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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1801/2005
of 3 November 2005
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 November 2005.

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

Done at Brussels, 3 November 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 3 November 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	52,8
	096	29,6
	204	48,0
	999	43,5
0707 00 05	052	92,6
	204	23,7
	999	58,2
0709 90 70	052	85,4
	204	51,3
	999	68,4
0805 50 10	052	66,7
	388	57,8
	528	60,8
	999	61,8
0806 10 10	052	115,0
	400	198,7
	508	265,7
	512	92,7
	624	181,1
	720	99,5
	999	158,8
0808 10 80	052	73,2
	096	15,6
	388	89,7
	400	107,7
	404	88,7
	512	71,0
	720	36,6
	800	190,6
	804	66,6
	999	82,2
0808 20 50	052	89,3
	720	50,7
	999	70,0

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

COMMISSION REGULATION (EC) No 1802/2005**of 3 November 2005****amending Regulation (EC) No 2771/1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream**

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 21 of Commission Regulation (EC) No 2771/1999 ⁽²⁾, lays down that intervention butter placed on sale must have entered into storage before 1 January 2003.

(2) Given the situation on the butter market and the quantities of butter in intervention storage it is appropriate

that butter in storage before 1 January 2004 should be available for sale.

(3) 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

In Article 21 of Regulation (EC) No 2771/1999, the date '1 January 2003' is replaced by the date '1 January 2004'.

Article 2

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

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

Done at Brussels, 3 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1008/2005 (OJ L 170, 1.7.2005, p. 30).

COMMISSION REGULATION (EC) No 1803/2005**of 1 November 2005****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 ⁽²⁾ laying down provisions for the implementation of Regulation (EEC) No 2913/92, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 November 2005.

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

Done at Brussels, 1 November 2005.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 (OJ L 117, 4.5.2005, p. 13).

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

ANNEX

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.10	New potatoes 0701 90 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
1.30	Onions (other than seed) 0703 10 19	23,69	13,59	703,33	176,75	370,66	5 954,52
		81,79	16,50	10,17	94,51	5 674,27	925,49
		255,75	16,13				
1.40	Garlic 0703 20 00	159,37	91,40	4 731,73	1 189,12	2 493,62	40 059,54
		550,28	110,99	68,42	635,81	38 174,18	6 226,31
		1 518,73	108,52				
1.50	Leeks ex 0703 90 00	62,17	35,65	1 845,83	463,87	972,75	15 627,05
		214,66	43,30	26,69	248,03	14 891,58	2 428,86
		592,45	42,33				
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	47,92	27,48	1 422,74	357,55	749,79	12 045,17
		165,46	33,37	20,57	191,18	11 478,28	1 872,14
		456,65	32,63				
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
1.100	Chinese cabbage ex 0704 90 90	104,01	59,65	3 088,06	776,05	1 627,40	26 143,95
		359,13	72,43	44,65	414,95	24 913,52	4 063,46
		991,16	70,82				
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	30,30	17,38	899,61	226,08	474,09	7 616,21
		104,62	21,10	13,01	120,88	7 257,76	1 183,76
		288,74	20,63				
1.140	Radishes ex 0706 90 90	52,35	30,02	1 554,27	390,60	819,10	13 158,70
		180,75	36,46	22,47	208,85	12 539,40	2 045,21
		498,87	35,65				
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	462,43	265,20	13 729,50	3 450,32	7 235,43	116 236,00
		1 596,67	322,04	198,52	1 844,86	110 765,47	18 066,15
		4 406,71	314,87				

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EKK SIT	HUF SKK
1.170	Beans:						
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	132,50 457,51 1 262,69	75,99 92,28 90,22	3 934,02 56,88	988,65 528,62	2 073,22 31 738,49	33 306,00 5 176,64
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 00	151,09 521,68 1 439,81	86,65 105,22 102,88	4 485,86 64,86	1 127,33 602,77	2 364,04 36 190,59	37 977,98 5 902,78
1.180	Broad beans ex 0708 90 00	—	—	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—	—	—
1.200	Asparagus:						
1.200.1	— green ex 0709 20 00	266,27 919,37 2 537,39	152,70 185,43 181,30	7 905,47 114,31	1 986,70 1 062,27	4 166,18 63 778,98	66 928,92 10 402,53
1.200.2	— other ex 0709 20 00	463,35 1 599,86 4 415,51	265,75 322,68 315,50	13 756,92 198,92	3 457,21 1 848,54	7 249,88 110 986,70	116 468,16 18 102,24
1.210	Aubergines (eggplants) 0709 30 00	99,22 342,59 945,51	56,90 69,10 67,56	2 945,83 42,59	740,31 395,84	1 552,45 23 766,07	24 839,84 3 876,31
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	138,52 478,28 1 320,03	79,44 96,47 94,32	4 112,66 59,47	1 033,54 552,63	2 167,37 33 179,70	34 818,39 5 411,70
1.230	Chantarelles 0709 59 10	334,34 1 154,41 3 186,09	191,74 232,83 227,65	9 926,55 143,53	2 494,61 1 333,85	5 231,28 80 084,46	84 039,70 13 062,00
1.240	Sweet peppers 0709 60 10	98,66 340,67 940,22	56,58 68,71 67,18	2 929,34 42,36	736,16 393,62	1 543,76 23 633,06	24 800,26 3 854,62
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	77,69 268,24 740,31	44,55 54,10 52,90	2 306,51 33,35	579,64 309,93	1 215,53 18 608,20	19 527,23 3 035,05
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	47,08 162,55 448,62	27,00 32,78 32,05	1 397,71 20,21	351,25 187,81	736,59 11 276,31	11 833,22 1 839,20

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.40	Avocados, fresh ex 0804 40 00	141,95	81,41	4 214,56	1 059,15	2 221,07	35 681,10
		490,13	98,86	60,94	566,32	34 001,81	5 545,79
		1 352,73	96,66				
2.50	Guavas and mangoes, fresh ex 0804 50	—	—	—	—	—	—
2.60	Sweet oranges, fresh:						
2.60.1	— Sanguines and semi-sanguines ex 0805 10 20	44,39	25,46	1 317,94	331,21	694,55	11 157,87
		153,27	30,91	19,06	177,09	10 632,74	1 734,23
		423,01	30,23				
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins ex 0805 10 20	40,35	23,14	1 198,04	301,08	631,37	10 142,78
		139,33	28,10	17,32	160,98	9 665,42	1 576,46
		384,53	27,48				
2.60.3	— Others ex 0805 10 20	47,63	27,32	1 414,13	355,38	745,25	11 972,28
		164,46	33,17	20,45	190,02	11 408,81	1 860,81
		453,89	32,43				
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:						
2.70.1	— Clementines ex 0805 20 10	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.2	— Monreales and satsumas ex 0805 20 30	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.3	— Mandarines and wilkins ex 0805 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	78,93	45,26	2 343,32	588,89	1 234,93	19 838,86
		272,52	54,96	33,88	314,88	18 905,17	3 083,48
		752,13	53,74				
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	63,02	36,14	1 870,95	470,78	985,99	15 839,75
		217,58	43,88	27,05	251,40	15 094,27	2 461,92
		600,51	42,91				
2.90.2	— pink ex 0805 40 00	71,87	41,22	2 133,84	536,25	1 124,53	18 065,42
		248,16	50,05	30,85	286,73	17 215,19	2 807,84
		684,89	48,94				

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.100	Table grapes 0806 10 10	— — —	— — —	— — —	— — —	— — —	— — —
2.110	Water melons 0807 11 00	76,06 262,62 724,81	43,62 52,97 51,79	2 258,22 32,65	567,51 303,44	1 190,08 18 218,65	19 118,44 2 971,51
2.120	Melons (other than water melons):						
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	59,11 204,11 563,32	33,90 41,17 40,25	1 755,08 25,38	441,06 235,83	924,92 14 159,43	14 858,74 2 309,44
2.120.2	— Other ex 0807 19 00	85,59 295,51 815,58	49,08 59,60 58,27	2 541,02 36,74	638,58 341,44	1 339,12 20 500,20	21 512,67 3 343,64
2.140	Pears						
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	— Other ex 0808 20 50	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	116,20 401,22 1 107,33	66,64 80,92 79,12	3 449,98 49,88	867,00 463,58	1 818,13 27 833,39	29 208,03 4 539,70
2.160	Cherries 0809 20 95 0809 20 05	473,31 1 634,24 4 510,41	271,44 329,61 322,28	14 052,57 203,19	3 531,51 1 888,27	7 405,69 113 371,94	118 971,20 18 491,28
2.170	Peaches 0809 30 90	108,43 374,39 1 033,28	62,18 75,51 73,83	3 219,29 46,55	809,03 432,58	1 696,56 25 972,24	27 254,96 4 236,14
2.180	Nectarines ex 0809 30 10	143,55 495,65 1 367,96	82,33 99,97 97,74	4 262,00 61,63	1 071,07 572,69	2 246,07 34 384,53	36 082,73 5 608,21
2.190	Plums 0809 40 05	105,89 365,61 1 009,07	60,73 73,74 72,10	3 143,85 45,46	790,07 422,45	1 656,81 25 363,66	26 616,33 4 136,88
2.200	Strawberries 0810 10 00	361,87 1 249,48 3 448,48	207,53 252,01 246,40	10 744,04 155,35	2 700,05 1 443,70	5 662,10 86 679,68	90 960,65 14 137,69

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.205	Raspberries 0810 20 10	304,95	174,89	9 053,97	2 275,32	4 771,43	76 652,23
		1 052,93	212,37	130,92	1 216,60	73 044,67	11 913,79
		2 906,02	207,64				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 455,44	834,69	43 212,01	10 859,47	22 772,69	365 839,40
		5 025,34	1 013,57	624,82	5 806,48	348 621,54	56 861,13
		13 869,62	991,01				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	148,01	84,89	4 394,55	1 104,38	2 315,92	37 204,90
		511,06	103,08	63,54	590,50	35 453,89	5 782,63
		1 410,50	100,78				
2.230	Pomegranates ex 0810 90 95	88,63	50,83	2 631,51	661,32	1 386,80	22 278,74
		306,03	61,72	38,05	353,60	21 230,21	3 462,71
		844,63	60,35				
2.240	Khakis (including sharon fruit) ex 0810 90 95	211,97	121,57	6 293,51	1 581,60	3 316,67	53 281,76
		731,90	147,62	91,00	845,67	50 774,11	8 281,40
		2 020,01	144,33				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

COMMISSION REGULATION (EC) No 1804/2005**of 3 November 2005****amending Regulation (EEC) No 2807/83 laying down detailed rules for recording of information on Member States' catches of fish**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 ⁽¹⁾ of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, and in particular Article 22(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EEC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95 ⁽²⁾ establishes the criteria and procedures for a system relating to the management of fishing effort in western waters.
- (2) Council Regulation (EC) No 1415/2004 of 19 July 2004 fixing the maximum annual fishing effort for certain fishing areas and fisheries ⁽³⁾ sets the maximum annual fishing effort for each Member State and for each area and fishery defined in Articles 3 and 6 of Regulation (EC) No 1954/2003.
- (3) Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for

recording information on Member States' catches of fish ⁽⁴⁾ is no longer in line with Regulations (EC) No 1954/2003 and 1415/2004 as regards western waters. It is therefore necessary to amend Annex VIa of Regulation (EC) No 2807/83 to reflect the new arrangements.

- (4) Council Regulation (EC) No 779/97 ⁽⁵⁾ introduced arrangements for the management of fishing effort in the Baltic Sea. The existing obligations for recording of fishing effort in the Baltic Sea should remain in force.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VIa of Regulation (EEC) No 2807/83 is replaced by the Annex to this Regulation

Article 2

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

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

Done at Brussels, 3 November 2005.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 358, 20.12.2002, p. 59.

⁽²⁾ OJ L 289, 7.11.2003, p. 1.

⁽³⁾ OJ L 258, 19.7.2004, p. 1.

⁽⁴⁾ OJ L 276, 10.10.1983, p. 1. Regulation as last amended by Regulation (EC) No 1965/2001 (OJ L 268, 9.10.2001, p. 23).

⁽⁵⁾ OJ L 113, 30.4.1997, p. 1.

ANNEX

ANNEX VIa

Table 1

FISHING EFFORT — WESTERN WATERS — Council Regulation (EC) No 1954/2003

Fishery		
Target species	Remarks	Effort zone codes
Demersal	Demersal species excluding those covered by Regulation (EC) No 2347/2002 ⁽¹⁾	A: ICES V-VI B: ICES VII (Except biologically sensitive area) C: ICES VIII
Scallop	Scallop	D: ICES IX E: ICES X
Crabs	Edible crab and spider crab	F: CECAF 34.1.1 G: CECAF 34.1.2 H: CECAF 34.2.0 J: Biologically sensitive area defined in Article 6(1) of Regulation (EC) No 1954/2003

⁽¹⁾ Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks (OJ L 351, 28.12.2002, p. 6).

Table 2

FISHING EFFORT — BALTIC SEA — Council Regulation (EC) No 779/97

Fishery		
Target species	Remarks	Effort zone codes
Demersal	Herring, sprat	T: Subdivisions 22 to 32
Pelagic		U: Subdivisions 30 and 31 X: Subdivisions 22-29 and subdivision 32
Anadromous and freshwater	Salmon, sea trout and freshwater fish	T: Subdivisions 22 to 32'

COMMISSION REGULATION (EC) No 1805/2005

of 3 November 2005

amending Regulation (EC) No 356/2005 laying down detailed rules for the marking and identification of passive fishing gear and beam trawls

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, and in particular Articles 5(c) and 20a(3) thereof,

Whereas:

- (1) It is necessary to specify the marking and identification of passive gear in the common fisheries policy. Therefore Commission Regulation (EC) No 356/2005 of 1 March 2005 laying down detailed rules for the marking and identification of passive fishing gear and beam trawls ⁽²⁾ was adopted.
- (2) Experience gained and recent advice from Member States show that the deployment of intermediary marker buoys, as required in Article 14 of Regulation (EC) No 356/2005, gives rise to practical difficulties in their full implementation.
- (3) The frequency of deployment of intermediary marking buoys should be revised by taking account of the specific conditions prevailing in different Community fishing areas.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Article 14 of Regulation (EC) No 356/2005 shall be replaced by the following:

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

⁽²⁾ OJ L 56, 2.3.2005, p. 8.

*'Article 14***Intermediary marker buoys**

1. Intermediary marker buoys shall be fixed to passive gear extending more than 5 nautical miles as follows:

(a) intermediary marker buoys shall be deployed at distances of not more than 5 nautical miles so that no part of the gear extending 5 nautical miles or more shall be left unmarked;

(b) intermediary marker buoys shall have the same characteristics as those of the end marker buoy in the eastern sector except that the flags shall be white.

2. By derogation from paragraph 1, in the Baltic Sea intermediary marker buoys shall be fixed to passive gear extending more than 1 nautical mile. Intermediary marker buoys shall be deployed at distances of not more than 1 nautical mile so that no part of the gear extending 1 nautical mile or more shall be left unmarked.

Intermediary marker buoys shall have the same characteristics as those of the end marker buoy in the eastern sector except for the following:

(a) the flags shall be white;

(b) every fifth intermediary marker buoys shall be fitted with a radar reflector giving an echo at least 2 nautical miles.'

Article 2

Article 15 of Regulation (EC) No 356/2005 shall be replaced by the following:

'Article 15

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

It shall apply from 1 January 2006.'

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, 3 November 2005.

For the Commission
Joe BORG
Member of the Commission

COMMISSION REGULATION (EC) No 1806/2005**of 3 November 2005****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 Regulation (EC) No 1748/2005 ⁽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 4 November 2005.

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

Done at Brussels, 3 November 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*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 280, 24.10.2005, p. 12.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 4 November 2005

(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⁾	25,48	3,64
1701 11 90 ⁽¹⁾	25,48	8,79
1701 12 10 ⁽¹⁾	25,48	3,51
1701 12 90 ⁽¹⁾	25,48	8,36
1701 91 00 ⁽²⁾	24,18	13,48
1701 99 10 ⁽²⁾	24,18	8,62
1701 99 90 ⁽²⁾	24,18	8,62
1702 90 99 ⁽³⁾	0,24	0,40

⁽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 Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽³⁾ Fixed per 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 13 June 2005

on the conclusion of the Agreement for Scientific and Technological Cooperation between the European Community and the United Mexican States

(2005/766/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 170(2), in conjunction with the first sentence of the first subparagraph of Article 300(2) and Article 300(3) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) The Commission has negotiated, on behalf of the Community, an Agreement for Scientific and Technological Cooperation with the United Mexican States.
- (2) Subject to its possible conclusion at a later date, the Agreement initialed on 2 April 2003 was signed on 3 February 2004.
- (3) The Agreement should be approved,

Article 1

The Agreement for Scientific and Technological Cooperation between the European Community and the United Mexican States is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision ⁽²⁾.

Article 2

The President of the Council shall, acting on behalf of the Community, give the notification provided for in Article 11 of the Agreement.

Done at Luxembourg, 13 June 2005.

For the Council
The President
J. ASSELBORN

⁽¹⁾ OJ C 226, 15.9.2005, p. 19.

⁽²⁾ See page 17 of this Official Journal.

AGREEMENT

for Scientific and Technological Cooperation between the European Community and the United Mexican States

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE UNITED MEXICAN STATES, hereinafter referred to as 'Mexico',

of the other part,

hereinafter referred to as 'the Parties',

CONSIDERING the Economic Partnership, Political Coordination and Cooperation Agreement between the United Mexican States and the European Community and its Member States of 8 December 1997;

CONSIDERING the importance of science and technology for their economic and social development;

CONSIDERING the ongoing scientific and technological cooperation between the Community and Mexico;

CONSIDERING that the Community and Mexico are currently pursuing research and technological development activities, including projects as defined in Article 2(e), in areas of common interest and that participation in each other's research and development activities on the basis of reciprocity will provide mutual benefits;

DESIRING to establish a solid basis for cooperation in scientific and technological research which will extend and strengthen the cooperative activities in areas of common interest and encourage the application of the results of such cooperation to the economic and social benefit of both Parties;

CONSIDERING that this Agreement for scientific and technological cooperation is part of the general cooperation between Mexico and the Community,

HAVE AGREED AS FOLLOWS:

Article 1

Purpose

The Parties shall encourage, develop and facilitate cooperative research and development activities in fields of science and technology of common interest between the Community and Mexico.

Article 2

Definitions

For the purpose of this Agreement:

- (a) 'cooperative activity' means any activity which the Parties undertake or support, pursuant to this Agreement, and includes joint research and training of human resources;
- (b) 'information' means scientific or technical data, results or methods of research and development stemming from joint research and any other data deemed necessary by the participants to cooperative activities, including, as necessary, by the Parties themselves;
- (c) 'intellectual property' shall have the meaning defined in Article 2 of the Convention establishing the World Intellectual Property Organisation, signed in Stockholm on 14 July 1967;
- (d) 'joint research' means research, technological development and/or demonstration projects implemented with or without financial support from one or both Parties and which involves collaboration between participants from both the Community and Mexico;
- (e) 'demonstration projects' means projects aimed at demonstrating the viability of new technologies which offer a potential economic advantage but which cannot be commercialised without a prior study of their viability on the market. The Parties shall keep each other mutually and regularly informed about the joint research activities in the context of the coordination and facilitation of cooperative activities (Article 6);
- (f) 'participant' or 'research entities' means any physical or legal person, research institute, or any other firm or legal entity established in the Community or in Mexico involved in cooperative activities, including the Parties themselves.

*Article 3***Principles**

Cooperative activities shall be conducted on the basis of the following principles:

- (a) mutual benefit based on an appropriate balance of advantages;
- (b) reciprocal opportunities to participate in the research and technological development activities undertaken by each Party;
- (c) timely exchange of information which may affect cooperative activities;
- (d) within the framework of the applicable laws and regulations, effective protection of intellectual property and equitable sharing of intellectual property rights, in accordance with the Annex on intellectual property rights, which forms an integral part of this Agreement.

*Article 4***Areas of cooperative activities**

(a) Cooperation under this Agreement may cover all the activities on research, technological development, demonstration and high-level scientific and technological training, hereinafter referred to as 'RTD', included in the RTD Framework Programme of the European Community, including fundamental research. The abovementioned activities must be directed towards promoting scientific progress, industrial competitiveness and economic and social development, in particular in the following areas:

- research on the environment and climate, including Earth observation,
- biomedical and health research,
- agriculture, forestry and fisheries,
- industrial and manufacturing technologies,
- research on electronics, materials and metrology,
- non-nuclear energy,
- transport,
- information society technologies,
- research on economic and social development,

- biotechnologies,
- aeronautics and space research and applied research, and
- science and technology policy.

(b) Other areas of cooperation may be added to this list subject to prior examination and recommendation by the Joint Committee referred to in Article 6(c)(7), in accordance with the procedures in force for each party, together with all similar RTD activities undertaken in Mexico in the corresponding fields.

This Agreement does not affect the participation of Mexico, as a developing country, in Community activities in the field of research for development.

*Article 5***Forms of cooperative activities**

(a) The Parties shall foster the participation of institutes of higher education, research and development centres and research and development entities in cooperative activities under this Agreement in conformity with their internal policies and regulations, with a view to providing opportunities for participation in their scientific and technological research and development activities.

(b) Cooperative activities may take the following forms:

- establishment of networks and long-term institutional alliances between research centres and research and technology institutes and joint implementation of projects of common interest,
- implementation of RTD projects between research and business centres in Mexico and Europe, including technology-based undertakings,
- participation of Mexican research institutes in RTD projects under the existing Framework Programme and reciprocal participation of research institutes established in the Community in Mexican projects in similar fields of RTD. Such participation shall be subject to the rules and procedures applicable in the RTD programmes of each Party,
- visits and exchanges of scientists, RTD policy-makers and technical experts, including scientific training through research,
- joint organisation of scientific seminars, conferences, workshops and symposia, as well as participation of experts in such activities,

- exchanges and sharing of equipment and materials, including shared use and/or loans of laboratory infrastructure and equipment,
- exchanges of information on procedures, laws, regulations and programmes relevant to cooperation under this Agreement, exchanges of experience and studies on best practice on science and technology policy,
- any other form recommended by the Steering Committee, as provided for in Article 6(b), and considered to be in conformity with the policies and procedures applicable in both Parties.

Joint RTD projects shall be implemented when the participants have developed a technology management plan, as indicated in the Annex to this Agreement.

Article 6

Coordination and facilitation of cooperative activities

(a) For the purposes of this Agreement, the Parties appoint the following authorities, acting as co-signatory executive agents, for the coordination and facilitation of cooperative activities: on behalf of the United Mexican States, el Consejo Nacional de Ciencia y Tecnología (National Science and Technology Council) and, on behalf of the Community, the representatives of the European Commission.

(b) The executive agents shall establish a bilateral RTD Cooperation Steering Committee, hereinafter referred to as the 'Steering Committee', for the management of this Agreement; this Committee shall consist of a similar number of official representatives of each Party; it shall establish its own rules of procedure.

(c) The functions of the Steering Committee shall include:

1. promoting and overseeing the different cooperative activities referred to in Article 4 as well as those that could be implemented in the framework of RTD cooperation for development and any others which arise in the future;
2. identifying, pursuant to the first indent of Article 5(b), among the potential sectors for RTD cooperation, those priority sectors or subsectors of mutual interest in which cooperation is sought;

3. promoting, pursuant to the second indent of Article 5(b), together with the scientific communities of the two Parties, identification of projects which would be of mutual benefit, complementary and/or priorities;

4. making recommendations, pursuant to the fifth indent of Article 5(b);

5. advising the Parties on ways to enhance and improve cooperation and dissemination thereof consistent with the principles set out in this Agreement;

6. monitoring and reviewing the efficient functioning and implementation of this Agreement;

7. providing an annual report to the Parties on the status, the level reached and the effectiveness of cooperation undertaken under this Agreement. This report shall be submitted to the Joint Committee established under the Association Agreement of 8 December 1997.

(d) The Steering Committee shall, as a general rule, meet once a year, preferably before the meeting of the Joint Committee, according to a jointly agreed schedule, and shall report to the Joint Committee; the meetings shall be held alternately in the Community and in Mexico. Extraordinary meetings may be organised at the request of either Party.

(e) Each Party shall bear the costs of its participation in the meetings of the Steering Committee. Costs other than those for travel and accommodation which are directly associated with meetings of the Steering Committee shall be borne by the host Party.

Article 7

Funding

(a) Cooperative activities shall be subject to the availability of appropriated funds and to the applicable laws, regulations, policies and programmes of the Parties. Costs incurred by the participants in cooperative activities shall, in principle, give rise to no transfer of funds from one Party to the other.

(b) When cooperative schemes of one Party provide for financial support to participants from the other Party, any such grants, financial or other contributions shall be granted free of tax and customs duties in accordance with the laws and regulations applicable in the territories of each Party.

*Article 8***Entry of personnel and equipment**

Each Party shall take all necessary steps and provide the necessary facilities for participants officially involved in cooperative activities under this Agreement to enter, stay in and leave its territory. They shall also make the efforts necessary to provide the necessary facilities, in the national migration, tax, customs, health and safety regulations in force in the receiving country, for the material, data and equipment used in the activities covered by the Agreement.

*Article 9***Dissemination and use of information**

The research entities established in Mexico which are involved in Community RTD projects shall follow, as regards the ownership, dissemination and use of information and as regards the intellectual property stemming from this involvement, the rules on dissemination of research results stemming from the specific Community RTD programmes as well as the provisions in the Annex to this Agreement. The research entities established in the Community which are involved in Mexican RTD projects shall have, as regards the ownership, dissemination and use of information and as regards the intellectual property stemming from this involvement, the same rights and the same obligations as the Mexican research entities and shall be subject to the provisions in the Annex to this Agreement.

*Article 10***Territorial application**

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community applies and under the conditions laid down in that Treaty and, on the other hand, to the territory of Mexico.

*Article 11***Entry into force, termination and dispute settlement**

(a) This Agreement shall enter into force on the date of the last written communication by which the Parties notify each

other that their respective internal procedures necessary for its entry into force have been completed.

(b) This Agreement shall be concluded for an initial period of five years and may be tacitly renewed after full evaluation, based on the results, during the penultimate year of each successive five-year period.

(c) This Agreement may be amended by decision of the Parties. Amendments shall enter into force under the same conditions as defined in paragraph (a).

(d) This Agreement may be terminated at any time by either Party upon six months' written notice to the other Party through diplomatic channels. The expiration or termination of this Agreement shall not affect the validity or duration of any arrangements made under it, or any specific rights and obligations that have accrued in compliance with the Annex to this Agreement.

(e) All questions or disputes related to the interpretation or implementation of this Agreement shall be settled by mutual agreement between the Parties.

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

Done at Brussels on the third day of February in the year two thousand and four in two copies, in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, all texts being equally authentic. The English version will prevail whenever there is a divergent interpretation between these texts.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar





Por los Estados Unidos Mexicanos
For De Forenede Mexicanske Stater
Für die Vereinigten Mexikanischen Staaten
Για τις Ηνωμένες Πολιτείες του Μεξικού
For the United Mexican States
Pour les États-Unis mexicains
Per gli Stati Uniti messicani
Voor de Verenigde Mexicaanse Staten
Pelos Estados Unidos Mexicanos
Meksikon yhdysvaltojen puolesta
För Mexikos förenta stater



ANNEX

INTELLECTUAL PROPERTY RIGHTS

This Annex is an integral part of the 'Agreement for scientific and technological cooperation between the European Community and the United Mexican States', hereinafter referred to as 'the Agreement'.

Rights to intellectual property created or furnished under the Agreement shall be allocated as provided in this Annex.

I. APPLICATION

This Annex is applicable to joint research undertaken pursuant to the Agreement, except as otherwise agreed by the Parties.

II. OWNERSHIP, ALLOCATION AND EXERCISE OF RIGHTS

1. This Annex addresses the allocation of rights and interests of the Parties and their participants. Each Party and its participants shall ensure that the other Party and its participants may obtain the rights to intellectual property allocated to it in accordance with this Annex. This Annex does not otherwise alter or prejudice the allocation of rights, interests and royalties between a Party and its nationals or participants, which shall be determined by the laws and practices applicable to each Party.
2. The Parties shall also be guided by, and contractual arrangements shall provide for, the following principles:
 - (a) effective protection of intellectual property. The Parties shall ensure that they and/or their participants notify one another within a reasonable time of the creation of any intellectual property arising under the Agreement or implementation arrangements and seek protection for such intellectual property in a timely fashion;
 - (b) effective exploitation of results, taking into account the contributions of the Parties and their participants and the provisions of Article 9 of the Agreement;
 - (c) non-discriminatory treatment of participants from the other Party as compared with the treatment given to its own participants without prejudice to Article 9 of the Agreement;
 - (d) protection of business-confidential information.
3. The Parties or participants shall jointly develop a Technology Management Plan (TMP) in respect of the ownership and use, including publication, of information and intellectual property to be created in the course of joint research. The TMP shall be approved by the responsible funding agency or other relevant agencies involved in financing the technology, taking account of the opinion of the Steering Committee, before the conclusion of the corresponding specific research and development cooperation contracts of research institutes. The TMP shall be developed within the rules and regulations in force in each Party taking into account the aims of the joint research, the financial or other contributions of the Parties and participants, the advantages and disadvantages of licensing by territory or for fields of use, the transfer of export-controlled data, goods or services, requirements imposed by applicable laws and other factors deemed appropriate by the participants. The rights and obligations concerning the research generated by visiting researchers in respect of intellectual property shall also be addressed in the joint technology management plans.

With respect to intellectual property, the TMP shall normally address, among other things, ownership, protection, user rights for research and development purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also address general and specific information, licensing and deliverables.

4. Information or intellectual property created in the course of joint research and not addressed in the TMP shall be allocated, with the approval of the Parties, according to the principles set out in the TMP. In case of disagreement, such information or intellectual property shall be owned jointly by all the participants involved in the joint research from which the information or intellectual property results. Each participant to whom this provision applies shall have the right to use such information or intellectual property for his own commercial exploitation with no geographical limitation.
5. Each Party shall ensure that the other Party and its participants have the rights to intellectual property allocated to them in accordance with these principles.

6. While maintaining the conditions of competition in areas affected by the Agreement, each Party shall endeavour to ensure that rights acquired pursuant to the Agreement and arrangements made under it are exercised in such a way as to encourage, in particular:

(i) the dissemination and use of information created, disclosed or otherwise made available, under the Agreement, and

(ii) the adoption and implementation of international standards.

7. Termination or expiry of the Agreement shall not affect rights or obligations in accordance with this Annex.

III. COPYRIGHT WORKS AND SCIENTIFIC LITERARY WORKS

Copyright belonging to the Parties or to their participants shall be accorded treatment consistent with the Berne Convention (Paris Act 1971). The copyright shall protect the expressions but not the ideas, procedures, methods of operation or mathematical concepts as such. Limitations or exceptions to exclusive rights may be introduced only in certain special cases which do not obstruct normal exploitation of results nor unduly endanger the legitimate interests of the right-holder.

Without prejudice to Section II, and unless otherwise agreed in the TMP, results of joint research shall be published jointly by the Parties or participants. Subject to the foregoing general rule, the following procedures shall apply:

1. In the case of publication by a Party or public bodies of that Party of scientific and technical journals, articles, reports, books, including videos and software arising from joint research pursuant to the Agreement, the other Party shall be entitled to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works.

2. The Parties shall ensure that literary works of a scientific character arising from joint research pursuant to the Agreement and published by independent publishers shall be disseminated as widely as possible.

3. All copies of a copyright work to be publicly distributed and prepared under this provision shall indicate the names of the author(s) of the work unless an author explicitly declines to be named. Copies shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

IV. INVENTIONS, DISCOVERIES AND OTHER SCIENTIFIC AND TECHNOLOGICAL ACHIEVEMENTS

Inventions, discoveries and other scientific and technological achievements arising from cooperative activities between the Parties themselves shall be owned by the Parties unless otherwise agreed by the Parties.

V. UNDISCLOSED INFORMATION

A. Documental undisclosed information

1. Each Party, its agencies or its participants, as appropriate, shall identify at the earliest possible moment, and preferably in the TMP, the information which they wish to remain undisclosed in relation to the Agreement, taking into account, *inter alia*, the following criteria:

(a) secrecy of the information in the sense that it is not, as a body or in the precise configuration or assembly of its components, generally known among or readily accessible by lawful means to experts in the fields;

(b) the actual or potential commercial value of the information by virtue of its secrecy;

(c) previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its secrecy.

The Parties and their participants may in certain cases agree that, unless otherwise indicated, parts or all of the information provided, exchanged or created in the course of joint research pursuant to the Agreement may not be disclosed.

2. Each Party shall ensure that it and its participants clearly identify undisclosed information, for example by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.

Any Party receiving undisclosed information pursuant to the Agreement shall respect the privileged nature thereof. These limitations shall automatically terminate when this information is disclosed by the owner into the public domain.

3. Undisclosed information communicated under this Agreement may be disseminated by the receiving Party to persons linked to or employed by the receiving Party and other concerned departments or agencies in the receiving Party authorised for the specific purposes of the joint research under way, provided that any undisclosed information so disseminated shall be pursuant to an agreement of confidentiality and shall be readily recognisable as such, as set out above.
4. With the prior written consent of the Party providing undisclosed information, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph 3. The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party shall grant such approval to the extent permitted by its domestic policies, regulations and laws.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential information provided in seminars and other meetings arranged under the Agreement, or information arising from the attachment of staff, use of facilities, or participation in joint projects, shall be treated by the Parties or their participants according to the principles specified for documentary information in the Agreement, provided, however, that the recipient of such undisclosed or other confidential or privileged information has been made aware of the confidential character of the information at the time it was communicated.

C. Control

Each Party shall endeavour to ensure that undisclosed information received by it under the Agreement shall be controlled as provided herein. If one of the Parties becomes aware that it will be, or may be reasonably expected to become, unable to meet the non-dissemination provisions of sections A and B, it shall immediately inform the other Party. The Parties shall thereafter consult to define the most appropriate course of action.

COUNCIL DECISION

of 24 October 2005

authorising France to apply differentiated levels of taxation to motor fuels in accordance with Article 19 of Directive 2003/96/EC

(2005/767/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity⁽¹⁾, and in particular Article 19 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By letter dated 16 June 2004 France requested authorisation to apply differentiated levels of taxation to gas oil and unleaded petrol for the purposes of an administrative reform involving the decentralisation of certain specific powers currently exercised by central government.
- (2) The decentralisation planned by France is part of an approach designed to increase administrative effectiveness by improving the quality and reducing the cost of public services. It is also part of a policy of subsidiarity, allowing for decisions to be adopted on many domains at the appropriate level. The possibility of regional differentiation offers regions an additional incentive to improve the quality of their administration in a transparent fashion. The reductions should be linked to the socio-economic conditions of the regions in which they are applied.
- (3) Derogations cannot be authorised for indefinite periods. Article 19(2) of Directive 2003/96/EC restricts the duration of further exemptions or reductions of taxation applicable to energy and electricity products to six years with the possibility of renewal.
- (4) The low level of differentiation of the excise rates between regions and the differences in retail prices among distribution networks imply that the risk of traffic detours and, consequently, the risk of an increase in environmentally damaging emissions will be very low. This will also meet the needs of the energy policy.
- (5) The intra-Community commercial movement of diesel and unleaded petrol takes place almost completely under duty suspension arrangements. This form of intra-Community movement is not affected by the devo-

lution of excise duties contemplated by France. For the very limited number of cases where commercial movement takes place under duty-paid arrangements, the planned procedures of control are of a non-discriminatory nature and, subject to a regular review of their practicalities, without real impact on the intra-Community movement of duty-paid products. Under these conditions, the decentralisation of excise duties does not seem to hinder the proper functioning of the internal market.

- (6) The very tight limits set for the differentiation of duty rates between regions should ensure that the decentralisation of excise duties will not distort competition on the oil products market. Moreover, the differentiation should be compensated by the large price differences among distribution networks. As the requested measure does not apply to commercial diesel, any distortion of competition on the freight and passenger transport markets should be excluded.
- (7) The increase in national rates which will precede the possibility of regional reductions in rates leads to the conclusion that the application of the French measure should not in principle result in any hindrance to Community policy on environmental protection.
- (8) The Commission regularly reviews reductions and exemptions to check that they do not distort competition or hinder the operation of the internal market and are not incompatible with Community policy on protection of the environment, energy and transport,

HAS ADOPTED THIS DECISION:

Article 1

1. France is hereby authorised to apply reduced levels of taxation to unleaded petrol and gas oil used as fuel. Gas oil for commercial use within the meaning of Article 7(2) of Directive 2003/96/EC shall not be eligible for any such reductions.

2. Administrative regions may be permitted to apply differentiated reductions provided the following conditions are fulfilled:

- (a) the reductions are no greater than EUR 35,4 per 1 000 litres of unleaded petrol or EUR 23,0 per 1 000 litres of gas oil;

⁽¹⁾ OJ L 283, 31.10.2003, p. 51. Directive as last amended by Directive 2004/74/EC (OJ L 157, 30.4.2004, p. 87).

(b) the reductions are no greater than the difference between the levels of taxation of gas oil for non-commercial use and gas oil for commercial use;

(c) the reductions are linked to the objective socioeconomic conditions of the regions in which they are applied;

(d) the application of regional reductions does not have the effect of granting a region a competitive advantage in intra-Community trade.

3. The reduced levels must comply with the requirements of Directive 2003/96/EC, and in particular the minimum levels laid down in Article 7.

Article 2

This Decision shall expire three years after the date of implementation of the provisions of Article 1(2).

Article 3

This Decision is addressed to the French Republic.

Done at Luxembourg, 24 October 2005.

For the Council

The President

B. BRADSHAW

COMMISSION

COMMISSION DECISION

of 28 October 2005

amending Decision 2001/618/EC to include the department of Ain, France, in the list of regions free of Aujeszky's disease

(notified under document number C(2005) 4178)

(Text with EEA relevance)

(2005/768/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, and in particular Article 10(2) thereof,

Whereas:

(1) The additional guarantees relating to Aujeszky's disease required in intra-Community trade in pigs and the lists of territories in the Member States where approved Aujeszky's disease eradication programmes are in place and which are free from this disease are laid down in Commission Decision 2001/618/EC of 23 July 2001 on additional guarantees in intra-Community trade of pigs relating to Aujeszky's disease, criteria to provide information on this disease and repealing Decisions 93/24/EEC and 93/244/EEC ⁽²⁾.

(2) A programme for the eradication of Aujeszky's disease has been implemented in France for several years and the department of Ain is listed as a region where an approved Aujeszky's disease eradication programme is in place.

(3) France has submitted supporting documentation to the Commission as regards the Aujeszky's disease-free status of the department of Ain demonstrating that the disease has been eradicated from that department.

(4) Decision 2001/618/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and II to Decision 2001/618/EC are replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 October 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 121, 29.7.1964, p. 1977/64. Directive as last amended by Regulation (EC) No 1/2005 (OJ L 3, 5.1.2005, p. 1).

⁽²⁾ OJ L 215, 9.8.2001, p. 48. Decision as last amended by Decision 2004/320/EC (OJ L 102, 7.4.2004, p. 75).

ANNEX

ANNEX I

Member States or regions thereof free of Aujeszky's disease and where vaccination is prohibited

ISO code	Member State	Regions
AT	Austria	Whole territory
CY	Cyprus	Whole territory
CZ	Czech Republic	All regions
DE	Germany	All regions
DK	Denmark	All regions
FI	Finland	All regions
FR	France	The departments of Ain, Aisne, Allier, Alpes-de-Haute-Provence, Alpes-Maritimes, Ardèche, Ardennes, Ariège, Aube, Aude, Aveyron, Bas-Rhin, Bouches-du-Rhône, Calvados, Cantal, Charente, Charente-Maritime, Cher, Corrèze, Côte-d'Or, Creuse, Deux-Sèvres, Dordogne, Doubs, Drôme, Essonne, Eure, Eure-et-Loir, Gard, Gers, Gironde, Hautes-Alpes, Hauts-de-Seine, Haute-Garonne, Haute-Loire, Haute-Marne, Hautes-Pyrénées, Haut-Rhin, Haute-Saône, Haute-Savoie, Haute-Vienne, Hérault, Indre, Indre-et-Loire, Isère, Jura, Landes, Loire, Loire-Atlantique, Loir-et-Cher, Loiret, Lot, Lot-et-Garonne, Lozère, Maine-et-Loire, Manche, Marne, Mayenne, Meurthe-et-Moselle, Meuse, Moselle, Nièvre, Oise, Orne, Paris, Pas-de-Calais, Pyrénées-Atlantiques, Pyrénées-Orientales, Puy-de-Dôme, Réunion, Rhône, Sarthe, Saône-et-Loire, Savoie, Seine-et-Marne, Seine-Maritime, Seine-Saint-Denis, Somme, Tarn, Tarn-et-Garonne, Territoire de Belfort, Val-de-Marne, Val-d'Oise, Var, Vaucluse, Vendée, Vienne, Vosges, Yonne, Yvelines
LU	Luxembourg	All regions
SE	Sweden	All regions
UK	United Kingdom	All regions in England, Scotland and Wales

ANNEX II

Member States or regions thereof where approved Aujeszky's disease control programmes are in place

ISO code	Member State	Regions
BE	Belgium	Whole territory
FR	France	The departments of Côtes-d'Armor, Finistère, Ille-et-Vilaine, Morbihan and Nord
IT	Italy	The province of Bolzano
NL	Netherlands	Whole territory'

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1724/2005 of 20 October 2005 on the issue of import licences for rice originating in the ACP States and the overseas countries and territories against applications submitted in the first five working days of October 2005 pursuant to Regulation (EC) No 638/2003

(Official Journal of the European Union L 276 of 21 October 2005)

On page 21, Regulation (EC) No 1724/2005 should read as follows:

**'COMMISSION REGULATION (EC) No 1724/2005
of 20 October 2005****on the issue of import licences for rice originating in the ACP States and the overseas countries and territories against applications submitted in the first five working days of October 2005 pursuant to Regulation (EC) No 638/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽¹⁾,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community (Overseas Association Decision) ⁽²⁾,

Having regard to Commission Regulation (EC) No 638/2003 of 9 April 2003 laying down detailed rules for applying Council Regulation (EC) No 2286/2002 and Council Decision 2001/822/EC as regards the arrangements applicable to imports of rice originating in the African, Caribbean and Pacific States (ACP States) and the overseas countries and territories (OCT) ⁽³⁾, and in particular Article 17(2) thereof,

Whereas:

Examination of the quantities for which applications have been submitted shows that licences for the October 2005 tranche should be issued for the quantities applied for reduced, where appropriate, by the percentages not covered,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences for rice against applications submitted during the first five working days of October 2005 pursuant to Regulation (EC) No 638/2003 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 October 2005.

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

Done at Brussels, 20 October 2005.

For the Commission
J. M. SILVA RODRÍGUEZ
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 348, 21.12.2002, p. 5.

⁽²⁾ OJ L 314, 30.11.2001, p. 1.

⁽³⁾ OJ L 93, 10.4.2003, p. 3.

Corrigendum to Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions

(Official Journal of the European Union L 126 of 26 May 2000)

On page 46, in Annex I, 'List of activities subject to mutual recognition', footnote 1:

for: ⁽¹⁾ Including, *inter alia*:

...

— financing of commercial transactions (including forfeiting),

read: ⁽¹⁾ Including, *inter alia*:

...

— financing of commercial transactions (including forfeiting).'
