giving details of costs paid by Romanians referred to in point (f) of Article 9(1)**

| <b>TSE Monitoring</b>                                                                                                |                 |           |            |
|----------------------------------------------------------------------------------------------------------------------|-----------------|-----------|------------|
| Member State:                                                                                                        | Month:          | Year:     |            |
| <b>Tests on bovine animals</b>                                                                                       |                 |           |            |
|                                                                                                                      | Number of tests | Unit cost | Total cost |
| Tests on animals referred to in Annex III, Chapter A, Part I, points 2.1, 3 and 4.1 to Regulation (EC) No 999/2001   |                 |           |            |
| Tests on animals referred to in Annex III, Chapter A, Part I, points 2.2, 4.2 and 4.3 to Regulation (EC) No 999/2001 |                 |           |            |
| Total                                                                                                                |                 |           |            |
| <b>Tests on ovine animals</b>                                                                                        |                 |           |            |
|                                                                                                                      | Number of tests | Unit cost | Total cost |
| Tests on animals referred to in Annex III, Chapter A, Part II, point 2(a) to Regulation (EC) No 999/2001             |                 |           |            |
| Tests on animals referred to in Annex III, Chapter A, Part II, point 3 Regulation (EC) No 999/2001                   |                 |           |            |
| Tests on animals referred to in Annex III, Chapter A, Part II, point 5 to Regulation (EC) No 999/2001                |                 |           |            |
| Total                                                                                                                |                 |           |            |
| <b>Tests on caprine animals</b>                                                                                      |                 |           |            |
|                                                                                                                      | Number of tests | Unit cost | Total cost |
| Tests on animals referred to in Annex III, Chapter A, Part II, point 2 (b) to Regulation (EC) No 999/2001            |                 |           |            |
| Tests on animals referred to in Annex III, Chapter A, Part II, point 3 Regulation (EC) No 999/2001                   |                 |           |            |
| Tests on animals referred to in Annex III, Chapter A, Part II, point 5 to Regulation (EC) No 999/2001                |                 |           |            |
| Total                                                                                                                |                 |           |            |
| <b>Primary molecular testing with a discriminatory immuno-blotting</b>                                               |                 |           |            |
|                                                                                                                      | Number of tests | Unit cost | Total cost |
| Tests on animals referred to in Annex X, Chapter C, point 3.2(c)(i)                                                  |                 |           |            |
| <b>Tests on Cervidae</b>                                                                                             |                 |           |            |
|                                                                                                                      | Number of tests | Unit cost | Total cost |
| Tests on animals referred to in Annex II of Regulation (EC) No 999/2001                                              |                 |           |            |

## ANNEX III

Annexes I, II, III and V to Decision 2006/687/EC are replaced by the following:

## ‘ANNEX I

**List of programmes for the eradication and monitoring of animal diseases as referred to in Article 1(1)**

Rate and maximum amount of the Community financial contribution

| Disease                                                | Member State                  | Rate | Maximum amount (EUR) |
|--------------------------------------------------------|-------------------------------|------|----------------------|
| Aujeszky's disease                                     | Belgium                       | 50 % | 250 000              |
|                                                        | Spain                         | 50 % | 350 000              |
| Bluetongue                                             | Spain                         | 50 % | 4 900 000            |
|                                                        | France                        | 50 % | 160 000              |
|                                                        | Italy                         | 50 % | 1 300 000            |
|                                                        | Portugal                      | 50 % | 600 000              |
| Bovine brucellosis                                     | Spain                         | 50 % | 3 500 000            |
|                                                        | Ireland                       | 50 % | 1 100 000            |
|                                                        | Italy                         | 50 % | 2 000 000            |
|                                                        | Cyprus                        | 50 % | 95 000               |
|                                                        | Poland                        | 50 % | 300 000              |
|                                                        | Portugal                      | 50 % | 1 600 000            |
|                                                        | United Kingdom <sup>(1)</sup> | 50 % | 1 100 000            |
| Bovine tuberculosis                                    | Spain                         | 50 % | 3 000 000            |
|                                                        | Italy                         | 50 % | 2 500 000            |
|                                                        | Poland                        | 50 % | 1 100 000            |
|                                                        | Portugal                      | 50 % | 450 000              |
| Classical swine fever                                  | Germany                       | 50 % | 800 000              |
|                                                        | France                        | 50 % | 500 000              |
|                                                        | Luxembourg                    | 50 % | 35 000               |
|                                                        | Slovenia                      | 50 % | 25 000               |
|                                                        | Slovakia                      | 50 % | 400 000              |
| Enzootic bovine leucosis                               | Estonia                       | 50 % | 20 000               |
|                                                        | Italy                         | 50 % | 400 000              |
|                                                        | Latvia                        | 50 % | 35 000               |
|                                                        | Lithuania                     | 50 % | 135 000              |
|                                                        | Poland                        | 50 % | 2 300 000            |
|                                                        | Portugal                      | 50 % | 225 000              |
| Ovine and caprine brucellosis ( <i>B. melitensis</i> ) | Greece                        | 50 % | 650 000              |
|                                                        | Spain                         | 50 % | 5 000 000            |
|                                                        | France                        | 50 % | 200 000              |
|                                                        | Italy                         | 50 % | 4 000 000            |
|                                                        | Cyprus                        | 50 % | 120 000              |
|                                                        | Portugal                      | 50 % | 1 600 000            |
| Poseidom <sup>(2)</sup>                                | France <sup>(3)</sup>         | 50 % | 50 000               |

| Disease                                       | Member State   | Rate                                   | Maximum amount (EUR) |
|-----------------------------------------------|----------------|----------------------------------------|----------------------|
| Rabies                                        | Czech Republic | 50 %                                   | 490 000              |
|                                               | Germany        | 50 %                                   | 850 000              |
|                                               | Estonia        | 50 %                                   | 925 000              |
|                                               | Latvia         | 50 %                                   | 1 200 000            |
|                                               | Lithuania      | 50 % own territory; 100 % border areas | 600 000              |
|                                               | Hungary        | 50 %                                   | 1 850 000            |
|                                               | Austria        | 50 %                                   | 185 000              |
|                                               | Poland         | 50 %                                   | 4 850 000            |
|                                               | Slovenia       | 50 %                                   | 375 000              |
|                                               | Slovakia       | 50 %                                   | 500 000              |
|                                               | Finland        | 50 %                                   | 112 000              |
|                                               | Bulgaria       | 50 %                                   | 830 000              |
|                                               | Romania        | 50 %                                   | 800 000              |
| African swine fever/<br>Classical swine fever | Italy          | 50 %                                   | 140 000              |
|                                               | Bulgaria       | 50 %                                   | 425 000              |
|                                               | Romania        | 50 %                                   | 5 250 000            |
| Swine vesicular disease                       | Italy          | 50 %                                   | 120 000              |
| Avian influenza                               | Belgium        | 50 %                                   | 66 000               |
|                                               | Czech Republic | 50 %                                   | 74 000               |
|                                               | Denmark        | 50 %                                   | 160 000              |
|                                               | Germany        | 50 %                                   | 243 000              |
|                                               | Estonia        | 50 %                                   | 40 000               |
|                                               | Greece         | 50 %                                   | 42 000               |
|                                               | Spain          | 50 %                                   | 82 000               |
|                                               | France         | 50 %                                   | 280 000              |
|                                               | Ireland        | 50 %                                   | 59 000               |
|                                               | Italy          | 50 %                                   | 510 000              |
|                                               | Cyprus         | 50 %                                   | 15 000               |
|                                               | Latvia         | 50 %                                   | 15 000               |
|                                               | Lithuania      | 50 %                                   | 12 000               |
|                                               | Luxembourg     | 50 %                                   | 10 000               |
|                                               | Hungary        | 50 %                                   | 110 000              |
|                                               | Malta          | 50 %                                   | 5 000                |
|                                               | Netherlands    | 50 %                                   | 126 000              |
|                                               | Austria        | 50 %                                   | 42 000               |
|                                               | Poland         | 50 %                                   | 87 000               |
|                                               | Portugal       | 50 %                                   | 121 000              |
|                                               | Slovenia       | 50 %                                   | 32 000               |
|                                               | Slovakia       | 50 %                                   | 21 000               |
|                                               | Finland        | 50 %                                   | 27 000               |
|                                               | Sweden         | 50 %                                   | 130 000              |
|                                               | United Kingdom | 50 %                                   | 275 000              |
|                                               | Bulgaria       | 50 %                                   | 23 000               |
|                                               | Romania        | 50 %                                   | 105 000              |
| Total                                         |                |                                        | 63 014 000           |

<sup>(1)</sup> United Kingdom only as regards Northern Ireland.

<sup>(2)</sup> Heartwater, babesiosis and anaplasmosis transmitted by vector insects in the French overseas departments.

<sup>(3)</sup> France only as regards Guadeloupe, Martinique and Réunion.

## ANNEX II

**List of programmes of checks aimed at the prevention of zoonoses as referred to in Article 2(1)**

Rate and maximum amount of the Community financial contribution

| Zoonosis   | Member State   | Rate | Maximum amount (EUR) |
|------------|----------------|------|----------------------|
| Salmonella | Belgium        | 50 % | 660 000              |
|            | Czech Republic | 50 % | 330 000              |
|            | Denmark        | 50 % | 250 000              |
|            | Germany        | 50 % | 175 000              |
|            | Estonia        | 50 % | 27 000               |
|            | Greece         | 50 % | 60 000               |
|            | Spain          | 50 % | 2 000 000            |
|            | France         | 50 % | 875 000              |
|            | Ireland        | 50 % | 175 000              |
|            | Italy          | 50 % | 320 000              |
|            | Cyprus         | 50 % | 40 000               |
|            | Latvia         | 50 % | 60 000               |
|            | Hungary        | 50 % | 60 000               |
|            | Netherlands    | 50 % | 1 350 000            |
|            | Austria        | 50 % | 80 000               |
|            | Poland         | 50 % | 2 000 000            |
|            | Portugal       | 50 % | 450 000              |
|            | Slovakia       | 50 % | 205 000              |
|            | Bulgaria       | 50 % | 508 000              |
|            | Romania        | 50 % | 215 000              |
| Total      |                |      | 9 840 000            |

## ANNEX III

**List of programmes for the monitoring of TSEs as referred to in Article 3(1)**

Rate and maximum amount of the Community financial contribution

| Disease | Member State   | Rate rapid tests &<br>discriminatory tests performed | Maximum amount<br>(EUR) |
|---------|----------------|------------------------------------------------------|-------------------------|
| TSEs    | Belgium        | 100 %                                                | 2 084 000               |
|         | Czech Republic | 100 %                                                | 1 059 000               |
|         | Denmark        | 100 %                                                | 1 680 000               |
|         | Germany        | 100 %                                                | 11 307 000              |
|         | Estonia        | 100 %                                                | 233 000                 |
|         | Greece         | 100 %                                                | 1 827 000               |
|         | Spain          | 100 %                                                | 10 237 000              |
|         | France         | 100 %                                                | 24 815 000              |
|         | Ireland        | 100 %                                                | 6 755 000               |
|         | Italy          | 100 %                                                | 3 375 000               |
|         | Cyprus         | 100 %                                                | 348 000                 |
|         | Latvia         | 100 %                                                | 312 000                 |
|         | Lithuania      | 100 %                                                | 645 000                 |
|         | Luxembourg     | 100 %                                                | 146 000                 |
|         | Hungary        | 100 %                                                | 784 000                 |
|         | Malta          | 100 %                                                | 90 000                  |
|         | Netherlands    | 100 %                                                | 5 112 000               |
|         | Austria        | 100 %                                                | 1 759 000               |
|         | Poland         | 100 %                                                | 3 744 000               |
|         | Portugal       | 100 %                                                | 2 115 000               |
|         | Slovenia       | 100 %                                                | 308 000                 |
|         | Slovakia       | 100 %                                                | 1 088 000               |
|         | Finland        | 100 %                                                | 839 000                 |
|         | Sweden         | 100 %                                                | 2 020 000               |
|         | United Kingdom | 100 %                                                | 6 781 000               |
|         | Romania        | 100 %                                                | 2 370 000               |
| Total   |                |                                                      | 91 833 000              |

## ANNEX V

**List of programmes for the eradication of scrapie as referred to in Article 5(1)**

Rate and amount of the Community financial contribution

| Disease | Member State   | Rate                          | Maximum amount (EUR) |
|---------|----------------|-------------------------------|----------------------|
| Scrapie | Belgium        | 50 % culling; 50 % genotyping | 99 000               |
|         | Czech Republic | 50 % culling; 50 % genotyping | 107 000              |
|         | Germany        | 50 % culling; 50 % genotyping | 927 000              |
|         | Estonia        | 50 % culling; 50 % genotyping | 13 000               |
|         | Greece         | 50 % culling; 50 % genotyping | 1 306 000            |
|         | Spain          | 50 % culling; 50 % genotyping | 5 374 000            |
|         | France         | 50 % culling; 50 % genotyping | 8 862 000            |
|         | Ireland        | 50 % culling; 50 % genotyping | 629 000              |
|         | Italy          | 50 % culling; 50 % genotyping | 3 076 000            |
|         | Cyprus         | 50 % culling; 50 % genotyping | 2 200 000            |
|         | Luxembourg     | 50 % culling; 50 % genotyping | 28 000               |
|         | Hungary        | 50 % culling; 50 % genotyping | 332 000              |
|         | Netherlands    | 50 % culling; 50 % genotyping | 543 000              |
|         | Austria        | 50 % culling; 50 % genotyping | 14 000               |
|         | Portugal       | 50 % culling; 50 % genotyping | 716 000              |
|         | Slovenia       | 50 % culling; 50 % genotyping | 83 000               |
|         | Slovakia       | 50 % culling; 50 % genotyping | 279 000              |
|         | Finland        | 50 % culling; 50 % genotyping | 11 000               |
|         | Sweden         | 50 % culling; 50 % genotyping | 6 000                |
|         | United Kingdom | 50 % culling; 50 % genotyping | 9 178 000            |
|         | Romania        | 50 % culling; 50 % genotyping | 980 000              |
| Total   |                |                               | 34 763 000'          |

**CORRIGENDA****Corrigendum to Decision 1719/2006/EC of the European Parliament and of the Council of 15 November 2006  
establishing the 'Youth in Action' programme for the period 2007 to 2013**

*(Official Journal of the European Union L 327 of 24 November 2006)*

On the first page of the cover in the 'Contents':

*for:* 'Decision No 1714/2006/EC ...',

*read:* 'Decision No 1719/2006/EC ...'.

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