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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 337/2006
of 24 February 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 25 February 2006.

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

Done at Brussels, 24 February 2006.

For the Commission

J. L. 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 24 February 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	77,8
	204	41,4
	212	112,1
	999	77,1
0707 00 05	052	114,8
	204	90,1
	628	131,0
	999	112,0
0709 10 00	220	60,4
	999	60,4
0709 90 70	052	131,0
	204	50,0
	999	90,5
0805 10 20	052	47,8
	204	50,6
	212	46,1
	220	50,6
	624	61,5
	999	51,3
0805 20 10	204	99,4
	999	99,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	56,0
	204	128,5
	220	48,0
	464	141,8
	624	80,1
	662	54,4
	999	84,8
0805 50 10	052	76,5
	220	39,9
	999	58,2
0808 10 80	388	95,3
	400	133,2
	404	100,9
	528	87,4
	720	78,6
	999	99,1
0808 20 50	052	105,2
	220	60,6
	388	92,8
	400	94,8
	512	68,8
	528	71,9
	720	45,7
	999	77,1

⁽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 338/2006**of 24 February 2006****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

surveillance of textile products on importation into the Community, binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which is not in accordance with this Regulation, can continue to be invoked for a period of 60 days by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information issued by the customs authorities of Member States which is not in accordance with this Regulation, can continue to be invoked for a period of 60 days, under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 24 February 2006.

For the Commission

László KOVÁCS

Member of the Commission

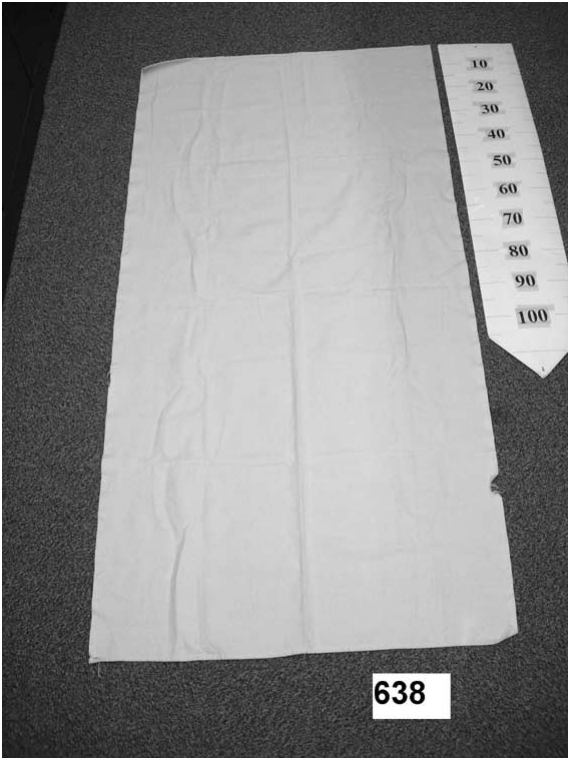
⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 2175/2005 (OJ L 347, 30.12.2005, p. 9).

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

ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
Made-up article of woven textile fabric (100 % cotton), unbleached, rectangular, measuring approximately 180 × 90 cm, with hemmed edges across the width and selvages along the length. (bed linen) (See photograph No 638) (*)	6302 31 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, note 7(c) to Section XI, note 1 to Chapter 63 and the wording of CN codes 6302 and 6302 31 00. The article is 'made-up' within the meaning of note 7(c) to Section XI because two of its edges are hemmed. Considering the features of the article, being suitable for laundering, the measurements and the material it is made of, this article possesses the characteristics of bed linen, because it protects the mattress from normal wear, when fixed across its width. Therefore, the article is considered to be bed linen within the meaning of CN code 6302 31 00. See also the HS Explanatory Notes to Heading 6302, first paragraph and (1).

(*) The photograph is purely for information.



COMMISSION REGULATION (EC) No 339/2006**of 24 February 2006****amending Annex XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council
as regards the rules for importation of live bovine animals and products of bovine, ovine and
caprine origin****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾, and in particular the first paragraph of Article 23 thereof,

Whereas:

- (1) In its opinions of 2001 on the geographical risk of Bovine Spongiform Encephalopathy (BSE) in Brazil, Chile, El Salvador, Nicaragua, Botswana, Namibia and Swaziland, the Scientific Steering Committee (the SSC) concluded that the occurrence of BSE in native cattle of those countries was highly unlikely. As a consequence, they were included in the list of countries exempted from certain TSE-related trade conditions for live bovine animals and products of bovine, ovine and caprine origin.
- (2) In its updated opinions adopted in February 2005 and August 2005 on the geographical BSE risk of certain third countries, the European Food Safety Authority

concluded that the occurrence of BSE in native cattle of Brazil, Chile, El Salvador, Nicaragua, Botswana, Namibia and Swaziland is not highly unlikely. Therefore those countries should no longer be exempted from the TSE-related trade conditions for live bovine animals and products of bovine, ovine and caprine origin.

- (3) Regulation (EC) No 999/2001 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex XI to Regulation (EC) No 999/2001 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 February 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1974/2005 (OJ L 317, 3.12.2005, p. 4).

ANNEX

Annex XI to Regulation (EC) No 999/2001 is amended as follows:

(a) In Part A, in the second subparagraph of point 15(b), the list of countries is replaced by the following:

- ‘— Argentina
- Australia
- Iceland
- Nouvelle Calédonie
- New-Zealand
- Panama
- Paraguay
- Singapore
- Uruguay
- Vanuatu.’

(b) In part D, point 3 is replaced by the following:

‘3. Point 2 shall not apply to imports of bovine animals born and continuously reared in the following countries:

- Argentina
 - Australia
 - Iceland
 - Nouvelle Calédonie
 - New-Zealand
 - Panama
 - Paraguay
 - Singapore
 - Uruguay
 - Vanuatu.’
-

COMMISSION REGULATION (EC) No 340/2006**of 24 February 2006****determining the aid referred to in Council Regulation (EC) No 1255/1999 for the private storage of butter and cream and derogating from Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

(1) Article 34(2) of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, stipulates that the amount of aid for private storage referred to in Article 6(3) of Regulation (EC) No 1255/1999 is to be fixed each year.

(2) The third subparagraph of Article 6(3) of Regulation (EC) No 1255/1999 specifies that the aid shall be fixed in the light of storage costs and the likely trend in prices for fresh butter and butter from stocks.

(3) Regarding storage costs, notably the costs for entry and exit of the products concerned, the daily costs for cold storage and the financial costs of storage should be taken into account.

(4) Regarding the likely trend in prices, consideration should be given to the reductions of the butter intervention prices envisaged in Article 4(1) of Regulation (EC) No 1255/1999 and the resulting decreases expected for market prices for fresh butter and butter from stocks and higher aid should be awarded for applications for contracts received before 1 July 2006.

(5) To avoid excessive applications for private storage before that date, an indicative quantity and a communication mechanism, enabling the Commission to establish when this quantity is reached, need to be introduced for the period ending on 1 July 2006. This indicative quantity should be fixed taking into consideration the quantities covered by storage contracts in past years.

(6) Article 29(1) of Regulation (EC) No 2771/1999 stipulates that the entry into storage must take place between 15 March and 15 August. The current situation on the butter market justifies bringing the entry date for butter and cream storage operations in 2006 forward to 1 March. Consequently a derogation from that Article should be introduced.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The aid referred to in Article 6(3) of Regulation (EC) No 1255/1999 shall be calculated per tonne of butter or butter equivalent for contracts concluded in 2006 on the basis of the following elements:

(a) for all contracts:

— EUR 17,64 for fixed storage costs,

— EUR 0,31 for the costs of cold storage for each day of contractual storage,

— an amount per day of contractual storage, calculated on the basis of 90 % of the intervention price for butter in force on the day the contractual storage begins and on the basis of an annual interest rate of 2,50 %;

and

(b) EUR 103,20 for contracts which have been concluded on the basis of applications received by the intervention agency before 1 July 2006.

2. The intervention agency shall register the date of receipt of the applications to conclude a contract as referred to in Article 30(1) of Regulation (EC) No 2771/1999 as well as the corresponding quantities and dates of manufacture and the place at which the butter is stored.

3. The Member States shall inform the Commission no later than 12 noon (Brussels time) of each Tuesday of the quantities covered during the preceding week by such applications.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

4. Once it is communicated by the Commission to the Member States that the applications have reached 80 000 tonnes Member States shall inform the Commission, each day before 12 noon (Brussels time), of the quantities covered by applications of the preceding day.

5. The Commission will suspend the application of paragraphs 1(b) and 4 once it has observed that the applications referred to in paragraph 1(b) have reached 110 000 tonnes.

Article 2

By way of derogation from Article 29(1) of Regulation (EC) No 2771/1999, entry into storage in 2006 may take place from 1 March.

Article 3

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, 24 February 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 341/2006**of 24 February 2006****adopting the specifications of the 2007 ad hoc module on accidents at work and work-related health problems provided for by Council Regulation (EC) No 577/98 and amending Regulation (EC) No 384/2005****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 384/2005 of 7 March 2005 adopting the programme of ad hoc modules, covering the years 2007 to 2009, to the labour force sample survey provided by Council Regulation (EC) No 577/98 ⁽²⁾ includes an ad hoc module on accidents at work and work-related health problems.

(2) Council Resolution No 2002/C 161/01 of 3 June 2002 on a new Community strategy on health and safety at work (2002-2006) ⁽³⁾ called on the Commission and the Member States to step up work in hand on harmonisation of statistics on accidents at work and occupational illnesses, so as to have available comparable data from which to make an objective assessment of the impact and effectiveness of the measures taken under the new Community strategy.

(3) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁴⁾, states that employers must keep a list of occupational accidents

resulting in a worker being unfit for work for more than three working days and must draw up, for the responsible authorities and in accordance with national laws and/or practices, reports on occupational accidents suffered by his workers. In its Recommendation 2003/670/EC of 19 September 2003 concerning the European schedule of occupational diseases ⁽⁵⁾, the Commission recommended that Member States should ensure that all cases of occupational diseases are reported and should progressively make their statistics on occupational diseases compatible with the European schedule, in accordance with the work being done on the system of harmonising European statistics on occupational diseases. The Commission Communication of 11 March 2002 on a new Community strategy on health and safety at work 2002-2006 ⁽⁶⁾ underlines that the statistical information should cover not just recognised occupational accidents and illnesses, their causes and consequences, but should also introduce some quantifiable elements relating to working environment factors which are likely to cause the problems. Statistical data should also be available for emerging phenomena, like stress-related complaints or musculoskeletal problems.

(4) It is also necessary to update the specification of the sample set out in Section 1 of the Annex to Regulation (EC) No 384/2005, in order to ensure that the sample available for analysis in the ad hoc module is as revealing as possible.

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

HAS ADOPTED THIS REGULATION:

Article 1

The detailed list of information to be collected in 2007 by the ad hoc module on accidents at work and work-related health problems, required for Section 1 of the Annex to Regulation (EC) No 384/2005, shall be as set out in the Annex to this Regulation.

⁽¹⁾ OJ L 77, 14.3.1998, p. 3. Regulation as last amended by Regulation (EC) No 2257/2003 of the European Parliament and of the Council (OJ L 336, 23.12.2003, p. 6).

⁽²⁾ OJ L 61, 8.3.2005, p. 23.

⁽³⁾ OJ C 161, 5.7.2002, p. 1.

⁽⁴⁾ OJ L 183, 29.6.1989, p. 1. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽⁵⁾ OJ L 238, 25.9.2003, p. 28.

⁽⁶⁾ COM(2002) 118 final of 11.3.2002.

Article 2

In Section 1 of the Annex to Regulation (EC) No 384/2005, the point ‘*Sample*’ is replaced by the following:

‘*Sample*: The target age group for the sample for this module consists of persons aged 15 or more.’

Article 3

This Regulation shall enter into force on the seventh 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 February 2006.

For the Commission
Joaquín ALMUNIA
Member of the Commission

ANNEX

LABOUR FORCE SURVEY

Specifications of the 2007 ad hoc module on accidents at work and work-related health problems

1. Member States and regions concerned: all.
2. The variables shall be coded as follows:

The numbering of the variables of the labour force survey in the column 'Filters' refers to Commission Regulation (EC) No 430/2005 ⁽¹⁾.

Column	Code	Description	Filters/remarks
ACCIDENTS AT WORK ENCOUNTERED BY PERSONS HAVING WORKED IN THE LAST 12 MONTHS			
209		<i>Accidental injury(ies), apart from illnesses, occurred during the past 12 months, at work or in the course of work</i>	(Col. 24 = 1, 2) or (Col. 84 = 1 and Col. 85/88 and Col. 89/90 is not prior to one year before the date of the interview)
	0	None	
	1	One	
	2	Two or more	
	9	Not applicable (Col. 24 = 3-9 and (Col. 84 ≠ 1 or (Col. 85/88 and Col. 89/90 is more than one year before the date of the interview, or is blank)))	
	blank	No answer	
210		<i>Type of the most recent accidental injury at work or in the course of work</i>	Col. 209 = 1-2
	1	A road traffic accident	
	2	Accident other than road traffic accident	
	9	Not applicable (Col. 209 = 0, 9, blank)	
	blank	No answer	
211/212		<i>Date when the person was able to start to work again after the most recent accidental injury</i>	Col. 209 = 1-2
	00	Still off work because has not yet recovered from the accident, but expects to resume work later	
	01	Expects never to work again because of the accident	
	02	No time off or the same day as the accident	
	03	The day after the accident	
	04	From the second but before the fifth day after the accident	
	05	From the fifth day but before two weeks after the accident	
	06	From two weeks but before one month after the accident	
	07	From one month but before three months after the accident	
	08	From three months but before six months after the accident	
	09	From six months but before nine months after the accident	
	10	Nine months or later after the accident	
	99	Not applicable (Col. 209 = 0, 9 or blank)	
	blank	No answer	

⁽¹⁾ OJ L 71, 17.3.2005, p. 36.

Column	Code	Description	Filters/remarks
213		<i>Job done when the most recent accidental injury occurred (code first that applies)</i>	Col. 209 = 1-2
	1	Main current (first) job	
	2	Second current job	
	3	Last job (person not in employment)	
	4	Job one year ago	
	5	Some other job	
	9	Not applicable (Col. 209 = 0, 9, blank)	
	blank	No answer	

**WORK-RELATED HEALTH PROBLEMS SUFFERED DURING THE LAST 12 MONTHS
(apart from accidental injuries)**

214		<i>Illness(es), disability(ies) or other physical or psychic health problem(s), apart from accidental injuries, suffered by the person during the past 12 months (from the date of the interview) and that was (were), caused or made worse by work</i>	(Col. 24 = 1, 2 or Col. 84 = 1)
	0	None	
	1	One	
	2	Two or more	
	9	Not applicable (Col. 24 = 3-9 and Col. 84 ≠ 1)	
	blank	No answer	
215/216		<i>Type of the most serious complaint caused or made worse by work</i>	Col. 214 = 1-2
	00	Bone, joint or muscle problem which mainly affects neck, shoulders, arms or hands	
	01	Bone, joint or muscle problem which mainly affects hips, legs or feet	
	02	Bone, joint or muscle problem which mainly affects back	
	03	Breathing or lung problem	
	04	Skin problem	
	05	Hearing problem	
	06	Stress, depression or anxiety	
	07	Headache and/or eyestrain	
	08	Heart disease or attack, or other problems in the circulatory system	
	09	Infectious disease (virus, bacteria or other type of infection)	
	10	Other types of complaint	
	99	Not applicable (Col. 214 = 0, 9, blank)	
	blank	No answer	
217		<i>Whether the most serious complaint caused or made worse by work limits the ability to carry out normal day-to-day activities either at work or outside work</i>	Col. 214 = 1-2
	0	No	
	1	Yes, to some extent	
	2	Yes, considerably	
	9	Not applicable (Col. 214 = 0, 9, blank)	
	blank	No answer	

Column	Code	Description	Filters/remarks
218/219		<i>Number of days off work during the last 12 months due to the most serious complaint caused or made worse by work</i>	Col. 214 = 1-2
	00	The person has not been working during the past 12 months, but for reasons not related to the complaint caused or made worse by work (e.g. normal retirement)	
	01	Expects never to work again due to this illness	
	02	Less than one day or no time off	
	03	At least one day but less than four days	
	04	At least four days but less than two weeks	
	05	At least two weeks but less than one month	
	06	At least one month but less than three months	
	07	At least three months but less than six months	
	08	At least six months but less than nine months	
	09	At least nine months	
	99	Not applicable (Col. 214 = 0, 9, blank)	
	blank	No answer	
220		<i>Job that caused or made worse the most serious complaint (code first that applies)</i>	Col. 214 = 1-2 and (Col. 85/88 is not prior to eight years before the year of the interview)
	1	Main current (first) job	
	2	Second current job	
	3	Last job (person not in employment)	
	4	Job one year ago	
	5	Some other job	
	9	Not applicable (Col. 214 = 0, 9, blank)	
	blank	No answer	

FACTORS AT WORK THAT CAN ADVERSELY AFFECT MENTAL WELL-BEING OR PHYSICAL HEALTH

221		<i>Whether at the workplace the person has particular exposure to selected factors that can adversely affect his/her mental well-being</i>	Col. 24 = 1, 2
	0	No	
	1	Yes, mainly to harassment or bullying	
	2	Yes, mainly to violence or threat of violence	
	3	Yes, mainly to time pressure or overload of work	
	9	Not applicable (Col. 24 = 3-9)	
	blank	No answer	
222		<i>Whether at the workplace the person has particular exposure to selected factors that can adversely affect his/her physical health</i>	Col. 24 = 1, 2
	0	No	
	1	Yes, mainly to chemicals, dusts, fumes, smoke or gases	
	2	Yes, mainly to noise or vibration	
	3	Yes, mainly to difficult work postures, work movements or handling of heavy loads	
	4	Yes, mainly to risk of accident	
	9	Not applicable (Col. 24 = 3-9)	
	blank	No answer	

COMMISSION REGULATION (EC) No 342/2006**of 24 February 2006**

initiating a 'new exporter' review of Council Regulation (EC) No 428/2005 imposing a definitive anti-dumping duty on imports of synthetic staple fibres of polyesters originating, *inter alia*, in the People's Republic of China, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (the basic Regulation) ⁽¹⁾, and in particular Article 11(4) thereof,

After consulting the Advisory Committee,

Whereas:

A. REQUEST FOR A REVIEW

- (1) The Commission has received an application for a 'new exporter' review pursuant to Article 11(4) of the basic Regulation. The application was lodged by Huvis Sichuan ('the applicant'), an exporting producer in the People's Republic of China (the country concerned).

B. PRODUCT

- (2) The product under review is synthetic staple fibres of polyesters, not carded, combed or otherwise processed for spinning originating in the People's Republic of China (the product concerned), currently classifiable within CN code 5503 20 00. This CN code is given only for information.

C. EXISTING MEASURES

- (3) The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 428/2005 ⁽²⁾ under which imports into the Community of the product concerned originating in the People's Republic of China, and produced by the applicant, are subject to a definitive anti-dumping duty of 49,7 % with the exception of companies specially mentioned which are subject to individual duty rates.

D. GROUNDS FOR THE REVIEW

- (4) The applicant alleges that it operates under market economy conditions as defined in Article 2(7)(c) of the basic Regulation or alternatively claims individual treatment in conformity with Article 9(5) of the basic Regulation, that it did not export the product concerned to the Community during the period of inves-

tigation on which the anti-dumping measures were based, i.e. the period from 1 January 2003 to 31 December 2003 (the original investigation period) and that it is not related to any of the exporting producers of the product which are subject to the above mentioned anti-dumping measures.

- (5) The applicant further alleges that it has begun exporting the product concerned to the Community after the end of the original investigation period.

E. PROCEDURE

- (6) Community producers known to be concerned have been informed of the above application and have been given and opportunity to comment. No comments have been received.

- (7) Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a 'new exporter' review, pursuant to Article 11(4) of the basic Regulation, with a view to determine whether the applicant operates under market economy conditions as defined in Article 2(7)(c) of the basic Regulation or alternatively whether the applicant fulfils the requirements to have an individual duty established in accordance with Article 9(5) of the basic Regulation and, if so, the applicant's individual margin of dumping and, should dumping be found, the level of the duty to which its imports of the product concerned into the Community should be subject.

- (8) If it is determined that the applicant fulfils the requirements to have an individual duty established, it may be necessary to amend the rate of duty currently applicable to imports of the product concerned from companies not mentioned in Article 1(2) of Regulation (EC) No 428/2005.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the applicant.

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ OJ L 71, 17.3.2005, p. 1. Regulation as amended by Regulation (EC) No 1333/2005 (OJ L 211, 13.8.2005, p. 1).

Furthermore, the Commission may hear interested parties, provided that they make a request in writing showing that there are particular reasons why they should be heard.

Attention is drawn to the fact that the exercise of most procedural rights set out in the Regulation (EC) No 384/96 depends on the party's making itself known within the period provided for by the present Regulation.

(c) Selection of the market economy country

In the event that the applicant is not granted market economy status but fulfils the requirements to have an individual duty established in accordance with Article 9(5) of the basic Regulation, an appropriate market economy country will be used for the purpose of establishing normal value in respect of the People's Republic of China in accordance with Article 2(7)(a) of the basic Regulation. The Commission envisages using the United States of America again for this purpose as was done in the investigation which led to the imposition of measures on imports of the product concerned from the People's Republic of China. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit set in Article 4(2) of this Regulation.

Furthermore, in the event that the applicant is granted market economy status, the Commission may, if necessary, also use findings concerning the normal value established in an appropriate market economy country, e.g. for the purpose of replacing any unreliable cost or price elements in the People's Republic of China which are needed in establishing the normal value, if reliable required data are not available in the People's Republic of China. The Commission envisages using the United States of America also for this purpose.

(d) Market economy status

In the event that the applicant provides sufficient evidence that it operates under market economy conditions, i.e. that it meets the criteria laid down in Article 2(7)(c) of the basic Regulation, normal value will be determined in accordance with Article 2(7)(b) of the basic Regulation. For this purpose, duly substantiated claims must be submitted within the specific time limit set in Article 4(3) of this Regulation. The Commission will send claim forms to the applicant as well as to the authorities of the People's Republic of China.

F. REPEAL OF THE DUTY IN FORCE AND REGISTRATION OF IMPORTS

- (9) Pursuant to Article 11(4) of the basic Regulation, the anti-dumping duty in force shall be repealed with

regard to imports of the product concerned which are produced and sold for export to the Community by the applicant. At the same time, such imports shall be made subject to registration in accordance with Article 14(5) of the basic Regulation, in order to ensure that, should the review result in a finding of dumping in respect of the applicant, anti-dumping duties can be levied retroactively from the date of the initiation of this review. The amount of the applicant's possible future liabilities cannot be estimated at this stage of the proceeding.

G. TIME LIMITS

- (10) In the interest of sound administration, time limits should be stated within which:

- interested parties may make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in Article 4(1) of this Regulation or provide any other information to be taken into account during the investigation,
- interested parties may make a written request to be heard by the Commission,
- interested parties to the investigation can comment on the appropriateness of the United States of America which, in the event that the applicant will not be granted market economy status, is envisaged as a market-economy country for the purpose of establishing normal value in respect of the People's Republic of China,
- the applicant can submit a duly substantiated claim for market economy status.

H. NON-COOPERATION

- (11) In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (12) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated,

HAS ADOPTED THIS REGULATION:

Article 1

A review of Regulation (EC) No 428/2005 is hereby initiated pursuant to Article 11(4) of Regulation (EC) No 384/96 in order to determine if and to what extent the imports of synthetic staple fibres of polyesters, not carded, combed or otherwise processed for spinning falling within CN code 5503 20 00 originating in the People's Republic of China, produced by Huvis Sichuan (TARIC additional code A736) and sold for export to the Community should be subject to the anti-dumping duty imposed by Council Regulation (EC) No 428/2005.

Article 2

The anti-dumping duty imposed by Regulation (EC) No 428/2005 is hereby repealed with regard to the imports identified in Article 1.

Article 3

The customs authorities of the Member States are hereby directed, pursuant to Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports identified in Article 1. Registration shall expire nine months following the date of entry into force of the present Regulation.

Article 4

1. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 8(a) of this Regulation or any other information, unless otherwise specified, within 40 days of the entry into force of this Regulation.

Interested parties may also apply in writing to be heard by the Commission within the same 40-day time limit.

2. Parties to the investigation may wish to comment on the appropriateness of the United States of America, which is envisaged as a market-economy third country for the purpose of establishing normal value in respect of the People's Republic of China, must submit their comments within 10 days of the date of entry into force of this Regulation.

3. Duly substantiated claims for marked economy status must reach the Commission within 21 days of the date of the entry into force of this Regulation.

4. All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of Regulation (EC) No 384/96, shall be accompanied by a non-confidential version, which will be labelled 'FOR INSPECTION BY INTERESTED PARTIES'.

Any information relating to the matter and/or any request for a hearing should be sent to the following address:

European Commission
Directorate-General for Trade
Directorate B
Office: J-79 5/16
B-1049 Brussels
Fax (32 2) 295 65 05.

Article 5

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, 24 February 2006.

For the Commission

Peter MANDELSON

Member of the Commission

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Regulation (EC) No 384/96 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

COMMISSION REGULATION (EC) No 343/2006**of 24 February 2006****opening the buying-in of butter in certain Member States for the period 1 March to 31 August 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾,

Buying-in of butter as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby open in the following Member States:

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, and in particular Article 2 thereof,

- Germany
- Estonia
- Spain
- France
- Ireland
- Netherlands
- Poland
- Portugal
- Sweden
- United Kingdom.

Whereas:

- (1) Article 6(1) of Regulation (EC) No 1255/1999 provides that if market prices for butter in one or more Member States, over a representative period, are less than 92 % of the intervention price, intervention agencies have to buy in butter.
- (2) On the basis of the market prices communicated by the Member States, the Commission has observed, in accordance with Article 8(4) of Regulation (EC) No 2771/1999, that the prices in Germany, Estonia, Spain, France, Ireland, the Netherlands, Poland, Portugal, Sweden and the United Kingdom have been below 92 % of the intervention price for two consecutive weeks. Intervention buying-in should therefore be opened in those Member States,

Article 2

This Regulation shall enter into force on 1 March 2006.

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

Done at Brussels, 24 February 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

COMMISSION REGULATION (EC) No 344/2006**of 24 February 2006****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, and in particular the second sentence of the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2005/2006 marketing year are fixed by

Commission Regulation (EC) No 1011/2005 ⁽³⁾. These prices and duties were last amended by Commission Regulation (EC) No 281/2006 ⁽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 1423/95,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 February 2006.

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

Done at Brussels, 24 February 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

⁽³⁾ OJ L 170, 1.7.2005, p. 35.

⁽⁴⁾ OJ L 47, 17.2.2006, p. 38.

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 25 February 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⁾	36,58	0,31
1701 11 90 ⁽¹⁾	36,58	3,93
1701 12 10 ⁽¹⁾	36,58	0,18
1701 12 90 ⁽¹⁾	36,58	3,63
1701 91 00 ⁽²⁾	37,34	6,56
1701 99 10 ⁽²⁾	37,34	3,14
1701 99 90 ⁽²⁾	37,34	3,14
1702 90 99 ⁽³⁾	0,37	0,30

⁽¹⁾ Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).⁽²⁾ Fixed for the standard quality defined in Annex I.I to Regulation (EC) No 1260/2001.⁽³⁾ Fixed per 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 February 2006

on Community strategic guidelines for rural development (programming period 2007 to 2013)

(2006/144/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽¹⁾, and in particular Article 9(2), first sentence, thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

(1) Article 9(1) of Regulation (EC) No 1698/2005 provides that strategic guidelines for rural development for the programming period from 1 January 2007 to 31 December 2013 should be adopted at Community level to set the priorities for rural development.

(2) These strategic guidelines should reflect the multifunctional role farming plays in the richness and diversity of landscapes, food products and cultural and natural heritage throughout the Community.

(3) These strategic guidelines should identify the areas important for the realisation of Community priorities, in particular in relation to the Göteborg sustainability goals and to the renewed Lisbon strategy for growth and jobs established by the European Councils of Göteborg (15 and 16 June 2001) and Thessaloniki (20 and 21 June 2003) respectively.

(4) On the basis of these strategic guidelines, each Member State should prepare its national strategy plan as the reference framework for the preparation of rural development programmes,

HAS DECIDED AS FOLLOWS:

Sole Article

The Community strategic guidelines for rural development (programming period 2007 to 2013), as set out in the Annex, are hereby adopted.

Done at Brussels, 20 February 2006.

For the Council
The President
J. PRÖLL

⁽¹⁾ OJ L 277, 21.10.2005, p. 1.

⁽²⁾ Not yet published in the Official Journal.

ANNEX

Community strategic guidelines for rural development (programming period 2007 to 2013)**1. INTRODUCTION**

Regulation (EC) No 1698/2005 defines the purpose and scope of assistance from the EAFRD. The Community strategic guidelines identify within this framework the areas important for the realisation of Community priorities, in particular in relation to the Göteborg sustainability goals and to the renewed Lisbon strategy for growth and jobs.

The Community strategic guidelines for rural development will help to:

- identify and agree the areas where the use of EU support for rural development creates the most value added at EU level,
- make the link with the main EU priorities (Lisbon, Göteborg) and translate them into rural development policy,
- ensure consistency with other EU policies, in particular in the fields of cohesion and environment,
- accompany the implementation of the new market-oriented common agricultural policy (CAP) and the necessary restructuring it will entail in the old and new Member States.

2. RURAL DEVELOPMENT AND THE COMMUNITY'S OVERALL AIMS**2.1. The CAP and rural development**

Agriculture continues to be the largest user of rural land, as well as a key determinant of the quality of the countryside and the environment. The importance and relevance of the CAP and rural development have increased with the recent enlargement of the European Union.

Without the two pillars of the CAP, market and rural development policies, many rural areas of Europe would face increasing economic, social and environmental problems. The European model of agriculture reflects the multi-functional role farming plays in the richness and diversity of landscapes, food products and cultural and natural heritage ⁽¹⁾.

The guiding principles for the CAP, market and rural development policies, were set out by the European Council of Göteborg (15 and 16 June 2001). According to its conclusions, strong economic performance must go hand in hand with the sustainable use of natural resources and levels of waste, maintaining biodiversity, preserving ecosystems and avoiding desertification. To meet these challenges, the CAP and its future development should, among its objectives, contribute to achieving sustainable development by increasing its emphasis on encouraging healthy, high-quality products, environmentally sustainable production methods, including organic production, renewable raw materials and the protection of biodiversity.

Those guiding principles were confirmed in the Lisbon strategy conclusions of the European Council of Thessaloniki (20 and 21 June 2003). The reformed CAP and rural development can make a key contribution to competitiveness and sustainable development in the coming years.

⁽¹⁾ Presidency conclusions of the European Councils of Luxembourg (12 and 13 December 1997), Berlin (24 and 25 March 1999) and Brussels (24 and 25 October 2002).

2.2. Towards sustainable agriculture: the 2003 and 2004 CAP reforms

The 2003 and 2004 CAP reforms represent a major step forward in improving the competitiveness and sustainable development of farming activity in the EU and setting the framework for future reforms. Successive reforms have contributed to the competitiveness of European agriculture by reducing price support guarantees and encouraging structural adjustment. The introduction of decoupled direct payments encourages farmers to respond to market signals generated by consumer demand rather than by quantity-related policy incentives. The inclusion of environmental, food safety and animal health and welfare standards in cross-compliance reinforces consumer confidence and increases the environmental sustainability of farming.

2.3. Rural development 2007 to 2013

The future rural development policy focuses on three key areas: the agrifood economy, the environment and the broader rural economy and population. The new generation of rural development strategies and programmes will be built around four axes, namely: axis 1, on improving the competitiveness of the agricultural and forestry sector; axis 2, on improving the environment and the countryside; axis 3, on the quality of life in rural areas and diversification of the rural economy; and axis 4, on Leader.

Under axis 1, a range of measures will target human and physical capital in the agriculture, food and forestry sectors (promoting knowledge transfer and innovation) and quality production. Axis 2 provides measures to protect and enhance natural resources, as well as preserving high nature value farming and forestry systems and cultural landscapes in Europe's rural areas. Axis 3 helps to develop local infrastructure and human capital in rural areas to improve the conditions for growth and job creation in all sectors and the diversification of economic activities. Axis 4, based on the Leader experience, introduces possibilities for innovative governance through locally based, bottom-up approaches to rural development.

2.4. Meeting the challenges

Rural areas are characterised by a very large diversity of situations, ranging from remote rural areas suffering from depopulation and decline to peri-urban areas under increasing pressure from urban centres.

According to the OECD definition, which is based on population density, rural regions ⁽¹⁾ account for 92 % of EU territory. Furthermore, 19 % of the population live in predominantly rural regions and 37 % in significantly rural regions. These regions generate 45 % of Gross Value Added (GVA) in the EU and provide 53 % of the employment, but tend to lag behind non-rural areas as regards a number of socioeconomic indicators, including structural indicators. In rural areas, per capita income is around a third less ⁽²⁾, activity rates for women are lower, the service sector is less developed, higher education levels are generally lower, and a smaller percentage of households has access to broadband internet. Remoteness and peripherality are major problems in some rural regions. These disadvantages tend to be even more significant in predominantly rural regions, although the general picture at EU level can vary substantially between Member States. Lack of opportunities, contacts and training infrastructure are a particular problem for women and young people in remote rural areas.

Enlargement has changed the agricultural map. In the old Member States agriculture accounts for 2 % of GDP, in the new Member States for 3 % and in Romania and Bulgaria for more than 10 %. In the new Member States the employment share of agriculture is three times higher (12 %) than in the old Member States (4 %). In Bulgaria and Romania agricultural employment levels are considerably higher.

The combined agricultural and food sector forms an important part of the EU economy, accounting for 15 million jobs (8,3 % of total employment) and 4,4 % of GDP. The EU is the world's largest producer of food and beverages, with combined production estimated at EUR 675 billion. However, the sector remains highly polarised and fragmented in terms of size, with significant opportunities and threats for firms. Forestry and related industries employ around 3,4 million people with a turnover of EUR 350 billion, but only 60 % of annual forest growth is currently exploited.

⁽¹⁾ The OECD definition is based on the share of population living in rural communes (i.e. with less than 150 inhabitants per km²) in a given NUTS III region. See Extended Impact Assessment — SEC(2004) 931. This is the only internationally recognised definition of rural areas. However, in some cases, it does not fully take into account the population living in more densely populated rural areas, particularly in peri-urban zones. In the context of these guidelines, it is used only for statistical and descriptive purposes.

⁽²⁾ As measured by GDP at purchasing power parity.

Agriculture and forestry represent 77 % of land use in the EU. The environmental performance of agriculture in the preservation and enhancement of natural resources in recent years has been mixed. As regards water quality, total nitrogen surplus has declined slightly since 1990 in most of the old Member States, although some countries and regions still experience significant nutrient leaching pressures. Problems of ammonia emissions, eutrophication, soil degradation and decline in biodiversity persist in many areas. However, an increasing share of agricultural area is devoted to organic production (5,4 million hectares in the EU) and renewable resources (an estimated 1,4 million hectares was used for bioenergy production in 2004, of which 0,3 million hectares under the energy crop premium and 0,6 million hectares on set-aside land). Long-term trends in climate change will increasingly shape farming and forestry patterns. There have been advances in the protection of biodiversity with the implementation of Natura 2000 — around 12-13 % of agricultural and forestry area has been designated. High nature value farming systems play an important role in preserving biodiversity and habitats, as well as in landscape protection and soil quality. In most Member States, these farming systems account for between 10 % and 30 % of the agricultural area. In some areas the abandonment of farming could engender serious environmental risks.

Rural areas therefore face particular challenges as regards growth, jobs and sustainability in the coming years. But they offer real opportunities in terms of their potential for growth in new sectors, the provision of rural amenities and tourism, their attractiveness as a place in which to live and work, and their role as a reservoir of natural resources and highly valued landscapes.

The agricultural and food sectors must seize the opportunities offered by new approaches, technologies and innovation to meet evolving market demand both in Europe and globally. Above all, investment in the key resource of human capital will allow rural areas and the agrifood sector to look to the future with confidence.

On the occasion of the relaunch of the Lisbon strategy, the European Council has reaffirmed that the Lisbon strategy is to be seen in the wider context of sustainable development requirement that present needs must be met without compromising the ability of future generations to meet their own needs ⁽¹⁾. The new programming period provides a unique opportunity to refocus support from the new EAFRD on growth, jobs and sustainability. In this respect, it is fully in line with the Declaration on the Guiding Principles for Sustainable Development ⁽²⁾ and the renewed Lisbon Action Programme which seeks to target resources at making Europe a more attractive place in which to invest and work, promoting knowledge and innovation for growth and creating more and better jobs.

Rural development policy must help rural areas meet these objectives in the period 2007 to 2013. This requires a more strategic approach to competitiveness, job creation and innovation in rural areas and improved governance in the delivery of programmes. There must be an increased focus on forward-looking investments in people, know-how and capital in the farm and forestry sectors, on new ways of delivering win-win environmental services and on creating more and better jobs through diversification, particularly for women and young people. By helping the EU's rural areas to fulfil their potential as attractive places in which to invest, work and live, rural development policy can play its part in the sustainable development of Europe's territory.

3. **SETTING THE COMMUNITY'S PRIORITIES FOR THE RURAL DEVELOPMENT PROGRAMMING PERIOD 2007 TO 2013**

Within the framework of the objectives established in Regulation (EC) No 1698/2005, the strategic guidelines set out below identify priorities for the Community in accordance with Article 9 thereof. The guidelines aim at the integration of major policy priorities as spelt out in the conclusions of the Lisbon and Göteborg European Councils. For each set of priorities, illustrative key actions are presented. On the basis of these strategic guidelines, each Member State will prepare its national strategy plan as the reference framework for the preparation of rural development programmes.

⁽¹⁾ Presidency conclusions of the European Council of Brussels (22 and 23 March 2005).

⁽²⁾ Presidency conclusions of the European Council of Brussels (16 and 17 June 2005).

The resources devoted to the Community rural development priorities (within the regulatory minimum funding limits for each axis) will depend on the specific situation, strengths, weaknesses and opportunities of each programme area. Each of the Community priorities, and their contribution to the Lisbon and Göteborg objectives, will need to be reflected at Member State level in the national strategy plan and the rural development programmes. In many cases, there will be national or regional priorities for specific problems related to the agrifood chain or the environmental, climatic and geographical situation of agriculture and forestry. Rural areas may have to deal with other specific issues such as peri-urban pressure, unemployment, remoteness or low population density.

3.1. Improving the competitiveness of the agricultural and forestry sector

Community strategic guideline

Europe's agricultural, forestry and food-processing sectors have great potential to further develop high-quality and value-added products that meet the diverse and growing demand of Europe's consumers and world markets.

The resources devoted to axis 1 should contribute to a strong and dynamic European agrifood sector by focusing on the priorities of knowledge transfer, modernisation, innovation and quality in the food chain, and on priority sectors for investment in physical and human capital.

In order to meet these priorities, Member States are encouraged to focus support on key actions. Such key actions could include:

- (i) restructuring and modernisation of the agriculture sector, which continue to play an important role in the development of many rural areas, particularly in the new Member States. Successful agricultural adjustment can be the key to improving the competitiveness and environmental sustainability of the agricultural sector and boosting jobs and growth in related areas of the economy. This includes promoting the anticipation of change within the agricultural sector in the context of restructuring and modernisation and developing a proactive approach to training and retraining farmers, particularly as regards transferable skills;
- (ii) improving integration in the agrifood chain. Europe's food industry is one of the world's most competitive and innovative, but it is facing increasing global competition. There is considerable scope in the rural economy to create and market new products, to retain more value in rural areas through quality schemes and to raise the profile of European products overseas. The use of advisory services and support to meet Community standards will contribute to this integration process. A market-oriented agricultural sector will help further consolidate the position of Europe's agrifood sector as a major employer and source of economic growth;
- (iii) facilitating innovation and access to research and development (R & D). Innovation is increasingly important for Europe's farming, agrifood and forestry sectors. While Europe's large agrifood companies are often at the cutting edge of new trends, the introduction of new products and processes could significantly contribute to the performance of smaller processors and farm businesses. In particular, new forms of cooperation could facilitate access to R & D, innovation and actions undertaken under the Seventh Framework Programme ⁽¹⁾;
- (iv) encouraging the take-up and diffusion of information and communications technologies (ICT). The agrifood sector as a whole has been identified as lagging behind in the take-up of ICT technologies. This is particularly the case for smaller businesses. Adoption of e-business applications is still at a low level outside of large multinationals and their larger suppliers. Rural development funds should complement future Commission initiatives such as i2010 in the fields of e-business (particularly in relation to small and medium-sized enterprises), e-skills and e-learning;

⁽¹⁾ The work of the Standing Committee on Agricultural Research should also be taken into account in this context.

- (v) fostering dynamic entrepreneurship. The recent reforms have created a market-oriented environment for European farming. This brings new opportunities for farm businesses. But the realisation of this economic potential will depend on the development of strategic and organisational skills. Encouraging the entry of young farmers into the profession can play an important role in this respect;
- (vi) developing new outlets for agricultural and forestry products. New outlets can offer higher value added, in particular for quality products. Support for investment and training in the field of non-food production under rural development can complement measures taken under the first pillar by creating innovative new outlets for production or helping the development of renewable energy materials, biofuels and processing capacity;
- (vii) improving the environmental performance of farms and forestry. Long-term sustainability will depend on the ability to produce products that consumers wish to buy, while achieving high environmental standards. Investing in increased environmental performance can also lead to efficiency gains in production, creating a win-win situation.

To enhance generational renewal in agriculture, combinations of measures available under axis 1, tailored to the needs of young farmers, may be considered.

3.2. Improving the environment and the countryside

Community strategic guideline

To protect and enhance the EU's natural resources and landscapes in rural areas, the resources devoted to axis 2 should contribute to three EU-level priority areas: biodiversity and the preservation and development of high nature value farming and forestry systems and traditional agricultural landscapes; water; and climate change.

The measures available under axis 2 should be used to integrate these environmental objectives and contribute to the implementation of the agricultural and forestry Natura 2000 network, to the Göteborg commitment to reverse biodiversity decline by 2010, to the objectives laid down in Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽¹⁾, and to the Kyoto Protocol targets for climate change mitigation.

In order to meet these priorities, Member States are encouraged to focus support on key actions. Such key actions could include:

- (i) promoting environmental services and animal-friendly farming practices. European citizens expect farmers to respect mandatory standards. But many also agree that farmers should be remunerated for signing up to commitments which go further, delivering services that the market will not provide alone, particularly when focused on specific resources of particular importance in the context of agriculture and forestry, such as water and soil;
- (ii) preserving the farmed landscape and forests. In Europe, much of the valued rural environment is the product of agriculture. Sustainable land management practices can help reduce risks linked to abandonment, desertification and forest fires, particularly in less-favoured areas. Appropriate farming systems help to preserve landscapes and habitats ranging from wetlands to dry meadows and mountain pastures. In many areas, this is an important part of the cultural and natural heritage and of the overall attractiveness of rural areas as places in which to live and work;

⁽¹⁾ OJ L 327, 22.12.2000, p. 1. Directive as amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p. 1).

- (iii) combating climate change. Agriculture and forestry are at the forefront of the development of renewable energy and material sources for bioenergy installations. Appropriate agricultural and forestry practices can contribute to the reduction in greenhouse gas emissions and preservation of the carbon sink effect and organic matter in soil composition, and can also help in adapting to the impacts of climate change;
- (iv) consolidating the contribution of organic farming. Organic farming represents a holistic approach to sustainable agriculture. In this respect, its contribution to environmental and animal welfare objectives could be further reinforced;
- (v) encouraging environmental/economic win-win initiatives. The provision of environmental goods, particularly through agri-environmental measures, can contribute to the identity of rural areas and their food products. They can form a basis for growth and jobs provided through tourism and the provision of rural amenities, particularly when linked to diversification into tourism, crafts, training or the non-food sector;
- (vi) promoting territorial balance. Rural development programmes can make a vital contribution to the attractiveness of rural areas. They can also help ensure that in a competitive, knowledge-based economy, a sustainable balance between urban and rural areas is maintained. In combination with other programme axes, land management measures can make a positive contribution to the spatial distribution of economic activity and territorial cohesion.

3.3. Improving the quality of life in rural areas and encouraging diversification of the rural economy

Community strategic guideline

The resources devoted to the fields of diversification of the rural economy and quality of life in rural areas under axis 3 should contribute to the overarching priority of the creation of employment opportunities and conditions for growth. The range of measures available under axis 3 should in particular be used to promote capacity building, skills acquisition and organisation for local strategy development and also help ensure that rural areas remain attractive for future generations. In promoting training, information and entrepreneurship, the particular needs of women, young people and older workers should be considered.

In order to meet these priorities, Member States are encouraged to focus support on key actions. Such key actions could include:

- (i) raising economic activity and employment rates in the wider rural economy. Diversification is necessary for growth, employment and sustainable development in rural areas, and thereby contributes to a better territorial balance in both economic and social terms. Tourism, crafts and the provision of rural amenities are growth sectors in many regions and offer opportunities both for on-farm diversification outside agriculture and the development of micro-businesses in the broader rural economy;
- (ii) encouraging the entry of women into the labour market. In many rural areas inadequate childcare provision creates specific barriers. Local initiatives to develop childcare facilities can facilitate access to the labour market. This can include the development of childcare infrastructure, potentially in combination with initiatives to encourage the creation of small businesses related to rural activities and local services;
- (iii) putting the heart back into villages. Integrated initiatives combining diversification, business creation, investment in cultural heritage, infrastructure for local services and renovation can contribute to improving both economic prospects and quality of life;

- (iv) developing micro-business and crafts, which can build on traditional skills or introduce new competencies, particularly when combined with purchase of equipment, training and coaching, thus helping to promote entrepreneurship and develop the economic fabric;
- (v) training young people in skills needed for the diversification of the local economy, which can tap into demand for tourism, recreation, environmental services, traditional rural practices and quality products;
- (vi) encouraging the take-up and diffusion of ICT. The take-up and diffusion of ICT is essential in rural areas for diversification, as well as for local development, the provision of local services and the promotion of e-inclusion. Economies of scale can be achieved through village ICT initiatives combining IT equipment, networking and e-skills training through community structures. Such initiatives can greatly facilitate IT take-up by local farms and rural businesses and the adoption of e-business and e-commerce. Full advantage needs to be taken of the possibilities afforded by the internet and broadband communications, supported for example by regional programmes under the Structural Funds, to overcome the disadvantages of location;
- (vii) developing the provision and innovative use of renewable energy sources, which can contribute to creating new outlets for agricultural and forestry products, the provision of local services and the diversification of the rural economy;
- (viii) encouraging the development of tourism. Tourism is a major growth sector in many rural areas and can build on cultural and natural heritage. Increased use of ICT in tourism for bookings, promotion, marketing, service design and recreational activities can help improve visitor numbers and lengths of stays, particularly where this provides links to smaller facilities and encourages agri-tourism;
- (ix) upgrading local infrastructure, particularly in the new Member States. Significant investment will be undertaken in major telecommunications, transport, energy and water infrastructure over the coming years. Considerable support will be available from the Structural Funds, ranging from trans-European networks to the development of connections to business or science parks. For the multiplier effect to be fully realised in terms of jobs and growth, small-scale local infrastructure, supported within rural development programmes, can play a vital role in connecting these major investments to local strategies for the diversification and development of agricultural and food-sector potential.

3.4. Building local capacity for employment and diversification

Community strategic guideline

The resources devoted to axis 4 (Leader) should contribute to the priorities of axes 1 and 2, and in particular of axis 3, but also play an important role in the horizontal priority of improving governance and mobilising the endogenous development potential of rural areas.

Support under axis 4 offers the possibility, in the context of a community-led local development strategy building on local needs and strengths, to combine all three objectives — competitiveness, environment and quality of life/diversification. Integrated approaches involving farmers, foresters and other rural actors can safeguard and enhance the local natural and cultural heritage, raise environmental awareness, and invest in and promote specialty products, tourism and renewable resources and energy.

In order to meet these priorities, Member States are encouraged to focus support on key actions. Such key actions could include:

- (i) building local partnership capacity, animation and promoting skills acquisition, which can help mobilise local potential;
- (ii) promoting private-public partnership. In particular, Leader will continue to play an important role in encouraging innovative approaches to rural development and bringing the private and public sectors together;
- (iii) promoting cooperation and innovation. Local initiatives such as Leader and support for diversification can play an essential role in connecting people to new ideas and approaches, encouraging innovation and entrepreneurship, and can promote inclusiveness and the provision of local services. On-line communities can help in the dissemination of knowledge, the exchange of good practices and innovation in rural products and services;
- (iv) improving local governance. Leader can help foster innovative approaches to linking agriculture, forestry and the local economy, thereby helping to diversify the economic base and strengthen the socioeconomic fabric of rural areas.

3.5. Ensuring consistency in programming

Community strategic guideline

In working out their national strategies, Member States should ensure that synergies between and within the axes are maximised and potential contradictions avoided. Where appropriate, they may develop integrated approaches. They will also wish to reflect on how to take into account other EU-level strategies, such as the Action Plan for Organic Food and Farming, the commitment to increased use of renewable energy resources ⁽¹⁾, the need to develop a medium- and long-term EU strategy to combat climate change ⁽²⁾, and the need to anticipate the likely effects on farming and forestry, the EU Forestry Strategy and Action Plan (which can help deliver on both the growth and employment and the sustainability objectives) and the priorities set out in the Sixth Community Environment Action Programme laid down by Decision No 1600/2002/EC of the European Parliament and of the Council ⁽³⁾, particularly those priorities identified as requiring thematic environmental strategies (soil protection, protection and conservation of the marine environment, the sustainable use of pesticides, air pollution, urban environment, the sustainable use of resources, and waste recycling).

Several means are available at EU and Member State level to improve governance and policy delivery. Technical assistance can be used to build up European and national networks for rural development, as a platform for exchange of best practice and expertise on all aspects of policy design, management and implementation between stakeholders. Information and publicity to ensure early involvement of the different actors will need to be considered in the preparation of the national strategies and worked out for the later stages of implementation.

3.6. Complementarity between Community instruments

Community strategic guideline

The synergy between structural, employment and rural development policies needs to be encouraged. In this context, Member States should ensure complementarity and coherence between actions to be financed by the European Regional Development Fund, the Cohesion Fund, the European Social Fund, the European Fisheries Fund and the EAFRD on a given territory and in a given field of activity. The main guiding principles as regards the demarcation line and the coordination mechanisms between actions supported by the different funds should be defined in the national strategic reference framework and the national strategy plan.

⁽¹⁾ Presidency conclusions of the European Council of Brussels (25 and 26 March 2004).

⁽²⁾ Presidency conclusions of the European Council of Brussels (22 and 23 March 2005).

⁽³⁾ OJ L 242, 10.9.2002, p. 1.

For infrastructure investments, the scale of intervention could be a guiding principle. For example, for investments in transport and other infrastructure at Member State, regional or subregional level, cohesion policy instruments would be used, while at the local level the basic services measure under axis 3 could be used, ensuring the link between local and regional levels.

As regards the development of human capital, support under rural development would target farmers and the economic actors involved in the diversification of the rural economy. The population of rural areas could receive support as part of an integrated, bottom-up approach. Actions in these fields should be implemented in full compliance with the objectives of the European Employment Strategy, as set out in the Integrated Guidelines for Growth and Jobs, and coherent with the actions taken under the national reform programmes in the framework of the Lisbon process. The Education and Training 2010 work programme seeks to achieve the education and the training side of the Lisbon goals. Lifelong learning is at the heart of this programme and applies to all levels and types of education and training, including the agricultural, forestry and agrifood sectors.

4. THE REPORTING SYSTEM

Regulation (EC) No 1698/2005 foresees strategic monitoring of the Community and national strategies. The basis for reporting on progress will be the common framework for monitoring and evaluation, to be established in cooperation with the Member States.

The framework will provide a limited number of common indicators and a common methodology. It will be supplemented by programme-specific indicators to reflect the character of each programme area.

A common set of indicators will allow aggregation of outputs, results and impacts at EU level and help assess progress in achieving Community priorities. Baseline indicators defined at the start of the programming period will allow for assessment of the initial situation and form the basis for the development of the programme strategy.

Evaluation activities will take place on an ongoing basis, comprising at programme level *ex ante*, mid-term, and *ex post* evaluation, as well as other evaluation activity considered useful for improving programme management and impact. These will be accompanied by thematic studies and synthesis evaluations at Community level, as well as by the activities of the European network for rural development as a platform for exchange and capacity building for evaluation in Member States. The exchange of good practices and the sharing of evaluation results can contribute significantly to the effectiveness of rural development. In this respect, the European network should play a central role in facilitating contacts.

COUNCIL DECISION**of 20 February 2006****on the principles, priorities and conditions contained in the Accession Partnership with Croatia and
repealing Decision 2004/648/EC**

(2006/145/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 533/2004 of 22 March 2004 on the establishment of Partnerships in the framework of the Stabilisation and Association Process ⁽¹⁾, and in particular Article 1a and Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Thessaloniki European Council of 19 and 20 June 2003 endorsed the introduction of the Partnerships as a means of materialising the European perspective of the Western Balkan countries within the framework of the Stabilisation and Association Process.
- (2) Regulation (EC) No 533/2004 provides that the Council is to decide on the principles, priorities and conditions to be contained in the Partnerships, as well as any subsequent adjustments.
- (3) The Council adopted on 13 September 2004 a European Partnership with Croatia ⁽²⁾.
- (4) On 3 October 2005, the Member States started negotiations with Croatia on its accession to the European Union. The advancement of the negotiations will be guided by Croatia's progress in preparing for accession, which will be measured, *inter alia*, against the implementation of the Partnership, as regularly revised.
- (5) It is therefore appropriate to adopt an Accession Partnership which updates the current Partnership in order to identify renewed priorities for further work, on the basis of the findings of 2005 Progress Report on Croatia's preparations for further integration with the European Union.

(6) Regulation (EC) No 533/2004 stated that the follow-up to the Accession Partnerships will be ensured within the framework of the mechanisms established under the Stabilisation and Association Process.

(7) In order to prepare for further integration with the European Union, Croatia is expected to develop a plan with a timetable and specific measures to address the priorities of this Accession Partnership.

(8) Decision 2004/648/EC should therefore be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

In accordance with Article 1a of Regulation (EC) No 533/2004, the principles, priorities and conditions in the Accession Partnership with Croatia are set out in the Annex hereto which forms an integral part of this Decision.

Article 2

The implementation of the Accession Partnership shall be examined through the mechanisms established under the Stabilisation and Association Process, notably the annual Progress Reports presented by the Commission.

Article 3

Decision 2004/648/EC shall be repealed.

Article 4

This Decision shall take effect on the third day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 20 February 2006.

For the Council
The President
J. PRÖLL

⁽¹⁾ OJ L 86, 24.3.2004, p. 1. Regulation as amended by Regulation (EC) No 269/2006 (OJ L 47, 17.2.2006, p. 7).

⁽²⁾ Council Decision 2004/648/EC of 13 September 2004 on the principles, priorities and conditions contained in the European Partnership with Croatia (OJ L 297, 22.9.2004, p. 19).

ANNEX

CROATIA: ACCESSION PARTNERSHIP 2005**1. INTRODUCTION**

The Thessaloniki European Council endorsed the introduction of the Partnerships as a means to materialise the European perspective of the Western Balkan countries within the framework of the Stabilisation and Association Process.

A European Partnership with Croatia was adopted by the Council on 13 September 2004. On 3 October 2005, the Member States started negotiations with Croatia on its accession to the European Union. It is appropriate to adopt an Accession Partnership which updates the previous European Partnership on the basis of the findings of the 2005 Commission's Progress Report on Croatia. This new Accession Partnership identifies new priorities for action. The new priorities are adapted to the country's specific needs and stage of preparation and will be updated as necessary. The Accession Partnership also provides guidance for financial assistance to the country.

Croatia is expected to develop a plan including a timetable and specific measures to address the Accession Partnership priorities.

2. PRINCIPLES

The Stabilisation and Association Process remains the framework for the European course of the Western Balkan countries, all the way to their future accession.

The main priorities identified for Croatia relate to its capacity to progress in preparing for accession, and in particular to its capacity to meet the criteria defined by the Copenhagen European Council of 1993 and the conditions set for the Stabilisation and Association Process, notably the conditions defined by the Council in its Conclusions of 29 April 1997 and 21 and 22 June 1999, the content of the final declaration of the Zagreb Summit of 24 November 2000 and the Thessaloniki Agenda, and the requirements of the negotiating framework adopted by the Council on 3 October 2005.

3. PRIORITIES

The priorities listed in this Accession Partnership have been selected on the basis that it is realistic to expect that Croatia can complete them or take them substantially forward over the next few years. A distinction is made between short-term priorities, which are expected to be accomplished within one to two years, and medium-term priorities, which are expected to be accomplished within three to four years. The priorities concern both legislation and the implementation thereof. Taking into account the substantial costs required for the implementation and enforcement of the *acquis* as well as the complexity of the EU requirements in certain areas, this partnership does not include all important tasks at this stage. Future partnerships will include further priorities in line with progress made by the country.

Among the short term priorities, the key priorities have been identified and grouped together at the beginning of section 3.1. The order of these key priorities does not imply a ranking in their importance.

3.1. SHORT-TERM PRIORITIES**Key priorities**

- Implement the strategy and action plan for judicial reform in consultation with interested bodies, including the adoption of necessary new legislation.
- Adopt and begin implementation of a national strategy for preventing and combating corruption and provide for the required coordination among the relevant government departments and bodies involved in its implementation, including making the Office for the Suppression of Corruption and Organised Crime fully operational.
- Accelerate implementation of the Constitutional Law on National Minorities. In particular, urgently take steps to ensure proportional representation of minorities in local and regional self government units, in the State administration and judicial bodies, and in bodies of the public administration.
- Complete the process of refugee return, including all cases of repossession, reconstruction and housing care for former occupancy/tenancy rights holder, and further enhance regional cooperation for accelerating the process of refugee return and local integration, in particular by contributing to implementing the Sarajevo Declaration.

- Pursue efforts aimed at reconciliation among citizens in the region.
- Maintain full cooperation with the International Criminal Tribunal for the former Yugoslavia.
- Work to find definitive solutions to pending bilateral issues, in particular border issues with Slovenia, Serbia and Montenegro and Bosnia and Herzegovina.
- Ensure proper implementation of all commitments undertaken in the Stabilisation and Association Agreement (SAA) in areas such as competition policy, in particular the need to adopt and implement a restructuring plan for the steel sector, and the acquisition of real estate. Conclude ongoing and forthcoming negotiations on trade matters linked to the SAA (such as on a protocol introducing a tariff quota on sugar, the enlargement protocol and further trade concessions on agricultural and fisheries products), and ensure proper implementation of their results.

Political criteria

Democracy and The Rule of Law

- Take steps to adopt consistent and permanent electoral legislation, which regulates issues such as voters' lists, out-of-country voting and campaign financing in a transparent manner.

Public administration

- Fully implement public administration reform measures on recruitment, promotion and training, and improve human resource management in all bodies of the public administration in order to ensure accountability, efficiency, openness, transparency, depoliticisation and a high level of professionalism of the public service.
- Ensure effective follow-up of identified shortcomings with respect to civilian control of all security services.

Judicial system

- Make headway in reducing the case backlog in courts.
- Make progress in rationalising the organisation of courts including the development of modern information technology systems.
- Establish an open, fair and transparent system of recruitment, evaluation and promotion and enhance professionalism in the judiciary by ensuring adequate State funding for high quality training for judges, prosecutors and administrative staff.
- Take measures to ensure proper and full execution of court rulings.
- Ensure access to justice and legal aid and make available the corresponding budgetary resources; enhance training in EU legislation.

Anti-corruption policy

- Continue to develop codes of conduct/ethics for officials and elected representatives as well as action plans to prevent corruption in the relevant law enforcement agencies (border police, police, customs, judiciary).
- Take steps to ensure that the legal framework for tackling corruption is aligned and uniformly implemented and enforced and ensure greater efforts to proactively prevent, detect and effectively prosecute corruption, especially high-level corruption.
- Take concrete actions to raise awareness of corruption as a serious criminal offence.

Human Rights and The Protection of Minorities

- Promote respect for and protection of minorities in accordance with the European Convention on Human Rights and the principles laid down in the Council of Europe's Framework Convention for the Protection of National Minorities and in line with best practice in EU Member States.
- Ensure all cases of ethnically motivated crimes are properly investigated and prosecuted.
- Continue to implement the strategy and action plan for the protection and integration of Roma and ensure availability of the necessary means.
- Develop and begin to implement a comprehensive anti-discrimination strategy.
- Review audiovisual media legislation in line with the recommendations formulated in February 2004 by the joint expertise mission of the Council of Europe, the Commission and the OSCE. In particular, review the Electronic Media Act in order to establish a transparent, predictable and effective regulatory framework and ensure political independence of the Council for Electronic Media; ensure that Croatian Radio and Television and its Programme Council work independently and remain stable while the Croatian Radio and Television Act is reviewed. Take further steps to effectively decriminalise libel.

Regional Issues and International Obligations

- Substantially improve the prosecution of war crimes trials, in particular by ensuring an end to the ethnic bias against Serbs and the application of a uniform standard of criminal responsibility regardless of national origin.
- As regards refugee return, complete without delay the processing of those requests for housing reconstruction already submitted; reconstruct all houses for which there is a positive decision by end 2005 and reconstruct by end 2006 all other houses for which a positive decision will be forthcoming. Complete the repossession of houses without any further delay.
- Urgently begin and complete implementation of the Housing Care Programme for those refugees who lost tenancy/occupancy rights outside the areas of special State concern and speed-up implementation of the Housing Care Programme for refugees returning to the areas of special State concern. Ensure an adequate publicity/information campaign.
- Secure adequate coordination and cooperation between all relevant authorities at central and local level on refugee return matters.
- Create social and economic conditions to improve the climate for returnees' reintegration and the acceptance of returnees by receiving communities, including through regional development programmes in affected areas. Reopen the possibility for convalidation claims and review all applications made since expiry of previous deadline.
- Fully implement agreements with neighbouring countries, notably on trade, the fight against organised crime, border management and readmission, cross-border cooperation, and judicial and police cooperation, including on war crimes, and conclude such agreements where they are still outstanding.

Economic criteria

- Implement prudent, stability-oriented macroeconomic policies, including the development of market-based monetary instruments to enhance the effectiveness of monetary policy.
- Strengthen fiscal consolidation on the basis of permanent structural measures, in particular in the area of subsidies and social spending, and resolve the issue of repayment of so-called 'old pension debt' in a manner which does not endanger fiscal consolidation. Start implementing further steps towards a comprehensive reform of the health sector with a view to improving its financial situation.
- Continue structural reforms in public finance, particularly in the area of expenditure management. Establish a transparent and efficient debt management capacity.

- Accelerate the privatisation of companies in the portfolio of the Privatisation Fund. Speed up the restructuring and privatisation or liquidation of large State-owned enterprises, in particular in the agriculture, steel and shipbuilding industry. Implement further steps in the restructuring and/or privatisation of public utilities (telecoms, energy, oil, etc.). Improve transparency of the privatisation process.
- Further improve the business environment by simplifying the rules for market entry and exit. In particular, speed up registration procedures and improve the implementation of bankruptcy rules and improve conditions for the development of private enterprises and foreign direct investment, including through improving administrative efficiency.
- Accelerate land reform, in particular the registration and privatisation of agricultural land, through the establishment of a modern and efficient cadastre and land registry in order to eliminate the current obstacles to the development of land and housing markets.
- Develop macroeconomic statistics.

Ability to Assume The Obligations of Membership

Free movement of goods

- Complete the restructuring of the existing legislative and institutional framework to ensure separation of the regulatory, accreditation, standardisation and product certification functions and to establish *acquis*-compliant market surveillance structures. Speed up the adoption of European standards. Continue work on the transposition of the old and new approach directives.
- Start screening of national legislation to identify incompatibilities with Articles 28, 29 and 30 of the EC Treaty, plan for their elimination and prevent the introduction of new barriers.

Right of establishment and freedom to provide services

- Start alignment with the *acquis* on the mutual recognition of professional qualifications, including the establishment of the necessary administrative capacity.
- Start screening of national legislation to identify restrictions on the right of establishment and the freedom to provide services, plan for their elimination and prevent the introduction of new barriers.
- Strengthen the capacity of the national regulatory authority in the field of postal services and ensure its independence.

Free movement of capital

- Improve anti-money laundering legislation and begin to ensure effective implementation. Strengthen the administrative capacity of the financial intelligence unit (FIU) and improve its cooperation with other institutions involved in the fight against money laundering.
- Streamline procedures for authorising the purchase by EU nationals of real estate on a non-discriminatory basis and substantially reduce the large backlog of applications.

Public procurement

- Complete the alignment of Croatia's procurement legislation and implementing regulations, including on the areas of public contracts, concessions and review procedures.
- Strengthen the administrative capacity of the Public Procurement Office to carry out the functions it is assigned by the Public Procurement Law.

Intellectual property law

- Improve enforcement of intellectual, industrial and commercial property rights notably by strengthening administrative capacity, including in law enforcement agencies and the judiciary.

Competition

- Ensure further alignment of primary and secondary legislation so as to allow effective anti-trust and State aid control with binding decisions applicable to all economic sectors and, as regards State aid, for both aid schemes and individual aid measures.
- Strengthen the administrative capacity and the independence of the Competition Agency, both in the fields of State aid and anti-trust. Ensure the development and training of the judiciary in competition matters.
- Strengthen the anti-trust enforcement record, in particular through a better focus on preventing serious distortions of competition, and the introduction of a deterrent fining regime. Strengthen the State aid enforcement record, in particular by ensuring respect of notification obligations and a pro-active assessment of all aid measures.
- Ensure that existing aid schemes and all fiscal legislation are aligned with the State aid *acquis*.
- Adopt and start implementing viable restructuring programmes in the steel and shipbuilding sectors, in line with EU requirements to ensure, *inter alia*, that all aid is in line with the *acquis*.
- Ensure transparency of State aid by establishing a comprehensive inventory and reporting of all aid measures in force at all administrative levels and raise awareness of competition principles.

Financial services

- Strengthen the regulatory and administrative framework for the supervision of financial services and in particular prepare for the transition towards the planned integrated supervisory authority for non-bank financial services.
- Prepare the introduction of the new capital requirements framework for credit institutions and investment firms.

Information society and media

- Further strengthen the capacity of the national regulatory authority in the field of telecommunications and ensure its independence.

Agriculture and rural development

- Ensure a fully-operational SAPARD/IPARD agency.
- Accelerate work to set up of a proper land parcel identification system and a cattle identification and registration system.
- Reinforce the collection and processing of agricultural statistics in line with EU standards and methodology.
- Develop a rural development strategy and policy instruments for the design, implementation, management, monitoring, control and evaluation of rural development programmes.

Food safety, veterinary and phytosanitary policy

- Continue alignment in the veterinary and phytosanitary sector, upgrade inspection arrangements, modernise agro-food establishments in order to meet EU hygiene requirements.
- Develop a comprehensive strategy in the fields of food safety and veterinary and phytosanitary policy. Strengthen the necessary administrative structures and improve coordination between them to ensure a comprehensive approach to the enhancement of food safety throughout the entire food chain.

Fisheries

- Strengthen administrative and, in particular, inspection structures for fisheries policy.
- Start establishing a computerised fishing vessel register.
- With regard to the protected ecological and fishing zone, unilaterally declared by Croatia, continue the implementation of the trilateral agreement reached in June 2004.

Transport policy

- Continue implementation of EU standards in the field of social and technical legislation in road transport and of safety standards in maritime transport.
- Strengthen administrative capacity in the railway sector.
- Ensure the establishment of an independent body for accident investigation and strengthen the national regulatory authorities in the aviation sector.
- Conclude a European Common Aviation Area (ECAA) Agreement with a Protocol on transitional measures for implementation of EU aviation legislation.

Energy

- Continue implementation of EU *acquis* on gas and electricity.
- Ensure the operational capacity and independent functioning of the national regulatory authority.
- Start implementing the commitments undertaken in the framework of the Energy Community Treaty.
- Strengthen administrative capacity and improve alignment with the *acquis* on energy efficiency, renewable energy sources and in the nuclear field, as well as ensure a high level of nuclear safety and radiation protection.

Taxation

- Accelerate alignment of tax legislation with the *acquis* and ensure its effective enforcement, with particular attention to including free zones in the territorial application of the VAT-regime and to abolishing the existing VAT-zero rates.
- Start alignment with the *acquis* in the field of direct taxation, including provisions on exchange of information with Member States, to facilitate enforcement of anti-avoidance and anti-evasion measures.
- Commit to the principles of the Code of Conduct for business taxation and ensure that new tax measures are in conformity with these principles.
- Significantly strengthen the capacity of the tax and customs administrations, particularly regarding collection and control functions; continue the work on a functioning and adequately staffed excise duty service; simplify procedures to effectively prosecute tax fraud.
- Continue developing the necessary IT systems to allow the exchange of electronic data with the EU and its Member States.

Statistics

- Strengthen the administrative capacity of the Croatian Bureau of Statistics, reform its regional offices and improve coordination with other producers of official statistics.
- Develop business and social statistics.

Social policy and employment

- Continue alignment with the *acquis* in the areas of labour law, health and safety, gender equality and anti-discrimination.
- Strengthen related administrative and enforcement structures and inter-ministerial coordination.

Enterprise and industrial policy

- Further simplify and accelerate company registration procedures; introduce on-line access to selected government facilities for SMEs; further develop regulatory impact assessments.
- Continue the implementation of the European Charter for Small Enterprises.

Regional policy and coordination of structural instruments

- Develop a comprehensive and coherent strategy in the field of regional development.
- Select and build up the capacity of key managing authorities and bodies for the implementation of structural instruments.

Justice, freedom and security

- Strengthen border management, in particular by reinforcing the surveillance of the sea borders; implement the integrated border management strategy (including on readmission); increase investments in technical equipment and infrastructure; recruit additional staff and provide adequate training infrastructure.
- Enhance equipment to detect forged and falsified documents and provide training of the staff in diplomatic missions and consular offices.
- Further align the legislation on asylum to the *acquis*. Set up a permanent national reception centre for asylum seekers.
- Improve coordination between law enforcement bodies and the judiciary, particularly in connection with economic crime, organised crime, fraud, money laundering and corruption; reinforce the fight against drug trafficking and strengthen drug prevention and drug demand reduction; ensure effective measures to fight trafficking in human beings and trans-national smuggling of persons, in particular with due attention to prevention, protection and social reintegration of victims. Provide the necessary specialised training to law enforcement agencies.
- Increase international cooperation on terrorism and implement in full the relevant international conventions; improve cooperation and the exchange of information between the police and intelligence services within the State and with other States; reinforce the prevention of the financing and preparation of acts of terrorism.

Environment

- Continue to develop horizontal legislation, including on environmental impact assessment and public participation.
- Clearly define responsibilities and strengthen the administrative and operational capacity at national and regional level to ensure planning, including preparation of financial strategies.
- Continue to strengthen the capacity of national and regional inspection services and enable them to effectively enforce environmental legislation.
- Urgently adopt and start implementing a national waste management plan.

Customs union

- Continue strengthening the administrative and operational capacity of customs services, in particular for the control of preferential rules of origin, and accelerate alignment with the EU *acquis*. Make the Customs Training Centre fully operational.
- Continue developing the necessary IT systems to allow the exchange of electronic data with the EU and its Member States.
- Adopt and implement a code of ethics for the customs services.

External relations

- Continue the policy of trade liberalisation with the implementation of the Stabilisation and Association Agreement, WTO-commitments and bilateral Free Trade Agreements (FTA). Work towards the future regional FTA in South-East Europe.
- Ensure that trade defence measures comply with its SAA and WTO obligations.
- Complete negotiations and fully implement the protocol introducing a tariff quota on sugar into the SAA in order to prepare the Croatian sugar sector for the adjustments needed to perform within a realistic and economically sustainable environment. The results of the negotiations on the protocol shall be without prejudice to the outcome of accession negotiations.

Financial control

- Adopt a coherent regulatory framework for Public Internal Financial Control on the basis of the strategy paper.
- Continue establishing and reinforcing public internal control functions through the provision of adequate staff, training and equipment.
- Establish effective procedures for the detection, treatment, follow-up and communication to the Commission of the irregularities and cases of suspected fraud affecting the Communities' financial interests and establish the administrative structures necessary for the effective and equivalent protection of those interests and for the cooperation with the European Antifraud Office.

3.2. MEDIUM-TERM PRIORITIES**Political criteria****Democracy and The Rule of Law***Public administration*

- Continue the process of institution building directly relevant to the *acquis* and introduce reforms to improve the effectiveness of the public administration generally.

Judicial system

- Continue implementation of judiciary reform, including training, and take measures to reduce further the backlog of cases in all courts.
- Continue to rationalise the organisation of courts, including the development of modern information technology systems.
- Ensure the regular and effective enforcement of court decisions.

Anti-corruption policy

- Foster further progress on the fight against corruption and implement related legislation. In particular, establish specialist units for combating corruption within the appropriate services and provide them with adequate training and resources.
- Ensure that the standards set by international instruments will be met, by putting in place the appropriate legislative and administrative measures.

Human Rights and The Protection of Minorities

- Ensure full implementation of the Constitutional Law on National Minorities, particularly as regards proportional representation of minorities.
- Continue implementation of a comprehensive anti-discrimination strategy.

- Continue improving the situation of the Roma through strengthened implementation of the relevant strategy, including the provision of the necessary financial support at national and local levels, anti-discrimination measures aimed at fostering employment opportunities, increasing access to education and improving housing conditions.
- Continue to improve social and economic conditions to improve the climate for returnees' reintegration and the acceptance of returnees by receiving communities.

Regional Issues and International Obligations

- Ensure smooth implementation of definitive agreements on currently pending bilateral issues, in particular border issues.
- Continue to implement existing bilateral agreements.

Economic criteria

- Implement a sustainable medium-term fiscal framework through a continuous reduction of overall public spending, general government deficits and debt as a share of GDP. Prioritise public spending to free resources for *acquis*-related expenditure. Implement a comprehensive reform of the health care and pension systems. Continue to reduce subsidies to large loss-making enterprises.
- Complete the sale of government minority and majority shares in companies held under the Privatisation Fund.
- Further improve conditions for the creation and development of private enterprises and foreign direct investment.
- Make substantial progress in strengthening the financial discipline in large enterprises, in particular in the steel, shipbuilding, and railway sectors.
- Complete land reform with a particular emphasis on the registration and privatisation of agricultural land.
- Continue labour market and education reform with a view to increasing labour force participation and employment rates.

Ability to Assume The Obligations of Membership

Free movement of goods

- Make substantial progress in the transposition of old approach directives (such as in the field of pharmaceuticals and chemicals) and new approach directives, and in fulfilling requirements for membership of the European standardisation bodies CEN, Cenelec and ETSI.

Freedom of movement of workers

- Abolish any discriminatory measures towards EU migrant workers and EU citizens.
- Reinforce administrative structures for coordination of social security schemes.

Right of establishment and freedom to provide services

- Abolish the remaining barriers to establishment and provision of cross-border services facing natural or legal persons from the EU.
- Make substantial progress in the alignment with the EU *acquis* on mutual recognition of professional qualifications, including training provisions, and further develop the required administrative structures.

Free movement of capital

- Make substantial progress in the removal of remaining restrictions on capital movements, in particular on the acquisition of real estate, in accordance with SAA obligations.
- Complete the establishment of an effective anti-money laundering regime, in particular by ensuring that agencies are fully operational, adequately resourced and well coordinated with domestic and international counterparts.

Public procurement

- Implement a public procurement regime with all relevant administrative structures and operational tools, and make substantial progress in the work towards complete alignment with the EU *acquis*, ensuring that public procurement rules are effectively implemented by all contracting authorities and entities at all levels. Promote the use of electronic means in procurement procedures.

Intellectual property law

- Complete alignment in the field of intellectual and industrial property rights and strengthen enforcement in the fight against piracy and counterfeiting.
- Continue strengthening the enforcement of intellectual property rights (IPR) and reducing levels of piracy and counterfeiting.

Competition

- Further reinforce the anti-trust and State aid authority and build up a credible enforcement record. Substantially improve transparency in the field of State aid.
- Develop training on competition law and policy at all levels of the administration and the judiciary.

Financial services

- Complete the alignment with EU prudential requirements and continue strengthening supervisory practices.
- Complete implementation of the new capital requirements framework for credit institutions and investment firms.

Information society and media

- Adopt the necessary primary and secondary legislation to complete the regulatory framework and introduce competition in all fields.

Agriculture and rural development

- Strengthen the administrative structures and capacity needed to implement market and rural development policies.
- Establish a vineyard register in line with EU standards.
- Continue preparations to establish effective and financially sound paying bodies for the management and control of agricultural funds, in line with EU requirements and international auditing standards.

Food safety, veterinary and phytosanitary policy

- Substantially improve the alignment of foodstuff legislation and strengthen the necessary implementing structures.
- Make significant progress with alignment in the veterinary and phytosanitary sectors, including a system for animal identification, animal waste treatment, modernisation of agro-food establishments, animal disease control programmes, plant protection and quality of seeds and plant propagating material; significantly upgrade inspection structures.

Fisheries

- Substantially improve administrative structures and equipment to ensure effective implementation of the common fisheries policy, including management of resources, inspection and control of fishing activities, market policy, structural programmes and a management plan for the fleet capacity in accordance with available fish resources.
- Complete the establishment of a computerised fishing vessel register and of a satellite-based vessel monitoring system.

Transport policy

- Continue work towards complete alignment with the EU *acquis* in the area of road transport.
- Adopt implementing legislation for rail transport in particular interoperability provisions and the independent allocation of capacity.
- Work towards alignment with the EU *acquis* in the area of inland waterway transport, in particular as regards the safety of navigation and River Information Services.
- Continue alignment in maritime transport and ensure adequate flag State control.
- Reach full alignment with the EU *acquis* in the field of aviation.
- Continue implementation of the Memorandum of Understanding on the Development of the South East Europe Core Regional Transport Network.

Energy

- Continue to strengthen administrative capacity and alignment with the EU *acquis* in the fields of energy efficiency and renewable energy sources, the internal energy market (electricity and gas) and nuclear energy.
- Ensure that oil stocks guarantee an adequate security of supply.
- Duly address the issue of management of radioactive waste.

Taxation

- Substantially advance work towards completing alignment with the tax *acquis* as regards VAT, excise duties and direct taxation, including the Code of Conduct for Business Taxation.
- Continue strengthening the tax administration – including the IT sector – and ensure its proper functioning in order to reach EU standards and IT systems interconnectivity. Develop and implement a code of ethics.

Economic and monetary policy

- Improve monetary policies to expand the use and effectiveness of market-oriented monetary instruments.

Statistics

- Continue developing the macroeconomic, business and social statistics.

Social policy and employment

- Further align with the *acquis* and strengthen the related administrative and enforcement structures, including the labour inspectorates.
- Support the social partners' capacity building efforts, notably through autonomous bipartite social dialogue.
- Develop and implement a comprehensive employment strategy involving all relevant actors in view of participation in the European Employment Strategy. Ensure appropriate analysis, implementation and assessment capacity.
- Develop and implement a national strategy on social inclusion, including data collection, in line with EU practice with a view to future participation in the European Strategy on social inclusion.
- Identify needs for human resources development to prepare for the European Social Fund.

Enterprise and industrial policy

- Update and articulate better the policy approach concerning financial instruments for SMEs which should allow the Government to move from direct lending towards softer support schemes.

Regional policy and coordination of structural instruments

- Ensure a clear distribution of responsibilities and strengthen coordination, both at inter-ministerial level and between national and regional authorities.
- Continue to build up capacity in the designated managing and paying authorities, including local authorities.
- Improve the design and implementation of regional development plans.
- Set up proper monitoring and evaluation systems and enhance financial management and control procedures.
- Introduce adequate regional statistics.

Justice, freedom and security

- Bring national legislation in line with EU rules and best practices and further strengthen border control; develop national databases and registers and ensure coordination between the relevant services.
- Develop a national database for checking asylum seekers' personal data, including fingerprints, with a view to preparing for participation in Eurodac.
- Enhance efforts to integrate refugees.
- Further improve the equipment and infrastructure of the police, including the establishment of a computer-based investigation system; strengthen cooperation between the police and other law enforcement agencies; reinforce the fight against drug trafficking, organised crime, economic crime (including money laundering and counterfeiting of currencies), fraud and corruption; improve alignment of the related national legislation with the *acquis* in these sectors.
- Prepare for the application of various legal instruments in the field of judicial cooperation in penal and civil matters by providing appropriate training on court to court dealings and other relevant issues.

Science and research

- Start designing and applying an integrated research policy.

Education and culture

- Step up efforts to create a modern vocational education and training system and to ensure the implementation of the Bologna criteria in higher education.

Environment

- Ensure the integration of environmental protection requirements into the definition and implementation of other sectoral policies. Develop an environmental investment strategy based on estimations of the costs of alignment. Continue to implement horizontal legislation.
- Continue work on the transposition of the EU *acquis*, with particular emphasis on waste management, water quality, air quality, nature protection and integrated pollution prevention and control. Increase investments in environmental infrastructure, with particular emphasis on waste water collection and treatment, drinking water supply and waste management.
- Ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

Consumer and health protection

- Complete alignment with the EU *acquis* on safety-related measures and strengthen the administrative capacity needed for effective market surveillance.
- Continue alignment with the EU *acquis* on non-safety related measures.

Customs union

- Strengthen and consolidate the administrative and operational capacity of the customs services. Expand training of all staff and increase the use of EU-compatible information technologies and continue preparations to ensure interconnectivity with EU systems. Strengthen auditing and the use of risk assessment and selectivity.
- Substantially advance alignment with the *acquis*, in particular in the areas of free zones, transit, fees, tariff quotas and the surveillance of imports and exports of goods.

Financial control

- Develop the capacity and alignment of the Public Internal Financial Control system, including decentralised managerial accountability and functionally independent internal audit as well as central coordination and harmonisation.
- Reform and strengthen the external audit function in accordance with international and EU best practice.

4. PROGRAMMING

- Community assistance under the Stabilisation and Association Process to the Western Balkan countries will be provided under the existing financial instruments, in particular by the Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia (CARDS Regulation) ⁽¹⁾ and the Phare ⁽²⁾ SAPARD ⁽³⁾ and ISPA ⁽⁴⁾ pre-accession instruments. Accordingly, this Decision will have no financial implications. Croatia can have access to funding from multi-country and horizontal programmes.

5. CONDITIONALITY

- Community assistance under the Stabilisation and Association Process to the Western Balkan countries is conditional on further progress in satisfying the Copenhagen criteria as well as progress in meeting the specific priorities of this Accession Partnership. Failure to respect these conditions could lead the Council to take appropriate measures on the basis of Article 5 of Regulation (EC) No 2666/2000. Community assistance shall also be subject to the conditions defined by the Council in its Conclusions of 29 April 1997, and 21 and 22 June 1999 in particular as regards the recipients' undertaking to carry out democratic, economic and institutional reforms.
- Community assistance for financing projects through the three pre-accession instruments Phare, ISPA and SAPARD is further conditional on respect by Croatia of its commitments under the Stabilisation and Association Agreement, further steps towards satisfying the Copenhagen criteria and in particular progress in meeting the specific priorities of this Accession Partnership.
- Failure to respect these general conditions could lead to a decision by the Council on the suspension of financial assistance on the basis of Article 4 of Council Regulation (EC) No 622/98 of 16 March 1998 on assistance to the applicant States in the framework of the pre-accession strategy, and in particular on the establishment of Accession Partnerships ⁽⁵⁾.

6. MONITORING

- The implementation of the Accession Partnership shall be examined through the framework of the mechanisms established under the Stabilisation and Association Process, notably the annual Reports presented by the Commission.

⁽¹⁾ OJ L 306, 7.12.2000, p. 1. Regulation as last amended by Regulation (EC) No 2112/2005 (OJ L 344, 27.12.2005, p. 23).

⁽²⁾ Council Regulation (EEC) No 3906/89 (OJ L 375, 23.12.1989, p. 11). Regulation as last amended by Regulation (EC) No 2257/2004 (OJ L 389, 30.12.2004, p. 1).

⁽³⁾ Council Regulation (EC) No 1268/99 (OJ L 161, 26.6.1999, p. 87). Regulation as last amended by Regulation (EC) No 2112/2005.

⁽⁴⁾ Council Regulation (EC) No 1267/99 (OJ L 161, 26.6.1999, p. 73). Regulation as last amended by Regulation (EC) No 2112/2005.

⁽⁵⁾ OJ L 85, 20.3.1998, p. 1.

COMMISSION

COMMISSION DECISION

of 21 February 2006

on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia

(notified under document number C(2006) 417)

(Text with EEA relevance)

(2006/146/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular Article 18(1) thereof,

Whereas:

(1) Commission Decision 1999/507/EC of 26 July 1999 on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Decision should be codified.

(2) The principal animal health conditions to be complied with by Member States when importing from third countries dogs, cats and other animals susceptible to rabies are laid down in Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ⁽⁴⁾. However the veterinary certification is not yet harmonised.

(3) Fatal cases of Hendra disease and Nipah disease in human beings have been declared respectively in Australia and in Malaysia.

(4) Fruit bats of the genus *Pteropus* are considered the natural host of Hendra disease virus and incriminated in being the virus reservoir for Nipah disease. However these mammals do not show clinical signs of disease and may harbour the virus in the presence of neutralising antibodies.

(5) Fruit bats are occasionally imported from third countries. Pending Community animal health conditions for imports from third countries of fruit bats, it appears necessary to introduce certain protection measures with regard to Hendra and Nipah diseases.

(6) Hendra disease may be transmitted by cats, and dogs and cats contract Nipah disease. The exposure to the respective viruses stimulates seroconversion in diseased and convalescent animals, which can be detected by laboratory testing.

(7) The presence of this zoonotic disease in the above countries is liable to constitute a danger for persons and susceptible animals in the Community.

(8) It is necessary to adopt protection measures at Community level with regard to imports of fruit bats, dogs and cats from Malaysia (Peninsula) and Australia.

(9) However, Hendra disease, being a notifiable disease in accordance with Australian law, has not been reported in Australia since 1999. Therefore, no special laboratory tests should be required for cats imported from Australia.

(10) For the sake of clarity provisions should be made allowing the transit of dogs and cats through international airports in Malaysia.

⁽¹⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 194, 27.7.1999, p. 66. Decision as last amended by Decision 2000/708/EC (OJ L 289, 16.11.2000, p. 41).

⁽³⁾ See Annex 1.

⁽⁴⁾ OJ L 268, 14.9.1992, p. 54. Directive as last amended by Directive 2004/68/EC (OJ L 139, 30.4.2004, p. 320, corrected by OJ L 226, 25.6.2004, p. 128).

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

HAS ADOPTED THIS DECISION:

Article 1

1. Imports of fruit bats of the genus *Pteropus* from Malaysia (Peninsula) and Australia are prohibited.

2. By way of derogation from paragraph 1 and without prejudice to the provisions of Directive 92/65/EEC, fruit bats of the genus *Pteropus* may be imported under the following conditions:

- (a) the animals originate from captive colonies,
- (b) the animals have been isolated in quarantine premises for at least 60 days,
- (c) the animals have been subjected with negative results to a serum neutralisation or approved ELISA test for antibody against Hendra and Nipah disease viruses, carried out in a laboratory approved for these tests by the competent authorities on samples of blood taken on two occasions with an interval of 21 to 30 days, the second sample to be taken within 10 days of export.

Article 2

1. Imports of dogs and cats from Malaysia (Peninsula) are prohibited.

2. By way of derogation from paragraph 1 dogs and cats may be imported under the following conditions:

- (a) the animals have had no contact with pigs during at least the past 60 days prior to export,
- (b) the animals have not been resident on holdings where during the past 60 days cases of Nipah disease have been confirmed,

- (c) the animals have been subjected with negative result to an IgG capture ELISA test carried out in a laboratory approved for testing for antibody against the Nipah disease viruses by the competent veterinary authorities on a sample of blood taken within 10 days of export.

3. The prohibition referred to in paragraph 1 shall not apply to dogs and cats in transit, provided they remain within the perimeter of an international airport.

Article 3

1. Imports of cats from Australia are prohibited.

2. By way of derogation from paragraph 1, cats may be imported under the condition that the animals have not been resident on holdings where during the past 60 days cases of Hendra disease have been confirmed.

3. The prohibition referred to in paragraph 1 shall not apply to cats in transit, provided they remain within the perimeter of an international airport.

Article 4

Decision 1999/507/EC is repealed.

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

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 21 February 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

Repealed Decision with its successive amendments

Commission Decision 1999/507/EC	(OJ L 194, 27.7.1999, p. 66)
— Commission Decision 1999/643/EC	(OJ L 255, 30.9.1999, p. 38)
— Commission Decision 2000/6/EC	(OJ L 3, 6.1.2000, p. 29)
— Commission Decision 2000/708/EC	(OJ L 289, 16.11.2000, p. 41)

ANNEX II

Correlation table

Decision 1999/507/EC	This Decision
Article 1(1)	Article 1(1)
Article 1(2), introductory words	Article 1(2), introductory words
Article 1(2), first indent	Article 1(2)(a)
Article 1(2), second indent	Article 1(2)(b)
Article 1(2), third indent	Article 1(2)(c)
Article 2(1)	Article 2(1)
Article 2(2), introductory words	Article 2(2), introductory words
Article 2(2), first indent	Article 2(2)(a)
Article 2(2), second indent	Article 2(2)(b)
Article 2(2), third indent	Article 2(2)(c)
Article 2(3)	Article 2(3)
Article 3	Article 3
Article 4	—
—	Article 4
Article 5	Article 5
—	Annex I
—	Annex II

COMMISSION DECISION

of 24 February 2006

on introducing preventive vaccination against highly pathogenic avian influenza H5N1 and related provisions for movements in the Netherlands*(notified under document number C(2006) 630)***(Only the Dutch text is authentic)**

(2006/147/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ⁽¹⁾, and in particular, Article 57 (2) thereof;

Whereas:

- (1) Avian influenza is an infectious viral disease in poultry and birds, causing mortality and disturbances which can quickly take epizootic proportions liable to present a serious threat to animal health and under certain circumstances to human health. There is a risk that the disease agent might be spread to other holdings thus reducing sharply the profitability of poultry farming, to wild birds and from one Member State to other Member States and third countries through the international trade in live birds or their products.
- (2) Highly pathogenic avian influenza A virus of subtype H5N1 has been isolated from wild birds in certain parts of the Community and in third countries adjacent to the Community or populated by migratory birds during winter. The likelihood of virus introduction with wild birds is increasing during the forthcoming migratory season.
- (3) Early detection systems and biosecurity measures to reduce the risk of transmission of avian influenza to poultry flocks are in place in the whole territory of the Netherlands.
- (4) In its opinion on 'Animal health and welfare aspects of avian influenza' of 20 September 2005 the Animal Health and Welfare Panel of the European Food Safety

Authority (EFSA) recommends that preventive vaccination can be considered if a high risk of virus introduction is identified in densely populated poultry areas. During an avian influenza epidemic there is always a significant risk that hobby and pet birds are hidden and constitute an ongoing risk of infection. This occurrence should be considered, and instead of mass culling of such birds, a policy of increased surveillance and biosecurity may be recommended. In addition, quarantine and vaccination may be considered as options for these types of birds. However, such a practice should not jeopardise the strict biosecurity and other measures that should be in force in such areas aimed at eradicating any introduction of virus. In particular, vaccination may be applied in flocks in which the general flock management systems that are used preclude birds being permanently housed indoors or sufficiently protected against contacts with wild birds.

- (5) On 21 February 2006, the Netherlands have submitted to the Commission for approval a plan for preventive vaccination in the light of the particular risk of introduction of avian influenza into their territory. The Commission has immediately examined this plan in collaboration with the Netherlands and deems that after certain adaptations it is in conformity with the relevant Community provisions. It appears therefore appropriate to approve this plan.
- (6) Only vaccines authorised in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products ⁽²⁾ or Regulation No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency ⁽³⁾ should be used.
- (7) Where preventive vaccination is carried out in the Netherlands monitoring on vaccinated and unvaccinated poultry flocks and movement restrictions for vaccinated birds have to be implemented.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 10, 14.1.2006, p. 16.

⁽²⁾ OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).

⁽³⁾ OJ L 136, 30.4.2004, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

Subject matter, scope and definitions

1. This Decision lays down certain measures to be applied in the Netherlands where preventive vaccination is carried out in certain poultry holdings at particular risk for introduction of infection including movement restrictions on vaccinated poultry and certain products derived thereof.

2. For the purpose of this Decision, in addition to the definitions laid down in Council Directive 2005/94/EC the following definitions shall apply:

(a) 'backyard poultry' means chicken, ducks, turkeys and geese which are kept by their owners:

(i) for their own consumption or use; or

(ii) as pets.

(b) 'organic' and 'free range layers' means laying hens as defined in Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens and Commission Directive 2002/4/EC ⁽¹⁾ of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC which have access to open runs.

Article 2

Approval of the vaccination programme

1. The plan for preventive vaccination against highly pathogenic avian influenza H5N1, submitted by the Netherlands to the Commission on 21 February 2006, is approved ('the preventive vaccination plan').

In accordance with 'the preventive vaccination plan' the preventive vaccination against avian influenza H5N1 shall be carried out with an inactivated heterologous vaccine of avian influenza subtype H5 or in exceptional circumstances and only in the case of organic and free range layers with a bivalent vaccine containing both avian influenza subtypes H5 and H7 authorised by the Netherlands in backyard poultry, organic and free range layers in the whole territory of the Netherlands.

2. Intensive monitoring and surveillance, as set out in the 'the preventive vaccination plan' shall be carried out in the backyard poultry and flocks of organic or free range layers where preventive vaccination is carried out.

3. The preventive vaccination plan shall be implemented efficiently.

⁽¹⁾ OJ L 30, 31.1.2002, p. 44.

4. The Commission shall publish the preventive vaccination plan.

Article 3

Provisions for movements of live poultry, table eggs, fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products

The provisions for movements of live poultry coming from and/or originating from holdings in which preventive vaccination is carried out and on movements of table eggs, fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products derived from vaccinated poultry in accordance with 'the preventive vaccination plan' shall apply in accordance with Article 4 to 11 of this Decision.

Article 4

Provisions for movements and dispatch of live backyard poultry and day-old poultry and hatching eggs derived from such poultry

The competent authority shall ensure that:

1. Vaccinated backyard poultry must be individually identified and may only be moved to other vaccinated backyard holdings within the Netherlands in accordance with 'the preventive vaccination plan' which requires records of such movements.

2. No vaccinated backyard poultry and no day-old poultry and hatching eggs originating from such poultry may be moved to commercial poultry holdings within the Netherlands or dispatched to another Member State.

Article 5

Provisions for movements and dispatch of live organic and free range layers

The competent authority shall ensure that vaccinated live organic and free range layers may only be moved either to other holdings where vaccination is carried out or to a slaughterhouse for immediate slaughter within the Netherlands and may not be dispatched from the Netherlands.

Article 6

Health certification for intra-Community trade in live poultry, day-old poultry and hatching eggs

Health certificates for intra-Community trade in live poultry, day-old poultry and hatching eggs from the Netherlands shall include the words:

'The consignment consists of live poultry/day-old poultry/hatching eggs originating from holdings where no vaccination against avian influenza has been carried out'.

Article 7

Provisions for dispatch of table eggs

The competent authority shall ensure that table eggs that come from and/or originate from organic and free range layer holdings in which preventive vaccination is carried out are only dispatched from the Netherlands provided that the table eggs:

- (a) come from poultry which originate from flocks which have been regularly inspected and tested with negative results for highly pathogenic avian influenza H5N1 in accordance with 'the preventive vaccination plan', with particular attention paid to sentinel birds; and
- (b) are directly transported:
 - (i) to a packing centre designated by the competent authority provided that they are packed in disposable packaging and that all biosecurity measures required by the competent authority are applied; or
 - (ii) to an establishment for the manufacture of egg products as set out in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004 ⁽¹⁾ to be handled and treated in accordance with Chapter XI of Annex II to Regulation (EC) No 852/2004 ⁽²⁾.

Article 8

Provisions for dispatch of fresh meat of poultry, minced meat, meat preparations, mechanically separated meat and meat products

1. The competent authority shall ensure that fresh meat derived from vaccinated organic and free range layer flocks is only dispatched from the Netherlands, provided that the meat comes from poultry which:

- (a) originate from flocks which have been regularly inspected and tested with negative results for highly pathogenic avian influenza H5N1 in accordance with 'the preventive vaccination plan' with particular attention paid to sentinel birds;
- (b) originate from flocks which have been clinically inspected by an official veterinarian within 48 hours before loading, with particular attention paid to sentinel birds;

⁽¹⁾ OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22.

⁽²⁾ OJ L 139, 30.4.2004, p. 1. Corrected version in OJ L 226, 25.6.2004, p. 3.

(c) are kept separated from other flocks which do not comply with this Article; and

- (d) the meat has been produced in accordance with Annex II and Sections II and III of Annex III to Regulation (EC) No 853/2004 and controlled in accordance with Sections I, II, III, and Chapters V and VII of Section IV of Annex I to Regulation (EC) No 854/2004 ⁽³⁾;

2. The competent authority shall ensure that minced meat, meat preparations, mechanically separated meat and meat products containing meat derived from vaccinated organic and free range layer flocks is only dispatched from the Netherlands if the meat complies with paragraph (1) and are produced in accordance with Sections V and VI of Annex III to Regulation (EC) No 853/2004.

Article 9

Commercial documents for fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products

The Netherlands shall ensure that fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products complying with the conditions set out in Article 8 is accompanied by a commercial document stating:

'The consignment complies with the animal health conditions laid down in Commission Decision 2006/147/EC'.

Article 10

Information to Member States

The Netherlands shall inform in advance the central veterinary authority in the Member State of destination on movements of consignments referred to in Article 9.

Article 11

Washing and disinfection of packaging and means of transport

The Netherlands shall ensure that in holdings where preventive vaccination is carried out all means of transport used for transporting live poultry, fresh poultry meat, minced meat, meat preparations, mechanically separated meat, meat products and poultry feedstuff are cleaned and disinfected immediately before and after each transport with disinfectants and methods of use approved by the competent authority.

⁽³⁾ OJ L 139, 30.4.2004, p. 206. Corrected version in OJ L 226, 25.6.2004, p. 83.

*Article 12***Penalties**

The Netherlands shall lay down the rules on penalties applicable to infringements of provisions of this decision and shall take all the measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Netherlands shall notify those provisions to the Commission by 7 March 2006 at the latest and shall notify the Commission of any subsequent amendments thereof.

*Article 13***Reports**

The Netherlands shall submit a report containing information on the implementation of the preventive vaccination plan to the Commission within one month from the date of application of this Decision and give monthly reports at the Standing Committee on the Food Chain and Animal Health starting as from 7 March 2006.

*Article 14***Review of measures**

The measures shall be reviewed in the light of the development of the epidemiological situation and new information becoming available.

*Article 15***Addresses**

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 24 February 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION

of 24 February 2006

on introducing preventive vaccination against highly pathogenic avian influenza H5N1 and related provisions for movements in France

(notified under document number C(2006) 632)

(Only the French text is authentic)

(2006/148/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

However, such a practice should not jeopardise the strict biosecurity and other measures that should be in force in such areas aimed at eradicating any introduction of virus.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ⁽¹⁾, and in particular, Article 57(2) thereof;

Whereas:

(1) Avian influenza is an infectious viral disease in poultry and birds, causing mortality and disturbances which can quickly take epizootic proportions liable to present a serious threat to animal health and under certain circumstances to human health. There is a risk that the disease agent might be spread to other holdings thus reducing sharply the profitability of poultry farming, to wild birds and from one Member State to other Member States and third countries through the international trade in live birds or their products.

(2) Highly pathogenic avian influenza A virus of subtype H5N1 has been isolated from wild birds in certain parts of the Community and in third countries adjacent to the Community or populated by migratory birds during winter. The likelihood of virus introduction with wild birds is increasing during the forthcoming migratory season.

(3) Early detection systems and biosecurity measures to reduce the risk of transmission of avian influenza to poultry flocks are in place in France.

(4) In its opinion on 'Animal health and welfare aspects of avian influenza' of 20 September 2005 the Animal Health and Welfare Panel of the European Food Safety Authority (EFSA) recommends that preventive vaccination can be considered if a high risk of virus introduction is identified in densely populated poultry areas.

(5) On 21 February 2006, France has submitted to the Commission for approval a plan for preventive vaccination in the light of the particular risk of introduction of avian influenza in certain areas of its territory. The Commission has immediately examined this plan in collaboration with France and deems that after certain adaptations it is in conformity with the relevant Community provisions. It appears therefore appropriate to approve this plan.

(6) According to this plan France intends to vaccinate ducks and geese against highly pathogenic avian influenza H5N1. This should be considered as a 'pilot project' since there is limited experience with preventive vaccination in these species.

(7) Only vaccines authorised in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products ⁽²⁾ or Regulation No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency ⁽³⁾ should be used.

(8) Where preventive vaccination is carried out in France monitoring on vaccinated and unvaccinated poultry flocks and movement restrictions for vaccinated birds have to be implemented.

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

⁽¹⁾ OJ L 10, 14.1.2006, p. 16.

⁽²⁾ OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).

⁽³⁾ OJ L 136, 30.4.2004, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

Subject matter, scope and definitions

1. This Decision lays down certain measures to be applied in France where preventive vaccination is carried out in certain poultry holdings in defined areas at particular risk for introduction of highly pathogenic avian influenza H5N1 including provisions for movements of vaccinated poultry and certain products derived thereof.

2. For the purpose of this Decision the definitions in Article 2 of Council Directive 2005/94/EC shall apply as appropriate.

Article 2

Approval of the vaccination programme

1. The plan for preventive vaccination against highly pathogenic avian influenza H5N1, submitted by France to the Commission on 21 February 2006, is approved ('the preventive vaccination plan').

The preventive vaccination shall be carried out with inactivated heterologous vaccine of avian influenza subtypes H5 authorised by France in ducks and geese in the areas listed in the Annex ('the preventive vaccination areas').

2. Intensive monitoring and surveillance, as set out in the preventive vaccination plan shall be carried out in the preventive vaccination areas.

3. The preventive vaccination plan shall be implemented efficiently.

4. The Commission shall publish the preventive vaccination plan.

Article 3

Provisions for movements of live poultry, hatching eggs, day-old chicks, fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products

Provisions for movements of live poultry and hatching eggs coming from and/or originating from holdings in which

preventive vaccination is carried out and on movement of day-old chicks and fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products derived from poultry vaccinated in accordance with the preventive vaccination plan shall meet the requirements laid down in Article 4 to 9 of this Decision.

Article 4

Provisions for movements and dispatch of live poultry, hatching eggs and day-old chicks

1. The competent authority shall ensure that vaccinated poultry may only be moved from its holding to:

- (a) other holdings where vaccination is carried out; or
- (b) other holdings where only vaccinated poultry are kept; or
- (c) other holdings where complete separation between vaccinated and non vaccinated poultry can be ensured; or
- (d) a slaughterhouse for immediate slaughter,

within France.

2. No vaccinated live poultry, hatching eggs and day-old chicks originating from such poultry shall be dispatched from France.

3. No live poultry, hatching eggs and day-old chicks originating from holdings where vaccination has been carried out or from the holdings referred to in paragraph 1(a), 1(b) or 1(c) shall be dispatched from France.

Article 5

Health certification for intra-Community trade for consignments of live poultry, day-old chicks and hatching eggs

Health certificates for intra-Community trade in live poultry, day-old chicks and hatching eggs from France shall include the words:

'The consignment consists of live poultry/day-old chicks /hatching eggs originating from holdings where no vaccination against avian influenza has been carried out'.

*Article 6***Provisions for dispatch of fresh meat of poultry, minced meat, meat preparations, mechanically separated meat and meat products**

1. The competent authority shall ensure that fresh meat derived from vaccinated poultry in France is only placed on the market provided that the meat comes from poultry which:

- (a) originate from holdings which have been regularly inspected and tested with negative results for highly pathogenic avian influenza H5N1 in accordance with 'the preventive vaccination plan', with particular attention paid to sentinel birds;
- (b) originate from flocks which have been clinically inspected by an official veterinarian within 48 hours before loading, with particular attention paid to sentinel birds;
- (c) are kept separated from other flocks which do not comply with Article 4 and with this Article; and
- (d) that the meat has been produced in accordance with Annex II and Sections II and III of Annex III to Regulation (EC) No 853/2004 ⁽¹⁾ and controlled in accordance with Sections I, II, III, and Chapters V and VII of Section IV of Annex I to Regulation (EC) No 854/2004 ⁽²⁾;

2. The competent authority shall ensure that minced meat, meat preparations, mechanically separated meat and meat products containing meat derived from vaccinated ducks and geese flocks is only dispatched from France if the meat complies with paragraph (1) and are produced in accordance with Sections V and VI of Annex III to Regulation (EC) No 853/2004.

*Article 7***Commercial documents for fresh meat of poultry, minced meat, meat preparations, mechanically separated meat and meat products**

France shall ensure that fresh meat of poultry, minced meat, meat preparations, mechanically separated meat and meat

products complying with the conditions set out in Article 6 is accompanied by commercial documents stating:

'The consignment complies with the animal health conditions laid down in Commission Decision 2006/148/EC.'

*Article 8***Information to Member States**

France shall inform in advance the central veterinary authority in the Member State of destination on movements of consignments referred to in Article 7.

*Article 9***Washing and disinfection of packaging and means of transport**

France shall ensure that the following measures are taken on holdings, located in areas as listed in the Annex, where preventive vaccination is carried out:

- (a) only disposable packaging material, or packaging material which can be effectively washed and disinfected, is used for the collection, storage and transport of hatching eggs and day-old chicks;
- (b) all means of transport used for transporting live poultry, hatching eggs, day-old poultry, fresh poultry meat, minced meat, meat preparations, mechanically separated meat and meat products and poultry feedstuff are cleaned and disinfected immediately before and after each transport with disinfectants and methods of use approved by the competent authority.

*Article 10***Penalties**

France shall lay down the rules on penalties applicable to infringements of provisions of this Decision and shall take all the measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. France shall notify those provisions to the Commission by 7 March 2006 at the latest and shall notify the Commission of any subsequent amendments thereof.

*Article 11***Reports**

France shall submit a report containing information on the effectiveness of the preventive vaccination plan to the Commission within one month from the date of application of this Decision and give monthly reports at the Standing Committee on the Food Chain and Animal Health starting as from 7 March 2006.

⁽¹⁾ OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).

⁽²⁾ OJ L 139, 30.4.2004, p. 206. Corrected version in OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).

*Article 12***Review of measures**

The measures shall be reviewed in the light of the development of the epidemiological situation and new information becoming available.

*Article 13***Addressee**

This Decision is addressed to the French Republic.

Done at Brussels, 24 February 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

**AREAS WHERE PREVENTIVE VACCINATION AGAINST AVIAN INFLUENZA IS
CARRIED OUT IN CERTAIN DUCK AND GEESE HOLDINGS**

List of communes

DÉPARTEMENT DES LANDES		
AIRE-SUR-L'ADOUR	GRENADE-SUR-L'ADOUR	PORT-DE-LANNE
ANGRESSE	HAGETMAU	POUDENX
ARBOUCAVE	HAUT-MAUCO	POUYDESSEAUX
ARTASSENX	HERRÉ	PUJO-LE-PLAN
ARTHEZ-D'ARMAGNAC	HONTANX	PUYOL-CAZALET
AUBAGNAN	HORSARRIEU	RENUNG
AUDIGNON	LABASTIDE-CHALOSSE	RIMBEZ-ET-BAUDIETS
BAHUS-SOUBIRAN	LABASTIDE-D'ARMAGNAC	SAINT-AGNET
BASCONS	LABENNE	SAINT-ANDRÉ-DE-SEIGNANX
BAS-MAUCO	LACAJUNTE	SAINT-BARTHÉLEMY
BATS	LACQUY	SAINTE-COLOMBE
BÉNESSE-MAREMNE	LACRABE	SAINT-CRICQ-VILLENEUVE
BENQUET	LAGLORIEUSE	SAINT-ÉTIENNE-D'ORTHE
BETBEZER-D'ARMAGNAC	LAGRANGE	SAINTE-FOY
BIARROTTE	LARRIVIÈRE	SAINT-GEIN
BIAUDOS	LATRILLE	SAINT-JEAN-DE-MARSACQ
BISCARROSSE	LAURET	SAINT-JULIEN-D'ARMAGNAC
BORDÈRES-ET-LAMENSANS	LOSSE	SAINT-JUSTIN
BOSTENS	LUSSAGNET	SAINT-LAURENT-DE-GOSSE
BOUGUE	MANT	SAINT-LOUBOUER
BOURDALAT	MAURIES	SAINTE-MARIE-DE-GOSSE
BRETAGNE-DE-MARSAN	MAURRIN	SAINT-MARTIN-DE-HINX
BUANES	MAUVEZIN-D'ARMAGNAC	SAINT-MARTIN-DE-SEIGNANX
CAPBRETON	MAZEROLLES	SAINT-MAURICE-SUR-L'ADOUR
CASTANDET	MIRAMONT-SENSACQ	SAINT-PIERRE-DU-MONT
CASTELNAU-TURSAN	MOMUY	SAINT-SEVER
CAZÈRES-SUR-L'ADOUR	MONGET	SAINT-VINCENT-DE-TYROSSE
CLASSUN	MONSÉGUR	SAMADET
CLÈDES	MONT-DE-MARSAN	SANGUINET
COUDURES	MONTÉGUT	SARRAZIET
CRÉON-D'ARMAGNAC	MONTGAILLARD	SARRON
DUHORT-BACHEN	MONTSOUÉ	SAUBION
DUMES	MORGANX	SAUBRIGUES
ESCALANS	ONDRES	SERRES-GASTON
ESTIGARDE	ORX	SOORTS-HOSSEGOR
EUGÉNIE-LES-BAINS	PARLEBOSCQ	SORBETS
EYRES-MONCUBE	PAYROS-CAZAUTETS	TARNOS
FARGUES	PÉCORADE	URGONS
FRÈCHE (LE)	PERQUIE	VIELLE-TURSAN
GABARRET	PEYRE	VIGNAU (LE)
GAILLÈRES	PHILONDENX	VILLENEUVE-DE-MARSAN
GEAUNE	PIMBO	

DÉPARTEMENT DE LA LOIRE-ATLANTIQUE

ARTHON-EN-RETZ	GRIGNONNAIS (LA)	SAINT-ANDRÉ-DES-EAUX
ASSÉRAC	GUÉMÉNÉ-PENFAO	SAINTE-ANNE-SUR-BRIVET
AVESSAC	GUENROUET	SAINT-BRÉVIN-LES-PINS
BASSE-GOULAINÉ	GUÉRANDE	SAINT-COLOMBAN
BAULE-ESCOUBLAC (LA)	HERBIGNAC	SAINT-ÉTIENNE-DE-MONTLUC
BATZ-SUR-MER	INDRE	SAINT-GILDAS-DES-BOIS
BERNERIE-EN-RETZ (LA)	JUIGNÉ-DES-MOUTIERS	SAINT-HERBLAIN
BESNÉ	LIMOUZINIÈRE (LA)	SAINT-HILAIRE-DE-CHALÉONS
BIGNON (LE)	LAVAU-SUR-LOIRE	SAINT-JEAN-DE-BOISEAU
BLAIN	MACHECOUL	SAINT-JOACHIM
BOUAYE	MALVILLE	SAINT-JULIEN-DE-VOUVANTES
BOUÉE	MARNE (LA)	SAINT-LÉGER-LES-VIGNES
BOUGUENNAIS	MARSAC-SUR-DON	SAINTE-LUCE-SUR-LOIRE
BOURGNEUF-EN-RETZ	MASSÉRAC	SAINT-LUMINE-DE-COUTAIS
BOUVRON	MESQUER	SAINT-LYPHARD
BRAINS	MISSILLAC	SAINT-MALO-DE-GUERSAC
CAMPBON	MONTAGNE (LA)	SAINT-MARS-DE-COUTAIS
CARQUEFOU	MONTOIR-DE-BRETAGNE	SAINT-MÊME-LE-TENU
CHAPELLE-DES-MARAIS (LA)	MOUTIERS-EN-RETZ (LES)	SAINT-MICHEL-CHEF-CHEF
CHAPELLE-GLAIN (LA)	NANTES	SAINT-MOLF
CHAPELLE-LAUNAY (LA)	NOTRE-DAME-DES-LANDES	SAINT-NAZAIRE
CHAPELLE-SUR-ERDRE (LA)	ORVAULT	SAINT-NICOLAS-DE-REDON
CHAUVÉ	PAIMBOEUF	SAINTE-PAZANNE
CHEIX-EN-RETZ	PELLERIN (LE)	SAINT-PÈRE-EN-RETZ
CHÉMÉRÉ	PIERRIC	SAINT-PHILBERT-DE-GRAND-LIEU
CHEVROLIÈRE (LA)	PIRIAC-SUR-MER	SAINTE-REINE-DE-BRETAGNE
CONQUÉREUIL	PLAINE-SUR-MER (LA)	SAINT-SÉBASTIEN-SUR-LOIRE
CORDEMAIS	PLESSÉ	SAINT-VIAUD
CORSEPT	PONT-CHÂTEAU	SAUTRON
COUËRON	PONT-SAINT-MARTIN	SAVENAY
CROISIC (LE)	PORNIC	SÉVERAC
CROSSAC	PORNICHET	SORINIÈRES (LES)
DONGES	PORT-SAINT-PÈRE	TEMPLE-DE-BRETAGNE (LE)
DREFFÉAC	POULIGUEN (LE)	TREILLIÈRES
FAY-DE-BRETAGNE	PRÉFAILLES	TRIGNAC
FÉGRÉAC	PRINQUIAU	TURBALLE (LA)
FRESNAY-EN-RETZ	QUILLY	VAY
FROSSAY	REZÉ	VERTOU
GÂVRE (LE)	ROUANS	VIGNEUX-DE-BRETAGNE
GENESTON	SAINT-AIGNAN-GRANDLIEU	VUE

DÉPARTEMENT DE LA VENDÉE		
AIGUILLON-SUR-MER (L')	GROSBREUIL	SABLES-D'OLONNE (LES)
AIGUILLON-SUR-VIE (L')	GRUES	SAINT-AUBIN-LA-PLAINE
ANGLES	GUÉ-DE-VELLUIRE (LE)	SAINT-AVAUGOURD-DES-LANDES
AUZAY	GUÉRINIÈRE (LA)	SAINT-BENOIST-SUR-MER
AVRILLÉ	ÎLE-D'ELLE (L')	SAINT-CYR-EN-TALMONDAIS
BARBÂTRE	ÎLE-D'OLONNE (L')	SAINT-DENIS-DU-PAYRÉ
BARRE-DE-MONTS (LA)	JARD-SUR-MER	SAINT-ÉTIENNE-DE-BRILLOUET
BEAUVOIR-SUR-MER	JONCHÈRE (LA)	SAINTE-FOY
BENET	LAIROUX	SAINTE-GEMME-LA-PLAINE
BERNARD (LE)	LANDEVIEILLE	SAINT-GERVAIS
BESSAY	LANGON (LE)	SAINT-GILLES-CROIX-DE-VIE
BOIS-DE-CÉNÉ	LIEZ	SAINTE-HERMINE
BOISSIÈRE-DES-LANDES (LA)	LONGÈVES	SAINT-HILAIRE-DE-RIEZ
BOUILLÉ-COURDAULT	LONGEVILLE-SUR-MER	SAINT-HILAIRE-DES-LOGES
BOUIN	LUÇON	SAINT-HILAIRE-LA-FORÊT
BREM-SUR-MER	MAGNILS-REIGNIERS (LES)	SAINT-JEAN-DE-BEUGNÉ
BRÉTIGNOLLES-SUR-MER	MAILLÉ	SAINT-JEAN-DE-MONTS
BRETONNIÈRE (LA)	MAILLEZAIS	SAINT-JULIEN-DES-LANDES
CHAILLÉ-LES-MARAIS	MAREUIL-SUR-LAY-DISSAIS	SAINT-MARTIN-DE-FRAIGNEAU
CHAILLÉ-SOUS-LES-ORMEAUX	MAZEAU (LE)	SAINT-MATHURIN
CHAIX	MONTREUIL	SAINT-MICHEL-EN-L'HERM
CHAIZE-GIRAUD (LA)	MOREILLES	SAINT-MICHEL-LE-CLOUCQ
CHAPELLE-ACHARD (LA)	MOTHE-ACHARD (LA)	SAINTE-PEXINE
CHAMPAGNÉ-LES-MARAIS	MOUTIERS-LES-MAUXFAITS	SAINT-PIERRE-LE-VIEUX
CHAMP-SAINT-PÈRE (LE)	MOUTIERS-SUR-LE-LAY	SAINTE-RADEGONDE-DES-NOYERS
CHASNAIS	MOUZEUIL-SAINT-MARTIN	SAINT-RÉVÉREND
CHÂTEAU-D'OLONNE	NALLIERS	SAINT-SIGISMOND
CHÂTEAU-GUIBERT	NIEUL-LE-DOLENT	SAINT-URBAIN
CHÂTEAUNEUF	NIEUL-SUR-L'AUTISE	SAINT-VINCENT-SUR-GRAON
CLAYE (LA)	NOIRMOUTIER-EN-L'ÎLE	SAINT-VINCENT-SUR-JARD
CORPE	NOTRE-DAME-DE-MONTS	SALLERTAINE
COUTURE (LA)	OLONNE-SUR-MER	SÉRIGNÉ
CURZON	ORBRIE (L')	TABLIER (LE)
DAMVIX	OULMES	TAILLÉE (LA)
DOIX	PÉAULT	TALMONT-SAINT-HILAIRE
ÉPINE (L')	PERRIER (LE)	TRANCHE-SUR-MER (LA)
FAUTE-SUR-MER (LA)	PETOSSE	TRIAIZE
FENOUILLE (LE)	PISSOTTE	VAIRÉ
FONTAINES	POIRÉ-SUR-VELLUIRE (LE)	VELLUIRE
FONTENAY-LE-COMTE	POIROUX	VIX
GIROUARD (LE)	POUILLÉ	VOUILLÉ-LES-MARAIS
GIVRAND	PUYRAVAULT	XANTON-CHASSENON
GIVRE (LE)	ROSNAY	