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Legislation

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Contents

[1] Text with EEA relevance

(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.

Contents (continued)

EN

(1) Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1190/2006

of 4 August 2006

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 August 2006.

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

Done at Brussels, 4 August 2006.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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

ANNEX

to Commission Regulation of 4 August 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	052	44,8
	999	44,8
0707 00 05	052	65,5
	999	65,5
0709 90 70	052	48,9
	999	48,9
0805 50 10	388	70,6
	524	50,3
	528	56,3
	999	59,1
0806 10 10	052	109,1
	204	174,2
	220	190,2
	508	31,3
	999	126,2
0808 10 80	388	87,1
	400	104,7
	508	86,3
	512	89,0
	524	66,4
	528	124,2
	720	81,3
	804	98,1
	999	92,1
0808 20 50	052	125,6
	388	98,3
	512	83,4
	528	73,7
	720	31,1
	804	186,4
	999	99,8
0809 20 95	052	246,5
	400	293,8
	404	365,2
	999	301,8
0809 30 10, 0809 30 90	052	133,4
	999	133,4
0809 40 05	068	110,8
	093	50,3
	098	56,5
	624	124,4
	999	85,5

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

COMMISSION REGULATION (EC) No 1191/2006

of 4 August 2006

amending Regulation (EC) No 1458/2003 opening and providing for the administration of a tariff quota in the pigmeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat [1], and in particular Article 8(2) and Article 11(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 1458/2003 [2] provides for the opening and administration of a tariff quota in the pigmeat sector.

(2) The Agreement in the form of an Exchange of Letters between the European Community and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 [3], approved by Council Decision 2006/333/EC [4] provides for an increase of the annual import tariff quota of pigmeat, *erga omnes*, of 1 430 tonnes of pigmeat.

(3) The reference to be shown in the import licence applications should be mentioned in the different languages of the Community.

(4) In view of the possible accession of Bulgaria and Romania to the European Union as from 1 January 2007, it is advisable to provide for a different period for lodging the licence applications for the first quarter of the year 2007.

(5) Regulation (EC) No 1458/2003 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1458/2003 is amended as follows:

1. In article 4, points d and e are replaced by the following:

   '(d) section 20 of licence applications and licences shall show one of the entries listed in Annex Ia;

   (e) section 24 of licences shall show one of the entries listed in Annex Ib.'

2. In Article 5, paragraph 1, the following subparagraph is added:

   'However, for the period of 1 January to 31 March 2007 licence applications shall be lodged during the first 15 days of January 2007.'

3. The Annexes I to IV are replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 1 July 2006.

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

Done at Brussels, 4 August 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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[1] OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).
[2] OJ L 208, 19.8.2003, p. 3. Regulation as last amended by Regulation (EC) No 341/2005 (OJ L 53, 26.2.2005, p. 28).
[3] OJ L 124, 11.5.2006, p. 15.
[4] OJ L 124, 11.5.2006, p. 13.

ANNEX

'ANNEX I

Order No	Group No	CN code	Product description	Customs duties (EUR/tonne)	Quantities in tonnes product weight from 1 July 2006
09.4038	G2	ex 0203 19 55 ex 0203 29 55	Boned loins and hams, fresh, chilled or frozen	250	35 265
09.4039	G3	ex 0203 19 55 ex 0203 29 55	Tenderloin, fresh, chilled or frozen	300	5 000
09.4071	G4	1601 00 91 1601 00 99	Sausages, dry or for spreading, uncooked Others	747 502	3 002
09.4072	G5	1602 41 10 1602 42 10 1602 49 11 1602 49 13 1602 49 15 1602 49 19 1602 49 30 1602 49 50	Other prepared or preserved meat, meat offal or blood	784 646 784 646 646 428 375 271	6 161
09.4073	G6	0203 11 10 0203 21 10	Carcasses and half-carcasses, fresh, chilled or frozen	268	15 067
09.4074	G7	0203 12 11 0203 12 19 0203 19 11 0203 19 13 0203 19 15 ex 0203 19 55 0203 19 59 0203 22 11 0203 22 19 0203 29 11 0203 29 13 0203 29 15 ex 0203 29 55 0203 29 59	Cuts, fresh, chilled or frozen, boned and with bone in, excluding tenderloin presented alone	389 300 300 434 233 434 434 389 300 300 434 233 434 434	5 535

ANNEX IA

Entries referred to in point (d) of Article 4

— Reglamento (CE) nº 1458/2003

— Nařízení (ES) č. 1458/2003

— Forordning (EF) nr. 1458/2003

— Verordnung (EG) Nr. 1458/2003

— Määrus (EÜ) nr 1458/2003

— Κανονισμός (ΕΚ) αριθ. 1458/2003

— Regulation (EC) No 1458/2003

— Règlement (CE) nº 1458/2003

— Regolamento (CE) n. 1458/2003

— Regula (EK) Nr. 1458/2003

— Reglamentas (EB) Nr. 1458/2003

— 1458/2003/EK rendelet

— Regolament (KE) Nru 1458/2003

— Verordening (EG) nr. 1458/2003

— Rozporządzenie (WE) nr 1458/2003

— Regulamento (CE) n.º 1458/2003

— Nariadenie (ES) č. 1458/2003

— Uredba (ES) št. 1458/2003

— Asetus (EY) N:o 1458/2003

— Förordning (EG) nr 1458/2003

ANNEX IB

Entries referred to in point (e) of Article 4

— Derecho de aduana fijado en … en aplicación del Reglamento (CE) nº 1458/2003

— clo ve výši … podle Nařízení (ES) č. 1458/2003

— toldsats fastsat til … i henhold til Forordning (EF) nr. 1458/2003

— Zollsatz, festgesetzt auf … in Anwendung der Verordnung (EG) Nr. 1458/2003

— Tollimaks … vastavalt määrusele (EÜ) nr 1458/2003

— δασμός καθοριζόμενος σε … κατ'εφαρμογή του Κανονισμού (ΕΚ) αριθ. 1458/2003

— Duty of … pursuant to Regulation (EC) No 1458/2003

— droit de douane fixé à … en application du Règlement (CE) nº 1458/2003

— Dazio doganale fissato in … in applicazione del Regolamento (CE) n. 1458/2003

— *Nodoklis … pamatojoties uz* Regula (EK) Nr. 1458/2003

— … muitas pagal Reglamentas (EB) Nr. 1458/2003

— … összegű vám a következő jogszabály értelmében 1458/2003/EK rendelet

— Obbligu ta' … konformi ma' Regolament (KE) Nru 1458/2003

— douanerecht … op grond van Verordening (EG) nr. 1458/2003

— Stawka celna … zgodnie z Rozporządzenie (WE) nr 1458/2003

— direito aduaneiro fixado em … nos termos do Regulamento (CE) n.º 1458/2003

— clo … podľa Nariadenie (ES) č. 1458/2003

— Carina … v skladu z Uredba (ES) št. 1458/2003

— tulliksi vahvistettu … seuraavan mukaisesti Asetus (EY) N:o 1458/2003

— tullavgift fastställd i … med tillämpning samt något av följande Förordning (EG) nr 1458/2003

ANNEX II

Application of Regulation (EC) No 1458/2003

Commission of the European Communities — DG Agriculture and Rural Development

Unit D.2 — Implementation of market measures

Pigmeat sector

Application for import licences at reduced rate of duty GATT	Date:	Period:

Member State:

Sender:

Responsible contact person:

Tel.

Fax

Addressee: AGRI.D.2

Fax (32-2) 292 17 39

E-mail: AGRI-IMP-PORK@ec.europa.eu

Order No	Group No	Quantity applied for (kg product weight)
09.4038	G2	
09.4039	G3	
09.4071	G4	
09.4072	G5	
09.4073	G6	
09.4074	G7	

ANNEX III

Application of Regulation (EC) No 1458/2003

Commission of the European Communities — DG Agriculture and Rural Development

Unit D.2 — Implementation of market measures

Pigmeat sector

Application for import licences at reduced rate of duty GATT	Date:	Period:

Member State:

Order No	Group No	CN code	Applicant (name and address)	Quantity (kg product weight)	Country of origin
09.4038	G2				
			Total		
09.4039	G3				
			Total		
09.4071	G4				
			Total		
09.4072	G5				
			Total		
09.4073	G6				
			Total		
09.4074	G7				
			Total		

ANNEX IV

Application of Regulation (EC) No 1458/2003

Commission of the European Communities — DG Agriculture and Rural Development

Unit D.2 — Implementation of market measures

Pigmeat sector

NOTIFICATION CONCERNING ACTUAL IMPORTS

Member State: .....

Application of Article 5(11) of Regulation (EC) No 1458/2003

Quantity of products (in kg product weight) actually imported:

Addressee: AGRI.D.2

Fax (32-2) 292 17 39

E-mail: AGRI-IMP-PORK@ec.europa.eu

Order No	Group No	Quantity actually entered into free circulation	Country of origin'
09.4038	G2		
09.4039	G3		
09.4071	G4		
09.4072	G5		
09.4073	G6		
09.4074	G7		

COMMISSION REGULATION (EC) No 1192/2006

of 4 August 2006

implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards lists of approved plants in Member States

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption [1], and in particular Article 26(5) thereof,

Whereas:

(1) Regulation (EC) No 1774/2002 lays down specific requirements for rules concerning animal by-products not intended for human consumption.

(2) In order to avoid any risk of dispersal of pathogens and/or residues, Regulation (EC) No 1774/2002 provides that animal by-products are to be processed, stored and kept separate in an approved and supervised plant designated by the Member State concerned or to be disposed of in a suitable manner. Chapters III and IV of that Regulation lay down requirements concerning the approval of such plants.

(3) Article 26(4) of Regulation (EC) No 1774/2002 provides that Member States are to draw up lists of plants approved in accordance with that Regulation.

(4) Accordingly, it is necessary to lay down implementing rules concerning those lists of approved plants, including the presentation of the information contained in such lists on national websites which are available to the Commission and the public. It is also necessary to provide for a website to be maintained by the Commission concerning those lists.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to this Regulation sets out implementing rules as regards lists of approved plants, as referred to in Article 26(4) of Regulation (EC) No 1774/2002.

Article 2

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

It shall apply from 1 July 2007.

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

Done at Brussels, 4 August 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

[1] OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 208/2006 (OJ L 36, 8.2.2006, p. 25).

ANNEX

LISTS OF APPROVED PLANTS AS REFERRED TO IN ARTICLE 26(4) OF REGULATION (EC) No 1774/2002

1. ACCESS TO LISTS OF APPROVED PLANTS

In order to assist Member States in making up-to-date lists of approved plants, as referred to in Article 26(4) of Regulation (EC) No 1774/2002 (approved plants), available to other Member States and to the public, the Commission shall provide a website which shall contain links to the national websites provided by each Member State, as referred to in paragraph 2.1(a) of this Annex.

2. FORMAT FOR NATIONAL WEBSITES

2.1. **Master lists on national websites**

(a) Each Member State shall provide the Commission with a linking address to a single national website containing the master list of lists of all approved plants in its territory ('master list').

(b) Each master list shall consist of one sheet and shall be completed in one or more official languages of the Community.

2.2. **Operational chart for national websites**

(a) The national websites referred to in point 2.1(a) of this Annex shall be developed by the central competent authorities or, where appropriate, one of the other authorities referred to in Article 2(1)(i) of Regulation (EC) No 1774/2002.

(b) The master lists referred to in point 2.1(a) shall include links to other web pages located on the same website, which contain the lists of the approved plants.

However, where certain lists of approved plants are not maintained by the central competent authority referred to in point 2.2(a), the master list shall include links to other websites which contain those lists and which are maintained by any other competent authority, unit or where appropriate, body.

3. LAYOUT AND CODES FOR NATIONAL LISTS OF APPROVED PLANTS

The layout, including the relevant information and codes, of national lists shall be established in order to ensure the wide availability of the information concerning approved plants and to improve the readability of the national lists.

4. TECHNICAL SPECIFICATIONS

The tasks and activities provided for in paragraphs 2 and 3 shall be performed in accordance with the technical specifications published by the Commission on the web.

COMMISSION REGULATION (EC) No 1193/2006

of 4 August 2006

amending Regulation (EC) No 1990/2004 laying down transitional measures in the wine sector by reason of the accession of Hungary to the European Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first paragraph of Article 41 thereof,

Whereas:

(1) Under Article 27(3) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine [1], any natural or legal person or group of persons having made wine is required to deliver for distillation all the by-products of that wine-making.

(2) Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms [2] establishes the rules applicable to such distillation and Article 49 thereof provides for certain exceptions to that obligation.

(3) Hungary has adopted the measures needed to implement this distillation obligation. However, distilleries in Hungary do not currently have sufficient capacity to distil all by-products.

(4) Commission Regulation (EC) No 1990/2004 [3] authorises Hungary to exempt certain categories of producers from the obligation to distil by-products of wine-making for the 2004/05 wine year. This authorisation has been extended to cover the 2005/06 wine year. In view of the situation described above, that authorisation should be extended once again to cover the 2006/07 marketing year.

(5) Regulation (EC) No 1990/2004 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 1990/2004, 'for the 2004/2005 and 2005/06 marketing years' is replaced by 'for the 2004/05, 2005/06 and 2006/07 marketing years'.

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 August 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

[2] OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 1820/2005 (OJ L 293, 9.11.2005, p. 8).

[3] OJ L 344, 20.11.2004, p. 8. Regulation as amended by Regulation (EC) No 1215/2005 (OJ L 199, 29.7.2005, p. 31).

COMMISSION REGULATION (EC) No 1194/2006

of 4 August 2006

opening crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999 for table wine in Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine [1], and in particular point (f) in the second subparagraph of Article 33(1),

Whereas:

(1) Article 30 of Regulation (EC) No 1493/1999 provides for the possibility of a crisis distillation measure in the event of exceptional market disturbance due to major surpluses. Such measures may be limited to certain categories of wine and/or certain areas of production, and may apply to quality wines psr at the request of the Member State concerned.

(2) Portugal has requested that crisis distillation be opened for table wine produced in its territory.

(3) Considerable surpluses have been recorded on the table wine market in Portugal, which are reflected in a fall in prices and a worrying rise in stocks towards the end of the 2005/06 marketing year. In order to reverse this negative trend, and so remedy the difficult market situation, stocks of table wine should be reduced to a level that can be regarded as normal in terms of covering market requirements.

(4) Since the conditions laid down in Article 30(5) of Regulation (EC) No 1493/1999 are satisfied, a crisis distillation measure should be opened for a maximum of 200 000 hectolitres of table wine.

(5) The crisis distillation opened by this Regulation must comply with the conditions laid down by Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms [2] as regards the distillation measure provided for in Article 30 of Regulation (EC) No 1493/1999. Other provisions of Regulation (EC) No 1623/2000 must also apply, in particular those concerning the delivery of alcohol to intervention agencies and the payment of advances.

(6) The price distillers must pay producers should be set at a level that permits the market disturbance to be dealt with by allowing producers to take advantage of the possibility afforded by this measure.

(7) The product of crisis distillation must be raw or neutral alcohol only, for compulsory delivery to the intervention agency in order to avoid disturbing the market for potable alcohol, which is supplied largely by the distillation provided for in Article 29 of Regulation (EC) No 1493/1999.

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

HAS ADOPTED THIS REGULATION:

Article 1

Crisis distillation as provided for in Article 30 of Regulation (EC) No 1493/1999 is hereby opened for a maximum of 200 000 hectolitres of table wine in Portugal, in accordance with the provisions of Regulation (EC) No 1623/2000 concerning this type of distillation.

Article 2

Producers may conclude delivery contracts as provided for in Article 65 of Regulation (EC) No 1623/2000 (hereinafter referred to as 'the contract') from 16 August to 15 September 2006.

Contracts shall be accompanied by proof that a security equal to EUR 5 per hectolitre has been lodged.

Contracts may not be transferred.

Article 3

1. If the total quantity covered by the contracts submitted to the intervention agency exceeds the quantity laid down in Article 1, Portugal shall determine the rate of reduction to be applied to the above contracts.

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

[2] OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 1820/2005 of 8 November 2005 (OJ L 293, 9.11.2005, p. 8).

2. Portugal shall take the administrative steps necessary to approve the contracts by 31 October 2006 at the latest. The approval shall specify any rate of reduction applied and the quantity of wine accepted per contract and shall stipulate that the producer may cancel the contract where the quantity to be distilled is reduced.

Portugal shall notify the Commission before 15 November 2006 of the quantities of wine covered by approved contracts.

3. Portugal may limit the number of contracts that individual producers may conclude under this Regulation.

Article 4

1. The quantities of wine covered by approved contracts shall be delivered to the distilleries by 15 February 2007 at the latest. The alcohol obtained must be delivered to the intervention agency in accordance with Article 6(1) by 15 May 2007 at the latest.

2. The security shall be released for the quantities delivered when the producer presents proof of delivery to a distillery.

The security shall be forfeit where no delivery is made within the time limit laid down in paragraph 1.

Article 5

The minimum price paid for wine delivered for distillation under this Regulation shall be EUR 1,914 per % volume per hectolitre.

Article 6

1. Distillers shall deliver the product obtained from distillation to the intervention agency. That product shall be of an alcoholic strength of at least 92 % volume.

2. The price the intervention agency must pay distillers for raw alcohol delivered shall be EUR 2,281 per % volume per hectolitre. The payment shall be made in accordance with Article 62(5) of Regulation (EC) No 1623/2000.

Distillers may receive an advance of EUR 1,122 per % volume per hectolitre on that amount. In that case the advance shall be deducted from the price actually paid. Articles 66 and 67 of Regulation (EC) No 1623/2000 shall apply.

Article 7

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

It shall apply from 16 August 2006.

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

Done at Brussels, 4 August 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 8 November 2005

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

(2006/543/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

(1) The Council has authorised the Commission on 5 June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.

(2) The Commission has negotiated on behalf of the Community an Agreement with the Republic of Lebanon on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council's Decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.

(3) Subject to its possible conclusion at a later date, the agreement negotiated by the Commission should be signed and provisionally applied,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Agreement between the European Community and the Republic of Lebanon on certain aspects of air services is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

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

Article 3

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

Article 4

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

Done at Brussels, 8 November 2005.

For the Council
The President
G. BROWN

AGREEMENT

between the European Community and the Republic of Lebanon on certain aspects of air services

THE EUROPEAN COMMUNITY

of the one part, and

THE REPUBLIC OF LEBANON

of the other part

(hereinafter referred to as 'the Parties'),

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

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

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

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

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

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

HAVE AGREED AS FOLLOWS:

Article 1

General Provisions

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

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

3. References in each of the Agreements listed in Annex I to air carriers or airlines of the Member State that is a party to that Agreement shall be understood as referring to air carriers or airlines designated by that Member State.

Article 2

Designation by a Member State

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

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

(i) the air carrier is established, under the Treaty establishing the European Community, in the territory of the designating Member State and has a valid Operating Licence in accordance with European Community law;

(ii) effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its Air Operators Certificate and the relevant aeronautical authority is clearly identified in the designation; and

(iii) the air carrier is owned and shall continue to be owned directly or through majority ownership by Member States and/or nationals of Member States, or by other States listed in Annex III and/or nationals of such other States, and shall at all times be effectively controlled by such States and/or such nationals.

3. The Republic of Lebanon may refuse, revoke, suspend or limit the authorisations or permissions of an air carrier designated by a Member State where:

(i) the air carrier is not established, under the Treaty establishing the European Community, in the territory of the designating Member State or does not have a valid Operating Licence in accordance with European Community law;

(ii) effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its Air Operators Certificate, or the relevant aeronautical authority is not clearly identified in the designation; or

(iii) the air carrier is not owned and effectively controlled directly or through majority ownership by Member States and/or nationals of Member States, or by other states listed in Annex III and/or nationals of such other States.

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

Article 3

Rights with regard to regulatory control

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

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

Article 4

Taxation of aviation fuel

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

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

Article 5

Tariffs for carriage within the European Community

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

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

Article 6

Annexes to the Agreement

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

Article 7

Revision or amendment

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

Article 8

Entry into force and provisional application

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

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

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

Article 9

Termination

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

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

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

Done at Beirut in duplicate, on this seventh day of July in the year two thousand and six, in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and Arabic languages.

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
För Europeiska gemenskapen

عن
المجموعة الأوروبية

Por la República Libanesa
Za Libanonskou republiku
For Den Libanesiske Republik
Für die Libanesische Republik
Liibanoni Vabariigi nimel
Για τη Δημοκρατία του Λιβάνου
For the Republic of Lebanon
Pour la République libanaise
Per la Repubblica del Libano
Libānas Republikas vārdā
Libano Respublikos vardu
A Libanoni Köztársaság részéről
Għar-repubblika tal-Libanu
Voor de Republiek Libanon
W imieniu Republiki Libańskiej
Pela República do Líbano
Za Libanonskú republiku
Za Republiko Libanon
Libanonin tasavallan puolesta
För Republiken Libanon

عن
الجمهورية اللبنانية

ANNEX I

List of Agreements referred to in Article 1 of this Agreement

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

— Agreement between the Austrian Federal Government and the Government of the Republic of Lebanon for air services between and beyond their respective territories, done at Beirut on 2 April 1969, as amended (hereafter referred to as Lebanon-Austria Agreement);

— Agreement between the Belgian Government and the Lebanese Government concerning air services between and beyond their respective territories, done at Beirut on 24 December 1953, as amended (hereafter referred to as Lebanon-Belgium Agreement);

— Air Services Agreement between the Government of the Republic of Cyprus and the Government of the Republic of Lebanon, initialled on 23 May 1996 (hereafter referred to as Draft Lebanon-Cyprus Agreement);

— Air Transport Agreement between the Government of the Czech Republic and the Government of the Republic of Lebanon, done at Beirut on 22 September 2003 (hereafter referred to as Lebanon-Czech Republic Agreement);

— Air Transport Agreement between Denmark and Lebanon, done at Beirut on 21 October 1955 (hereafter referred to as Lebanon-Denmark Agreement);

— Draft Air Transport Agreement between the Government of the French Republic and the Government of the Republic of Lebanon, initialled and annexed to the Agreed Record of the consultations between delegations representing the Governments of the French Republic and of the Republic of Lebanon, signed in Paris on 24 June 1998 (hereafter referred to as Draft Lebanon-France Agreement);

— Air Transport Agreement between the Federal Republic of Germany and the Lebanese Republic, done at Beirut on 15 March 1961 as amended (hereafter referred to as Lebanon-Germany Agreement);

— Draft Air Services Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Lebanon, initialled and annexed to the Agreed Minutes signed in Bonn on 16 January 2002 (hereafter referred to as Draft Revised Lebanon-Germany Agreement);

— Agreement between the Government of the Kingdom of Greece and the Government of the Republic of Lebanon concerning the establishment of air services between their respective territories, done at Beirut on 6 September 1948 (hereafter referred to as Lebanon-Greece Agreement);

— Agreement between the Government of the Hungarian People's Republic and the Republic of Lebanon relating to Civil Air Transport, done at Beirut on 15 January 1966 (hereafter referred to as Lebanon-Hungary Agreement);

— Air Transport Agreement between the Italian Government and the Government of the Republic of Lebanon, done at Beirut on 24 January 1949 as amended (hereafter referred to as Lebanon-Italy Agreement);

— Air Services Agreement between the Government of the Republic of Lebanon and the Government of the Grand Duchy of Luxembourg, initialled and attached as Appendix B to the Confidential Memorandum of Understanding signed in Beirut on 23 October 1998 (hereafter referred to as Draft Lebanon-Luxembourg Agreement);

— Draft Air Services Agreement between the Government of Malta and the Government of the Republic of Lebanon, initialled and attached as Appendix B to the Agreed Minutes signed in Beirut on 30 April 1999 (hereafter referred to as Draft Lebanon-Malta Agreement);

— Air Transport Agreement between the Kingdom of the Netherlands and the Republic of Lebanon, done at Beirut on 20 September 1949 (hereafter referred to as Lebanon-Netherlands Agreement);

— Air Services Agreement between the Government of the Polish People's Republic and the Government of the Republic of Lebanon, done at Beirut on 25 April 1966 (hereafter referred to as Lebanon-Poland Agreement);

— Air Transport Agreement between Sweden and Lebanon, done at Beirut on 23 March 1953 (hereafter referred to as Lebanon-Sweden Agreement);

— Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Lebanese Republic for air services between and beyond their respective territories, done at Beirut on 15 August 1951, as amended (hereafter referred to as Lebanon-UK Agreement)

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

— Draft Air Transport Agreement between the Kingdom of Spain and the Republic of Lebanon, initialled in Madrid on 21 August 1997 (hereafter referred to as Draft Lebanon-Spain Agreement).

ANNEX II

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

(a) Designation by a Member State:

— Article 3 of the Lebanon-Austria Agreement;

— Article 3 of the Lebanon-Belgium Agreement;

— Article 4 of the Draft Lebanon-Cyprus Agreement;

— Article 3 of the Lebanon-Czech Republic Agreement;

— Article 3 of the Draft Lebanon-France Agreement;

— Article 3 of the Lebanon-Germany Agreement;

— Article 3 of the Lebanon-Hungary Agreement;

— Article 3 of the Draft Lebanon-Luxembourg Agreement;

— Article 6 of the Draft Lebanon-Malta Agreement;

— Article 3 of the Lebanon-Poland Agreement;

— Article 3 of the Draft Lebanon-Spain Agreement;

— Article 4 of the Lebanon-United Kingdom Agreement;

(b) Refusal, Revocation, Suspension or Limitation of Authorisations or Permissions:

— Article 4 of the Lebanon-Austria Agreement;

— Article 3 of the Lebanon-Belgium Agreement;

— Article 5 of the Draft Lebanon-Cyprus Agreement;

— Article 4 of the Lebanon-Czech Republic Agreement;

— Article 5 of the Lebanon-Denmark Agreement;

— Article 4 of the Draft Lebanon-France Agreement;

— Article 4 of the Lebanon-Germany Agreement;

— Article 6 of the Lebanon-Greece Agreement;

— Article 4 of the Lebanon-Hungary Agreement;

— Article 6 of the Lebanon-Italy Agreement;

— Article 4 of the Draft Lebanon-Luxembourg Agreement;

— Article 7 of the Draft Lebanon-Malta Agreement;

— Article 6 of the Lebanon-Netherlands Agreement;

— Article 3 of the Lebanon-Poland Agreement;

— Article 4 of the Draft Lebanon-Spain Agreement;

— Article 5 of the Lebanon-Sweden Agreement;

— Article 4 of the Lebanon-United Kingdom Agreement;

(c) Regulatory control:

— Article 7 bis of the Lebanon-Austria Agreement;

— Article 7 of the Lebanon-Czech Republic Agreement;

— Article 8 of the Draft Lebanon-France Agreement;

— Article 7 of the Draft Lebanon-Luxembourg Agreement;

— Article 6 of the Draft Revised Lebanon-Germany Agreement;

(d) Taxation of Aviation Fuel:

— Article 5 of the Lebanon-Austria Agreement;

— Article 4 of the Lebanon-Belgium Agreement;

— Article 7 of the Draft Lebanon-Cyprus Agreement;

— Article 8 of the Lebanon-Czech Republic Agreement;

— Article 9 of the Lebanon-Denmark Agreement;

— Article 10 of the Draft Lebanon-France Agreement;

— Article 6 of the Lebanon-Germany Agreement;

— Article 10 of the Draft Revised Lebanon-Germany Agreement;

— Article 3 of the Lebanon-Greece Agreement;

— Article 14 of the Lebanon-Hungary Agreement;

— Article 3 of the Lebanon-Italy Agreement;

— Article 8 of the Draft Lebanon-Luxembourg Agreement;

— Article 9 of the Draft Lebanon-Malta Agreement;

— Article 6 of the Lebanon-Poland Agreement;

— Article 5 of the Draft Lebanon-Spain Agreement;

— Article 9 of the Lebanon-Sweden Agreement;

— Article 5 of the Lebanon-United Kingdom Agreement;

(e) Tariffs for Carriage within the European Community:

— Article 9 of the Lebanon-Austria Agreement;

— Article 7 of the Lebanon-Belgium Agreement;

— Article 16 of the Draft Lebanon-Cyprus Agreement;

— Article 12 of the Lebanon-Czech Republic Agreement;

— Article 7 of the Lebanon-Denmark Agreement;

— Article 14 of the Draft Lebanon-France Agreement;

— Article 9 of the Lebanon-Germany Agreement;

— Article 14 of the Draft Revised Lebanon-Germany Agreement;

— Article 7 of the Lebanon-Hungary Agreement;

— Article 13 of the Draft Lebanon-Luxembourg Agreement;

— Article 14 of the Draft Lebanon-Malta Agreement;

— Article 10 of the Lebanon-Poland Agreement;

— Article 7 of the Draft Lebanon-Spain Agreement;

— Article 7 of the Lebanon-Sweden Agreement;

— Article 7 of the Lebanon-United Kingdom Agreement.

ANNEX III

List of other States referred to in Article 2 of this Agreement

(a) The Republic of Iceland (under the Agreement on the European Economic Area);

(b) the Principality of Liechtenstein (under the Agreement on the European Economic Area);

(c) the Kingdom of Norway (under the Agreement on the European Economic Area);

(d) the Swiss Confederation (under the Agreement between the European Community and the Swiss Confederation on Air Transport).

COUNCIL DECISION

of 18 July 2006

on guidelines for the employment policies of the Member States

(2006/544/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 128(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Having regard to the opinion of the European Economic and Social Committee [2],

Having consulted the Committee of the Regions,

Having regard to the opinion of the Employment Committee [3],

Whereas:

(1) The reform of the Lisbon Strategy in 2005 has placed the emphasis on growth and jobs. The Employment Guidelines [4] of the European Employment Strategy and the Broad Economic Policy Guidelines [5] have been adopted as an integrated package, whereby the European Employment Strategy has the leading role in the implementation of the employment and labour market objectives of the Lisbon Strategy.

(2) The European Union must mobilise all appropriate national and Community resources — including the cohesion policy — in the Lisbon strategy's three dimensions (economic, social and environmental) so as better to tap into their synergies in a general context of sustainable development.

(3) The Employment Guidelines and the Broad Economic Policy Guidelines should be fully reviewed only every three years, while in the intermediate years until 2008 their updating should remain strictly limited to ensure the degree of stability that is necessary for effective implementation.

(4) The examination of the Member States' National Reform Programmes contained in the Commission's Annual Progress Report and in the Joint Employment Report shows that Member States should continue to make every effort to address the priority areas of:

— attracting and retaining more people in employment, increasing labour supply and modernising social protection systems,

— improving adaptability of workers and enterprises, and

— increasing investment in human capital through better education and skills.

(5) The European Council of 23 and 24 March 2006 stressed the central role of employment policies in the framework of the Lisbon agenda and the necessity of increasing employment opportunities for priority categories, within a life-cycle approach. In this connection, it approved the European Pact for Gender Equality that should further heighten the profile of gender mainstreaming and give impetus to improving the perspectives and opportunities of women on a broad scale.

(6) The removal of obstacles to mobility for workers, as laid down by the Treaties, including the Treaties of Accession, should strengthen the functioning of the internal market and enhance its growth and employment potential.

(7) In the light of both the Commission's examination of the National Reform Programmes and the European Council conclusions, the focus should now be on effective and timely implementation, paying special attention to the agreed quantitative targets as laid down in the Employment Guidelines for 2005-2008, and in line with the conclusions of the European Council.

[1] Opinion of 4 April 2006 (not yet published in the Official Journal).
[2] Opinion of 17 May 2006 (not yet published in the Official Journal).
[3] Opinion of 27 April 2006.
[4] Council Decision 2005/600/EC of 12 July 2005 on guidelines for the employment policies of the Member States (OJ L 205, 6.8.2005, p. 21).
[5] Council Recommendation 2005/601/EC of 12 July 2005 on the broad guidelines for the economic policies of the Member States and the Community (2005 to 2008) (OJ L 205, 6.8.2005, p. 28).

(8) Member States should take the Employment Guidelines into account when programming their use of Community funding, in particular of the European Social Fund.

(9) In view of the integrated nature of the guidelines package, Member States should fully implement the Broad Economic Policy Guidelines,

HAS ADOPTED THIS DECISION:

Article 1

The guidelines for Member States' employment policies as set out in the Annex to Decision 2005/600/EC shall be maintained for 2006 and shall be taken into account by the Member States in their employment policies.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 July 2006.

For the Council
The President
J. KORKEAOJA

COUNCIL DECISION

of 18 July 2006

on the equivalence of the official examination of varieties carried out in Croatia

(Text with EEA relevance)

(2006/545/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species [1], and in particular Article 22(1)(a) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Directive 2002/53/EC allows for the Council to determine whether the official examinations of varieties carried out in a third country afford the same assurances as those carried out in the Member States.

(2) The rules on the official examination of varieties carried out in Croatia in respect of wheat, barley and maize provide that the acceptance of varieties as regards their distinctness, stability and uniformity is based on the results of official examinations, particularly growing trials, covering a sufficient number of characteristics for the variety to be described.

(3) An examination of those rules and the manner in which they are applied in Croatia in respect of the three aforementioned species has shown that they afford the same assurances as those carried out by the Member States, provided that further conditions are satisfied.

(4) This Decision does not prevent Community findings on equivalence from being revoked if the conditions on which they are based are not, or cease to be, satisfied.

(5) Given that the Annexes may require frequent modification of their technical provisions, they should be amended in accordance with the procedure set out in Article 4 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [2],

HAS ADOPTED THIS DECISION:

Article 1

The official examinations as regards distinctness, stability and uniformity of the varieties of the species listed in Annex I carried out in Croatia by the Authority specified in Annex I shall be considered to afford the same assurances as those carried out by the Member States, if they satisfy the conditions set out in Annex II.

Article 2

Amendments to the Annexes shall be adopted in accordance with the procedure referred to in Article 3(2).

Article 3

1. The Commission shall be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, hereinafter referred to as 'the Committee', set up by Article 1 of Council Decision 66/399/EEC [3].

2. Where reference is made to this paragraph, Articles 4 and 7 of Council Decision 1999/468/EC shall apply.

3. The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

4. The Committee shall adopt its rules of procedure.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 18 July 2006.

For the Council
The President
J. KORKEAOJA

[1] OJ L 193, 20.7.2002, p. 1. Directive as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 1).

[2] OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

[3] OJ 125, 11.7.1966, p. 2289/66.

ANNEX I

Authority	Species
Institute for Seed and Seedlings, Osijek	*Hordeum vulgare* L. *Triticum aestivum* L. *Zea Mays* L.

ANNEX II

CONDITIONS

1. The acceptance of varieties as regards the assessment of distinctness, stability and uniformity shall be based on the results of official examinations.

2. In order to establish distinctness, the growing trials shall include at least the available comparable varieties:

   — listed in the Common Catalogue of varieties of agricultural plant species, or

   — which, without being listed in the abovementioned catalogue, have been accepted or submitted for acceptance in a Member State of the Community, either for certification and marketing, or for certification for other countries.

3. The minimum characteristics to be taken into account and the minimum conditions to be complied with when examining certain varieties of the species of agricultural plants shall be those set out in Commission Directive 2003/90/EC ([1]).

([1]) OJ L 254, 8.10.2003, p. 7. Directive as amended by Commission Directive 2005/91/EC (OJ L 331, 17.12.2005, p. 24).

CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

of 6 July 2006

appointing a Judge to the Court of Justice of the European Communities

(2006/546/EC, Euratom)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 223 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 139 thereof,

Whereas:

In accordance with the provisions of the Treaties, every three years there is a partial replacement of members of the Court of Justice of the European Communities for a term of office of six years. For the period from 7 October 2006 to 6 October 2012, the Governments of the Member States should appoint a further Judge in addition to the twelve Judges and four Advocates-General appointed on 6 April 2006,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Thomas VON DANWITZ is hereby appointed Judge to the Court of Justice of the European Communities for the period from 7 October 2006 to 6 October 2012.

Article 2

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

Done at Brussels, 6 July 2006.

The President

E. KOSONEN

COMMISSION

COMMISSION DECISION

of 1 August 2006

initiating the investigation provided for in Article 4(3) of Council Regulation 2408/92 on access for Community air carriers to intra-Community air routes

(notified under document number C(2006) 3516)

(2006/547/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes [1], and in particular Articles 4(3) and 12 thereof,

Whereas:

I. **The facts**

(1) On 27 January and 28 February 2006, the Italian Republic transmitted to the Commission the Decrees Nos 35 and 36 of the Ministry of Infrastructure and Transport of 29 December 2005 (published in the Gazzetta Ufficiale della Repubblica Italiana on 11 January 2006) imposing public service obligations (PSOs) on a total of 16 routes between Sardinia and the main national airports and requested the Commission to publish a notice in the *Official Journal of the European Union* in accordance with Article 4(1)(a) of Regulation (EEC) No 2408/92.

(2) On 24 March 2006 the Commission published a notice concerning the public service obligations imposed by Decree No 35 (the 'Notice of 24 March 2006') [2] on the following six routes:

— Alghero–Rome and Rome–Alghero

— Alghero–Milan and Milan–Alghero

— Cagliari–Rome and Rome–Cagliari

— Cagliari–Milan and Milan–Cagliari

— Olbia–Rome and Rome–Olbia

— Olbia–Milan and Milan–Olbia.

(3) On 21 April 2006 the Commission published another notice concerning the public service obligations imposed by Decree No 36 (the 'Notice of 21 April 2006') [3] on the following 10 routes:

— Alghero–Bologna and Bologna–Alghero

— Alghero–Turin and Turin–Alghero

— Cagliari–Bologna and Bologna–Cagliari

— Cagliari–Florence and Florence–Cagliari

— Cagliari–Turin and Turin–Cagliari

— Cagliari–Verona and Verona–Cagliari

— Cagliari–Naples and Naples–Cagliari

— Cagliari–Palermo and Palermo–Cagliari

— Olbia–Bologna and Bologna–Olbia

— Olbia–Verona and Verona–Olbia.

[1] OJ L 240, 24.8.1992, p. 8. Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

[2] OJ C 72, 24.3.2006, p. 4.

[3] OJ C 93, 21.4.2006, p. 13.

(4) The main features of the PSOs published in the two notices are as follows:

— Each of the 10 routes published in the Notice of 21 April 2006 and the public service obligations imposed upon them must be accepted individually in their entirety and as a whole by the carrier concerned.

— The two routes Alghero–Rome and Alghero–Milan (together) and the two routes Olbia–Rome and Olbia–Milan (together) constitute a single package which must be accepted in their entirety and as a whole by the carriers concerned without any compensation of any kind or origin. The routes Cagliari–Rome and Cagliari–Milan, on the other hand, must be accepted individually, in their entirety and as a whole by the carriers concerned without any compensation of any kind or origin.

— Each single carrier (or leading carrier) which accepts to fulfill the public service obligations must provide a performance security for the purpose of guaranteeing the correct execution and continuation of the service. This security must amount to at least 5 % of the total estimated turnover evaluated by ENAC (the Italian Civil Aviation Authority) for the air services scheduled for each package of routes in question. The security shall be payable to ENAC, which will use it to ensure the continuation of the services concerned in the event of unjustified abandonment, and shall consist of a first request bank surety (50 %) and an insurance surety (for the remaining 50 %). To avoid the overcapacity which would result if several carriers were to accept a route subject to the obligations, considering the infrastructure limitations and conditions of the airports involved, ENAC, at the behest of the Autonomous Region of Sardinia, has the task of intervening in the public interest to control the accepting carriers' operating programmes so as to ensure that they are completely in line with the travel requirements underlying the obligations imposed. Such intervention should be aimed at a fair redistribution of routes and frequencies between the accepting carriers on the basis of the volumes of traffic on the routes (and packages of routes) in question, ascertained for each of them over the previous two years.

— The minimum frequency, timetables and capacity to be offered for each route are specified under point '2. ORGANISATION OF THE PUBLIC SERVICE OBLIGATIONS' of the notices of 24 March 2006 and of 21 April 2006.

— The minimum capacity of the aircraft to be used is stipulated under point '3. TYPE OF AIRCRAFT TO BE USED ON EACH ROUTE' of the notices of 24 March 2006 and of 21 April 2006.

— The fare structure for all the routes concerned is given under point '4. FARES' of the notices of 24 March 2006 and 21 April 2006. In particular, regarding reduced fares, point 4.8 of both notices state that carriers operating on the affected routes are legally bound to apply the reduced fares (specified under point '4. FARES'), to at least people born in Sardinia, even if they do not live in Sardinia.

— According to Decree No 35, sent to the Commission on 29 December 2005, published in the Gazzetta Ufficiale della Repubblica Italiana on 11 January 2006 and published in the *Official Journal of the European Union* on 24 March 2006, the start and end of the imposition for the routes concerned was 31 March 2006 and 30 March 2009. However, on 28 February 2006 the Italian authorities informed the Commission of the adoption on 23 February 2006 of a decree amending (Permanent Representation Letter with Protocol No 2321) these dates to 2 May 2006 and 1 May 2009. These were the dates subsequently published in the Official Journal.

— According to Decree No 36, sent to the Commission on 29 December 2005, published in the Gazzetta Ufficiale della Repubblica Italiana on 11 January 2006 and published in the *Official Journal of the European Union* on 21 April 2006, the start and end of the imposition for the routes concerned were foreseen to be determined in the future. Therefore the publication in the Official Journal did not contain any definitive start and end dates for the imposition.

— Carriers intending to accept the public service obligations must present a formal acceptance to the competent Italian authority within 30 days of publication of the notice in the *Official Journal of the European Union*.

(5) It should be noted that prior to imposing the public service obligations referred to in this Decision, the Italian Republic had imposed public service obligations by the Decrees of 1 August 2000 and of 21 December 2000 on six routes between the Sardinian airports and Rome and Milan. Those obligations were published in the *Official Journal of the European Communities* on 7 October 2000 ([1]) (the 'Notice of 7 October 2000'). In accordance with Article 4(1)(d) of Regulation (EEC) No 2408/92, the routes concerned were put to tender to select the carriers authorised to operate them on an exclusive basis with financial compensation ([2]).

(6) The carriers authorised to operate the routes in accordance with the public service obligations imposed were:

— Alitalia: Cagliari–Rome.

— Air One: Cagliari–Milan, Alghero–Milan and Alghero–Rome.

— Meridiana: Olbia–Rome and Olbia–Milan.

(7) These arrangements were replaced by the public service obligations imposed by the Italian Decree of 8 November 2004 and published in the *Official Journal of the European Union* of 10 December 2004 (the 'Notice of 10 December 2004') ([3]). Following a decision of the Regional Administrative Tribunal of Lazio of 17 March 2005 which annulled partially the Decree of 8 November 2004, the Italian authorities informed the Commission that they had 'suspended' those obligations. A notice to this effect was published in the *Official Journal of the European Union* on 1 July 2005 ([4]). On 6 December 2005 the Italian authorities informed the Commission that the Decree of 8 November 2004 had been repealed with effect from 15 November 2004.

(8) On 28 February 2006 the Italian authorities informed the Commission of the adoption on 23 February 2006 of a decree amending Decree No 35, of 29 December 2005, whereby the Decrees of 1 August 2000 and 21 December 2000 were repealed as from 2 May 2006.

(9) In a communication to the Commission dated 22 March 2005, the Italian authorities stated that the PSOs published in the Notice of 7 October 2000 were being applied 'on a voluntary basis'. This was the first time that the Italian authorities informed the Commission that those PSOs were still being applied.

II. **Essential elements of the rules on public service obligations**

(10) The rules on public service obligations are laid down in Regulation (EEC) No 2408/92 (the 'Regulation'), which defines the conditions for applying the principle of freedom to provide services in the air transport sector.

(11) Public service obligations are defined as an exception to the principle of the Regulation that 'subject to this Regulation, Community air carriers shall be permitted by the Member State(s) concerned to exercise traffic rights on routes within the Community' ([5]).

(12) The conditions for imposing them are defined in Article 4. They are interpreted strictly and in accordance with the principles of non-discrimination and proportionality. They must be adequately justified on the basis of the criteria laid down in the same Article.

(13) More precisely, the rules governing public service obligations provide that these may be imposed by a Member State in respect of scheduled air services to an airport serving a peripheral or development region in its territory or on a thin route to any regional airport, provided the route is considered vital for the economic development of the region in which the airport is located and to the extent necessary to ensure on that route the adequate provision of scheduled air services satisfying fixed standards of continuity, regularity, capacity and pricing, standards which air carriers would not meet if they were solely considering their commercial interest.

([1]) OJ C 284, 7.10.2000, p. 16.
([2]) OJ C 51, 16.2.2001, p. 22.
([3]) OJ C 306, 10.12.2004, p. 6.
([4]) OJ C 161, 1.7.2005, p. 10.
([5]) Article 3(1) of Regulation (EEC) No 2408/92.

(14) The adequacy of scheduled air services is assessed by the Member States having regard to the public interest, the possibility of having recourse to other forms of transport, the ability of such forms to meet the transport needs under consideration and the combined effect of all air carriers operating or intending to operate on the route.

(15) Article 4 provides for a two-phase mechanism: in the first phase (Article 4(1)(a)) the Member State concerned imposes a public service obligation on one or more routes, which is open to all Community carriers, provided they meet the obligations. Where no carrier applies to operate the route on which the public service obligation has been imposed, the Member State can move on to a second phase (Article 4(1)(d)) which limits access to that route to only one carrier for a renewable period of up to three years. The carrier is selected by a Community tender procedure. The selected carrier can then receive financial compensation for operating the route in accordance with the public service obligation.

(16) By virtue of Article 4(3) the Commission may decide, following an investigation, carried out either at the request of a Member State or on its own initiative, whether the public service obligation published should continue to apply. The Commission must communicate its decision to the Council and to the Member States. Any Member State may refer the matter to the Council which, acting by a qualified majority, may take a different decision.

III. **Elements raising serious doubts as to the conformity of the public service obligations imposed on routes between the Sardinian airports and the main national airports with Article 4 of Regulation (EEC) No 2408/92**

(17) Article 4(1)(a) of the Regulation lists a certain number of cumulative criteria for imposing public service obligations:

— Type of route eligible: routes to an airport serving a peripheral or development region in the territory of the Member State concerned or on a thin route to any regional airport in that territory.

— It must be recognised that the route is vital for the economic development of the region in which the airport served is located.

— The principle of adequacy, assessed having regard to the existence of other means of transport or alternative routes, must be observed.

(18) In addition, the public service obligations must comply with the basic principles of proportionality and non-discrimination (see, for example, Court of Justice decision of 20 February 2001, in case C-205/99, Asociación Profesional de Empresas Navieras de Líneas Regulares (Analir) and others v Administración General del Estado, [2001] ECR p. I-01271).

(19) In the case in point, the notices imposing public service obligations published in the *Official Journal* at the request of the Italian Republic contains several provisions which raise serious doubts as to their conformity with Article 4 of the Regulation. In particular:

— No adequate explanation has been provided in order to justify the appropriateness and the proportionality of the public service obligations in relation to the objective pursued.

— It is not evident that the routes on which public service obligations have been imposed are vital for the economic development of the regions of Sardinia where the airports concerned are located; considering in particular:

— The nature and the number of routes concerned.

— The existence of alternative air routes which allow an adequate and continuous service to be provided to the airports concerned, via the main Italian hubs, linked in a satisfactory manner with Sardinia.

— The relationship between the PSOs and the traffic between the different airports affected by the new routes.

(20) The requirement that interested carriers operate six of the routes to which the public service obligations apply as packages may be particularly restrictive of the freedom to provide services. It seems to have no basis in Article 4(1) of the Regulation and could be in breach of the principles of proportionality and non-discrimination; considering in particular that:

— It is not established that bundling those routes together is vital for the economic development of the regions of Sardinia in which the airports concerned are located.

— There does not seem to be any obvious legal basis or operational justification for these bundlings (e.g. in terms of the geographical location of the airports concerned), given that the imposition refers to non-compensated PSOs.

— The risk of unjustified discrimination between carriers, where only the largest ones have the means to operate in such conditions.

(21) The possibility mentioned in point 1.6 of both Notices that, if several carriers accept the operation of a route subject to PSOs, ENAC shall 'intervene' in order to avoid 'overcapacity' by 'redistributing routes and frequencies' among the carriers concerned appears to have no basis on Article 4(1) of the Regulation and could be contrary to Article 3(1) insofar as these measures restrict the freedom of each carrier to choose which routes and frequencies it wishes to serve. Furthermore, the existence of 'overcapacity' seems to indicate that there is no need of regulatory intervention to ensure that transport operators meet basic demand.

(22) The requirement, in point 4.8 of both Notices, that reduced fares must be applied to passengers solely because of their place of birth (in this case Sardinia) does not appear to have a legitimate justification and may constitute prohibited indirect discrimination for reasons of nationality (see for example case C-338/01 Commission v Italy [2003] ECR p. I-00721).

(23) No adequate explanation has been given in order to justify why:

— The fare structures are so different when compared to the PSOs published in the Notice of 10 December 2004. It is now specified that references to Rome and Milan should be understood as references to their respective airport systems, which means that the carriers which do not accept the PSOs cannot operate from any airport within these systems.

— 50 % of the connections between Sardinian airports and Rome and Milan must be operated from and to Fiumicino and from and to Milan.

IV. **Procedure**

(24) Despite calls from the Commission drawing the attention of the Italian authorities to these problems and expressing doubts as to the conformity of the notices imposing public service obligations with the Regulation, the Italian Republic decided to have them published.

(25) As soon as these were published, several interested parties contacted the Commission to informally express their concerns and complaints regarding the disproportionate and discriminatory nature of the public service obligations.

(26) In the light of the above, and by virtue of Article 4(3) of the Regulation, the Commission may carry out an investigation to determine whether the development of one or more routes is unduly restricted by the imposition of public service obligations, in order to decide whether these obligations should continue to be imposed on the routes in question.

(27) On 9 March 2006 the Commission requested the Italian authorities, as provided in Article 12 of the Regulation, to supply certain information with respect to the public service obligations in issue. The reponse provided by the Italian authorities on 22 March 2006 was incomplete.

HAS ADOPTED THIS DECISION:

Article 1

The Commission will carry out an investigation, as provided for in Articles 4(3) of Regulation (EEC) No 2408/92, in order to determine whether the public service obligations imposed on routes between the Sardinian airports and the main national airports, published at the request of the Italian Republic in *Official Journal of the European Union* C 72 of 24 March 2006 and C 93 of 21 April 2006, should continue to apply to these routes.

Article 2

1. The Italian Republic shall transmit to the Commission, within one month following the notification of this Decision, all the information necessary for examining the conformity of the public service obligations referred to in Article 1 with Article 4 of Regulation (EEC) No 2408/92.

2. In particular, the following shall be transmitted:

— A detailed explanation of the socio-economic objectives pursued by the imposition of the public service obligations referred to in Article 1 and a justification of how such obligations are adequate and proportionate in order to attain these objectives — in particular with respect to the new 10 routes not covered by the Notice of 7 October 2000.

— A detailed explanation of how the measures envisaged in point 1.6 of the two Notices referred to in Article 1 with a view to avoiding 'overcapacity' if several carriers accept a route subject to public service obligations will operate in practice and of their justification under Article 4(1) of Regulation (EEC) No 2408/92.

— A legal analysis, with regard to Community law, justifying the different conditions contained in the public service obligations referred to in Article 1, and particularly:

  — The justification for applying reduced fares to persons born in Sardinia, even if they do not live in Sardinia, particularly in view of the already existing available discounts for flights for students that fall within this category of passengers.

  — An explanation of how the requirement to be born in Sardinia in order to qualify for a reduced fare will be enforced in practice.

  — The justification for the requirement to provide the performance security and the method for establishing its amount.

  — The justification for the differences between the new fare structures and those imposed by the public service obligations published on 10 December 2004.

  — An explanation of the reasons why the public service obligations apply with respect to the airport systems of Rome and Milan, rather than with respect to individual aiports within those systems, and of the reasons why 50 % of the connections between Sardinian airports and Rome and Milan must be operated from and to Fiumicino and from and to Milano–Linate.

  — The legal basis and the justification for bundling together the following two sets of routes into packages:

    — Alghero–Rome, Rome–Alghero, Alghero–Milan and Milan–Alghero, and

    — Olbia–Rome, Rome–Olbia, Olbia–Milan and Milan–Olbia.

— A detailed analysis of the economic relations between the regions of Sardinia and the other regions of Italy where the airports concerned by the public service obligations referred to in Article 1 are located.

— A detailed analysis of the current supply of air transport between the Sardinian airports and the other Italian airports concerned by the public service obligations referred to in Article 1 including the supply of indirect flights, as well as an indication of when Decree No 36 entered into force.

— A detailed analysis of the availability of other means of transport and their capacity to meet the transport needs under consideration.

— An analysis of the current demand for air transport for each route concerned by these obligations, including the operating forecasts (passenger traffic, freight, financial forecasts, etc.) communicated by the carrier or carriers.

— A precise description of the journey times and frequency required to connect by road the different Sardinian airports concerned by these obligations.

— A description of the situation on the day of notification of this Decision regarding the operation of services in accordance with the obligations and the identity of the carrier or carriers operating services under the PSO regime.

— Any claims existing before the national courts on the day of notification of this Decision and the legal situation of the notice imposing the public service obligations.

— An explanation of whether the public service obligations published in the Notice of 7 October 2000 continued to apply following the suspension and repeal of the obligations published in the Notice of 10 December 2004 and, if so, on which legal base, as well as of the reasons why the Italian authorities failed to inform promptly the Commission thereof.

Article 3

1. This Decision is addressed to the Italian Republic.

2. This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 1 August 2006.

For the Commission

Jacques BARROT

Vice-President

COMMISSION DECISION

of 2 August 2006

amending Decision 2001/844/EC, ECSC, Euratom

(2006/548/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 218(2) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 131 thereof,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 41(1) thereof,

Whereas:

(1) In accordance with Article 2(1) of the Commission's provisions on security as set out in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom [1], the Member of the Commission responsible for security matters is to take appropriate measures to ensure that, when handling EU classified information, the Commission's rules on security are respected within the Commission, and, *inter alia*, by contractors external to the Commission.

(2) Article 2(2) of the Commission provisions on security states that Member States, other institutions, bodies, offices and agencies established by virtue or on the basis of the Treaties are to be allowed to receive EU classified information on the condition that they ensure that strictly equivalent rules are respected within their services and premises, *inter alia*, by Member State's external contractors.

(3) The Commission provisions on security do not at present include elements on how their basic principles and minimum standards should apply where the Commission confers on external entities, by contract or grant agreement, tasks involving, entailing and/or containing EU classified information.

(4) It is therefore necessary to insert specific common minimum standards in that regard in the Commission's provisions on security and in the rules on security annexed thereto.

(5) These common minimum standards should also be complied with by Member States, for measures to be taken in accordance with national arrangements, where they confer by contract or grant agreement, tasks involving, entailing and/or containing EU classified information on the external entities referred to in Article 2(2) of the Commission provisions on security.

(6) These common minimum standards should apply without prejudice to other relevant acts, in particular Directive 2004/18/EC of the European Parliament and the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts [2], Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities [3] and Commission Regulation (EC, Euratom) No 2342/2002 [4] establishing its implementing rules and in particular to bilateral and multilateral agreements referred to in Articles 106 and 107 of Regulation (EC, Euratom) No 1605/2002,

[1] OJ L 317, 3.12.2001, p. 1. Decision as last amended by Decision 2006/70/EC, Euratom (OJ L 34, 7.2.2006, p. 32).

[2] OJ L 134, 30.4.2004, p. 114. Directive as last amended by Commission Regulation (EC) No 2083/2005 (OJ L 333, 20.12.2005, p. 28).

[3] OJ L 248, 16.9.2002, p. 1.

[4] OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1261/2005 (OJ L 201, 2.8.2005, p. 3).

HAS DECIDED AS FOLLOWS:

Article 1

The Commission provisions on security as set out in the Annex to Decision 2001/844/EC, ECSC, Euratom are amended as follows:

1. In Article 2(1) the following paragraph is added:

'When a contract or grant agreement between the Commission and an external contractor or beneficiary involves the processing of EU classified information in the contractor's or beneficiary's premises, the appropriate measures to be taken by the said external contractor or beneficiary to ensure that the rules referred to in Article 1 are complied with, when handling EU classified information, shall be an integral part of the contract or grant agreement.'

2. The rules on security as set out in the Annex to the Commission provisions on security are amended as follows:

(a) In Section 5.1. of Part I the following sentence is added:

'Such minimum standards shall also be applied when the Commission confers by contract or grant agreement, tasks involving, entailing and/or containing EU classified information on industrial or other entities: these common minimum standards are contained in Section 27 of Part II.';

(b) In Part II, the text in the Annex to this Decision is added as Section 27;

(c) In Appendix 6, the following abbreviations are added:

'DSA: Designated Security Authority

FSC: Facility Security Clearance

FSO: Facility Security Officer

PSC: Personnel Security Clearance

SAL: Security Aspects Letter

SCG: Security Classification Guide'.

Article 2

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

Done at Brussels, 2 August 2006.

For the Commission
Siim KALLAS
Vice-President

ANNEX

'27. COMMON MINIMUM STANDARDS ON INDUSTRIAL SECURITY

27.1. **Introduction**

This Section deals with security aspects of industrial activities that are unique to negotiating and awarding contracts or grant agreements conferring tasks involving, entailing and/or containing EU classified information and to their performance by industrial or other entities, including the release of, or access to, EU classified information during the public procurement and call for proposals procedures (bidding period and pre-contract negotiations).

27.2. **Definitions**

For the purpose of these common minimum standards, the following definitions shall apply:

(a) "Classified contract": any contract or grant agreement to supply products, execute works, render available buildings or provide services, the performance of which requires or involves access to or creation of EU classified information;

(b) "Classified sub-contract": a contract entered into by a contractor or a grant beneficiary with another contractor (i.e. the subcontractor) for the supply of products, execution of works, provision of buildings or services, the performance of which requires or involves access to or generation of EU classified information;

(c) "Contractor": an economic operator or legal entity possessing the legal capacity to undertake contracts or to be beneficiary of a grant;

(d) "Designated Security Authority (DSA)": an authority responsible to the National Security Authority (NSA) of an EU Member State which is responsible for communicating to industry or other entities the national policy in all matters of industrial security and for providing direction and assistance in its implementation. The function of DSA may be carried out by the NSA;

(e) "Facility Security Clearance (FSC)": an administrative determination by a NSA/DSA that, from the security viewpoint, a facility can afford adequate security protection to EU classified information of a specific security classification level and that its personnel who require access to EU classified information have been appropriately security cleared and briefed on the necessary security requirements for accessing and protecting EU classified information;

(f) "Industrial or other entity": a contractor or a subcontractor involved in supplying goods, executing works or providing services; this may involve industrial, commercial, service, scientific, research, educational or development entities;

(g) "Industrial security": the application of protective measures and procedures to prevent, detect and recover from the loss or compromise of EU classified information handled by a contractor or subcontractor in (pre)contract negotiations and classified contracts;

(h) "National Security Authority (NSA)": the Government Authority of an EU Member State with ultimate responsibility for the protection of EU classified information within that Member State;

(i) "Overall level of security classification of a contract": determination of the security classification of the whole contract or grant agreement, based on the classification of information and/or material that is to be, or may be, generated, released or accessed under any element of the overall contract or grant agreement. The overall level of security classification of a contract may not be lower than the highest classification of any of its elements, but may be higher because of the aggregation effect;

(j) "Security Aspects Letter (SAL)": a set of special contractual conditions, issued by the contracting authority, which forms an integral part of a classified contract involving access to or generation of EU classified information, and that identifies the security requirements or those elements of the classified contract requiring security protection;

(k) "Security Classification Guide (SCG)": a document which describes the elements of a programme, contract or grant agreement which are classified, specifying the applicable security classification levels. The SCG may be expanded throughout the life of the programme, contract or grant agreement, and the elements of information may be re-classified or downgraded. The SCG must be part of the SAL.

27.3. **Organisation**

(a) The Commission may confer by classified contract tasks involving, entailing and/or containing EU classified information on industrial or other entities registered in a Member State;

(b) The Commission shall ensure that all requirements deriving from these minimum standards are complied with when awarding classified contracts;

(c) The Commission shall involve the relevant NSA or NSAs in order to apply these minimum standards on industrial security. NSAs may refer these tasks to one or more DSAs;

(d) The ultimate responsibility for protecting EU classified information within industrial or other entities rests with the management of these entities;

(e) Whenever a classified contract or subcontract falling within the scope of these minimum standards is awarded, the Commission and/or the NSA/DSA, as appropriate, will promptly notify the NSA/DSA of the Member State in which the contractor or subcontractor is registered.

27.4. **Classified contracts and grant decisions**

(a) The security classification of contracts or grant agreements must take account of the following principles:

— the Commission determines, as appropriate, those aspects of the classified contract which require protection and the consequent security classification; in so doing, it must take into account the original security classification assigned by the originator to information generated before awarding the classified contract,

— the overall level of classification of the contract may not be lower than the highest classification of any of its elements,

— EU classified information generated under contractual activities is classified in agreement with the Security Classification Guide,

— where appropriate, the Commission is responsible for changing the overall level of classification of the contract, or security classification of any of its elements, in consultation with its originator, and for informing all interested parties,

— classified information released to the contractor or subcontractor or generated under contractual activity must not be used for purposes other than those defined by the classified contract and must not be disclosed to third parties without the prior written consent of the originator;

(b) The Commission and NSAs/DSAs of the relevant Member States are responsible for ensuring that contractors and subcontractors awarded classified contracts which involve information classified CONFIDENTIEL UE or above take all appropriate measures for safeguarding such EU classified information released to or generated by them in the performance of the classified contract in accordance with national laws and regulations. Non-compliance with the security requirements may result in termination of the classified contract;

(c) All industrial or other entities participating in classified contracts which involve access to information classified CONFIDENTIEL UE or above must hold a national FSC. The FSC is granted by the NSA/DSA of the Member State to confirm that a facility can afford and guarantee adequate security protection of EU classified information to the appropriate classification level;

(d) When a classified contract is awarded, a Facility Security Officer (FSO), appointed by the management of the contractor or subcontractor, shall be responsible for requesting a Personnel Security Clearance (PSC) for all persons employed in industrial or other entities registered in an EU Member State whose duties require access to information classified CONFIDENTIEL UE or above subject to a classified contract, to be granted by the NSA/DSA of that Member State in accordance with its national regulations;

(e) Classified contracts must include the SAL as defined in 27.2.(j). The SAL must contain the SCG;

(f) Before initiating a negotiated procedure for a classified contract the Commission will contact the NSA/DSA of the Member State in which the industrial or other entities concerned are registered in order to obtain confirmation that they hold a valid FSC appropriate to the level of security classification of the contract;

(g) The contracting authority must not place a classified contract with a preferred economic operator before having received the valid FSC certificate;

(h) Unless required by Member State national laws and regulations, an FSC is not required for contracts involving information classified RESTREINT UE;

(i) Invitations to tender in respect of classified contracts must contain a provision requiring that an economic operator who fails to submit a tender or who is not selected be required to return all documents within a specified period of time;

(j) It may be necessary for contractors to negotiate classified subcontracts with subcontractors at various levels. The contractor is responsible for ensuring that all subcontracting activities are undertaken in accordance with the common minimum standards contained in this Section. However, the contractor must not transmit EU classified information or material to a subcontractor without the prior written consent of the originator;

(k) The conditions under which a contractor may subcontract must be defined in the tender or call for proposals and in the classified contract. No subcontract may be awarded to entities registered in a non-EU Member State without the express written authorisation of the Commission;

(l) Throughout the life of the classified contract, compliance with all its security provisions will be monitored by the Commission, in conjunction with the relevant DSA/NSA. Any security incidents shall be reported, in accordance with the provisions laid down in Part II, Section 24 of these Rules on Security. Any change to or withdrawal of an FSC shall immediately be communicated to the Commission and to any other NSA/DSA to which it has been notified;

(m) When a classified contract or a classified subcontract is terminated, the Commission and/or the NSA/DSA, as appropriate, will promptly notify the NSA/DSA of the Member State in which the contractor or subcontractor is registered;

(n) The common minimum standards contained in this Section shall continue to be complied with, and the confidentiality of classified information shall be maintained by the contractors and subcontractors, after termination or conclusion of the classified contract or classified subcontract;

(o) Specific provisions for the disposal of classified information at the end of the classified contract will be laid down in the SAL or in other relevant provisions identifying security requirements;

(p) The obligations and conditions referred to in this Section apply *mutatis mutandis* to procedures where grants are awarded by decision and notably to the beneficiaries of such grants. The grant decision shall set out all obligations of the beneficiaries.

27.5. **Visits**

Visits by personnel of the Commission in the context of classified contracts to industrial or other entities in the Member States performing EU classified contracts must be arranged with the relevant NSA/DSA. Visits by employees of industrial or other entities within the framework of an EU classified contract must be arranged between the NSAs/DSAs concerned. However, the NSAs/DSAs involved in an EU classified contract may agree on a procedure whereby visits by employees of industrial or other entities can be arranged directly.

27.6. **Transmission and transportation of EU classified information**

(a) With regard to the transmission of EU classified information, the provisions of Part II, Section 21 of these Rules on Security shall apply. In order to supplement such provisions, any existing procedures in force among Member States will apply;

(b) The international transportation of EU classified material relating to classified contracts will be in accordance with Member State's national procedures. The following principles will be applied when examining security arrangements for international transportation:

— security is assured at all stages during the transportation and under all circumstances, from the point of origin to the ultimate destination,

— the degree of protection accorded to a consignment is determined by the highest classification of material contained within it,

— an FSC is obtained, where appropriate, for companies providing transportation. In such cases, personnel handling the consignment must be security cleared in compliance with the common minimum standards contained in this Section,

— journeys are point to point to the extent possible, and are completed as quickly as circumstances permit,

— whenever possible, routes should be only through EU Member States. Routes through non-EU Member States should only be undertaken when authorised by the NSA/DSA of the States of both the consignor and the consignee,

— prior to any movement of EU classified material, a Transportation Plan is made up by the consignor and approved by the NSAs/DSAs concerned.'

EUROPEAN CENTRAL BANK

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 24 July 2006

on the exchange of banknotes after the irrevocable fixing of exchange rates in connection with the introduction of the euro

(ECB/2006/10)

(2006/549/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community, and in particular Article 106(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 52 thereof,

Whereas:

(1) Article 52 of the Statute requires that the Governing Council take the necessary measures to ensure that banknotes denominated in currencies with irrevocably fixed exchange rates are exchanged by the national central banks (NCBs) of participating Member States at their respective par values. These measures involve the exchange of banknotes of a new participating Member State: (a) into euro banknotes and coins; or (b) for the crediting of funds to an account. By contrast, whenever a new participating Member State has a transitional period, then during that period these measures will instead involve the exchange of banknotes: (a) into the national currency of that new participating Member State; or (b) for the crediting of funds to an account.

(2) Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro [1] provides for different possible cash changeover regimes for Member States that adopt the euro. This Guideline ensures that the exchange of new participating Member States' banknotes can take place regardless of which national cash changeover regime is chosen.

(3) Certain categories of banknotes, namely badly mutilated banknotes and banknotes which have been marked as part of national marking schemes to facilitate and protect the withdrawal of national banknotes, do not generally qualify for exchange and are therefore excluded from exchange under this Guideline.

(4) In the event that a new participating Member State has a transitional period, then the duration of the arrangements under this Guideline in that Member State will be longer as they will take this period into account, although such a transitional period should not prolong the exchange period for banknotes of other new participating Member States,

HAS ADOPTED THIS GUIDELINE:

Article 1

Definitions

For the purposes of this Guideline:

— 'participating Member State' means a Member State that has adopted the euro,

— 'new participating Member State' means a participating Member State that has adopted the euro but in which euro banknotes and coins are not the only legal tender,

— 'euro adoption date' means the date on which the abrogation of a given Member State's derogation under Article 122(2) of the Treaty enters into force,

— 'dual circulation period' means the period between the cash changeover date in a given new participating Member State and the last date on which the national currency of that new participating Member State can be used as legal tender in parallel with the euro,

— 'cash changeover date' means the date on which euro banknotes and coins acquire the status of legal tender in a given new participating Member State,

— 'national currency' means the banknotes and coins of a new participating Member State that were issued by the competent authority in that Member State before the euro adoption date,

[1] OJ L 139, 11.5.1998, p. 1. Regulation as last amended by Regulation (EC) No 2169/2005 (OJ L 346, 29.12.2005, p. 1).

— 'banknotes of a new participating Member State' means banknotes issued by the NCB of a new participating Member State which were legal tender on the day before the euro adoption date and which are presented to another NCB or the latter's appointed agent for exchange,

— 'transitional period' means a period of three years at the most beginning at 00.00 hours (local time) on the euro adoption date and ending at 00.00 hours (local time) on the cash changeover date,

— 'Eurosystem NCB' means the NCB of a participating Member State (including an NCB of a new participating Member State),

— 'par value' means the value resulting from the conversion rates adopted by the EU Council under Article 123(4) of the Treaty, without any spread between buying and selling rates,

— 'marking' means the identification of banknotes with a distinctive and specific symbol, for example holes punched by perforators, as part of a national marking scheme to facilitate and protect the withdrawal of banknotes of a new participating Member State that were issued by the competent authority in that Member State before the euro adoption date.

Article 2

Obligation to exchange at par value

1. The Eurosystem NCBs shall, at least in one location in the national territory, by themselves or through their appointed agent, ensure that banknotes of a new participating Member State can be either: (i) exchanged into euro banknotes and coins; or (ii) upon request, credited to an account held with the institution effecting the exchange, if the national legislation of the Member State in which the exchange is taking place provides for this possibility. In both cases the exchange shall be at the relevant par value.

2. If there is a transitional period in a new participating Member State, during that period the provisions of paragraph 1 shall apply to the NCB of that new participating Member State, except that under subparagraph (i) the exchange shall be into the national currency of that Member State rather than into euro banknotes and coins.

3. The Eurosystem NCBs may limit the number and/or the total value of banknotes of new participating Member States that they are prepared to accept from any given party:

(i) for any given transaction; or

(ii) on any one day,

to an amount of between EUR 500 and 2 500, with the level of the amount varying according to national practice.

4. The Eurosystem NCBs are responsible for the repatriation of banknotes of a new participating Member State that they exchange pursuant to this Guideline to the NCB of the Member State in which the banknotes in question were issued.

Article 3

Banknotes which do not qualify for exchange

Badly mutilated banknotes of a new participating Member State shall not qualify for exchange under this Guideline. In particular, no banknote shall qualify for exchange if it consists of more than two parts of the same banknote joined together or has been damaged by anti-theft devices. In addition, no banknote shall qualify for exchange if it has been subject to marking or has been damaged in a manner that makes it impossible to check for the presence of marking.

Article 4

Duration of arrangements under this Guideline

1. In relation to those banknotes of a new participating Member State that qualify for exchange, the requirements set out in Articles 2 and 3 shall apply:

(a) from that new participating Member State's euro adoption date;

(b) until all such banknotes presented for exchange before the expiry of a period of two months after that new participating Member State's cash changeover date, have been exchanged.

2. If a given new participating Member State has a dual circulation period that is longer than two months, then the period referred to in paragraph 1(b) shall instead be the longest of the dual circulation periods of all the new participating Member States which have the same euro adoption date as the given new participating Member State.

3. The duration of the arrangements under this Guideline shall be the same for all new participating Member States that have the same euro adoption date. This duration shall be equivalent to the longest duration resulting from application of paragraphs 1 and 2. The existence of a transitional period in a given new participating Member State shall not prolong the exchange period for banknotes of other new participating Member States.

Article 5

Entry into force

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

Article 6

Addressees

This Guideline is addressed to the NCBs of participating Member States.

Done at Frankfurt am Main, 24 July 2006.

For the Governing Council of the ECB
The President of the ECB
Jean-Claude TRICHET