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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.

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Commission

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1183/2006
of 24 July 2006
concerning the Community scale for the classification of carcasses of adult bovine animals
(codified version)

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

For the purposes of this Regulation, the following definitions shall apply:

Having regard to the proposal from the Commission,

(a) 'carcass': the whole body of a slaughtered animal as presented after bleeding, evisceration and skinning, presented:

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

— without the head and without the feet; the head shall be separated from the carcass at the atlanto-occipital joint and the feet shall be severed at the carpometacarpal or tarsometatarsal joints,

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

— without the organs contained in the thoracic and abdominal cavities with or without the kidneys, the kidney fat and the pelvic fat,

Whereas:

(1) Council Regulation (EEC) No 1208/81 of 28 April 1981 determining the Community scale for the classification of carcasses of adult bovine animals ⁽³⁾ has been substantially amended ⁽⁴⁾. In the interests of clarity and rationality the said Regulation should be codified.

— without the sexual organs and the attached muscles and without the udder or the mammary fat;

(2) A Community grading scale for the classification of carcasses of adult bovine animals should be applied for recording prices and for intervention in the beef and veal sector.

(3) The classification of carcasses of adult bovine animals should be made on the basis of conformation and the degree of fat cover. The combination of these two criteria enables carcasses to be divided into classes. Carcasses thus classified should be identified.

(b) 'half-carcass': the product obtained by separating the carcass referred to in point (a) symmetrically through the middle of each cervical, dorsal, lumbar and sacral vertebra and through the middle of the sternum and the ischiopubic symphysis.

(4) In order to ensure the uniform application of this Regulation in the Community, provision should be made for on-the-spot checks by a Community inspection committee,

Article 3

For the purpose of establishing market prices, the carcass shall be presented without the removal of external fat, the neck being cut in accordance with veterinary requirements:

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation provides for a Community classification scale for the carcasses of adult bovine animals.

— without kidneys, kidney fat, or pelvic fat,

— without thin skirt or thick skirt,

⁽¹⁾ Opinion of the European Parliament of 27 April 2006 (not yet published in the Official Journal).

⁽²⁾ OJ C 65, 17.3.2006, p. 50.

⁽³⁾ OJ L 123, 7.5.1981, p. 3. Regulation as amended by Regulation (EEC) No 1026/91 (OJ L 106, 26.4.1991, p. 2).

⁽⁴⁾ See Annex III.

— without the tail,

— without the spinal cord,

- without cod fat,
- without fat on the inside of topside,
- without jugular vein and the adjacent fat.

However, Member States shall be authorised to accept different presentations when this reference presentation is not used.

In such instances, the adjustments necessary to progress from those presentations to the reference presentation shall be determined in accordance with the procedure referred to in Article 43(2) of Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾.

Article 4

1. Without prejudice to the intervention rules applying, the carcasses of adult bovine animals shall be divided into the following categories:

- A. carcasses of uncastrated young male animals of less than two years of age;
- B. carcasses of other uncastrated male animals;
- C. carcasses of castrated male animals;
- D. carcasses of female animals that have calved;
- E. carcasses of other female animals.

Criteria shall be laid down for differentiating between categories of carcasses in accordance with the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999.

2. The carcasses of adult bovine animals shall be classified by successive assessment of:

- (a) conformation, as defined in Annex I;
- (b) fat cover, as defined in Annex II.

3. The conformation class designated in Annex I by the letter S may be used by Member States to take account, through the

optional introduction of a conformation class superior to the existing classes (double-musled carcasses), of the characteristics or expected development of a particular form of production.

Member States which intend to make use of this possibility shall notify the Commission and the other Member States accordingly.

4. Member States shall be authorised to subdivide each of the classes provided for in Annexes I and II into a maximum of three subclasses.

Article 5

1. Carcasses or half-carcasses shall be classified as soon as possible after slaughter and such classification shall be carried out in the slaughterhouse itself.

2. The classified carcasses or half-carcasses shall be identified.

3. Before identification by marking, Member States shall be authorised to have the external fat removed from the carcasses or half-carcasses if this is justified by the fat cover.

The conditions in which removal of the external fat will be applied shall be determined in accordance with the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999.

Article 6

1. On-the-spot inspections shall be carried out by a Community inspection committee composed of experts from the Commission and experts appointed by the Member States. This Committee shall report back to the Commission on the inspections carried out.

The Commission shall, if appropriate, take the measures necessary to ensure that the classification is carried out in a uniform manner.

Those inspections shall be carried out on behalf of the Community, which shall bear the resulting costs.

2. The detailed rules for applying paragraph 1 shall be adopted in accordance with the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

Article 7

Additional provisions specifying the definition of the classes of conformation and fat cover shall be adopted in accordance with the procedure referred to in Article 43(2) of Regulation (EC) No 1254/1999.

Article 8

Regulation (EEC) No 1208/81 shall be repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table given in Annex IV.

Article 9

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

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

Done at Brussels, 24 July 2006.

For the Council

The President

M. PEKKARINEN

ANNEX I

CONFORMATION

Development of carcass profiles, in particular the essential parts (round, back, shoulder)

Conformation class	Description
S Superior	All profiles extremely convex; exceptional muscle development (double-muscled carcass type)
E Excellent	All profiles convex to super-convex; exceptional muscle development
U Very good	Profiles on the whole convex; very good muscle development
R Good	Profiles on the whole straight; good muscle development
O Fair	Profiles straight to concave; average muscle development
P Poor	All profiles concave to very concave; poor muscle development

ANNEX II

DEGREE OF FAT COVER**Amount of fat on the outside of the carcass and in the thoracic cavity**

Class of fat cover	Description
1 low	None up to low fat cover
2 slight	Slight fat cover, flesh visible almost everywhere
3 average	Flesh, with the exception of the round and shoulder, almost everywhere covered with fat, slight deposits of fat in the thoracic cavity
4 high	Flesh covered with fat, but on the round and shoulder still partly visible, some distinctive fat deposits in the thoracic cavity
5 very high	Entire carcass covered with fat; heavy fat deposits in the thoracic cavity

ANNEX III

Repealed Regulation with its amendment

Council Regulation (EEC) No 1208/81

(OJ L 123, 7.5.1981, p. 3)

Council Regulation (EEC) No 1026/91

(OJ L 106, 26.4.1991, p. 2)

—

ANNEX IV

Correlation table

Regulation (EEC) No 1208/81	This Regulation
Article 1	Article 1
Article 2(1)	Article 2
Article 2(2)	Article 3
Article 3(1)	Article 4(1)
Article 3(2), first subparagraph	Article 4(2)
Article 3(2), second and third subparagraphs	Article 4(3), first and second subparagraphs
Article 3(3)	Article 4(4)
Article 4	Article 5
Article 5, first, second and third subparagraphs	Article 6(1), first, second, and third subparagraphs
Article 5, fourth paragraph	Article 6(2)
Article 6, first paragraph	Article 7
Article 6, second, third and fourth subparagraphs	—
—	Article 8
Article 7	Article 9
Annexes I and II	Annexes I and II
—	Annex III
—	Annex IV

COUNCIL REGULATION (EC) No 1184/2006

of 24 July 2006

applying certain rules of competition to the production of, and trade in, agricultural products

(Codified version)

THE COUNCIL OF THE EUROPEAN UNION,

excludes competition or jeopardises attainment of the objectives of Article 33 of the Treaty.

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

- (5) In order both to avoid compromising the development of a common agricultural policy and to ensure certainty in the law and non-discriminatory treatment of the undertakings concerned, the Commission should have sole power, subject to review by the Court of Justice, to determine whether the conditions provided for in the two preceding recitals are fulfilled as regards the agreements, decisions and practices referred to in Article 81 of the Treaty.

Having regard to the proposal from the Commission,

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

Whereas:

- (6) In order to implement, as part of the development of the common agricultural policy, the rules on aid for production of, or trade in, agricultural products, the Commission should be in a position to draw up a list of existing, new or proposed types of aid, to make appropriate observations to the Member States and to propose suitable measures to them,

- (1) The content of Council Regulation No 26 of 4 April 1962 applying certain rules of competition to production of and trade in agricultural products ⁽²⁾ has been amended ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.

HAS ADOPTED THIS REGULATION:

- (2) By virtue of Article 36 of the Treaty one of the matters to be decided under the common agricultural policy is whether the rules on competition laid down in the Treaty are to apply to the production of, and trade in, agricultural products. Accordingly, the provisions of this Regulation should be supplemented in the light of developments in that policy.

Article 1

Articles 81 to 86 of the Treaty and provisions made for their implementation shall, subject to Article 2 of this Regulation, apply to all agreements, decisions and practices referred to in Articles 81(1) and 82 of the Treaty which relate to production of, or trade in, the products listed in Annex I to the Treaty.

- (3) The rules on competition relating to the agreements, decisions and practices referred to in Article 81 of the Treaty and to the abuse of dominant positions are to be applied to the production of, and trade in, agricultural products, in so far as their application does not impede the functioning of national organisations of agricultural markets or jeopardise attainment of the objectives of the common agricultural policy.

Article 2

1. Article 81(1) of the Treaty shall not apply to such of the agreements, decisions and practices referred to in Article 1 of this Regulation as form an integral part of a national market organisation or are necessary for attainment of the objectives set out in Article 33 of the Treaty

- (4) Special attention is warranted in the case of farmers' organisations the particular objective of which is the joint production or marketing of agricultural products or the use of joint facilities, unless such joint action

In particular, it shall not apply to agreements, decisions and practices of farmers, farmers' associations, or associations of such associations belonging to a single Member State which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, and under which there is no obligation to charge identical prices, unless the Commission finds that competition is thereby excluded or that the objectives of Article 33 of the Treaty are jeopardised.

⁽¹⁾ Opinion of the European Parliament of 27 April 2006 (not yet published in the Official Journal).

⁽²⁾ OJ 30, 20.4.1962, p. 993/62. Regulation as amended by Regulation No 49 (OJ 53, 1.7.1962, p. 1571/62).

⁽³⁾ See Annex I.

2. After consulting the Member States and hearing the undertakings or associations of undertakings concerned and any other natural or legal person that it considers should be heard, the Commission shall have sole power, subject to review by the Court of Justice, to determine, by decision which shall be published, which agreements, decisions and practices fulfil the conditions specified in paragraph 1.

The Commission shall so determine either on its own initiative or at the request of a competent authority of a Member State or of an interested undertaking or association of undertakings.

3. The publication shall state the names of the parties and the main content of the decision. It shall have regard to the legitimate interest of undertakings in the protection of their business secrets.

Article 3

The provisions of Article 88(1) and of the first sentence of Article 88(3) of the Treaty shall apply to aid granted for production of, or trade in, the products listed in Annex I to the Treaty.

Article 4

Regulation No 26 shall be repealed.

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

Article 5

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

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

Done at Brussels, 24 July 2006.

For the Council
The President
M. PEKKARINEN

ANNEX I

Repealed Regulation with its amendment

Council Regulation No 26	(OJ 30, 20.4.1962, p. 993/62)
Council Regulation No 49	(OJ 53, 1.7.1962, p. 1571/62) Only Article 1(1)(g)

ANNEX II

Correlation table

Regulation No 26	This Regulation
Article 1	Article 1
Article 2(1)	Article 2(1)
Article 2(2)	Article 2(2), first subparagraph
Article 2(3)	Article 2(2), second subparagraph
Article 2(4)	Article 2(3)
Article 3	—
Article 4	Article 3
—	Article 4
Article 5	Article 5
—	Annex I
—	Annex II

COUNCIL REGULATION (EC) No 1185/2006**of 24 July 2006****denouncing the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola and derogating from Regulation (EC) No 2792/1999**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 36 and Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) The Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola ⁽²⁾ (hereinafter referred to as 'the Agreement') was signed in Luanda on 1 February 1989 and entered into force on that date pursuant to Article 15 thereof.
- (2) The last Protocol annexed to the Agreement, which set out, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities and the financial contribution provided for by the Agreement ⁽³⁾, has not been renewed, since certain conditions laid down in the new legislative framework on Biological Aquatic Resources adopted by the Government of the Republic of Angola in October 2004 were incompatible with the Community's requirements for fishing by Community fishing vessels in the waters of Angola.
- (3) It is therefore appropriate to denounce that Agreement in accordance with the procedure set out in Article 14 thereof.
- (4) Under Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding the Community structural assistance in the fisheries sector ⁽⁴⁾, the Member States may grant compensation to fishermen and owners of vessels for the temporary cessation of activities where a fisheries agreement is not renewed, or where it is

suspended, for the Community fleets dependent on the agreement. The granting of compensation may not last longer than six months. It may be extended by a further six months provided a conversion plan approved by the Commission is implemented for the fleet concerned.

- (5) On 18 July 2005 the Commission adopted a Decision approving the conversion plan for fishing vessels affected by the non-renewal of the fishing protocol between the European Community and the Republic of Angola within the framework of the FIFG operational programme relating to Community structural interventions in the fisheries sector for Objective I regions in Spain during the 2000 to 2006 period.

- (6) In order to facilitate the implementation of that conversion plan, Community fishing vessels covered by the plan which, as a result of this denunciation, cease their activities under the Agreement should be exempted from certain provisions of Regulation (EC) No 2792/1999. In particular, they should not be subject to the obligation to reimburse public aid for the temporary cessation of activities or for renewal, modernisation or equipment or to the obligation to demonstrate continuous activity in the year preceding their deletion from the Community's fishing vessel register,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola signed in Luanda on 1 February 1989 is hereby denounced on behalf of the Community.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to notify the Government of the Republic of Angola of the denunciation of the Agreement.

Article 3

1. Community fishing vessels listed in the conversion plan approved by the Commission Decision of 18 July 2005 shall not be subject to Article 10(3)(b)(ii) or (4) of Regulation (EC) No 2792/1999 or to point 1.1(a) of Annex III thereto.

⁽¹⁾ Opinion of 16 May 2006 (not yet published in the Official Journal).

⁽²⁾ OJ L 268, 19.9.1987, p. 66.

⁽³⁾ OJ L 351, 28.12.2002, p. 92.

⁽⁴⁾ OJ L 337, 30.12.1999, p. 10. Regulation as last amended by Regulation (EC) No 485/2005 (OJ L 81, 30.3.2005, p. 1).

2. The capacity of each vessel benefiting from the derogation under Article 10(4) of Regulation (EC) No 2792/1999 shall be considered as an exit supported by public aid subject to the provisions of Article 11(3) of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy ⁽¹⁾.

Article 4

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

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

Done at Brussels, 24 July 2006.

For the Council

The President

M. PEKKARINEN

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

COMMISSION REGULATION (EC) No 1186/2006**of 3 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 4 August 2006.

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

Done at Brussels, 3 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 3 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
0707 00 05	052	58,1
	388	52,4
	524	46,9
	999	52,5
0709 90 70	052	52,0
	999	52,0
0805 50 10	388	70,8
	524	42,6
	528	57,2
	999	56,9
0806 10 10	052	95,9
	204	173,8
	220	190,1
	508	55,0
	999	128,7
0808 10 80	388	90,5
	400	104,7
	508	82,9
	512	96,9
	524	66,4
	528	123,9
	720	81,3
	999	99,8
0808 20 50	052	138,2
	388	98,2
	512	77,8
	528	73,7
	720	31,1
	804	186,4
	999	100,9
0809 20 95	052	328,4
	400	287,4
	404	316,7
	999	310,8
0809 30 10, 0809 30 90	052	148,4
	999	148,4
0809 40 05	068	110,8
	093	52,7
	098	59,4
	624	124,4
	999	86,8

⁽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 1187/2006

of 3 August 2006

derogating from Regulation (EC) No 796/2004 as regards the application of Article 21 thereof in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽¹⁾, and in particular Article 145(n) thereof,

Whereas:

- (1) Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers⁽²⁾ provides, in its Article 21, for reductions to be applied in the case of late submission of an aid application.
- (2) Several Member States have experienced exceptional circumstances in their administration of the single application for 2006. This situation has in turn affected in varying degrees the ability of farmers in the Member States concerned to lodge their single application within the deadline provided for in Article 11(2) of Regulation (EC) No 796/2004. Accordingly, the situation is likely to unduly jeopardise the right of certain farmers to receive in full the aid to which they would normally be entitled.
- (3) France, Italy, the Netherlands, Portugal, Spain and the United Kingdom have experienced unexpected problems in their practical implementation of the new Single Payment Scheme due in particular to unforeseeable technical or administrative difficulties. Furthermore, the inclusion of the olive oil sector in the scheme has significantly increased the complexity of the system. The high

numbers of farmers lodging an application and the complex calculations of the olive areas to be declared have further complicated the handling of the applications for 2006 in France, Italy, Portugal and Spain.

- (4) Due to the severe situation created by floods in Hungary and unexpected technical difficulties in printing for the first time the relevant graphical information in Poland, the distribution by the competent authorities of complete application forms to the farmers was significantly delayed and affected the farmers' ability to present their application within the deadline.
- (5) In view of this situation it is appropriate not to apply for 2006 the reduction of 1 % per working day and the exclusion provided for in Article 21(1) of Regulation (EC) No 796/2004 should not apply as regards the applications lodged until dates to be fixed in accordance with the specific circumstances in each of the Member States concerned.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 21(1) of Regulation (EC) No 796/2004, the reduction of 1 % per working day and the exclusion provided for therein shall not apply to single applications submitted for 2006 to the competent authorities:

(a) until 31 May 2006, in respect of:

(i) France:

— by the farmers in the French Departments listed in Annex I to this Regulation,

— by the farmers who started to electronically lodge an application before 15 May 2006 but who were not able to complete the electronically lodged application by that date;

⁽¹⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 953/2006 (OJ L 175, 29.6.2006, p. 1).

⁽²⁾ OJ L 141, 30.4.2004, p. 18. Regulation as last amended by Regulation (EC) No 659/2006 (OJ L 116, 29.4.2006, p. 20).

- (ii) Hungary, as regards the areas listed in Annex II to this Regulation;
- (iii) Netherlands;
- (b) until 15 June 2006, in respect of:
- (i) France, by farmers growing olive trees eligible to the Single Payment Scheme;
- (ii) Spain, as regards the Autonomous Communities listed in Annex III to this Regulation;
- (iii) Italy;
- (iv) Poland;
- (v) United Kingdom, as regards England;
- (vi) Portugal, by farmers growing olive trees eligible to the Single Payment Scheme.

Article 2

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

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

Done at Brussels, 3 August 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

French Departments referred to in the first indent of Article 1(a)(i)

Alpes-de-Haute-Provence

Alpes-Maritimes

Bouches-du-Rhône

Haute-Corse

Corse-du-Sud

Var

Vaucluse

Guadeloupe

Martinique

Guyane

Réunion

ANNEX II

Areas of Hungary referred to in Article 1(a)(ii)

Szeged	Harta
Kiszombor	Hercegszántó
Csongrád	Izsák
Domaszék	Kalocsa
Ópusztaszer	Kaskantyú
Dóc	Katymár
Bordány	Kecel
Békésszentandrás	Kecskemét
Gyomaendrőd	Kecskemét-Szarkás
Hunya	Kiskőrös
Szeghalom	Kiskunfélegyháza
Szarvas	Kiskunhalas
Ágasegyháza	Kisszálás
Akasztó	Kömpöc
Bácsalmás	Kunfehértó
Bácsbokod	Kunszállás
Bácsborsód	Lakitelek
Bácsszentgyörgy	Madaras
Bácsszőlős	Mátételke
Balotaszálás	Orgovány
Bátya	Páhi
Borota	Soltszentimre
Bugac	Soltvadkert
Csengőd	Szentkirály
Csolyospálya	Tabdi
Dusnok	Tiszaalpár
Érsekcsanád	Tizakécske
Fajsz	Uszód
Fülöpháza	Városföld
Harkakötöny	Zsana

ANNEX III

Spanish Autonomous Communities referred to in Article 1(b)(ii)

Andalucía

Aragón

Extremadura

Islas Baleares

Comunidad Autónoma del País Vasco

Castilla-La Mancha

Castilla y León

Cataluña

La Rioja

Madrid

Región de Murcia

Comunidad Foral de Navarra

Comunidad Valenciana

COMMISSION REGULATION (EC) No 1188/2006**of 3 August 2006****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular of the Article 36,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2006/2007 marketing year are fixed by Commission Regulation (EC) No 1002/2006 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 1174/2006 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 4 August 2006.

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

Done at Brussels, 3 August 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 55, 28.2.2006, p. 1.
⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 178, 1.7.2006, p. 36.
⁽⁴⁾ OJ L 211, 1.8.2006, p. 20.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 4 August 2006

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	28,08	2,86
1701 11 90 ⁽¹⁾	28,08	7,49
1701 12 10 ⁽¹⁾	28,08	2,73
1701 12 90 ⁽¹⁾	28,08	7,06
1701 91 00 ⁽²⁾	33,85	8,31
1701 99 10 ⁽²⁾	33,85	4,18
1701 99 90 ⁽²⁾	33,85	4,18
1702 90 99 ⁽³⁾	0,34	0,32

⁽¹⁾ Fixed for the standard quality defined in Annex I.III to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).

⁽²⁾ Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.

⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 1189/2006**of 3 August 2006****amending for the 66th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan⁽¹⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 25 July 2006, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 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, 3 August 2006.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 674/2006 (OJ L 116, 29.4.2006, p. 58).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

- (1) The entry 'Al Rashid Trust (a.k.a. Al Rasheed Trust, Al-Rasheed Trust, Al-Rashid Trust, The Aid Organisation of The Ulema):

- Kitas Ghar, Nazimabad 4, Dahgel-Iftah, Karachi, Pakistan,
- Jamia Maajid, Sulalman Park, Melgium Pura, Lahore, Pakistan,
- Kitab Ghar, Darul Ifta Wal Irshad, Nazimabad No 4, Karachi, Pakistan, tel. 668 33 01; tel. 0300-820 91 99; Fax 662 38 14,
- Jamia Masjid, Sulaiman Park, Begum Pura, Lahore, Pakistan; tel. 042-681 20 81,
- 302b-40, Good Earth Court, Opposite Pia Planitarium, Block 13a, Gulshan -I Iqbal, Karachi; tel. 497 92 63,
- 617 Clifton Center, Block 5, 6th Floor, Clifton, Karachi; tel. 587-25 45,
- 605 Landmark Plaza, 11 Chundrigar Road, Opposite Jang Building, Karachi, Pakistan; tel. 262 38 18-19,
- Office Dha'rbi M'unin, Opposite Khyber Bank, Abbottabad Road, Mansehra, Pakistan,
- Office Dhar'bi M'unin ZR Brothers, Katcherry Road, Chowk Yadgaar, Peshawar, Pakistan,
- Office Dha'rbi-M'unin, Rm No 3 Moti Plaza, Near Liaquat Bagh, Muree Road, Rawalpindi, Pakistan,
- Office Dha'rbi-M'unin, Top floor, Dr Dawa Khan Dental Clinic Surgeon, Main Baxae, Mingora, Swat, Pakistan,
- Operations in Afghanistan: Herat, Jalalabad, Kabul, Kandahar, Mazar Sherif,
- Also operations in Kosovo, Chechnya'

under the heading 'Legal persons, groups and entities' shall be replaced by the following:

'Aid Organisation of The Ulema (*alias* (a) Al Rashid Trust, (b) Al Rasheed Trust, (c) Al-Rasheed Trust, (d) Al-Rashid Trust). Address:

- (a) Kitab Ghar, Darul Ifta Wal Irshad, Nazimabad No 4, Karachi, Pakistan (Tel. (a) 668 33 01; (b) 0300-820 91 99; Fax 662 38 14),
- (b) 302b-40, Good Earth Court, Opposite Pia Planitarium, Block 13a, Gulshan -I Iqbal, Karachi (Tel. 497 92 63),
- (c) 617 Clifton Center, Block 5, 6th Floor, Clifton, Karachi (Tel. 587 25 45),
- (d) 605 Landmark Plaza, 11 Chundrigar Road, Opposite Jang Building, Karachi, Pakistan (Tel. 262 38 18-19),
- (e) Jamia Masjid, Sulaiman Park, Begum Pura, Lahore, Pakistan (Tel. 042-681 20 81).

Other information: (a) Headquarters in Pakistan, (b) Account numbers in Habib Bank Ltd., Foreign Exchange Branch: 05501741 and 06500138.'

- (2) The entry 'Al-Nur Honey Press Shops (aka Al-Nur Honey Center), Sanaa, Yemen' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

Al-Nur Honey Press Shops (*alias* Al-Nur Honey Center). Address: Sanaa, Yemen. Other information: established by Mohamed Mohamed A-Hamati from Hufash District, El Mahweet Governate, Yemen.'

- (3) The entry 'Eastern Turkistan Islamic Movement or East Turkistan Islamic Movement (ETIM) (aka Eastern Turkistan Islamic Party or Eastern Turkistan Islamic Party of Allah)' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

'Eastern Turkistan Islamic Movement (*alias* (a) The Eastern Turkistan Islamic Party, (b) The Eastern Turkistan Islamic Party of Allah).'

- (4) The entry 'Global Relief Foundation (*alias* (a) GRF, (b) Fondation Secours Mondial, (c) Secours mondial de France, (d) SEMONDE, (e) Fondation Secours Mondial — Belgique a.s.b.l., (f) Fondation Secours Mondial v.z.w., (g) FSM, (h) Stichting Wereldhulp — België, v.z.w., (i) Fondation Secours Mondial — Kosova, (j) Fondation Secours Mondial "World Relief". Address:

- (a) 9935 South 76th Avenue, Unit 1, Bridgeview, Illinois 60455, U.S.A.,
- (b) PO Box 1406, Bridgeview, Illinois 60455, U.S.A.,
- (c) 49 rue du Lazaret, 67100 Strasbourg, France,
- (d) Vaatjesstraat 29, 2580 Putte, Belgium,
- (e) Rue des Bataves 69, 1040 Etterbeek (Brussels), Belgium,
- (f) PO Box 6, 1040 Etterbeek 2 (Brussels), Belgium,
- (g) Mula Mustafe Baseskije Street No. 72, Sarajevo, Bosnia and Herzegovina,
- (h) Put Mladih Muslimana Street 30/A, Sarajevo, Bosnia and Herzegovina,
- (i) Rr. Skenderbeu 76, Lagjja Sefa, Gjakova, Kosovo,
- (j) Ylli Morina Road, Djakovica, Kosovo,
- (k) Rruga e Kavajes, Building No. 3, Apartment No. 61, PO Box 2892, Tirana, Albania,
- (l) House 267 Street No. 54, Sector F — 11/4, Islamabad, Pakistan.

Other information:

- (a) Other Foreign Locations: Afghanistan, Azerbaijan, Bangladesh, Chechnya (Russia), China, Eritrea, Ethiopia, Georgia, India, Ingushetia (Russia), Iraq, Jordan, Kashmir, Lebanon, West Bank and Gaza, Sierra Leone, Somalia and Syria.
- (b) U.S. Federal Employer Identification: 36-3804626.
- (c) V.A.T. Number: BE 454 419 759.
- (d) Belgian addresses are those of Fondation Secours Mondial — Belgique a.s.b.l and Fondation Secours Mondial vzw. since 1998'

under the heading 'Legal persons, groups and entities' shall be replaced by the following:

'Global Relief Foundation (*alias* (a) GRF, (b) Fondation Secours Mondial, (c) Secours mondial de France, (d) SEMONDE, (e) Fondation Secours Mondial — Belgique a.s.b.l., (f) Fondation Secours Mondial v.z.w., (g) FSM, (h) Stichting Wereldhulp — België, v.z.w., (i) Fondation Secours Mondial — Kosova, (j) Fondation Secours Mondial "World Relief". Address:

- (a) 9935 South 76th Avenue, Unit 1, Bridgeview, Illinois 60455, U.S.A.,
- (b) PO Box 1406, Bridgeview, Illinois 60455, U.S.A.,
- (c) 49 rue du Lazaret, 67100 Strasbourg, France,

- (d) Vaatjesstraat 29, 2580 Putte, Belgium,
- (e) Rue des Bataves 69, 1040 Etterbeek (Brussels), Belgium,
- (f) PO Box 6, 1040 Etterbeek 2 (Brussels), Belgium,
- (g) Mula Mustafe Baseskije Street No. 72, Sarajevo, Bosnia and Herzegovina,
- (h) Put Mladih Muslimana Street 30/A, Sarajevo, Bosnia and Herzegovina,
- (i) Rr. Skenderbeu 76, Lagjja Sefa, Gjakova, Kosovo,
- (j) Ylli Morina Road, Djakovica, Kosovo,
- (k) Rruga e Kavajes, Building No. 3, Apartment No. 61, PO Box 2892, Tirana, Albania,
- (l) House 267 Street No. 54, Sector F — 11/4, Islamabad, Pakistan.

Other information:

- (a) Other Foreign Locations: Afghanistan, Azerbaijan, Bangladesh, Chechnya (Russia), China, Eritrea, Ethiopia, Georgia, India, Ingushetia (Russia), Iraq, Jordan, Lebanon, West Bank and Gaza, Sierra Leone, Somalia and Syria.
 - (b) U.S. Federal Employer Identification: 36-3804626.
 - (c) V.A.T. Number: BE 454 419 759.
 - (d) Belgian addresses are those of Fondation Secours Mondial — Belgique a.s.b.l and Fondation Secours Mondial vzw. since 1998.'
- (5) The entry 'Revival of Islamic Heritage Society (RIHS), aka Jamiat Ihia Al-Turath Al-Islamiya, Revival of Islamic Society Heritage on the African Continent, Jamia Ihya Ul Turath; office locations: Pakistan and Afghanistan. NB: only the Pakistan and Afghanistan offices of this entity will be designated' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

'Revival of Islamic Heritage Society (*alias* (a) Jamiat Ihia Al-Turath Al-Islamiya, (b) Revival of Islamic Society Heritage on the African Continent, (c) Jamia Ihya Ul Turath, (d) RIHS). Office locations: Pakistan and Afghanistan. Other information: only the Pakistan and Afghanistan offices of this entity are designated.'

- (6) The entry 'Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs (*alias* Riyadus-Salikhin Reconnaissance and Sabotage Battalion, Riyadh-as-Saliheen, the Sabotage and Military Surveillance Group of the Riyadh al-Salihin Martyrs, Firqat al-Takhrib wa al-Istitla al-Askariyah li Shuhada Riyadh al-Salihin)' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

'Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs (*alias* (a) Riyadus-Salikhin Reconnaissance and Sabotage Battalion, (b) Riyadh-as-Saliheen, (c) The Sabotage and Military Surveillance Group of the Riyadh al-Salihin Martyrs, (d) Firqat al-Takhrib wa al-Istitla al-Askariyah li Shuhada Riyadh al-Salihin, (e) Riyadus-Salikhin Reconnaissance and Sabotage battalion of Shahids (Martyrs), (f) RSRSCM).'

- (7) The entry 'Special Purpose Islamic Regiment (*alias* the Islamic Special Purpose Regiment, the al-Jihad-Fisi-Sabililah Special Islamic Regiment)' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

'Special Purpose Islamic Regiment (*alias* (a) The Islamic Special Purpose Regiment, (b) The al-Jihad-Fisi-Sabililah Special Islamic Regiment, (c) Islamic Regiment of Special Meaning, (d) SPIR).'

- (8) The entry 'Youssef M. Nada, Via Riasc 4, CH-6911 Campione d'Italia I, Switzerland' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

'Youssef M. Nada, Via Riasc 4, CH-6911 Campione d'Italia I, Italy.'

- (9) The entry 'Anafi, Nazirullah, Maulavi (Commercial Attaché, Taliban "Embassy", Islamabad)' under the heading 'Natural persons' shall be replaced by the following:

'Nazirullah **Aanafi**. Title: Maulavi. Function: Commercial Attaché, Taliban "Embassy", Islamabad, Pakistan. Date of birth: 1962. Place of birth: Kandahar, Afghanistan. Nationality: Afghan. Passport No: D 000912 (issued on 30.6.1998).'

- (10) The entry 'Qadeer, Abdul, General (Military Attaché, Taliban "Embassy", Islamabad)' under the heading 'Natural persons' shall be replaced by the following:

'Abdul Qadeer. Title: General. Function: Military Attaché, Taliban "Embassy", Islamabad, Pakistan. Date of birth: 1967. Place of birth: Nangarhar, Afghanistan. Nationality: Afghan. Passport No: D 000974.'

- (11) The entry 'Shafiq Ben Mohamed Ben Mohamed Al-Ayadi (alias (a) Bin Muhammad, Ayadi Chafiq, (b) Ayadi Chafik, Ben Muhammad, (c) Aiadi, Ben Muhammad, (d) Aiady, Ben Muhammad, (e) Ayadi Shafiq Ben Mohamed, (f) Ben Mohamed, Ayadi Chafiq, (g) Abou El Baraa). Address: (a) Helene Meyer Ring 10-1415-80809, Munich, Germany, (b) 129 Park Road, NW8, London, England, (c) 28 Chaussée De Lille, Mouscron, Belgium, (d) Street of Provare 20, Sarajevo, Bosnia and Herzegovina (last registered address in Bosnia and Herzegovina). Date of birth: (a) 21.3.1963, (b) 21.1.1963. Place of birth: Sfax, Tunisia. Nationality: (a) Tunisian, (b) Bosnia and Herzegovina. Passport No: (a) E 423362 delivered in Islamabad on 15.5.1988, (b) 0841438 (Bosnia and Herzegovina passport issued on 30.12.1998 which expired on 30.12.2003). National identification No: 1292931. Other information: (a) address in Belgium is a PO box, (b) his father's name is Mohamed, mother's name is Medina Abid; (c) reportedly living in Dublin, Ireland' under the heading 'Natural persons' shall be replaced by the following:

'Shafiq Ben Mohamed Ben Mohamed **Al-Ayadi** (alias (a) Bin Muhammad, Ayadi Chafiq, (b) Ayadi Chafik, Ben Muhammad, (c) Aiadi, Ben Muhammad, (d) Aiady, Ben Muhammad, (e) Ayadi Shafiq Ben Mohamed, (f) Ben Mohamed, Ayadi Chafiq, (g) Chafiq Ayadi, (h) Chafik Ayadi, (i) Ayadi Chafiq, (j) Ayadi Chafik, (k) Abou El Baraa). Address: (a) Helene Meyer Ring 10-1415-80809, Munich, Germany, (b) 129 Park Road, London NW8, England, (c) 28 Chaussée De Lille, Mouscron, Belgium, (d) Street of Provare 20, Sarajevo, Bosnia and Herzegovina (last registered address in Bosnia and Herzegovina). Date of birth: (a) 21.3.1963, (b) 21.1.1963. Place of birth: Sfax, Tunisia. Nationality: (a) Tunisian, (b) Bosnia and Herzegovina. Passport No: (a) E 423362 (delivered in Islamabad on 15.5.1988), (b) 0841438 (Bosnia and Herzegovina passport issued on 30.12.1998 which expired on 30.12.2003). National identification No: 1292931. Other information: (a) address in Belgium is a PO box, (b) his father's name is Mohamed, mother's name is Medina Abid; (c) reportedly living in Dublin, Ireland.'

- (12) The entry 'Ahmed Mohammed Hamed Ali (aka Abdurehman, Ahmed Mohammed; aka Abu Fatima; aka Abu Islam; aka Abu Khadiijah; aka Ahmed Hamed; aka Ahmed The Egyptian; aka Ahmed, Ahmed; aka Al-Masri, Ahmad; aka Al-Surir, Abu Islam; aka Ali, Ahmed Mohammed; aka Ali, Hamed; aka Hemed, Ahmed; aka Shieb, Ahmed; aka Shuaib), Afghanistan; born 1965, Egypt; citizen Egypt' under the heading 'Natural persons' shall be replaced by the following:

'Ahmed Mohammed Hamed **Ali** (alias (a) Abdurehman, Ahmed Mohammed, (b) Ahmed Hamed, (c) Ali, Ahmed Mohammed, (d) Ali, Hamed, (e) Hemed, Ahmed, (f) Shieb, Ahmed, (g) Abu Fatima, (h) Abu Islam, (i) Abu Khadiijah, (j) Ahmed The Egyptian, (k) Ahmed, Ahmed, (l) Al-Masri, Ahmad, (m) Al-Surir, Abu Islam, (n) Shuaib. Date of birth: 1965. Place of birth: Egypt. Nationality: Egyptian.'

- (13) The entry 'Al-Jadawi, Saqar; Born c. 1965; thought to be a Yemeni and Saudi national; aide to Usama Bin Laden' under the heading 'Natural persons' shall be replaced by the following:

'Saqar **Al-Jadawi** (alias Saqr Al-Jaddawi). Address: Shari Tunis, Sana'a, Yemen. Date of birth: 1965. Place of birth: Al-Mukalla, Yemen. Nationality: Yemeni. Passport No: 00385937. Other information: (a) address is previous address, (b) driver and private bodyguard to Usama Bin Laden from 1996 until 2001.'

- (14) The entry 'Shaykh Abd-al-Majid AL-ZINDANI (alias (a) Abdelmajid AL-ZINDANI; (b) Shaykh Abd Al-Majid AL-ZINDANI). Date of birth: 1950. Place of birth: Yemen. Nationality: Yemeni. Passport No: A005487 (Yemen) issued 13 August 1995' under the heading 'Natural persons' shall be replaced by the following:

'Abd-al-Majid Aziz **Al-Zindani** (alias (a) Abdelmajid Al-Zindani, (b) Abd Al-Majid Al-Zindani, (c) Abd Al-Meguid Al-Zandani). Title: Sheikh. Address: Sanaa, Yemen. Date of birth: (a) 1942, (b) circa 1950. Place of birth: Yemen. Nationality: Yemeni. Passport No: A005487 (issued 13.8.1995).'

- (15) The entry 'Allamuddin, Syed (Second Secretary, Taliban "Consulate General", Peshawar)' under the heading 'Natural persons' shall be replaced by the following:

'Sayed Allamuddin **Atheer**. Function: Second Secretary, Taliban "Consulate General", Peshawar, Pakistan. Date of birth: 1955. Place of birth: Badakshan. Nationality: Afghan. Passport No: D 000994.'

- (16) The entry 'Huda bin Abdul HAQ (alias (a) Ali Gufron, (b) Ali Ghufron, (c) Ali Gufron al Mukhlas, (d) Mukhlas, (e) Muklas, (f) Muchlas, (g) Sofwan); date of birth: (a) 9 February 1960 (b) 2 February 1960; place of birth: Solokuro subdistrict in Lamongan district, East Java province, Indonesia; nationality: Indonesian' under the heading 'Natural persons' shall be replaced by the following:

'Huda **bin Abdul Haq** (alias (a) Ali Gufron, (b) Ali Ghufron, (c) Ali Gufron al Mukhlas, (d) Mukhlas, (e) Muklas, (f) Muchlas, (g) Sofwan). Date of birth: (a) 9.2.1960 (b) 2.2.1960. Place of birth: Solokuro subdistrict in Lamongan district, East Java province, Indonesia. Nationality: Indonesian.'

- (17) The entry 'Ramzi Mohamed Abdullah Binalshibh (alias (a) Binalsheidah, Ramzi Mohamed Abdullah, (b) Bin al Shibh, Ramzi, (c) Omar, Ramzi Mohamed Abdellah). Date of birth: 1.5.1972 or 16.9.1973. Place of birth: (a) Hadramawt, Yemen, (b) Khartoum, Sudan. Nationality: (a) Sudan, (b) Yemen. Passport of Yemen No 00 085 243 issued on 12.11.1997 in Sanaa, Yemen' under the heading 'Natural persons' shall be replaced by the following:

'Ramzi Mohamed Abdullah **Binalshibh** (alias (a) Binalsheidah, Ramzi Mohamed Abdullah, (b) Bin al Shibh, Ramzi, (c) Omar, Ramzi Mohamed Abdellah, (d) Mohamed Ali Abdullah Bawazir, (e) Ramzi Omar). Date of birth: (a) 1.5.1972, (b) 16.9.1973. Place of birth: (a) Gheil Bawazir, Hadramawt, Yemen, (b) Khartoum, Sudan. Nationality: (a) Yemen, (b) Sudan. Passport No: 00085243 (issued on 17.11.1997 in Sanaa, Yemen). Other information: arrested in Karachi, Pakistan, on 30.9.2002.'

- (18) The entry 'Daud, Mohammad (Administrative Attaché, Taliban "Embassy", Islamabad)' under the heading 'Natural persons' shall be replaced by the following:

'Mohammad **Daud**. Function: Administrative Attaché, Taliban "Embassy", Islamabad, Pakistan. Date of birth: 1956. Place of birth: Kabul, Afghanistan. Nationality: Afghan. Passport No: D 00732.'

- (19) The entry 'Fauzi, Habibullah (First Secretary/Deputy Head of Mission, Taliban "Embassy", Islamabad)' under the heading 'Natural persons' shall be replaced by the following:

'Habibullah **Faizi**. Function: Second secretary. Date of birth: 1961. Place of birth: Ghazni, Afghanistan. Nationality: Afghan. Passport No: D 010678 (issued on 19.12.1993).'

- (20) The entry 'Murad, Abdullah, Maulavi (Consul General, Taliban "Consulate General", Quetta)' under the heading 'Natural persons' shall be replaced by the following:

'Abdullah **Hamad**. Title: Maulavi. Function: Consul General, Taliban "Consulate General", Quetta, Pakistan. Date of birth: 1972. Place of birth: Helmand, Afghanistan. Nationality: Afghan. Passport No: D 00857 (issued on 20.11.1997).'

- (21) The entry 'Aazem, Abdul Haiy, Maulavi (First Secretary, Taliban "Consulate General", Quetta)' under the heading 'Natural persons' shall be replaced by the following:

'Abdul Hai **Hazem**. Title: Maulavi. Function: First Secretary, Taliban "Consulate General", Quetta, Pakistan. Date of birth: 1971. Place of birth: Ghazni, Afghanistan. Nationality: Afghan. Passport No: D 0001203.'

- (22) The entry 'Zayn al-Abidin Muhammad HUSAYN (alias (a) Abu Zubaida (b) Abd Al-Hadi Al-Wahab (c) Zain Al-Abidin Muhahhad Husain (d) Zain Al-Abidin Muhahhad Husain (e) Abu Zubaydah (f) Tariq); date of birth: 12 March 1971; place of birth: Riyadh, Saudi Arabia; nationality: thought to be a Saudi and Palestinian national; passport No: bearer of Egyptian passport No 484824 issued on 18 January 1984 at the Egyptian embassy in Riyadh; other information: close associate of Usama bin Laden and facilitator of terrorist travel' under the heading 'Natural persons' shall be replaced by the following:

'Zayn al-Abidin Muhammad **Hussein** (alias (a) Abu Zubaida, (b) Abd Al-Hadi Al-Wahab, (c) Zain Al-Abidin Muhahhad Husain, (d) Zain Al-Abidin Muhahhad Husain, (e) Abu Zubaydah, (f) Tariq). Date of birth: 12.3.1971. Place of birth: Riyadh, Saudi Arabia. Nationality: Palestinian. Passport No: 484824 (Egyptian passport issued on 18.1.1984 at the Egyptian Embassy in Riyadh). Other information: close associate of Usama bin Laden and facilitator of terrorist travel.'

- (23) The entry 'Kakazada, Rahamatullah, Maulavi (Consul General, Taliban "Consulate General", Karachi)' under the heading 'Natural persons' shall be replaced by the following:

'Rahamatullah **Kakazada**. Title: Maulavi. Function: Consul General, Taliban "Consulate General", Karachi, Pakistan. Date of birth: 1968. Place of birth: Ghazni, Afghanistan. Nationality: Afghan. Passport No: D 000952 (issued on 7.1.1999).'

- (24) The entry 'Dawood Ibrahim Kaskar (alias (a) Dawood Ebrahim, (b) Sheikh Dawood Hassan). Date of birth: 1955. Place of birth: Ratnagiri, India. Nationality: Indian. Passport No: A-333602, issued in Bombay, India, on 6 April 1985' under the heading 'Natural persons' shall be replaced by the following:

'Dawood Ibrahim **Kaskar** (alias (a) Dawood Ebrahim, (b) Sheikh Dawood Hassan, (c) Sheikh Ibrahim, (d) Hizrat). Date of birth: 26.12.1955. Place of birth: (a) Bombay, (b) Ratnagiri, India. Nationality: Indian. Passport No: A-333602 (issued on 4.6.1985 in Bombay, India). Other information: (a) passport revoked by the Government of India, (b) international arrest warrant issued by India.'

- (25) The entry 'Mostafa Kamel Mostafa Ibrahim (alias (a) Mustafa Kamel Mustafa, (b) Adam Ramsey Eaman, (c) Kamel Mustapha Mustapha, (d) Mustapha Kamel Mustapha, (e) Abu Hamza, (f) Abu Hamza Al-Masri, (g) Al-Masri, Abu Hamza, (h) Al-Misri, Abu Hamza). Address: (a) 9 Albourne Road, Shepherds Bush, London W12 OLW, United Kingdom; (b) 8 Adie Road, Hammersmith, London W6 OPW, United Kingdom. Date of birth: 15.4.1958. Place of birth: Alexandria, Egypt. Other information: under investigation in the United Kingdom' under the heading 'Natural persons' shall be replaced by the following:

'Mostafa Kamel Mostafa **Ibrahim** (alias (a) Mustafa Kamel Mustafa, (b) Adam Ramsey Eaman, (c) Kamel Mustapha Mustapha, (d) Mustapha Kamel Mustapha, (e) Abu Hamza, (f) Mostafa Kamel Mostafa, (g) Abu Hamza Al-Masri, (h) Al-Masri, Abu Hamza, (i) Al-Misri, Abu Hamza). Address: (a) 9 Aldbourne Road, Shepherds Bush, London W12 OLW, United Kingdom; (b) 8 Adie Road, Hammersmith, London W6 OPW, United Kingdom. Date of birth: 15.4.1958. Place of birth: Alexandria, Egypt. Nationality: British. Other information: under investigation in the United Kingdom.'

- (26) The entry 'Mohammad, Akhtar, Maulavi (Education Attaché, Taliban "Consulate General", Peshawar)' under the heading 'Natural persons' shall be replaced by the following:

'Akhtar Mohammad **Maz-Hari**. Title: Maulavi. Function: Education Attaché, Taliban "Consulate General", Peshawar, Pakistan. Date of birth: 1970. Place of birth: Kunduz, Afghanistan. Nationality: Afghan. Passport No: SE 012820 (issued on 4.11.2000).'

- (27) The entry 'Saddiq, Alhaj Mohammad, Maulavi (Trade Representative, Taliban "Consulate General", Peshawar)' under the heading 'Natural persons' shall be replaced by the following:

'Mohammad **Sadiq** (alias Maulavi Amir Mohammad) Title: (a) Alhaj, (b) Maulavi. Function: Head of Afghan Trade Agency, Peshawar, Pakistan. Date of birth: 1934. Place of birth: Ghazni, Afghanistan. Nationality: Afghan. Passport No: SE 011252.'

- (28) The entry 'Nedal Mahmoud Saleh (alias (a) Nedal Mahmoud N. Saleh, (b) Hitem). Address: (a) Via Milano 105, Casal di Principe (Caserta), Italy, (b) Via di Saliceto 51/9, Bologna, Italy. Place of birth: Taiz (Yemen). Date of birth: 1 March 1970. Other information: arrested in Italy on 19.8.2003' under the heading 'Natural persons' shall be replaced by the following:

'Nedal Mahmoud **Saleh** (alias (a) Nedal Mahmoud N. Saleh, (b) Salah Nedal, (c) Hitem). Address: (a) Via Milano 105, Casal di Principe (Caserta), Italy, (b) Via di Saliceto 51/9, Bologna, Italy. Date of birth: (a) 1.3.1970, (b) 26.3.1972. Place of birth: Taiz, Yemen. Nationality: Yemeni. Other information: arrested in Italy on 19.8.2003.'

- (29) The entry 'Wali, Qari Abdul (First Secretary, Taliban "Consulate General", Peshawar)' under the heading 'Natural persons' shall be replaced by the following:

'Qari Abdul Wali **Seddiqi**. Function: Third Secretary. Date of birth: 1974. Place of birth: Ghazni, Afghanistan. Nationality: Afghan. Passport No: D 000769 (issued on 2.2.1997).'

- (30) The entry 'Shenwary, Haji Abdul Ghafar (Third Secretary, Taliban "Consulate General", Karachi)' under the heading 'Natural persons' shall be replaced by the following:

'Abdul Ghafar **Shinwari**. Title: Haji. Function: Third Secretary, Taliban "Consulate General", Karachi, Pakistan. Date of birth: 29.3.1965. Place of birth: Kandahar, Afghanistan. Nationality: Afghan. Passport No: D 000763 (issued on 9.1.1997).'

- (31) The entry 'Najibullah, Maulavi (Consul General, Taliban "Consulate General", Peshawar)' under the heading 'Natural persons' shall be replaced by the following:

'Najib **Ullah** (alias Maulvi Muhammad Juma). Title: Maulavi. Function: Consul General, Taliban "Consulate General", Peshawar, Pakistan. Date of birth: 1954. Place of birth: Farah. Nationality: Afghan. Passport No: 00737 (issued on 20.10.1996).'

- (32) The entry 'Zelimkhan Ahmedovic (Abdul-Muslimovich) YANDARBIEV. Place of birth: village of Vydriha, Eastern Kazakhstan region, USSR. Date of birth: 12 September 1952. Nationality: Russian Federation. Passports: Russian passport 43 No 1600453' under the heading 'Natural persons' shall be replaced by the following:

'Zelimkhan Ahmedovich **Yandarbiev** (alias Abdul-Muslimovich). Address: Derzhavina street 281-59, Grozny, Chechen Republic, Russian Federation. Date of birth: 12.9.1952. Place of birth: village of Vydrikh, Shemonaikhinsk (Verkhubinsk) district, (Soviet Socialist Republic of) Kazakhstan. Nationality: Russian. Passport No: (a) 43 No 1600453, (b) 535884942 (Russian foreign passport), (c) 35388849 (Russian foreign passport). Other information: (a) address is former address, (b) killed on 19.2.2004.'

- (33) The entries 'Zaeef, Abdul Salam, Mullah (Ambassador Extraordinary and Plenipotentiary, Taliban "Embassy", Islamabad)', 'Zaeef, Abdul Salam (Taliban Ambassador to Pakistan)' and 'Zaief, Abdul Salam, Mullah (Deputy Minister of Mines and Industries)' under the heading 'Natural persons' shall be replaced by the following:

'Abdul Salam **Zaeef**. Title: Mullah. Function: (a) Deputy Minister of Mines and Industries, (b) Ambassador Extraordinary and Plenipotentiary, Taliban "Embassy", Islamabad, Pakistan. Date of birth: 1968. Place of birth: Kandahar, Afghanistan. Nationality: Afghan. Passport No: D 001215 (issued on 29.8.2000).'

- (34) The entry 'Zahid, Mohammad, Mullah (Third Secretary, Taliban "Embassy", Islamabad)' under the heading 'Natural persons' shall be replaced by the following:

'Mohammad **Zahid**. Title: Mullah. Function: Third Secretary, Taliban "Embassy", Islamabad, Pakistan. Date of birth: 1971. Place of birth: Logar, Afghanistan. Nationality: Afghan. Passport No: D 001206 (issued on 17.7.2000).'

COMMISSION DIRECTIVE 2006/70/EC

of 1 August 2006

laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of 'politically exposed person' and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Directive by providing the necessary guidance to institutions and persons in this connection.

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing ⁽¹⁾, and in particular points (a), (b) and (d) of Article 40(1) thereof,

Whereas:

(1) Directive 2005/60/EC requires institutions and persons covered to apply, on a risk-sensitive basis, enhanced customer due diligence measures in respect of transactions or business relationships with politically exposed persons residing in another Member State or in a third country. In the context of this risk analysis, it is appropriate for the resources of the institutions and persons covered to be focused in particular on products and transactions that are characterised by a high risk of money laundering. Politically exposed persons are understood to be persons entrusted with prominent public functions, their immediate family members or persons known to be close associates of such persons. In order to provide for a coherent application of the concept of politically exposed person, when determining the groups of persons covered, it is essential to take into consideration the social, political and economic differences between countries concerned.

(2) Institutions and persons covered by Directive 2005/60/EC may fail to identify a customer as falling within one of the politically exposed person categories, despite having taken reasonable and adequate measures in this regard. In those circumstances, Member States, when exercising their powers in relation to the application of that Directive, should give due consideration to the need to ensure that those persons do not automatically incur liability for such failure. Member States should also consider facilitating compliance with that

(3) Public functions exercised at levels lower than national should normally not be considered prominent. However, where their political exposure is comparable to that of similar positions at national level, institutions and persons covered by this Directive should consider, on a risk-sensitive basis, whether persons exercising those public functions should be considered as politically exposed persons.

(4) Where Directive 2005/60/EC requires institutions and persons covered to identify close associates of natural persons who are entrusted with prominent public functions, this requirement applies to the extent that the relation with the associate is publicly known or that the institution or person has reasons to believe that such relation exists. Thus it does not presuppose active research on the part of the institutions and persons covered by the Directive.

(5) Persons falling under the concept of politically exposed persons should not be considered as such after they have ceased to exercise prominent public functions, subject to a minimum period.

(6) Since the adaptation, on a risk-sensitive basis, of the general customer due diligence procedures to low-risk situations is the normal tool under Directive 2005/60/EC, and given the fact that simplified customer due diligence procedures require adequate checks and balances elsewhere in the system aiming at preventing money laundering and terrorist financing, the application of simplified customer due diligence procedures should be restricted to a limited number of cases. In these cases, the requirements for institutions and persons covered by that Directive do not disappear, and these are expected to, *inter alia*, conduct ongoing monitoring of the business relations, in order to be able to detect complex or unusually large transactions which have no apparent economic or visible lawful purpose.

⁽¹⁾ OJ L 309, 25.11.2005, p. 15.

- (7) Domestic public authorities are generally considered as low-risk customers within their own Member State and, in accordance with Directive 2005/60/EC, may be subject to simplified customer due diligence procedures. However, none of the Community institutions, bodies, offices or agencies, including the European Central Bank (ECB), directly qualify in the Directive for simplified customer due diligence under the 'domestic public authority' category or, in the case of the ECB, under the 'credit and financial institution' category. However, since these entities do not appear to present a high risk of money laundering or terrorist financing, they should be recognised as low-risk customers and benefit from the simplified customer due diligence procedures provided that appropriate criteria are fulfilled.
- (8) Furthermore, it should be possible to apply simplified customer due diligence procedures in the case of legal entities undertaking financial activities which do not fall under the definition of financial institution under Directive 2005/60/EC but which are subject to national legislation pursuant to that Directive and comply with requirements concerning sufficient transparency as to their identity and adequate control mechanisms, in particular enhanced supervision. This could be the case for undertakings providing general insurance services.
- (9) It should be possible to apply simplified customer due diligence procedures to products and related transactions in limited circumstances, for example where the benefits of the financial product in question cannot generally be realised for the benefit of third parties and those benefits are only realisable in the long term, such as some investment insurance policies or savings products, or where the financial product aims at financing physical assets in the form of leasing agreements in which the legal and beneficial title of the underlying asset remains with the leasing company or in the form of low value consumer credit, provided the transactions are carried out through bank accounts and are below an appropriate threshold. State controlled products which are generally addressed to specific categories of clients, such as savings products for the benefit of children, should benefit from simplified customer due diligence procedures even if not all the criteria are fulfilled. State control should be understood as an activity beyond normal supervision on financial markets and should not be construed as covering products, such as debt securities, issued directly by the State.
- (10) Before allowing use of simplified customer due diligence procedures, Member States should assess whether the customers or the products and related transactions represent a low-risk of money laundering or terrorist financing, notably by paying special attention to any activity of these customers or to any type of products or transactions which may be regarded as particularly likely, by their nature, to be used or abused for money laundering or terrorist financing purposes. In particular, any attempt by customers in relation to low-risk products to act anonymously or hide their identity should be considered as a risk factor and as potentially suspicious.
- (11) In certain circumstances, natural persons or legal entities may conduct financial activities on an occasional or very limited basis, as a complement to other non-financial activities, such as hotels that provide currency exchange services to their clients. Directive 2005/60/EC allows Member States to decide that financial activities of that kind fall outside its scope. The assessment of the occasional or very limited nature of the activity should be made by reference to quantitative thresholds in relation to the transactions and the turnover of the business concerned. These thresholds should be decided at national level, depending on the type of financial activity, in order to take account of differences between countries.
- (12) Moreover, a person engaging in a financial activity on an occasional or very limited basis should not provide a full range of financial services to the public but only those needed for improving the performance of its main business. When the main business of the person relates to an activity covered by Directive 2005/60/EC, the exemption for occasional or limited financial activities should not be granted, except in relation to traders in goods.
- (13) Some financial activities, such as money transmission or remittance services, are more likely to be used or abused for money laundering or terrorist financing purposes. It is therefore necessary to ensure that these or similar financial activities are not exempted from the scope of Directive 2005/60/EC.
- (14) Provision should be made for decisions pursuant to Article 2(2) of Directive 2005/60/EC to be withdrawn as quickly as possible if necessary.
- (15) Member States should ensure that the exemption decisions are not abused for money laundering or terrorist financing purposes. They notably should avoid adopting decisions under Article 2(2) of Directive 2005/60/EC in cases where monitoring or enforcement activities by national authorities present special difficulties as a result of overlapping competences between more than one Member State, such as the provision of financial services on board ships providing transport services between ports situated in different Member States.

(16) The application of this Directive is without prejudice to the application of Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾ and Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽²⁾.

(17) The measures provided for in this Directive are in accordance with the opinion of the Committee on the Prevention of Money Laundering and Terrorist Financing,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Subject-matter

This Directive lays down implementing measures for Directive 2005/60/EC as regards the following:

1. the technical aspects of the definition of politically exposed persons set out in Article 3(8) of that Directive;
2. technical criteria for assessing whether situations represent a low risk of money laundering or terrorist financing as referred to in Article 11(2) and (5) of that Directive;
3. technical criteria for assessing whether, in accordance with Article 2(2) of Directive 2005/60/EC, it is justified not to apply that Directive to certain legal or natural persons carrying out a financial activity on an occasional or very limited basis.

Article 2

Politically exposed persons

1. For the purposes of Article 3(8) of Directive 2005/60/EC, 'natural persons who are or have been entrusted with prominent public functions' shall include the following:

- (a) heads of State, heads of government, ministers and deputy or assistant ministers;

⁽¹⁾ OJ L 344, 28.12.2001, p. 70. Regulation as last amended by Decision 2006/379/EC (OJ L 144, 31.5.2006, p. 21).

⁽²⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 674/2006 (OJ L 116, 29.4.2006, p. 58).

- (b) members of parliaments;
- (c) members of supreme courts, of constitutional courts or of other high-level judicial bodies whose decisions are not subject to further appeal, except in exceptional circumstances;
- (d) members of courts of auditors or of the boards of central banks;
- (e) ambassadors, *chargés d'affaires* and high-ranking officers in the armed forces;
- (f) members of the administrative, management or supervisory bodies of State-owned enterprises.

None of the categories set out in points (a) to (f) of the first subparagraph shall be understood as covering middle ranking or more junior officials.

The categories set out in points (a) to (e) of the first subparagraph shall, where applicable, include positions at Community and international level.

2. For the purposes of Article 3(8) of Directive 2005/60/EC, 'immediate family members' shall include the following:

- (a) the spouse;
- (b) any partner considered by national law as equivalent to the spouse;
- (c) the children and their spouses or partners;
- (d) the parents.

3. For the purposes of Article 3(8) of Directive 2005/60/EC, 'persons known to be close associates' shall include the following:

- (a) any natural person who is known to have joint beneficial ownership of legal entities or legal arrangements, or any other close business relations, with a person referred to in paragraph 1;

(b) any natural person who has sole beneficial ownership of a legal entity or legal arrangement which is known to have been set up for the benefit de facto of the person referred to in paragraph 1.

4. Without prejudice to the application, on a risk-sensitive basis, of enhanced customer due diligence measures, where a person has ceased to be entrusted with a prominent public function within the meaning of paragraph 1 of this Article for a period of at least one year, institutions and persons referred to in Article 2(1) of Directive 2005/60/EC shall not be obliged to consider such a person as politically exposed.

Article 3

Simplified customer due diligence

1. For the purposes of Article 11(2) of Directive 2005/60/EC, Member States may, subject to paragraph 4 of this Article, consider customers who are public authorities or public bodies and who fulfil all the following criteria as customers representing a low risk of money laundering or terrorist financing:

- (a) the customer has been entrusted with public functions pursuant to the Treaty on European Union, the Treaties on the Communities or Community secondary legislation;
- (b) the customer's identity is publicly available, transparent and certain;
- (c) the activities of the customer, as well as its accounting practices, are transparent;
- (d) either the customer is accountable to a Community institution or to the authorities of a Member State, or appropriate check and balance procedures exist ensuring control of the customer's activity.

2. For the purposes of Article 11(2) of Directive 2005/60/EC, Member States may, subject to paragraph 4 of this Article, consider customers who are legal entities which do not enjoy the status of public authority or public body but which fulfil all the following criteria as customers representing a low risk of money laundering or terrorist financing:

- (a) the customer is an entity that undertakes financial activities outside the scope of Article 2 of Directive 2005/60/EC but to which national legislation has extended the obligations of that Directive pursuant to Article 4 thereof;
- (b) the identity of the customer is publicly available, transparent and certain;

(c) the customer is subject to a mandatory licensing requirement under national law for the undertaking of financial activities and licensing may be refused if the competent authorities are not satisfied that the persons who effectively direct or will direct the business of such an entity, or its beneficial owner, are fit and proper persons;

(d) the customer is subject to supervision, within the meaning of Article 37(3) of Directive 2005/60/EC, by competent authorities as regards compliance with the national legislation transposing that Directive and, where applicable, additional obligations under national legislation;

(e) failure by the customer to comply with the obligations referred to in point (a) is subject to effective, proportionate and dissuasive sanctions including the possibility of appropriate administrative measures or the imposition of administrative sanctions.

Entity, as referred to in point (a) of the first subparagraph, shall include subsidiaries only in so far as the obligations of Directive 2005/60/EC have been extended to them on their own account.

For the purposes of point (c) of the first subparagraph, the activity conducted by the customer shall be supervised by competent authorities. Supervision is to be understood in this context as meaning the type of supervisory activity with the highest supervisory powers, including the possibility of conducting on-site inspections. Such inspections shall include the review of policies, procedures, books and records, and shall extend to sample testing.

3. For the purposes of Article 11(5) of Directive 2005/60/EC, Member States may, subject to paragraph 4 of this Article, allow the institutions and persons covered by that Directive to consider products which fulfil all the following criteria, or transactions related to such products, as representing a low risk of money laundering or terrorist financing:

- (a) the product has a written contractual base;
- (b) the related transactions are carried out through an account of the customer with a credit institution covered by Directive 2005/60/EC or a credit institution situated in a third country which imposes requirements equivalent to those laid down in that Directive;
- (c) the product or related transactions are not anonymous and their nature is such that it allows for the timely application of Article 7(c) of Directive 2005/60/EC;

- (d) the product is subject to a predetermined maximum threshold;
- (e) the benefits of the product or related transactions cannot be realised for the benefit of third parties, except in the case of death, disablement, survival to a predetermined advanced age, or similar events;
- (f) in the case of products or related transactions allowing for the investment of funds in financial assets or claims, including insurance or other kind of contingent claims:
 - (i) the benefits of the product or related transactions are only realisable in the long term;
 - (ii) the product or related transactions cannot be used as collateral;
 - (iii) during the contractual relationship, no accelerated payments are made, no surrender clauses are used and no early termination takes place.

For the purposes of point (d) of the first subparagraph, the thresholds established in Article 11(5)(a) of Directive 2005/60/EC shall apply in the case of insurance policies or savings products of similar nature. Without prejudice to the third subparagraph, in the other cases the maximum threshold shall be EUR 15 000. Member States may derogate from that threshold in the case of products which are related to the financing of physical assets and where the legal and beneficial title of the assets is not transferred to the customer until termination of the contractual relationship, provided that the threshold established by the Member State for the transactions related to this type of product, whether the transaction is carried out in a single operation or in several operations which appear to be linked, does not exceed EUR 15 000 per year.

Member States may derogate from the criteria set out in points (e) and (f) of the first subparagraph in the case of products the characteristics of which are determined by their relevant domestic public authorities for purposes of general interest, which benefit from specific advantages from the State in the form of direct grants or tax rebates, and the use of which is subject to control by those authorities, provided that the benefits of the product are realisable only in the long term and that the threshold established for the purposes of point (d) of the first subparagraph is sufficiently low. Where appropriate, that threshold may be set as a maximum annual amount.

4. In assessing whether the customers or products and transactions referred to in paragraphs 1, 2 and 3 represent a low risk of money laundering or terrorist financing, Member States shall pay special attention to any activity of those customers or to any type of product or transaction which may be regarded as particularly likely, by its nature, to be used or abused for money laundering or terrorist financing purposes.

Member States shall not consider that customers or products and transactions referred to in paragraphs 1, 2 and 3 represent a low risk of money laundering or terrorist financing if there is information available to suggest that the risk of money laundering or terrorist financing may not be low.

Article 4

Financial activity on an occasional or very limited basis

1. For the purposes of Article 2(2) of Directive 2005/60/EC, Member States may, subject to paragraph 2 of this Article, consider legal or natural persons who engage in a financial activity which fulfils all the following criteria as not falling within the scope of Article 3(1) or (2) of that Directive:

- (a) the financial activity is limited in absolute terms;
- (b) the financial activity is limited on a transaction basis;
- (c) the financial activity is not the main activity;
- (d) the financial activity is ancillary and directly related to the main activity;
- (e) with the exception of the activity referred to in point (3)(e) of Article 2(1) of Directive 2005/60/EC, the main activity is not an activity mentioned in Article 2(1) of that Directive;
- (f) the financial activity is provided only to the customers of the main activity and is not generally offered to the public.

For the purposes of point (a) of the first subparagraph, the total turnover of the financial activity may not exceed a threshold which must be sufficiently low. That threshold shall be established at national level, depending on the type of financial activity.

For the purposes of point (b) of the first subparagraph, Member States shall apply a maximum threshold per customer and single transaction, whether the transaction is carried out in a single operation or in several operations which appear to be linked. That threshold shall be established at national level, depending on the type of financial activity. It shall be sufficiently low in order to ensure that the types of transactions in question are an impractical and inefficient method for laundering money or for terrorist financing, and shall not exceed EUR 1 000.

For the purposes of point (c) of the first subparagraph, Member States shall require that the turnover of the financial activity does not exceed 5 % of the total turnover of the legal or natural person concerned.

2. In assessing the risk of money laundering or terrorist financing occurring for the purposes of Article 2(2) of Directive 2005/60/EC, Member States shall pay special attention to any financial activity which is regarded as particularly likely, by its nature, to be used or abused for money laundering or terrorist financing purposes.

Member States shall not consider that the financial activities referred to in paragraph 1 represent a low risk of money laundering or terrorist financing if there is information available to suggest that the risk of money laundering or terrorist financing may not be low.

3. Any decision pursuant to Article 2(2) of Directive 2005/60/EC shall state the reasons on which it is based. Member States shall provide for the possibility of withdrawing that decision should circumstances change.

4. Member States shall establish risk-based monitoring activities or take any other adequate measures to ensure that the exemption granted by decisions pursuant to Article 2(2) of Directive 2005/60/EC is not abused by possible money launderers or financiers of terrorism.

Article 5

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 15 December 2007 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

Article 6

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

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 1 August 2006.

For the Commission

Charlie McCREEVY

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 11 April 2006

on the allocation of quantities of controlled substances allowed for essential uses in the Community in 2006 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council*(notified under document number C(2006) 1483)***(Only the Danish, Dutch, English, Estonian, Finnish, French, German, Italian, Slovenian, Spanish and Swedish texts are authentic)****(Text with EEA relevance)**

(2006/540/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on Substances that Deplete the Ozone Layer ⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

- (1) The Community has already phased out the production and consumption of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, hydrobromofluorocarbon and bromochloromethane.
- (2) Each year the Commission is required to determine essential uses for these controlled substances, the quantities that may be used and the companies that may use them.
- (3) Decision IV/25 of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, hereinafter 'the

Montreal Protocol', sets out the criteria used by the Commission for determining any essential uses and authorises the production and consumption necessary to satisfy essential uses of controlled substances in each Party.

- (4) Decision XV/8 of the Parties to the Montreal Protocol authorises the production and consumption necessary to satisfy essential uses of controlled substances listed in Annexes A, B and C (Group II and III substances) of the Montreal Protocol for laboratory and analytical uses as listed in Annex IV to the report of the Seventh Meeting of the Parties, subject to the conditions set out in Annex II to the report of the Sixth Meeting of the Parties, as well as Decisions VII/11, XI/15 and XV/5 of the Parties to the Montreal Protocol. Decision XVII/10 of the Parties to the Montreal Protocol authorises the production and consumption of the controlled substance listed in Annex E of the Montreal Protocol necessary to satisfy laboratory and analytical uses of methyl bromide.
- (5) Pursuant to paragraph 3 of Decision XII/2 of the Parties to the Montreal Protocol on measures to facilitate the transition to chlorofluorocarbon-free Metered-Dose Inhalers (MDIs), all Member States have notified ⁽²⁾ the United Nations Environment Programme that chlorofluorocarbons (CFCs) are no longer essential for the manufacture of salbutamol CFC-MDIs for placing on the market of the European Community.

⁽¹⁾ OJ L 244, 29.9.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 29/2006 (OJ L 6, 11.1.2006, p. 27).

⁽²⁾ www.unep.org/ozone/Information_for_the_Parties/3Bi_dec12-2-3.asp

Austria, Belgium, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Latvia, Lithuania, Norway, Portugal, The Netherlands, the Slovak Republic and Slovenia have notified UNEP that the use of CFCs is not considered essential for the manufacture of MDIs for placing on the market of the European Community that contain the active ingredients belonging to the therapeutic category of 'short-acting beta agonist bronchodilators', specifically terbutaline ⁽¹⁾, fenoterol, orciprenaline, reproterol, carbutoleol, hexoprenaline, pirbuterol, clenbuterol, bitolterol and procaterol.

Belgium, the Czech Republic, Estonia, Germany, Hungary, Latvia, the Netherlands, the Slovak Republic, Slovenia and Sweden have notified UNEP that use of CFCs is not considered essential for the manufacture of MDIs for placing on the market of the European Community that contain the active ingredients belonging to the therapeutic category of 'inhaled steroids', specifically beclomethasone, dexamethasone, flunisolide, fluticasone, budesonide ⁽²⁾ and triamcinolone.

Denmark (beclomethasone, fluticasone), Ireland (beclomethasone, fluticasone), Finland (beclomethasone, fluticasone), France (beclomethasone, fluticasone), Italy (beclomethasone, fluticasone, budesonide), Malta (fluticasone, budesonide), Portugal (fluticasone, budesonide), Slovenia (beclomethasone, fluticasone, budesonide), Spain (beclomethasone, fluticasone) and the United Kingdom (fluticasone) have notified UNEP that use of CFCs is not considered essential for the manufacture of MDIs for placing on the market of the European Community that contain the active ingredients belonging to the therapeutic category of 'inhaled steroids' shown in parentheses after each Member State.

Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Latvia, the Netherlands, the Slovak Republic and Slovenia have notified UNEP that use of CFCs is not considered essential for the manufacture of MDIs for placing on the market of the European Community that contain the active ingredients belonging to the therapeutic category of 'non-steroidal anti-inflammatories', specifically cromoglicic acid and nedrocromil.

Portugal has notified UNEP that use of CFCs is not considered essential for the manufacture of MDIs for placing on the market of the European Community that contains the active ingredient cromoglicic acid. Spain has notified UNEP that use of CFCs is not considered essential for the manufacture of MDIs for placing on the market of the European Community that contains the active ingredient nedrocromil.

Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Latvia, Malta, the Netherlands, the Slovak Republic, Spain, Sweden and the United Kingdom have notified UNEP that use of CFCs is not considered essential for the manufacture of MDIs for placing on the market of the European Community that contain the active ingredients belonging to the therapeutic category of 'anticholinergic bronchodilators', specifically ipatropium bromide and oxitropium bromide.

Portugal has notified UNEP that use of CFCs is not considered essential for the manufacture of MDIs for placing on the market of the European Community that contains the active ingredient ipatropium bromide.

Germany has notified UNEP that use of CFCs is not considered essential for the manufacture of MDIs for placing on the market of the European Community that contain the active ingredients belonging to the therapeutic category of 'long-acting beta agonist bronchodilators', specifically formoterol and salmeterol.

Italy has notified UNEP that use of CFCs is not considered essential for the manufacture of MDIs for placing on the market of the European Community that contains the active ingredient formoterol.

Germany and the Netherlands have notified UNEP that use of CFCs is not considered essential for the manufacture of MDIs for placing on the market of the European Community that contain combinations of active ingredients.

Article 4(4)(i)(b) of Regulation (EC) No 2037/2000 prevents CFCs from being used and placed on the market unless they are considered essential under the conditions described in Article 3(1) of that Regulation. These non-essentiality determinations have therefore reduced the demand for CFCs used in MDIs that are placed on the market of the European Community. In addition, Article 4(6) of Regulation (EC) No 2037/2000 prevents CFC-MDI products being imported and placed on the market unless the CFCs in these products are considered essential under the conditions described in Article 3(1).

- (6) The Commission has published a Notice ⁽³⁾ on 8 July 2005 to those companies in the Community of 25 Member States that request consideration by the Commission for the use of controlled substances for essential uses in the Community in 2006 and has received declarations on intended essential uses of controlled substances for 2006.

⁽¹⁾ Except Denmark.

⁽²⁾ Except Sweden.

⁽³⁾ OJ C 168, 8.7.2005, p. 20.

- (7) For the purpose of ensuring that interested companies and operators may continue to benefit in due time from the licensing system, it is appropriate that the present decision shall apply from 1 January 2006.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Management Committee established by Article 18(1) of Regulation (EC) No 2037/2000,

7. The quantity of controlled substances of Group VII (hydrobromofluorocarbons) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory uses in the Community in 2006 shall be 4,49 ODP kilograms.

8. The quantity of controlled substances of group IX (bromochloromethane) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory uses in the Community in 2006 shall be 13,308 ODP kilograms.

HAS ADOPTED THIS DECISION:

Article 1

1. The quantity of controlled substances of Group I (chlorofluorocarbons 11, 12, 113, 114 and 115) subject to Regulation (EC) No 2037/2000 which may be used for essential medical uses in the Community in 2006 shall be 539 000,00 ODP ⁽¹⁾ kilograms.

2. The quantity of controlled substances of Group I (chlorofluorocarbons 11, 12, 113, 114 and 115) and Group II (other fully halogenated chlorofluorocarbons) subject to Regulation (EC) No 2037/2000 which may be used for essential laboratory uses in the Community in 2006 shall be 256 761,86 ODP kilograms.

3. The quantity of controlled substances of Group III (halons) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory use in the Community in 2006 shall be 482,70 ODP kilograms.

4. The quantity of controlled substances of Group IV (carbon tetrachloride) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory uses in the Community in 2006 shall be 149 641,536 ODP kilograms.

5. The quantity of controlled substances of Group V (1,1,1-trichloroethane) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory uses in the European Union in 2006 shall be 754,00 ODP kilograms.

6. The quantity of controlled substances of Group VI (methyl bromide) subject to Regulation (EC) No 2037/2000 that may be used for laboratory and analytical uses in the Community in 2006 shall be 300,00 ODP kilograms.

Article 2

The chlorofluorocarbon metered-dose inhalers listed in Annex I shall not be placed on markets where the Competent Authority has determined chlorofluorocarbons for metered-dose inhalers on those markets to be non-essential.

Article 3

During the period 1 January to 31 December 2006 the following rules shall apply:

1. The allocation of essential medical use quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 shall be to the companies indicated in Annex II.
2. The allocation of essential laboratory use quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons shall be to the companies indicated in Annex III.
3. The allocation of essential laboratory use quotas for halons shall be to the companies indicated in Annex IV.
4. The allocation of essential laboratory use quotas for carbon tetrachloride shall be to the companies indicated in Annex V.
5. The allocation of essential laboratory use quotas for 1,1,1-trichloroethane shall be to the companies indicated in Annex VI.
6. The allocation of laboratory and analytical critical use quotas for methyl bromide shall be to the companies indicated in Annex VII.

⁽¹⁾ Ozone-depleting Potential.

7. The allocation of essential laboratory use quotas for hydro-bromofluorocarbons shall be to the companies indicated in Annex VIII. carbons, carbon tetrachloride, 1,1,1-trichloroethane, hydro-bromofluorocarbons and bromochloromethane shall be as set out in Annex X.
8. The allocation of essential laboratory use quotas for bromochloromethane shall be to the companies indicated in Annex IX.
9. The essential use quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluoro-

Article 4

This Decision shall apply from 1 January 2006 and shall expire on 31 December 2006.

Article 5

This Decision is addressed to the following undertakings:

3M Health Care Ltd 3M House Morley Street Loughborough Leicestershire LE11 1EP United Kingdom	Bespak PLC North Lynn Industrial Estate King's Lynn PE30 2JJ — Norfolk United Kingdom
Boehringer Ingelheim GmbH Binger Straße 173 D-55216 Ingelheim am Rhein on behalf of Boehringer Ingelheim (France)	Chiesi Farmaceutici SpA Via Palermo, 26/A I-43100 Parma
IVAX Ltd Unit 301 Industrial Park Waterford Ireland	Laboratorio Aldo Union SA Baronesa de Maldá, 73 Espluges de Llobregat E-08950 Barcelona
SICOR SpA Via Terrazzano, 77 I-20017 Rho (MI)	Valeas SpA Pharmaceuticals Via Vallisneri, 10 I-20133 Milano
Valvole Aerosol Research Italiana (VARI) Spa — LINDAL Group Italia Via del Pino, 10 I-23854 Olginate (LC)	
Acros Organics bvba Janssen Pharmaceuticaaan 3° B-2440 Geel	Airbus France route de Bayonne 316 F-31300 Toulouse
Biosolove B.V. Waalreseweg 17 5554 HA Valkenswaard Nederland	Bie & Berntsen Sandbækvej 7 DK-2610 Roedovre
Carlo Erba Reactifs-SDS Z.I. de Valdonne, BP 4 F-13124 Peypin	CNRS — Groupe de Physique des Solides Université Paris, 7 Denis Diderot & Paris 6 Pierre et Marie Curie F-75251 Paris Cedex 5
Health Protection Inspectorate-Laboratories Paldiski mnt 81 EE-10617 Tallinn	Honeywell Fluorine Products Europe Kempenweg 90 P.O. Box 264 6000 AG Weert Nederland
Honeywell Specialty Chemicals Wunstorfer Straße 40 Postfach 100262 D-30918 Seelze	Ineos Fluor Ltd PO Box 13, The Heath Runcorn Cheshire WA7 4QF United Kingdom

Institut Scientifique de Service Public (ISSEP) Rue du Chéra, 200 B-4000 Liège	Katholieke Universiteit Leuven Krakenstraat 3 B-3000 Leuven
LGC Promochem GmbH Mercatorstraße 51 D-46485 Wesel	Mallinckrodt Baker BV Teugseweg 20 7418 AM Deventer Nederland
Merck KgaA Frankfurter Straße 250 D-64271 Darmstadt	Mikro+Polo d.o.o. Lackova 78 SLO-2000 Maribor
Ministry of Defense Directorate Material RNL Navy PO Box 2070 2500 ES The Hague Nederland	Panreac Química SA Riera de Sant Cugat 1 E-08110 Montcada I Reixac (Barcelona)
Sanolabor d.d. Leskovškova 4 SLO-1000 Ljubljana	Sigma Aldrich Logistik GmbH Riedstraße 2 D-89555 Steinheim
Sigma Aldrich Chimie SARL 80, rue de Luzais L'isle-d'abeau Chesnes F-38297 Saint-Quentin-Fallavier	Sigma Aldrich Company Ltd The Old Brickyard New Road Gillingham SP8 4XT United Kingdom
Sigma Aldrich Laborchemikalien Wunstorfer Straße 40 Postfach 100262 D-30918 Seelze	Sigma Aldrich Chemie GmbH Riedstraße 2 D-89555 Steinheim
Tazzetti Fluids S.r.l. Corso Europa, 600/a I-10088 Volpiano (TO)	University of Technology Vienna Institut of Industrial Electronics&Material Science Gusshausstraße 27-29 A-1040 Wien
VWR I.S.A.S. 201, rue Carnot F-94126 Fontenay-sous-Bois	YA-Kemia Oy — Sigma Aldrich Finland Teerisuonkuja 4 FI-00700 Helsinki

Done at Brussels, 11 April 2006.

For the Commission
Stavros DIMAS
Member of the Commission

ANNEX I

Pursuant to paragraph 3 of Decision XII/2 of the Twelfth Meeting of the Parties to the Montreal Protocol on measures to facilitate the transition to chlorofluorocarbon-free metered-dose inhalers (MDIs), the following countries have determined that, due to the presence of suitable non-CFC MDIs, CFCs no longer qualify as 'essential' under the Protocol when combined with following active ingredients:

Table 1

Country	Short-acting Beta Agonist Bronchodilators										
	Salbutamol	Terbutaline	Fenoterol	Orciprenaline	Reproterol	Carbuterol	Hexoprenaline	Pirbuterol	Clenbuterol	Bitolterol	Procaterol
Austria	X	X	X	X	X	X	X	X	X	X	X
Belgium	X	X	X	X	X	X	X	X	X	X	X
Cyprus	X										
Czech Republic	X	X	X	X	X	X	X	X	X	X	X
Denmark	X		X	X	X	X	X	X	X	X	X
Estonia	X	X	X	X	X	X	X	X	X	X	X
Finland	X										
France	X										
Germany	X	X	X	X	X	X	X	X	X	X	X
Greece	X	X	X	X	X	X	X	X	X	X	X
Hungary	X	X	X	X	X	X	X	X	X	X	X
Ireland	X										
Italy	X										
Latvia	X	X	X	X	X	X	X	X	X	X	X
Lithuania	X	X	X	X	X	X	X	X	X	X	X
Luxembourg	X										
Malta	X										
Netherlands	X	X	X	X	X	X	X	X	X	X	X
Poland	X										
Portugal	X	X	X	X	X	X	X	X	X	X	X
Norway	X	X	X	X	X	X	X	X	X	X	X
Slovak Republic	X	X	X	X	X	X	X	X	X	X	X
Slovenia	X	X	X	X	X	X	X	X	X	X	X
Spain	X										
Sweden	X										
United Kingdom	X										

Source: www.unep.org/ozone/Information_for_the_Parties/3Bi_dec12-2-3.asp

Table 2

Country	Inhaled steroids					
	Beclomethasone	Dexamethasone	Flunisolide	Fluticasone	Budesonide	Triamcinolone
Austria						
Belgium	X	X	X	X	X	X
Cyprus						
Czech Republic	X	X	X	X	X	X
Denmark	X			X		
Estonia	X	X	X	X	X	X
Finland	X			X		
France	X			X		
Germany	X	X	X	X	X	X
Greece						
Hungary	X	X	X	X	X	X
Ireland	X			X		
Italy	X			X	X	
Latvia	X	X	X	X	X	X
Lithuania						
Luxembourg						
Malta				X	X	
Poland						
Portugal				X	X	
Netherlands	X	X	X	X	X	X
Norway						
Slovak Republic	X	X	X	X	X	X
Slovenia	X	X	X	X	X	X
Spain	X			X		
Sweden	X	X	X	X		X
United Kingdom				X		

Source: www.unep.org/ozone/Information_for_the_Parties/3Bi_dec12-2-3.asp

Table 3

Country	Non-steroidal anti-inflammatories					
	Cromoglicic acid	Nedrocromil				
Austria						
Belgium	X	X				
Cyprus						
Czech Republic	X	X				
Denmark	X	X				
Estonia	X	X				
Finland	X	X				
France	X	X				
Germany	X	X				
Greece	X	X				
Hungary						
Ireland						
Italy						
Latvia	X	X				
Lithuania						
Luxembourg						
Malta						
Poland						
Portugal	X					
Netherlands	X	X				
Norway						
Slovak Republic	X	X				
Slovenia	X	X				
Spain		X				
Sweden						
United Kingdom						

Source: www.unep.org/ozone/information_for_the_Parties/3Bi_dec12-2-3.asp

Table 4

Country	Anticholinergic Bronchodilators					
	Ipratropium bromide	Oxitropium Bromide				
Austria						
Belgium	X	X				
Cyprus	X	X				
Czech Republic	X	X				
Denmark	X	X				
Estonia	X	X				
Finland	X	X				
France						
Germany	X	X				
Greece	X	X				
Hungary	X	X				
Ireland	X	X				
Italy						
Latvia						
Lithuania						
Luxembourg						
Malta	X	X				
Netherlands	X	X				
Poland						
Portugal	X					
Norway						
Slovak Republic	X	X				
Slovenia						
Spain	X	X				
Sweden	X	X				
United Kingdom	X	X				

Source: www.unep.org/ozone/Information_for_the_Parties/3Bi_dec12-2-3.asp

Table 5

Country	Long-acting Beta Agonist Bronchodilators					
	Formoterol	Salmeterol				
Austria						
Belgium						
Cyprus						
Czech Republic						
Denmark						
Estonia						
Finland						
France						
Germany	X	X				
Greece						
Hungary						
Ireland						
Italy	X					
Latvia						
Lithuania						
Luxembourg						
Malta						
Netherlands						
Poland						
Portugal						
Norway						
Slovak Republic						
Slovenia						
Spain						
Sweden						
United Kingdom						

Source: www.unep.org/ozone/Information_for_the_Parties/3Bi_dec12-2-3.asp

Table 6

Country	Combinations of active ingredients in a single MDI					
Austria						
Belgium						
Cyprus						
Czech Republic						
Denmark						
Estonia						
Finland						
France						
Germany	X					
Greece						
Hungary						
Ireland						
Italy						
Latvia						
Lithuania						
Luxembourg						
Malta						
Netherlands						
Poland						
Portugal						
Norway						
Slovak Republic						
Slovenia						
Spain						
Sweden						
United Kingdom						

Source: www.unep.org/ozone/Information_for_the_Parties/3Bi_dec12-2-3.asp

ANNEX II

ESSENTIAL MEDICAL USES

Quota of controlled substances of Group I that may be used in the production of metered dose inhalers (MDIs) for the treatment of asthma and other chronic obstructive pulmonary diseases (COPDs) are allocated to:

3M Health Care (UK)
Bespak (UK)
Boehringer Ingelheim (DE)
on behalf of Boehringer Ingelheim France
Chiesi (IT)
IVAX (IE)
Lab Aldo-Union (ES)
Sicor (IT)
Valeas (IT)
V.A.R.I. (IT)

ANNEX III

ESSENTIAL LABORATORY USES

Quota of controlled substances of Group I and II that may be used for laboratory and analytical uses, are allocated to:

Acros organics bvba (BE)
Bie & Berntsen (DK)
Biosolve (NL)
Carlo Erba Reactifs-SDS (FR)
CNRS — Groupe de Physique des Solides (FR)
Honeywell Fluorine Products Europe (NL)
Honeywell Specialty Chemicals (DE)
Ineos Fluor (UK)
Katholieke Universiteit Leuven (BE)
LGC Promochem (DE)
Mallinckrodt Baker (NL)
Merck KGaA (DE)
Mikro + Polo (SI)
Panreac Química (ES)
Sanolabor (SI)
Sigma Aldrich Chimie (FR)
Sigma Aldrich Company (UK)
Sigma Aldrich Logistik (DE)
Tazzetti Fluids (IT)
University of Technology Vienna (AT)

ANNEX IV

ESSENTIAL LABORATORY USES

Quota of controlled substances of Group III that may be used for laboratory and analytical uses are allocated to:

Airbus France (FR) Ineos Fluor (UK) Ministry of Defense (NL) Sigma Aldrich Chimie (FR)

ANNEX V

ESSENTIAL LABORATORY USES

Quota of controlled substances of Group IV that may be used for laboratory and analytical uses, are allocated to:

Acros Organics (BE) Bie & Berntsen (DK) Biosolve (NL) Carlo Erba Reactifs-SDS (FR) Health Protection Inspectorate-Laboratories (EE) Institut Scientifique de Service Public (ISSEP) (BE) Katholieke Universiteit Leuven (BE) Mallinckrodt Baker (NL) Merck KGaA (DE) Mikro + Polo (SI) Panreac Química (ES) Sanolabor d.d. (SI) Sigma Aldrich Chimie (FR) Sigma Aldrich Company (UK) Sigma Aldrich Laborchemikalien (DE) Sigma Aldrich Logistik (DE) VWR I.S.A.S. (FR) YA-Kemia Oy (FI)
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ANNEX VI

ESSENTIAL LABORATORY USES

Quota of controlled substances of Group V that may be used for laboratory and analytical uses are allocated to:

Acros Organics (BE)
Bie & Berntsen (DK)
Katholieke Universiteit Leuven (BE)
Mallinckrodt Baker (NL)
Merck KGaA (DE)
Mikro + Polo (SI)
Panreac Química (ES)
Sanolabor d.d. (SI)
Sigma Aldrich Chimie (FR)
Sigma Aldrich Company (UK)
Sigma Aldrich Logistik (DE)
YA-Kemia Oy (FI)

ANNEX VII

LABORATORY AND ANALYTICAL CRITICAL USES

Quota of controlled substances of Group VI that may be used for laboratory and analytical critical uses are allocated to:

Sigma-Aldrich Chemie GmbH (DE)

ANNEX VIII

ESSENTIAL LABORATORY USES

Quota of controlled substances of Group VII that may be used for laboratory and analytical uses are allocated to:

Ineos Fluor (UK)
Katholieke Universiteit Leuven (BE)
Sigma Aldrich Logistik (FR)
Sigma Aldrich Company (UK)

ANNEX IX

ESSENTIAL LABORATORY USES

Quota of controlled substances of Group IX that may be used for laboratory and analytical uses are allocated to:

Ineos Fluor (UK) Katholieke Universiteit Leuven (BE) Sigma Aldrich Logistik (FR) YA-Kemia Oy (FI)
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ANNEX X

[This Annex is not published because it contains confidential commercial information.]

COMMISSION DECISION

of 20 July 2006

replacing the Annex to Decision 2005/769/EC laying down rules for the procurement of food aid by NGOs authorised by the Commission to purchase and mobilise products to be supplied under Council Regulation (EC) No 1292/96

(2006/541/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 19(1) thereof,

Whereas:

- (1) Commission Decision 2005/769/EC of 27 October 2005 laying down the rules for the procurement of food aid by NGOs authorised by the Commission to purchase and mobilise products to be supplied under Council Regulation (EC) No 1292/96 and repealing its Decision of 3 September 1998 ⁽²⁾, fix the rules for the procurement of food aid by non-governmental organisations authorised by the Commission to purchase and mobilise products to be supplied under Regulation (EC) No 1292/96.
- (2) Regulation (EC) No 2110/2005 provides for an untying of aid in the framework of Community external assistance, and modifies consequently Regulation (EC) No 1292/96 as regards the rules of origin of the goods to be purchased and the rules of nationality for participating in tendering procedures.
- (3) In order to favour local and regional purchases, it should be made clear that only the goods purchased on the Community market should be consistent with the requirements laid down in the Communications from the Commission relating to the characteristics ⁽³⁾ and the packaging ⁽⁴⁾ of products to be supplied as Community food aid, while the goods purchased on the local or regional market should be compatible with local standards, if any, and otherwise with internationally recognised standards.

- (4) The untying of aid requires additional flexibility for contractual delivery terms, and it is therefore appropriate to provide that calls for tender launched and supply contracts entered into by non-governmental organisations for goods to be supplied as food aid specify delivery conditions in accordance with the latest edition of the International Commercial Terms (Incoterms), issued by the International Chamber of Commerce ⁽⁵⁾.
- (5) It is consequently appropriate to provide for inspection of the goods and delivery by an internationally recognised monitoring agency.
- (6) Decision 2005/769/EC should therefore be amended accordingly.
- (7) Pursuant to Article 29 of Regulation (EC) No 1292/96, the Food Aid and Food Security Committee will be informed of the present measure,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to Decision 2005/769/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision takes effect on the date of its publication in the *Official Journal of the European Union*.

Done at Brussels, 20 July 2006.

For the Commission

Louis MICHEL

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1. Regulation as last amended by Regulation (EC) No 2110/2005 of the European Parliament and of the Council (OJ L 344, 27.12.2005, p. 1).

⁽²⁾ OJ L 291, 5.11.2005, p. 24.

⁽³⁾ OJ C 312, 31.10.2000, p. 1.

⁽⁴⁾ OJ C 267, 13.9.1996, p. 1.

⁽⁵⁾ <http://www.iccwbo.org>

ANNEX

'ANNEX

The non-governmental organisation beneficiary of Community aid (hereinafter 'the NGO') shall be responsible for compliance with the following rules for the purchase of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid without prejudice to any additional financial management requirements included in the contract concluded with the beneficiary for implementing food aid policy.

1. PLACE OF PURCHASE OF THE GOODS

Depending on the conditions laid down for a particular supply, products shall be purchased in in the recipient country, or in one of the developing countries listed in the Annex to Regulation (EC) No 1292/96, belonging if possible to the same geographical region as the recipient country, or in a Member State of the European Community.

The origin of supplies and materials shall be determined in accordance with the rules of origin, and the derogations therefrom, set out in Regulation (EC) No 2110/2005 of the European Parliament and of the Council ⁽¹⁾.

In exceptional circumstances and in accordance with the procedure referred to in Article 11(2) of Regulation (EC) No 1292/96, the Commission may authorise products to be purchased on the market of a country other than those listed in the Annex to Regulation (EC) No. 1292/96, or of a Member State of the European Community.

2. CHARACTERISTICS OF THE PRODUCTS

The products shall as much as possible match the nutritional habits of the beneficiary population. To the extent possible, priority should therefore be given to purchases in the country of operation or a neighbouring country.

The characteristics of the products and their packaging shall respect quality standards laid down in the domestic legislation of the country of origin and/or the country of destination, whichever legislation has the higher quality standard. Where local legislation does not exist, internationally recognised standards such as Codex Alimentarius shall be respected to the extent possible.

In the case that products are purchased in the European Community, their characteristics shall be consistent with the requirements laid down in the Communication from the Commission relating to the characteristics of products to be supplied as Community food aid ⁽²⁾. Furthermore, packaging shall be consistent with the requirements laid down in the Communication from the Commission relating to the packaging of products to be supplied as Community food aid ⁽³⁾.

3. NATIONALITY RULES

Eligibility for participation in tendering procedures shall be determined in accordance with the rules of eligibility, and the derogations therefrom, set out in Regulation (EC) No 2110/2005.

The tenderer must be legally registered and able to show proof of it on request.

4. GROUNDS FOR EXCLUSION FROM PARTICIPATION IN PROCUREMENT PROCEDURES AND FROM AWARD OF CONTRACTS**4.1. Grounds for exclusion from participation in procurement procedures**

Tenderers are excluded from participation in a procurement procedure if:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;

⁽¹⁾ OJ L 344, 27.12.2005, p. 1.

⁽²⁾ OJ C 312, 31.10.2000, p. 1.

⁽³⁾ OJ C 267, 13.9.1996, p. 1.

- (c) they have been guilty of grave professional misconduct proven by any means which the beneficiary of the grant can justify;
- (d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the grant beneficiary or those of the country where the contract is to be performed;
- (e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- (f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Tenderers must certify that they are not in one of the situations listed above.

4.2. Exclusion from award of contracts

Contracts may not be awarded to tenderers who, during the procurement procedure:

- (a) are subject to a conflict of interest;
- (b) are guilty of misrepresentation in supplying the information required by the beneficiary of the grant as a condition of participation in the contract procedure or fail to supply this information.

5. AWARD PROCEDURES

5.1. General provisions

The NGO shall launch an international open invitation to tender for supply contracts with a value of EUR 150 000 or more. In the case of an international open invitation to tender, the NGO shall publish a tender notice in all appropriate media, in particular on the NGO's web site, in the international press and the national press of the country in which the Action is being carried out, or in other specialist periodicals.

Supply contracts for a value of EUR 30 000 or more but less than EUR 150 000 shall be awarded by means of an open tender procedure published locally. In the case of a local open tender procedure, the tender notice shall be published in all appropriate media but only in the country in which the Action is being carried out. It must however provide other eligible suppliers with the same opportunities as local firms.

Supply contracts with a value of less than EUR 30 000 must be awarded by means of a competitive negotiated procedure without publication, in which the NGO consults at least three suppliers of its choice and negotiates the terms of the contract with one or more of them.

Supply contracts with a value of less than EUR 5 000 may be awarded by a negotiated procedure on the basis of a single tender.

The time-limits for receipt of tenders and requests to participate must be long enough to allow interested parties a reasonable and appropriate period to prepare and submit their tenders.

Where the NGO uses a central buying office as service provider in conformity with Article 8.4 of Annex IV 'Procurement by grant Beneficiaries in the context of European Community external actions', it selects it in conformity with the procedures for service contracts set out in Article 4.1 and 4.2 thereof. The central buying office is obliged to adhere to the rules and conditions of this Decision and Annex, when purchasing food aid products on the market.

5.2. Negotiated procedure on the basis of a single tender

The Beneficiary may use the negotiated procedure on the basis of a single tender in the following cases:

- (a) where, for reasons of extreme urgency brought about by events which the beneficiary could not have foreseen and which can in no way be attributed to him, the time-limit for the procedures referred to in section 5.1 cannot be kept. The circumstances invoked to justify extreme urgency must in no way be attributable to the beneficiary.

Actions carried out in crisis situations identified by the Commission are considered to satisfy the test of extreme urgency. The Commission will inform the beneficiary if a crisis situation exists and when it comes to an end;

- (b) for additional deliveries by the original supplier intended either as a partial replacement of normal supplies or installations or as the extension of existing supplies or installations, where a change of supplier would oblige the beneficiary to acquire equipment having different technical characteristics which would result in either incompatibility or disproportionate technical difficulties in operation and maintenance;
- (c) where the tender procedure has been unsuccessful, that is where no qualitatively and/or financially worthwhile tender has been received. In such cases, after cancelling the tender procedure, the beneficiary may negotiate with one or more tenderers of its choice, from among those that took part in the tender procedure, provided that the initial terms of the tender procedure are not substantially altered;
- (d) where the contract concerned is to be awarded to bodies with a *de jure* or *de facto* monopoly, which case must be duly substantiated in the award decision;
- (e) a direct agreement contract may be undertaken where warranted by the particular conditions of a supply and, in particular, in the case of an experimental supply.

5.3. Obligations for the submission of a tender

The tender notice shall specify the form and the deadline according to which the tenderer's bid must be made.

All requests to participate and tenders declared as satisfying the requirements must be evaluated and ranked by an evaluation committee on the basis of the exclusion, selection and award criteria announced in advance. This committee must have an odd number of members, at least three, with all the technical and administrative capacities necessary to give an informed opinion on the tenders.

One single tender may be submitted for each lot. It shall be valid only if it relates to a complete lot. Where a lot is subdivided into part lots, the tender shall be established as an average thereof. Where the invitation to tender relates to the supply of more than one lot, a separate tender shall be submitted per lot. The tenderer is not obliged to present a tender for all the lots.

Tenders shall provide:

- the tenderer's name and address,
- the reference numbers of the invitation to tender, lot and action,
- the net weight of the lot or the specific monetary amount to which the tender relates,
- the proposed price per net metric tonne of product at the place of delivery as specified and in accordance with the conditions laid down in the request for tenders; or where the invitation to tender is for a contract to supply a maximum quantity of a given product for a specific monetary amount, the net quantity of products offered,
- the transport costs from the place of loading to the place of delivery for the specified delivery stage,
- the delivery deadline or delivery timeframe.

The tender shall be valid only if it is accompanied by evidence that a tendering guarantee has been lodged. The amount of the tendering guarantee, expressed in the currency of the payment, and the period of validity, shall be laid down in the tender notice. The guarantee shall represent minimum 1 % of the total amount of the bid, and the period of validity shall be at least one month.

The guarantee shall be lodged in favour of the NGO in the form of a security from a credit establishment recognised by a Member State or accepted by the NGO. The guarantee shall be irrevocable and capable of being called at first request.

In case of purchase in the country which is itself the beneficiary of the food aid, the NGO may define in the tender notice other conditions for the guarantee taking account of the customs of the country.

The guarantee shall be released:

- by a letter or a fax by the NGO where the tender has not been accepted or has been rejected, or where no contract has been awarded,
- where the tenderer, designated as the supplier, has lodged the delivery guarantee.

The guarantee shall be forfeited if the supplier fails to provide the delivery guarantee within a reasonable deadline following the award of the contract and also if the tenderer withdraws his tender after it has been received.

A tender which is not submitted in accordance with these provisions or contains reservations or conditions other than those laid down for in the invitation to tender shall be rejected.

No tender may be changed or withdrawn after it has been received.

The award shall be made to the tenderer who submitted the lowest tender respecting all the conditions of the invitation to tender, in particular the characteristics of the products to be mobilised. Where the lowest tender is presented simultaneously by a number of tenderers, the contract shall be awarded by the drawing of lots.

When the contract is awarded, both the supplier and the unsuccessful tenderers shall be duly notified by letter or fax.

The NGO may decide not to award the contract on the expiry of the first or of the second dead-line, in particular where the tenders submitted are outside the range of normal market prices. The NGO shall not be required to give reasons for its decision. Tenderers shall be informed of the decision not to award the contract by written notice, within three working days.

6. OBLIGATIONS OF THE SUPPLIER AND CONDITIONS OF SUPPLY

The tender notice shall specify the contractual Incoterms delivery conditions relevant to the supply contract, and shall include the applicable Incoterms edition. The awarded supplier shall perform his obligations in accordance with all conditions laid down in the tender notice including those arising from the Incoterms and the ones arising from his tender.

Unless specified otherwise in the tender notice and contract, the obligations for the supplier (seller) and the NGO (buyer) as laid down in the Incoterms shall apply.

Where the Incoterms specified in the tender notice, obliges the supplier to take out a transport insurance policy this insurance shall be for at least the awarded tender amount and shall cover all risks associated with carriage and any other supply-related activity by the supplier up to the contractual stage of delivery specified. It shall also cover all costs of sorting, withdrawal or destruction of damaged goods, repacking, inspection and analysis of goods where the damage does not preclude their acceptance by the beneficiary.

In case of carriage and delivery by maritime transport the goods may not be delivered in split consignments on more than one vessel, unless the NGO so agrees.

In case of delivery by surface transport the goods may not be delivered other than by the contractually agreed transport mode, unless the NGO so agrees.

In such cases where the supplier requests NGO agreement for a change in the transport mode or delivery schedule, the NGO shall as condition for its agreement require the supplier to bear the additional costs and especially the additional inspection and analysis costs.

Where appropriate, the tender notice may specify a date before which any delivery will be considered premature.

The supplier shall bear all risks, including loss or deterioration, to which the goods may be subject until completion of the supply and recording of that fact by the monitor in the final certificate of conformity (see point 7).

Unless otherwise specified in the tender notice, the supplier shall notify the beneficiary and the monitor promptly in writing of the means of transport used, the loading dates, the expected date of arrival at the delivery place indicated in the contract, and any incident occurring while the goods are in transit.

Unless specified otherwise in the tender notice and as per Incoterms conditions applicable to the contract, the supplier shall carry out the formalities relating to obtaining the export license, the in transit customs arrangements and the import customs clearance formalities, bearing the related costs and charges.

In order to ensure that he meets his obligations, the supplier shall lodge a delivery guarantee within a reasonable deadline following the notification of the award of the contract. That guarantee, expressed in the currency of the payment, shall represent 5 to 10 % of the total amount of the tender. The period of validity shall end one month after the date of the final delivery. It shall be lodged in the same way as the tendering guarantee.

The delivery guarantee shall be released in full by a letter or a fax by the NGO when the supplier:

- has carried out the supply in compliance with all his obligations, or
 - has been released from his obligations,
- or
- has not carried out the supply for reasons of *force majeure* recognised by the NGO.

7. MONITORING

The NGO shall contract a 'monitoring agency' (an internationally recognised inspection company or grouping of internationally recognised companies preferably accredited to the standard norm ISO 45004 – ISO/IEC 17020 in the food products sector) As soon as the contract has been awarded, the NGO shall inform the supplier in writing of the choice of the monitoring agency. The tender notice shall specify the obligation for the supplier to inform in writing the monitoring agency of the name and address of the manufacturer, packer or stockholder of the goods to be delivered, and the approximate date of manufacture or packaging, as well as of the name of his representative at the place of delivery.

The monitoring agency shall be responsible for verifying and certifying the quality, quantity, packing and marking of the goods to be delivered in respect of each supply, issuing the certificate of provisional conformity and the certificate of conformity at the contractual place of delivery. In this respect, the monitoring agency shall take into account the different characteristics of the products as stated in point 2 of this Annex.

The NGO shall ensure in the contract that the monitoring agency commits itself to the following:

- maintaining a complete independence,
- not to accept any instructions from any other party than the buying NGO or its representatives, in particular not to accept instructions from the supplier, the consignees or any of their representatives, the donor representatives or other intermediaries involved in the operations under consideration,
- preventing any conflict of interest between its activities under the contract with the NGO and any other activity it undertakes with a party involved in the operations under consideration.

The monitoring agency shall carry out at least two checks, based on terms of reference complying with international monitoring standards, as follows:

- (a) a provisional check on quality conformity shall be carried out before loading and a check on quantity when the goods are loaded. The final check shall be carried out after discharge at the place of delivery indicated in the supply contract;
- (b) when the provisional check is complete, the monitoring agency shall issue a provisional certificate of conformity to the supplier, subject to reservation if necessary. Transport from the place of loading can only start after the provisional certificate of conformity has been issued;

- (c) when the final check at the contractual place of delivery is complete, the monitoring agency shall issue a final certificate of conformity to the supplier specifying in particular the date of completion of the supply and the net quantity supplied; such certificate shall be subject to reservations if necessary;
- (d) where the monitoring agency after making the final check at the contractual place of delivery issues a reasoned 'notice of reservation', it shall notify the supplier and the buying NGO in writing as soon as possible. If the supplier wishes to dispute the findings with the monitoring agency and the buying NGO, he shall do so within two working days of dispatch of this notice.

The costs of the checks referred to above shall be invoiced to and paid by the NGO but are eligible costs for the Community, provided that they are included in the budget for the Grant Contract. The supplier shall bear any financial consequences in the event of qualitative shortcomings or late presentation of the goods for checking.

If the supplier or the beneficiary objects to the findings of a check, the monitoring agency, after authorisation of the NGO, shall arrange for a review inspection involving, according to the nature of the objection, a review sampling, review analysis, and/or a reweighing or rechecking of the packaging. The review inspection shall be carried out by an agency or laboratory designated by agreement between the supplier, the final beneficiary and the monitoring agency.

The costs of this review inspection shall be borne by the losing party.

If the final certificate of conformity is not issued after the checks or review inspection has been carried out, the supplier shall be obliged to replace the goods.

The replacement and related checks costs shall be borne by the supplier.

The monitoring agency shall issue written invitations to the representatives of the supplier and of the final beneficiary to be present at the checking operations, in particular for the taking of samples to be used for analyses. The taking of samples shall be carried out in accordance with professional practice. When sampling is undertaken, the monitoring agency shall take two additional samples which shall be kept under seal at the NGO's disposal for the purpose of any further check or in the event of objections being raised by the beneficiary or supplier.

The cost of the goods taken as samples shall be borne by the supplier.

The consignee/recipient of the goods shall sign the transport way bill for reception of the goods at the contractual delivery place and enter its observations on the physical state of the goods and packaging as visually established. The buying NGO or its representative shall issue a taking-over certificate to the supplier without delay after the goods have been supplied at the contractual delivery place and the supplier has provided the buying NGO with the original of the final certificate of conformity issued by the monitoring company, and with a pro forma invoice establishing both the value of the goods and their transfer to the beneficiary free of charge.

Accepted tolerances for weight and or quantity delivered at the contractual place of delivery are to be indicated in the contract terms.

The supplier cannot demand payment for quantities delivered above the contractual quantities.

8. DELIVERY CONDITIONS AND TERMS OF PAYMENT

Goods shall be supplied in accordance with one of the following International Commercial Terms (Incoterms):

- EXW: Ex Works (... named place)
- FCA: Free Carrier (... named place)
- FAS: Free Along Side Ship (... named port of shipment)
- FOB: Free On Board (... named port of shipment)
- CFR: Cost and Freight (... named port of destination)
- CIF: Cost, Insurance and Freight (... named port of destination)
- CPT: Carriage Paid To (... named place of destination)

- CIP: Carriage and Insurance Paid To (... named place of destination)
- DAF: Delivered at Frontier (... named place)
- DES: Delivered ex Ship (... named port of destination)
- DEQ: Delivered ex Quay (... named port of destination)
- DDU: Delivered Duty Unpaid (... named place of destination)
- DDP: Delivered Duty Paid (... named place of destination)

The sum to be paid by the buying NGO to the supplier shall not exceed the amount of the tender plus any costs, less any reduction provided for below.

Where the quality, the packaging or the marking of the goods at the place of loading and the contractual place of delivery indicated in the tender do not correspond to the contract specifications, without being such as to have prevented the issuance of a provisional certificate of conformity or taking over certificate, the NGO, in calculating the sum to be paid, may apply reductions.

The contract terms shall specify the procedure for establishing reductions for quality deviation as well as reductions for delivery beyond the contractual delivery period or date.

Payments to suppliers shall be the net amount resulting after deducting calculated reductions from the amounts invoiced by the supplier. In case such reductions cannot be deducted from the payment, the reductions shall be effected by full or partial collection of the delivery guarantee.

The NGO may repay to the supplier, at his written request, certain additional incurred cash outlay costs, such as warehousing or insurance actually paid by the supplier, but excluding any administrative costs, which the NGO shall assess on the basis of appropriate supporting documents, provided a taking-over certificate or delivery certificate has been issued without reservations relating to the nature of the costs claimed, and in the event of:

- an extension of the delivery period at the recipient's request, or
- a delay exceeding 30 days between the date of delivery and the issue of the taking-over certificate, or the issue of the final certificate of conformity.

The sum to be paid shall be payable at the supplier's request submitted in duplicate.

A request for payment of the full amount of the tender or balance thereof shall be accompanied by the following documents:

- an invoice for the sum claimed,
- the original of the taking-over certificate,
- a copy signed and certified by the supplier as conforming to the original of the final certificate of conformity.

When 50 % of the total quantity lay down in the tender notice has been delivered, the supplier may present a request for advance payment accompanied by an invoice for the sum claimed and a copy of the provisional certificate of conformity.

All requests for payment of the full amount of the tender or balance thereof shall be presented to the NGO after issuance of the taking-over certificate. All payments shall be made within 60 days of the receipt by the NGO of a complete and accurate request for payment. Unjustified delays shall attract post-maturity interest at the monthly rate applied by the European Central Bank (Interest rate applied by the European Central Bank to its main refinancing operations).

9. FINAL PROVISION

It shall be for the NGO to decide whether the supplier's failure to supply the goods or to fulfil one of his obligations may be due to *force majeure*. Costs resulting from a case of *force majeure* recognised by the NGO shall be borne by the latter. The Commission must be informed of the reasons why the NGO accepted a *force majeure* situation. However, such a situation can never be claimed in the case of failures attributable to the NGO and/or its subcontractors.

Where duly justified and accepted by the Commission, costs incurred in a *force majeure* situation may be considered as eligible direct costs and be recovered only within the limits foreseen for contingencies in the budget of the action.'

COMMISSION DECISION
of 2 August 2006
amending Decision 93/195/EEC on animal health conditions and veterinary certification for the re-
entry of registered horses for racing, competition and cultural events after temporary export

(notified under document number C(2006) 3400)

(Text with EEA relevance)

(2006/542/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of Equidae ⁽¹⁾, and in particular Article 19(ii) thereof,

Whereas:

- (1) In accordance with the general rules laid down in Annex II to Commission Decision 93/195/EEC ⁽²⁾, the re-entry of registered horses for racing, competition and cultural events after temporary export is restricted to horses kept for less than 30 days in any of the third countries listed in the same group in Annex I to that Decision.
- (2) In 2006, Qatar is to host the equestrian competitions of the Asian Games.
- (3) Given the degree of veterinary supervision and the fact that the horses concerned are kept separate from animals of lower health status, the period of temporary export should be extended to less than 60 days. Accordingly, the animal health conditions and the veterinary certification laid down in Annex VII to Decision 93/195/EEC should be extended to the equestrian competitions of the Asian Games carried out under the auspices of the International Federation for Equestrian Sports (FEI).

(4) Annex VII to Decision 93/195/EEC should be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

The title of Annex VII to Decision 93/195/EEC is replaced by the following:

'HEALTH CERTIFICATE

for re-entry of registered horses that have taken part in the Endurance World Cup or the Asian Games after temporary export for a period of less than 60 days'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 August 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 42. Directive as last amended by Directive 2004/68/EC (OJ L 139, 30.4.2004, p. 321, corrected by OJ L 226, 25.6.2004, p. 128).

⁽²⁾ OJ L 86, 6.4.1993, p. 1. Decision as last amended by Decision 2005/943/EC (OJ L 342, 24.12.2005, p. 94).