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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 953/2005**of 21 June 2005**

relating to the conclusion of the Protocol setting out, for the period from 1 July 2004 to 30 June 2007, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

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

Having regard to the proposal from the Commission,

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

Whereas:

(1) Under the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire ⁽²⁾, before the expiry of the Protocol annexed to the Agreement the contracting parties are to negotiate in order to agree the content of the Protocol for the following period and any changes or additions to be made to the Annex.

(2) The two parties negotiated a new Protocol setting out the fishing opportunities and financial contribution between 9 and 13 November 2003 in Abidjan. This Protocol for the period from 1 July 2004 to 30 June 2007 was initialled on 3 March 2004 in Brussels.

(3) The allocation of the fishing opportunities among the Member States and their obligation to report catches should be confirmed.

(4) That Protocol should be approved,

Article 1

The Protocol setting out, for the period from 1 July 2004 to 30 June 2007, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire ⁽³⁾ is hereby approved on behalf of the Community.

Article 2

1. The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

(a) demersal species:

Spain: 1 300 GT (gross tonnage) per month, averaged over the year;

(b) tuna fishing vessels:

(i) tuna seiners:

— France: 17 vessels,

— Spain: 17 vessels;

(ii) surface longliners:

— Spain: 6 vessels,

— Portugal: 5 vessels;

(iii) pole-and-line tuna vessels:

— France: 3 vessels.

⁽¹⁾ Opinion delivered on 26 May 2005 (not yet published in Official Journal).

⁽²⁾ OJ L 379, 31.12.1990, p. 3. Agreement as last amended by the Protocol setting out, for the period 1 July 2000 to 30 June 2003, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire (OJ L 102, 12.4.2001, p. 3).

⁽³⁾ OJ L 76, 22.3.2005, p. 1.

2. If licence applications from these Member States do not exhaust the fishing opportunities set out in the Protocol, the Commission may consider licence applications from any other Member State.

Article 3

Member States that have vessels fishing under the present Agreement shall notify the Commission, in accordance with Commission Regulation (EC) No 500/2001 of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the monitoring of catches taken by Community fishing vessels in third country

waters and on the high seas, of the quantities of each stock taken in the Côte d'Ivoire fishing zone ⁽¹⁾.

Article 4

The President of the Council is hereby authorised to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 5

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

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

Done at Luxembourg, 21 June 2005.

For the Council

The President

F. BODEN

⁽¹⁾ OJ L 73, 15.3.2001, p. 8.

COMMISSION REGULATION (EC) No 954/2005**of 23 June 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 24 June 2005.

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

Done at Brussels, 23 June 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 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to Commission Regulation of 23 June 2005 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	52,6
	204	35,2
	999	43,9
0707 00 05	052	76,3
	999	76,3
0709 90 70	052	85,6
	999	85,6
0805 50 10	388	62,8
	528	56,5
	624	71,1
	999	63,5
0808 10 80	388	93,3
	400	117,0
	404	90,8
	508	86,3
	512	67,4
	524	46,4
	528	50,9
	720	104,9
	804	91,3
	999	83,1
0809 10 00	052	197,3
	624	188,8
	999	193,1
0809 20 95	052	272,6
	068	148,4
	400	358,1
	999	259,7
0809 30 10, 0809 30 90	052	157,0
	999	157,0
0809 40 05	052	130,1
	624	166,1
	999	148,1

⁽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 955/2005**of 23 June 2005****opening a Community import quota for rice originating in Egypt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽¹⁾, and in particular Articles 10(2) and 13(1) thereof,

Whereas:

(1) Protocol 1 of the Euro-Mediterranean Agreement, as amended by the Protocol to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union ⁽²⁾, attached to Council Decision 2005/89/EC ⁽³⁾, provides for a new tariff quota for the import into the Community of 5 605 tonnes of rice originating in Egypt with a 100 % reduction in the value of the customs duty calculated in accordance with Article 11 of Regulation (EC) No 1785/2003. That quota must therefore be opened and certain rules laid down for managing it.

(2) The quota is to apply on an annual basis from 1 January to 31 December, with effect from 1 May 2004. The quantity for 2005 must therefore be increased proportionately to take account of the fact that the quota was not open in the period 1 May 2004 to 31 December 2004.

(3) The general rules on import licences laid down by Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁴⁾ and Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽⁵⁾ must apply. With a view to sound management of this quota, however, special rules supplementing or derogating from Regulations (EC) No

1291/2000 and (EC) No 1342/2003 must be adopted as regards the submission of applications, the issuing of licences, the presentation of proof and the use thereof.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

An annual tariff quota is hereby opened under this Regulation for 5 605 tonnes of rice covered by CN code 1006, originating in Egypt and qualifying for a 100 % reduction in the value of the customs duty calculated in accordance with Article 11 of Regulation (EC) No 1785/2003.

However, for 2005 this tariff quota shall be opened for 9 342 tonnes.

The serial number of the quota shall be 09.4097.

Article 2

1. Applications for import licences shall cover not less than 100 tonnes and not more than 1 000 tonnes of rice.

2. Applications for import licences shall be accompanied by proof that the applicant is a natural or legal person who has been involved in the rice trade for at least 12 months and who is registered in the Member State where the application is lodged.

3. Applicants may lodge a single licence application only per week per eight-figure CN code in the Member State concerned.

Article 3

1. Import licence applications and import licences shall contain the following entries:

(a) the word 'Egypt' in box 8, 'yes' being marked with a cross;

(b) one of the entries listed in the Annex hereto in box 24.

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 31, 4.2.2005, p. 31.

⁽³⁾ OJ L 31, 4.2.2005, p. 30.

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

⁽⁵⁾ OJ L 189, 29.7.2003, p. 12. Regulation as last amended by Regulation (EC) No 1092/2004 (OJ L 209, 11.6.2004, p. 9).

2. Article 9 of Regulation (EC) No 1291/2000 notwithstanding, the rights resulting from import licences shall not be transferable.

3. Article 12 of Regulation (EC) No 1342/2003 notwithstanding, the security for import licences shall be equal to the customs duty calculated in accordance with Article 11 of Regulation (EC) No 1785/2003 and applying on the date of the application.

4. The reduced customs duty under Article 1 shall apply subject to the presentation, upon the entry of the rice into free circulation, of a transport document and EUR.1 movement certificate in accordance with Protocol 4 of the Euro-Mediterranean Agreement, issued in Egypt and relating to the consignments in question.

Article 4

1. Applications for import licences shall be lodged with the competent authorities of the Member States no later than 13.00 (Brussels time) every Monday.

No later than the working day following the last day for the submission of applications, the Member States shall inform the Commission by e-mail of the quantities, broken down by eight-figure CN code, covered by import licence applications.

2. Import licences shall be issued on the eighth working day following the last day for the submission of applications, provided that the quantity laid down in Article 1 has not been reached.

Article 6(1) of Regulation (EC) No 1342/2003 notwithstanding, import licences shall be valid until the end of the month following that in which they were issued.

3. Where the quantities applied for in a given week exceed the quantity available under the quota provided for in Article 1,

no later than the seventh working day following the last day for the submission of applications for that week the Commission shall fix a single reduction percentage for the quantities applied for during that week, shall reject applications submitted in respect of the following weeks and shall suspend the issuing of import licences until the end of the current year.

4. Where the quantity covered by import licences issued is less than that applied for, the security referred to in Article 3(3) shall be reduced proportionately.

Article 5

The Member States shall e-mail the following information to the Commission:

(a) no later than two working days after their issue, the quantities covered by import licences issued, the date of issue and the name and address of the holder;

(b) on the last working day of each month following that in which the rice enters into free circulation, the quantities that actually so enter, broken down by CN code.

The information referred to in the first paragraph shall be communicated separately from that relating to other import licence applications for rice.

Article 6

Article 35(6) of Regulation (EC) No 1291/2000 shall apply.

Article 7

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, 23 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Entries referred to in Article 3(1)(b)

- in Spanish: Derecho cero [Reglamento (CE) n° 955/2005]
 - in Czech: nulové clo (nařízení (ES) č. 955/2005)
 - in Danish: Nultold (forordning (EF) nr. 955/2005)
 - in German: Zollsatz Null (Verordnung (EG) Nr. 955/2005)
 - in Estonian: Nullmääraga tollimaks (määrus (EÜ) nr 955/2005)
 - in Greek: Μηδενικός δασμός [κανονισμός (ΕΚ) αριθ. 955/2005]
 - in English: Zero duty (Regulation (EC) No 955/2005)
 - in French: Droit zéro [règlement (CE) n° 955/2005]
 - in Italian: dazio zero [regolamento (CE) n. 955/2005]
 - in Latvian: Nodokļa nulles likme (Regula (EK) Nr. 955/2005)
 - in Lithuanian: nulinis muito tarifas (Reglamentas (EB) Nr. 955/2005)
 - in Hungarian: nulla vám-tétel (955/2005/EK rendelet)
 - in Maltese: Bla dazju (Regolament (KE) Nru 955/2005)
 - in Dutch: Nulrecht (Verordening (EG) nr. 955/2005)
 - in Polish: stawka zerowa (rozporządzenie (WE) nr 955/2005)
 - in Portuguese: Direito nulo [Regulamento (CE) n° 955/2005]
 - in Slovak: Nulové clo (nariadenie (ES) č. 955/2005)
 - in Slovene: Dajatev nič (Uredba (ES) št. 955/2005)
 - in Finnish: Tullivapaa (asetus (EY) N:o 955/2005)
 - in Swedish: Nolltull (förordning (EG) nr 955/2005)
-

COMMISSION REGULATION (EC) No 956/2005**of 23 June 2005****amending Regulation (EEC) No 411/88 on the method and the rate of interest to be used for calculating the costs of financing intervention measures comprising buying-in, storage and disposal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

therefore be defined on the same terms as for the other Member States.

Having regard to the Treaty establishing the European Community,

(5) Regulation (EEC) No 411/88 should be amended accordingly.

Having regard to Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section ⁽¹⁾, and in particular Article 5 thereof,

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

Whereas:

HAS ADOPTED THIS REGULATION:

(1) The third subparagraph of Article 5 of Regulation (EEC) No 1883/78 provides that, where the average rate of interest costs borne by a Member State in respect of intervention measures is more than twice the uniform interest rate determined for the Community, the Commission may finance those interest costs, during the budget years 2005 and 2006, by applying the uniform rate of interest plus the difference between double that rate and the actual rate borne by that Member State.

Article 1

Regulation (EEC) No 411/88 is hereby amended as follows:

1. Article 4 is replaced by the following:

'Article 4

(2) In order to determine the interest rate to be taken into consideration for the Member States concerned, the method to be applied during 2005 and 2006 should be specified in Commission Regulation (EEC) No 411/88 ⁽²⁾.

1. If the rate of interest costs borne by a Member State is lower for at least six months than the uniform interest rate fixed for the Community, a specific interest rate shall be fixed for that Member State.

(3) Where a Member State fails to communicate to the Commission the average rate of interest costs that it has borne, the Commission will apply a specific reference rate, determined on the basis of the representative reference interest rates in the Member States.

2. The average rate of interest costs borne by a Member State shall be communicated to the Commission not later than 20 days before the end of the year. It shall cover the six-month period preceding communication. However, in the case of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia it shall cover, for 2005, the period from 1 May to 31 August 2004.

(4) Following the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia on 1 May 2004, this reference rate should also take account of the representative reference rates for each of them. Those rates should

Where the average rate of interest costs is not communicated, the rate of interest costs to be applied shall be determined on the basis of the reference interest rates shown in the Annex. If not all of these reference interest rates are available for the whole of the reference period referred to in the first subparagraph, the rates available during that reference period shall be applied.

⁽¹⁾ OJ L 216, 5.8.1978, p. 1. Regulation as last amended by Regulation (EC) No 695/2005 (OJ L 114, 4.5.2005, p. 1).

⁽²⁾ OJ L 40, 13.2.1988, p. 25. Regulation as last amended by Regulation (EC) No 2623/1999 (OJ L 318, 11.12.1999, p. 14).

3. For 2005 and 2006, where the average rate of interest costs borne by a Member State is more than twice the uniform interest rate determined for the Community, the interest rate reimbursed by the Community budget shall be calculated by applying the following formula:

$$TR = TIU + [TIC - (2 \times TIU)]$$

where:

TR = interest rate reimbursed to the Member States,

TIU = uniform interest rate,

TIC = interest rate communicated by the Member State in accordance with the first subparagraph of paragraph 2, or the interest rate applicable in the absence of communication in accordance with the second subparagraph of paragraph 2.'

2. The Annex is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply to expenditure effected from 1 October 2004.

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

Done at Brussels, 23 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

'ANNEX

Reference interest rates referred to in the second subparagraph of Article 4(2)

1. Czech Republic
Prague interbank borrowing offered rate three months (PRIBOR)
2. Denmark
Copenhagen interbank borrowing offered rate three months (CIBOR)
3. Estonia
Tallinn interbank borrowing offered rate three months (TALIBOR)
4. Cyprus
Nicosia interbank borrowing offered rate three months (NIBOR)
5. Latvia
Riga interbank borrowing offered rate three months (RIGIBOR)
6. Lithuania
Vilnius interbank borrowing offered rate three months (VILIBOR)
7. Hungary
Budapest interbank borrowing offered rate three months (BUBOR)
8. Malta
Malta interbank borrowing offered rate three months (MIBOR)
9. Poland
Warszawa interbank borrowing offered rate three months (WIBOR)
10. Slovenia
Interbank borrowing offered rate three months (SITIBOR)
11. Slovakia
Bratislava interbank borrowing offered rate three months (BRIBOR)
12. Sweden
Stockholm interbank borrowing offered three months (STIBOR)
13. United Kingdom
London interbank borrowing offered rate three months (LIBOR)
14. For the other Member States
Euro interbank borrowing offered rate three months (EURIBOR)

NB: These rates will be increased by one percentage point, corresponding to the banking margin.'

COMMISSION REGULATION (EC) No 957/2005**of 23 June 2005****altering the export refunds on white sugar and raw sugar exported in the natural state fixed by
Regulation (EC) No 846/2005**

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⁾, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The export refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 846/2005 ⁽²⁾.

- (2) Since the data currently available to the Commission are different to the data at the time Regulation (EC) No 846/2005 was adopted, those refunds should be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 846/2005 are hereby altered to the amounts shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 June 2005.

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

Done at Brussels, 23 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 140, 3.6.2005, p. 6.

ANNEX

AMENDED AMOUNTS OF REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 24 JUNE 2005 ⁽¹⁾

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	33,21 ⁽²⁾
1701 11 90 9910	S00	EUR/100 kg	33,21 ⁽²⁾
1701 12 90 9100	S00	EUR/100 kg	33,21 ⁽²⁾
1701 12 90 9910	S00	EUR/100 kg	33,21 ⁽²⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3610
1701 99 10 9100	S00	EUR/100 kg	36,10
1701 99 10 9910	S00	EUR/100 kg	36,10
1701 99 10 9950	S00	EUR/100 kg	36,10
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3610

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution No 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽²⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 958/2005**of 23 June 2005****on a decision to make no award in respect of the 30th partial invitation to tender for white sugar issued in connection with the standing invitation to tender referred to in Regulation (EC) No 1327/2004**

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⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1327/2004 of 19 July 2004 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar for the 2004/05 marketing year ⁽²⁾, requires that partial invitations to tender be issued for the export of the sugar in question. Pursuant to Article 8(2) of that Regulation a

decision may be taken to make no award in respect of a specific partial invitation to tender.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

No award shall be made in respect of the 30th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1327/2004 for which the time limit for the submission of tenders expired on 23 June 2005.

Article 2

This Regulation shall enter into force on 24 June 2005.

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

Done at Brussels, 23 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 246, 20.7.2004, p. 23. Regulation as amended by Regulation (EC) No 1685/2004 (JO L 303 du 30.9.2004, p. 21).

COMMISSION REGULATION (EC) No 959/2005
of 23 June 2005
amending the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) The export refunds on poultrymeat were fixed by Commission Regulation (EC) No 755/2005 ⁽²⁾.
- (2) It follows from applying the criteria referred to in Article 8 of Regulation (EEC) No 2777/75 to the information

known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1) of Regulation (EEC) No 2777/75, exported in the natural state, as fixed in the Annex to Regulation (EC) No 755/2005 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 June 2005.

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

Done at Brussels, 23 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 126, 19.5.2005, p. 34. Regulation as amended by Regulation (EC) No 939/2005 (OJ L 158, 21.6.2005, p. 14).

ANNEX

Export refunds on poultrymeat applicable from 27 June 2005

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	A02	EUR/100 pcs	0,80
0105 11 19 9000	A02	EUR/100 pcs	0,80
0105 11 91 9000	A02	EUR/100 pcs	0,80
0105 11 99 9000	A02	EUR/100 pcs	0,80
0105 12 00 9000	A02	EUR/100 pcs	1,70
0105 19 20 9000	A02	EUR/100 pcs	1,70
0207 12 10 9900	V01	EUR/100 kg	31,50
0207 12 10 9900	A24	EUR/100 kg	31,50
0207 12 90 9190	V01	EUR/100 kg	31,50
0207 12 90 9190	A24	EUR/100 kg	31,50
0207 12 90 9990	V01	EUR/100 kg	31,50
0207 12 90 9990	A24	EUR/100 kg	31,50

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

V01 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.

COMMISSION REGULATION (EC) No 960/2005**of 23 June 2005****fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations

without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 to the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1(1) of Regulation (EC) No 1785/2003, exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, are fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 June 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 270, 21.10.2003, p. 96.

⁽³⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 23 June 2005.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 24 June 2005 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description of products ⁽²⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	—	—
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	3,266	3,266
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,783	1,783
	– – in other cases	4,093	4,093
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁵⁾ :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	2,243	2,243
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,337	1,337
	– – in other cases	3,070	3,070
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,783	1,783
	– other (including unprocessed)	4,093	4,093
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	3,017	3,017
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,783	1,783
	– in other cases	4,093	4,093

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, and to the goods listed in Tables I and II to Protocol No 2 the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

CN code	Description of products ⁽²⁾	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽²⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E to Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽³⁾ The goods concerned fall in under CN code 3505 10 50.

⁽⁴⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁵⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 961/2005**of 23 June 2005****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽³⁾ on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of

the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EC) No 1784/2003 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 June 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽³⁾ OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

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

Done at Brussels, 23 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

to Commission Regulation of 23 June 2005 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	57,30	1104 23 10 9300	C10	EUR/t	47,07
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	49,12	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	49,12	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C11	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	10,23
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	73,67	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	57,30	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	49,12	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	49,12	1108 12 00 9200	C10	EUR/t	65,49
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	65,49
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	65,49
1103 20 60 9000	C12	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	65,49
1103 20 20 9000	C11	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	64,16
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	49,12
1104 19 50 9110	C10	EUR/t	65,49	1702 30 91 9000	C10	EUR/t	64,16
1104 19 50 9130	C10	EUR/t	53,21	1702 30 99 9000	C10	EUR/t	49,12
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	49,12
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	64,16
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	49,12
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	67,23
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	46,66
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	49,12
1104 23 10 9100	C10	EUR/t	61,40				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are as follows:

C10: All destinations

C11: All destinations except for Bulgaria

C12: All destinations except for Romania

C13: All destinations except for Bulgaria and Romania

COMMISSION REGULATION (EC) No 962/2005
of 23 June 2005
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector⁽¹⁾, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽²⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 22 June 2005, the quantity still available for the period until 30 June 2005, for destination zone (3) eastern Europe, referred to in Article 9(5) of Regulation (EC)

No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 15 to 21 June 2005 should be applied and the submission of applications and the issue of licences suspended for this zone until 1 July 2005,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 15 to 21 June 2005 under Regulation (EC) No 883/2001 shall be issued in concurrence with 75,58 % of the quantities requested for zone (3) eastern Europe.
2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 22 June 2005 and the submission of export licence applications from 24 June 2005 for destination zone (3) eastern Europe shall be suspended until 1 July 2005.

Article 2

This Regulation shall enter into force on 24 June 2005.

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

Done at Brussels, 23 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 908/2004 (OJ L 163, 30.4.2004, p. 56).

⁽²⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

COMMISSION REGULATION (EC) No 963/2005**of 23 June 2005****amending the export refunds on syrups and certain other sugar sector products exported in the natural state, as fixed by Regulation (EC) No 803/2005**

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⁾, and in particular the third indent of Article 27(5) thereof,

Whereas:

- (1) The refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 803/2005 ⁽²⁾.
- (2) Since the information at present available to the Commission is different to that available to it at the

time Regulation (EC) No 803/2005 was adopted, these refunds should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1(1)(d), (f) and (g), of Regulation (EC) No 1260/2001, fixed by Regulation (EC) No 803/2005 for the marketing year 2004/05, are hereby amended and detailed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 June 2005.

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

Done at Brussels, 23 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 134, 27.5.2005, p. 31.

ANNEX

AMENDED AMOUNTS FOR EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING ⁽¹⁾

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	36,10 ⁽²⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	36,10 ⁽²⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	68,59 ⁽³⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3610 ⁽⁴⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	36,10 ⁽²⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3610 ⁽⁴⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3610 ⁽⁴⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,3610 ⁽⁴⁾ ⁽⁵⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	36,10 ⁽²⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3610 ⁽⁴⁾

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, except for sugar incorporated into the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

⁽⁴⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽⁵⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 964/2005**of 23 June 2005****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1210/2004 for the 2004/2005 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 2004/2005 marketing year are fixed by

Commission Regulation (EC) No 1210/2004 ⁽³⁾. These prices and duties have last been amended by Commission Regulation (EC) No 842/2005 ⁽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 1210/2004 for the 2004/2005 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 June 2005.

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

Done at Brussels, 23 June 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 232, 1.7.2004, p. 11.

⁽⁴⁾ OJ L 139, 2.6.2005, p. 14.

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 24 June 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⁾	21,33	5,64
1701 11 90 ⁽¹⁾	21,33	11,02
1701 12 10 ⁽¹⁾	21,33	5,45
1701 12 90 ⁽¹⁾	21,33	10,50
1701 91 00 ⁽²⁾	24,06	13,56
1701 99 10 ⁽²⁾	24,06	8,68
1701 99 90 ⁽²⁾	24,06	8,68
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 Regulation (EC) No 1260/2001.⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 965/2005**of 23 June 2005****amending the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

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⁾, and in particular Article 27(5)(a) and (15) thereof,

Whereas:

- (1) The rates of the refunds applicable from 27 May 2005 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 805/2005 ⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 805/2005 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 805/2005 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 June 2005.

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

Done at Brussels, 23 June 2005.

For the Commission

Günter VERHEUGEN

Vice-President

⁽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 134, 27.5.2005, p. 35.

ANNEX

Rates of refunds applicable from 24 June 2005 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	white sugar	36,10	36,10

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 966/2005**of 23 June 2005****fixing the export refunds on cereal-based compound feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 september 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds

and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 June 2005.

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

Done at Brussels, 23 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 23 June 2005 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000,

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

C10: All destinations.

COMMISSION REGULATION (EC) No 967/2005**of 23 June 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 868/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

(1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 868/2005 ⁽²⁾.

(2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95 ⁽³⁾ the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 17 to 23 June 2005, pursuant to the invitation to tender issued in Regulation (EC) No 868/2005, the maximum reduction in the duty on maize imported shall be 24,96 EUR/t and be valid for a total maximum quantity of 148 300 t.

Article 2

This Regulation shall enter into force on 24 June 2005.

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

Done at Brussels, 23 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 145, 9.6.2005, p. 18.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 968/2005**of 23 June 2005****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 June 2005.

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

Done at Brussels, 23 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

ANNEX

**to the Commission Regulation of 23 June 2005 fixing the export refunds on cereals and on wheat or rye flour,
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	5,12
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	4,72
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	4,36
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	C01	EUR/t	4,08
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	5,48				

NB: The product codes and the 'A' series destination codes are set out in the Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

COMMISSION REGULATION (EC) No 969/2005**of 23 June 2005****fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 1757/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1757/2004 ⁽²⁾.

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified on 17 to 23 June 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1757/2004, the maximum refund on exportation of barley shall be 12,94 EUR/t.

Article 2

This Regulation shall enter into force on 24 June 2005.

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

Done at Brussels, 23 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 313, 12.10.2004, p. 10.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 970/2005**of 23 June 2005****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 115/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 115/2005 ⁽²⁾.

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified on 17 to 23 June 2005, pursuant to the invitation to tender issued in Regulation (EC) No 115/2005, the maximum refund on exportation of common wheat shall be 4,00 EUR/t.

Article 2

This Regulation shall enter into force on 24 June 2005.

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

Done at Brussels, 23 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 24, 27.1.2005, p. 3.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION DIRECTIVE 2005/43/EC**of 23 June 2005****amending the Annexes to Council Directive 68/193/EEC on the marketing of material for the vegetative propagation of the vine**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

organisms to be checked and the methodology for inspecting and testing the growing crop.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine ⁽¹⁾, and in particular Article 2(1)(DA)(c), Article 8(2), Article 10(3) and Article 17a thereof,

Whereas:

- (1) Directive 68/193/EEC establishes Community provisions for the marketing of material for the vegetative propagation of vines within the Community. The Directive lists the conditions to be satisfied by the growing crop, the propagation material, the packaging and the label.
- (2) Improved plant propagation technology permits plants produced in accordance with that technology to be marketed in pots, crates or boxes in addition to the traditional bundles.
- (3) Where Member States require that each delivery of material produced within their territories is also accompanied by a uniform document, the conditions regarding this accompanying document should be provided for.
- (4) Certain conditions relating to propagation material and the composition of packaging should not apply to propagation material produced in accordance with the new production methods.
- (5) The conditions to be satisfied by the growing crop are set out in Annex I to Directive 68/193/EEC. That Annex should include a reference to the category and type of propagation material, a new positive list of harmful

- (6) The conditions to be satisfied by the propagation material are set out in Annex II to Directive 68/193/EEC. That Annex should include a reference to the variety and where appropriate, to the clone for each category and type of propagation material as regards identity and purity, the methodology for inspecting the propagation material and the grading of the different types of propagation material.

- (7) The conditions to be satisfied by the packaging are set out in Annex III to Directive 68/193/EEC. That Annex should include a reference to the type of propagation material as regards the number of individuals per unit of packaging.

- (8) The conditions concerning the label and accompanying document are set out in Annex IV of Directive 68/193/EEC. That Annex should include all the information relating to the propagation material required by Article 10 of Directive 68/193/EEC.

- (9) The growing cycle of vine propagation material lasts for several years and the time required for inspecting and testing is consequently lengthy. A rapid introduction of new conditions could create a shortage of production of propagation material fulfilling the new requirements. It is therefore appropriate to provide for a transitional period for compliance with the new conditions laid down in Annexes I, II and IV for propagation material already in place.

- (10) Directive 68/193/EEC should therefore be amended accordingly.

- (11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

⁽¹⁾ OJ L 93, 17.4.1968, p. 15. Directive as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 1).

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I to IV to Directive 68/193/EEC are replaced by Annexes I to IV to this Directive respectively.

Article 2

1. Member States shall adopt and publish, by 31 July 2006 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 August 2006.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 23 June 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

CONDITIONS RELATING TO THE GROWING CROP

1. The growing crop shall have identity and purity with regard to the variety and, if necessary, the clone.
2. The cultural conditions and the level of development of the growing crop shall be such as to allow sufficient checks on the identity and purity of the growing crop with regard to the variety and, if necessary, the clone, as well as its state of health.
3. The soil or if necessary the substrate of culture gives sufficient guarantees regarding the absence of harmful organisms or their vectors, in particular nematodes which carry viral diseases. The stock nurseries and the cutting nurseries shall be established under appropriate conditions to avoid any risk of contamination by harmful organisms.
4. The presence of harmful organisms which reduce the usefulness of the propagation material shall be at the lowest possible level.
5. In particular concerning the harmful organisms referred to in points (a), (b) and (c) the conditions set out in points 5.1 to 5.5 shall apply, subject to point 5.6:

(a) complex of infectious degeneration: grapevine fanleaf virus (GFLV), Arabis mosaic virus (ArMV);

(b) grapevine leafroll disease: grapevine leafroll-associated virus 1 (GLRaV-1) and grapevine leafroll-associated virus 3 (GLRaV-3);

(c) grapevine fleck virus (GFkV) (only for rootstocks).

- 5.1. The stock nurseries intended for the production of initial propagating material shall have been found free from the harmful organisms listed under points 5(a), 5(b) and 5(c) by means of an official inspection. This inspection is based on the results of plant health tests carried out by indexing, or an internationally accepted equivalent testing method referring to all plants. These tests shall be confirmed by results of plant health tests carried out on all plants every five years, for the organisms listed under points 5(a) and 5(b).

Infected plants must be eliminated. Reasons for failures ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

- 5.2. The stock nurseries intended for the production of basic propagating material shall have been found free from the harmful organisms listed under points 5(a) and 5(b) by means of an official inspection. This inspection is based, on the results of plant health tests referring to all plants. These tests shall be carried out at least every six years starting from three year old stock nurseries.

In those cases where official annual crop inspections are carried out on all plants, the plant health tests shall be carried out at least every six years starting from six year old stock nurseries.

Infected plants must be eliminated. Reasons for failures ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

- 5.3. The stock nurseries intended for the production of certified material shall have been found free from all the harmful organisms listed under point 5(a) and 5(b) by an official inspection. This inspection is based on the results of plant health tests carried out by survey according to methods of analysis/control procedures which comply with generally accepted and standardised norms. These tests shall be carried out at least every 10 years starting from five year old stock nurseries.

In those cases where official annual crop inspections are carried out on all plants, the plant health tests shall be carried out at least every 10 years starting from 10 year old stock nurseries.

The failure rate of stock nurseries attributable to the harmful organisms listed under points 5(a) and 5(b) shall not exceed 5 %. Infected plants must be eliminated. Reasons for failures ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

- 5.4. In the stock nurseries intended for the production of standard material, the failure rate attributable to the harmful organisms listed under points 5(a) and 5(b) shall not exceed 10 %. Infected plants must be eliminated from propagation. Reasons for failures ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.
- 5.5. The cutting nurseries shall have been found free from the harmful organisms listed under point 5(a) and 5(b) by the means of an annual official crop inspection based on visual methods and, if necessary, supported by suitable tests and/or a second crop inspection.
- 5.6. (a) Member States may decide not to apply points 5.1 and 5.2 until 31 July 2011, in respect of stock nurseries which were already in existence for the production of initial propagating material or basic propagating material at the date of entry into force of Commission Directive 2005/43/EC (*).
- (b) Member States may decide not to apply point 5.3 until 31 July 2012, in respect of stock nurseries which were already in existence for the production of certified propagating material at the date of entry into force of Directive 2005/43/EC.
- (c) Where Member States decide not to apply points 5.1 to 5.2 or point 5.3 as described in (a) or (b) above, they shall instead apply the following rules.

Harmful virus diseases, especially grapevine fanleaf and leafroll, must be eliminated from crops intended for the production of initial propagating material and basic material. Crops intended for the production of propagation material of the other categories shall be kept free from plants showing symptoms of harmful virus diseases.

(*) OJ L 164, 24.6.2005, p. 37.

6. The cutting nurseries shall not be established within a vineyard or a stock nursery. The minimum distance from a vineyard or a stock nursery shall be three metres.
7. The propagating material used for the production of graftable rootstock cuttings, top graft cuttings, nursery cuttings, rooted cuttings and rooted grafts shall be taken from stock nurseries which have been inspected and approved.
8. Without prejudice to the official inspection provided under point 5 above, there shall be at least one official crop inspection. Additional crop inspections shall be carried out in cases of disputes on matters which can be decided without prejudice to the quality of the propagating material.
-

ANNEX II

CONDITIONS RELATING TO PROPAGATION MATERIAL

I. GENERAL CONDITIONS

1. The propagation material shall have varietal identity and purity, and if necessary clonal purity; a tolerance of 1 % is admitted at the time of the marketing of standard material.
2. The propagation material shall have a minimum technical purity of 96 %.

The following are considered technical impurities:

- (a) propagation material desiccated wholly or partly, even when it has been steeped in water after desiccation;
 - (b) damaged, bent or injured propagation material, in particular when damaged by hail or frost or when crushed or broken;
 - (c) material not meeting the requirements under point III below.
3. Vine shoots shall have reached a sufficient state of maturity of the wood.
 4. The presence of harmful organisms which reduce the usefulness of the propagation material shall be tolerated only at the lowest possible level.

Propagation material presenting clear signs or symptoms ascribable to harmful organisms for which there are no efficient treatments shall be eliminated.

II. SPECIAL CONDITIONS

1. **Rooted grafts**

The rooted grafts consisting of a combination of the same category of reproduction material shall be classified in that category.

The rooted grafts consisting of a combination of different categories of reproductive material shall be classified in the lower category of the elements of which it is composed.

2. **Temporary derogation**

Member States may decide not to apply the provisions of point 1 until 31 July 2010, in respect of rooted grafts consisting of initial propagating material grafted on to basic propagating material. Where Member States decide not to apply point 1, they shall instead apply the following rule.

Rooted grafts consisting of initial propagating material grafted on to basic propagating material shall be classified as initial propagating material.

III. GRADING

1. **Graftable rootstock cuttings, nursery cuttings and top-graft cuttings**

Diameter

This concerns the largest diameter of the section. This standard does not apply to herbaceous cuttings,

- (a) graftable rootstock cuttings and top-graft cuttings:

- (aa) top diameter: 6,5 to 12 mm;

- (ab) maximum butt end diameter: 15 mm, except if this involves top-graft cuttings intended for grafting *in situ*,

(b) nursery cuttings:

minimum top diameter: 3,5 mm.

2. Rooted cuttings

A. Diameter

The diameter measured in the middle of the internode, under the extension growth and along to the longest axis, shall be at least equal to 5 mm. This standard is not applicable to the rooted cuttings derived from herbaceous propagation material.

B. Length

The length from the lowest point at which roots emerge to the base of the extension growth shall be not less than:

- (a) 30 cm for rooted cuttings, intended for grafting; however, for rooted cuttings intended for Sicily, this length shall be 20 cm;
- (b) 20 cm for other rooted cuttings.

This standard is not applicable to the rooted cuttings derived from herbaceous propagation material.

C. Roots

Each plant shall have at least three well-developed and well-spaced roots. However, the variety 420 A may have only two well-developed roots, provided that they are on opposite sides.

D. Heel

The cut shall be made at a sufficient distance below the diaphragm so as not to damage it but not more than one centimetre below it.

3. Rooted grafts

A. Length

The stem shall be at least 20 cm in length.

This standard is not applicable to the rooted grafts derived from herbaceous propagation material.

B. Roots

Each plant shall have at least three well-developed and well-spaced roots. However, the variety 420 A may have only two well-developed roots, provided that they are on opposite sides.

C. Union

Each plant shall have an adequate, regular and secure union.

D. Heel

The cut shall be made at a sufficient distance below the diaphragm so as not to damage it but not more than one centimetre below it.

ANNEX III

PACKAGING

Composition of packages or bundles

1 — Type	2 — Number of individuals	3 — Maximum quantity
1. Rooted grafts	25, 50, 100, or multiples of 100	500
2. Rooted cuttings	50, 100, or multiples of 100	500
3. Top-graft cuttings		
— with at least five usable eyes	100, or 200	200
— with one usable eye	500, or multiples of 500	5 000
4. Graftable rootstock cuttings	100, or multiples of 100	1 000
5. Nursery cuttings	100, or multiples of 100	500

SPECIAL CONDITIONS

I. *Small quantities*

Where necessary, the size (number of individuals) of packages and bundles of all types and categories of propagation material listed in column 1 above may be smaller than the minimum quantities indicated in column 2 above.

II. *Plants of vine with roots in any substrate in pots, crates and boxes*

The number of individuals and the maximum quantity do not apply.

ANNEX IV

MARKING

A. LABEL

I. Required information

1. EC Standard
2. Country of production
3. Authority responsible for certification or checking and Member State or their initials
4. Name and address of the person responsible for sealing or his identification number
5. Species
6. Type of material
7. Category
8. Variety and, where appropriate, the clone. For the rooted grafts this indication applies for the rootstock and the top-graft
9. Reference number of batch
10. Quantity
11. Length — Only for the graftable rootstock cuttings: this involves the minimum length of the cuttings of the concerned batch
12. Crop year.

II. Minimum conditions

The label shall comply with the following requirements:

1. the label shall be indelibly printed and clearly legible;
2. the label shall be affixed in a conspicuous place in such a way as to be easily visible;
3. information set out in point A.I. shall not in any way be hidden, obscured or interrupted by other written or pictorial matter;
4. the information set out in point A.I. shall appear in the same field of vision.

III. Derogation as regards small quantities to final consumer**1. More than one unit**

The required information for the label under point I.10 reads: 'Exact number of units per package or bundle'.

2. One unit only

The following information set out in point A.I. is not required:

- type of material
- category
- reference number of batch
- quantity
- length for the graftable rootstock cuttings
- crop year.

IV. Derogations as regards vines in pots, crates or boxes

In case of plants of vine with roots in any substrate in pots, crates and boxes when the packages of such material cannot fulfil the requirements for sealing (including labelling) due to its composition:

- (a) the propagation material shall be kept in separate batches appropriately identified per variety and where relevant per clone and per number of individuals;
- (b) the official label is not compulsory;
- (c) the propagation material shall be accompanied by the accompanying document as laid down under point B.

B. ACCOMPANYING DOCUMENT**I. Conditions to be fulfilled**

When Member States require that an accompanying document should be delivered, the document:

- (a) shall be delivered in at least two copies (consignor and recipient);
- (b) shall (recipient copy) accompany the delivery from the place of the consignor to the place of recipient;
- (c) shall indicate all information set out under the following point II concerning the individual batches of the delivery;
- (d) shall be preserved for at least one year and made available to the official control authority.

II. List of information to be included

- 1. EC Standard
 - 2. Country of production
 - 3. Authority responsible for certification or checking and Member State or their initials
 - 4. Progressive number
 - 5. Consignor (address, registration No)
 - 6. Recipient (address)
 - 7. Species
 - 8. Type(s) of the material
 - 9. Category(ies)
 - 10. Variety(ies) and, where applicable, the clone(s). For the rooted grafts this indication applies for the rootstock and the top-graft
 - 11. Number of individuals per batch
 - 12. Total number of batches
 - 13. Date of delivery.
-

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 4/2005 OF THE ACP-EC COUNCIL OF MINISTERS

of 13 April 2005

on the use of the reserve of the long-term development envelope of the ninth European Development Fund

(2005/460/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, and in particular paragraph 8 of Annex I,

Whereas:

- (1) Funds for the Joint Parliamentary Assembly under the ninth European Development Fund (EDF) long-term development envelope and for regional cooperation and integration are exhausted.
- (2) To ensure continued implementation for the purposes referred to in Article 17 of the ACP-EC Partnership Agreement (Joint Parliamentary Assembly), it is appropriate to allocate supplementary resources to this effect.
- (3) To ensure contributions to efforts of capacity building in environmental management and implementation of multilateral environmental agreements, the establishment of an ACP-EU Action Plan for forest law enforcement, governance and trade (FLEGT), and the strengthening of fisheries management in the African, Caribbean and Pacific (ACP) countries, it is appropriate to allocate supplementary resources to this effect.
- (4) To ensure support for producers in the most commodity-dependent ACP countries, to improve competitiveness and reduce vulnerability, and to promote information and communication technologies in the ACP countries, it is appropriate to allocate supplementary resources to this effect.

- (5) To ensure methodological support and capacity building in the field of migration and regional cooperation, focusing on south-south migration, it is appropriate to allocate supplementary resources to this effect.

- (6) To ensure closer cooperation with those UN organisations whose mandate and capacities match ACP-EC development policy priorities, in particular in the areas of governance and post-conflict situations, and to improve the impact of intra-ACP activities, it is appropriate to allocate supplementary resources to this effect,

HAS DECIDED AS FOLLOWS:

Article 1

Joint Parliamentary Assembly

An amount of EUR 2 million shall be transferred from the reserve of the long-term development envelope of the ninth EDF to the Joint Parliamentary Assembly allocation under the long-term development envelope, in accordance with the purposes stated in Article 17 and Protocol 1 to the ACP-EC Partnership Agreement.

Article 2

Intra-ACP cooperation under the regional cooperation envelope

An amount of EUR 170 million shall be transferred from the reserve of the long-term development envelope of the ninth EDF to the allocation for intra-ACP cooperation under the regional cooperation and integration envelope, in accordance with the purposes stated in Articles 28, 29 and 30 of the ACP-EC Partnership Agreement. This amount may be used for the following purposes:

- (a) natural resources (EUR 60 million), for actions in the field of environment and natural resources (including fisheries, scientific and technical assessment, control and surveillance);
- (b) private sector support and information and communication technologies (EUR 65 million), for actions to support producers in the most commodity-dependent ACP countries and to promote information and communication technologies in the ACP countries;
- (c) methodological support and capacity building (EU-25 million), for, *inter alia*, the setting-up of an intra-ACP migration capacity building facility;
- (d) strategic partnership with the UN and support for the implementation of intra-ACP programmes (EUR 20 million), for the strengthening of cooperation with UN organisations closest to ACP-EC development policy priorities, in particular in the areas of governance and post-

conflict situations, and new needs to improve the impact of intra-ACP activities.

Article 3

Entry into force

The Chief Authorising Officer of the EDF is requested to take the measures necessary to give effect to this Decision, which shall enter into force on the day of its adoption.

Done at Brussels, 13 April 2005.

*The Chairman of the ACP-EC Committee of
Ambassadors by delegation, for the ACP-EC
Council of Ministers*

F. J. WAHNON FERREIRA

COUNCIL DECISION
of 13 June 2005
appointing an Italian alternate member of the Committee of the Regions
(2005/461/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Italian Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions for the period 26 January 2002 to 25 January 2006 ⁽¹⁾.
- (2) A seat as an alternate member of the Committee of the Regions has become vacant following the resignation of Mr Lorenzo DELLAI, notified to the Council on 16 March 2005,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Mario MAGNANI, 'consigliere provinciale della Provincia autonoma di Trento' (Provincial Councillor from the Autonomous Province of Trento), is appointed an alternate member of the Committee of the Regions for the remainder of the term of office, which runs until 25 January 2006.

Article 2

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

It shall take effect on the date of its adoption.

Done at Luxembourg, 13 June 2005.

For the Council
The President
J. ASSELBORN

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 13 June 2005
appointing a German alternate member of the Committee of the Regions
(2005/462/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the German Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions for the period 26 January 2002 to 25 January 2006 ⁽¹⁾.
- (2) A seat as an alternate member of the Committee of the Regions has become vacant following the resignation of Mr Karsten NEUMANN, notified to the Council on 21 December 2004,

HAS DECIDED AS FOLLOWS:

Article 1

Ms Barbara BORCHARDT, member of the Parliament of Mecklenburg-Western Pomerania (Mitglied des Landtags Mecklenburg-Vorpommern), is hereby appointed an alternate member of the Committee of the Regions for the remainder of the term of office, which runs until 25 January 2006.

Article 2

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

It shall take effect on the date of its adoption.

Done at Luxembourg, 13 June 2005.

For the Council
The President
J. ASSELBORN

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COMMISSION

COMMISSION DECISION

of 21 June 2005

establishing a network group for the exchange and coordination of information concerning coexistence of genetically modified, conventional and organic crops

(2005/463/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

Whereas:

- (1) In its Recommendation 2003/556/EC of 23 July 2003 on guidelines for the development of national strategies and best practices to ensure the coexistence of genetically modified crops with conventional and organic farming ⁽¹⁾, the Commission expressed itself in favour of an approach that would leave it up to Member States to develop and implement management measures for coexistence. In this respect, the Commission announced its aim to facilitate the exchange of information about ongoing and planned research projects at national and Community level.
- (2) Pursuant to Article 26a of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ⁽²⁾, the Commission is to gather and coordinate information based on studies at Community and national level, and to observe the developments regarding coexistence in the Member States.
- (3) For the purpose of these tasks, the Commission should establish a forum, for exchange between Member States of information on results of scientific studies as well as on best practices developed within national strategies for coexistence. It is essential that the Commission has the possibility to organise working group meetings open to national and other experts, where necessary.
- (4) It is therefore appropriate to establish a network group to assist the Commission in the field of coexistence (abbreviated as COEX-NET),

Article 1

A network group for exchange and coordination of information on scientific studies and best practices developed in the field of coexistence of cultivation of different types of genetically modified, conventional and organic crops, hereinafter referred to as 'the group', is hereby established and attached to the Commission.

Article 2

1. The group shall be composed of national experts appointed by the Member States and shall be chaired by a representative of the Commission.
2. The Commission's representative may invite other experts to participate in the meetings and the work of the group.
3. The Commission shall provide secretarial support for the meetings and work of the group.
4. The group shall meet at the premises of the Commission, according to the arrangements and timetable set by the Commission.

Article 3

1. Expenses incurred by the experts participating in the meetings pursuant to Article 2 shall be reimbursed by the Commission in conformity with its rules for the reimbursement of travel expenses, subsistence allowances and other expenses, subject to paragraphs 2 and 3.
2. Experts appointed by the Member States shall receive reimbursement of travel expenses and experts invited by the Commission shall receive reimbursement of travel expenses and subsistence allowances.
3. For experts appointed by the Member States, the reimbursement of expenses shall be limited to one participant per Member State.
4. The experts shall receive no compensation for the services they render.

⁽¹⁾ OJ L 189, 29.7.2003, p. 36.

⁽²⁾ OJ L 106, 17.4.2001, p. 1. Regulation as last amended by Regulation (EC) No 1830/2003 (OJ L 268, 18.10.2003, p. 24).

Article 4

The experts participating in the group shall be independent of industry, commercial and business or other conflicting interests.

Article 5

Without prejudice to the provisions of Article 287 of the Treaty, the experts shall be obliged not to divulge information coming to their knowledge as a result of the work of the group, where the Commission's representative informs them that the material is of a confidential nature.

Article 6

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

Done at Brussels, 21 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION DECISION

of 21 June 2005

on the implementation of survey programmes for avian influenza in poultry and wild birds to be carried out in the Member States*(notified under document number C(2005) 1827)***(Text with EEA relevance)**

(2005/464/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

applied in the event of an outbreak of avian influenza in poultry. However, it does not provide for regular surveys of that disease in poultry and wild birds.

Having regard to the Treaty establishing the European Community,

- (4) Accordingly, Commission Decisions 2002/649/EC ⁽³⁾ and 2004/111/EC ⁽⁴⁾ provided for the submission of surveillance programmes concerning avian influenza by the Member States to the Commission.

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾ and in particular Article 20 thereof,

- (5) Commission Decisions 2002/673/EC ⁽⁵⁾ and 2004/630/EC ⁽⁶⁾ approved programmes submitted by the Member States for surveys of avian influenza in poultry and wild birds for the periods specified in those programmes.

Whereas:

- (1) Decision 90/424/EEC provides for a Community financial contribution for the undertaking of technical and scientific measures necessary for the development of Community veterinary legislation and for veterinary education and training.

- (2) The Scientific Committee on Animal Health and Animal Welfare in a report of 27 June 2000 recommended that surveys be carried out on poultry flocks and wild birds for avian influenza, in particular to determine the prevalence of infections with avian influenza virus subtypes H5 and H7.

- (3) Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽²⁾ defines Community control measures to be

- (6) During those surveys, the presence of different subtypes of H5 and H7 avian influenza viruses has been detected in several Member States. Although the current prevalence of avian influenza viruses can be considered rather low, it is important to continue and to improve the surveillance so as to better understand the epidemiology of the low pathogenic avian influenza viruses and prevent that viruses do not circulate unnoticed in the poultry population. The results of the surveys carried out in the Member States have proven to be very useful in monitoring the presence of avian influenza virus subtypes that could present a substantial risk if they mutated into a more virulent form. Taking into account the results obtained and the current disease situation in the Community, it is appropriate to increase the total amount of Community contribution to ensure increased surveillance.

- (7) Accordingly, Member States should submit their programmes for surveys for avian influenza to the Commission for approval so that the financial assistance by the Community may be granted.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31).

⁽²⁾ OJ L 167, 22.6.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽³⁾ OJ L 213, 9.8.2002, p. 38.

⁽⁴⁾ OJ L 32, 5.2.2004, p. 20. Decision as amended by Decision 2004/615/EC (OJ L 278, 27.8.2004, p. 59).

⁽⁵⁾ OJ L 228, 24.8.2002, p. 27. Decision as amended by Decision 2003/21/EC (OJ L 8, 14.1.2003, p. 37).

⁽⁶⁾ OJ L 287, 8.9.2004, p. 7. Decision as amended by Decision 2004/679/EC (OJ L 310, 7.10.2004, p. 75).

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

HAS ADOPTED THIS DECISION:

Article 1

By 30 June 2005, Member States shall submit for approval to the Commission programmes for the implementation of surveys for avian influenza in poultry and wild birds in accordance with the Annex.

Article 2

The Community's financial contribution towards the measures provided for in Article 1 shall be at the rate of 50 % of the costs incurred in Member States up to a maximum of EUR 1 200 000 for the Member States in total.

Article 3

The maximum amounts of the testing costs to be reimbursed shall not exceed:

- | | |
|-------------------------------------|-------------------|
| (a) ELISA test: | EUR 1 per test; |
| (b) agar gel immune diffusion test: | EUR 0,6 per test; |
| (c) HI test for H5/H7: | EUR 4 per test; |
| (d) virus isolation test: | EUR 30 per test. |

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 21 June 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Programmes for surveillance of avian influenza in poultry and wild birds to be carried out in the Member States in 2005 and 2006**A. OBJECTIVES**

1. To estimate the prevalence of infections with avian influenza virus subtypes H5 and H7 in different species of poultry by repeating previous screening exercises provided for in Decisions 2004/111/EC and 2004/630/EC in a modified, more targeted manner.
2. To continue surveillance for avian influenza on a voluntary basis in wild birds. The outcome of such surveillance should further provide valuable information for an early warning system of strains that may be introduced into poultry flocks from wild birds.
3. To contribute to the knowledge on the threats of avian influenza to animal health from wildlife.
4. To foster the connection and integration of human and veterinary networks for influenza surveillance.

B. GENERAL REQUIREMENTS AND CRITERIA FOR SURVEYS IN POULTRY

1. Sampling shall cover a period appropriate to production periods for each poultry category as required. For example, in many Member States a large slaughter of poultry (in particular turkeys and geese) takes place around Christmas. Sampling shall not extend beyond 31 January 2006.
2. 31 March 2006 shall be the date for the submission of the final survey results.
3. Testing of samples shall be carried out at national laboratories for avian influenza (NL) in Member States or by other laboratories authorised by the competent authorities and under the control of the NL.
4. All results (both serological and virological) shall be sent to the Community Reference Laboratory (CRL) for collation. A good flow of information must be ensured. The CRL shall provide technical support and keep an enlarged stock of diagnostic reagents. Antigens for use in the survey shall be supplied to NL's by the CRL to ensure uniformity.
5. All avian influenza (AI) virus isolates shall be submitted to the CRL in accordance with Community legislation. Viruses of H5/H7 subtype shall be submitted without delay and shall be subjected to the standard characterisation tests (nucleotide sequencing/IVPI) according to Directive 92/40/EEC. In addition, the CRL shall require that H5 or H7 positive sera collected from anseriformes be submitted 'blind' in order that an archive be established to facilitate future test development.
6. All positive findings shall be retrospectively investigated at the holding and the conclusions of this investigation shall be reported to the Commission and the CRL.
7. Specific protocols to accompany the sending of material to the CRL and reporting tables for collection of survey data shall be provided by the CRL. In those tables the laboratory testing methods used shall be indicated. The tables provided shall be used to submit results in a single document.
8. Blood samples for serological examination shall be collected from all species of poultry including those reared in free-range systems, from at least 5 to 10 birds (except ducks geese and quail) per holding, and from the different sheds, if more than one shed is present on a holding.

9. Sampling shall be stratified throughout the territory of the whole Member State, so that samples can be considered as representative for the whole of the Member State, taking into account:
- (a) the number of holdings to be sampled (excluding ducks, geese and turkeys); that number shall be defined so as to ensure the identification of at least one infected holding if the prevalence of infected holdings is at least 5 %, with a 95 % confidence interval; (see table 1) and
 - (b) the number of birds sampled from each holding shall be defined so as to ensure 95 % probability of identifying at least one positive bird if the prevalence of sero-positive birds is ≥ 30 %.
10. The sampling design shall also consider:
- (a) The types of production and their specific risks, shall be targeted to free range production and outdoor keeping plus taking into account other factors such as multi-age, use of surface water, a relatively longer life span, the presence of more than one species on the holding or other relevant factors.
 - (b) The number of turkey, duck and goose holdings to be sampled shall be defined to ensure the identification of at least one infected holding if the prevalence of infected holdings is at least 5 %, with a 99 % confidence interval (see table 2).
 - (c) Where significant number of holdings producing ratites and quails are present in a Member State they shall be included in the programme. With regard to quails only adult (or laying) breeders shall be sampled.
 - (d) The time period for sampling shall coincide with seasonal production. However, where appropriate, sampling can be adapted to other identified periods at local level, during which time the presence of other poultry hosts on a holding might pose a greater risk for disease introduction.
 - (e) Member States that must carry out sampling for Newcastle disease to maintain their status as Newcastle disease non-vaccinating countries in accordance with Commission Decision 94/327/EC ⁽¹⁾ may utilise these samples from breeding flocks for the surveillance of H5/H7 antibodies.

Table 1

Number of holdings to be sampled of each poultry category (except turkey, duck and goose holdings)

Number of holdings per poultry category per Member State	Number of holdings to be sampled
Up to 34	All
35-50	35
51-80	42
81-250	53
> 250	60

Table 2

Number of turkey, duck and goose holdings to be sampled

Number of holdings per Member State	Number of holdings to be sampled
Up to 46	All
47-60	47
61-100	59
101-350	80
> 350	90

⁽¹⁾ OJ L 146, 11.6.1994, p. 17.

C. SPECIFIC REQUIREMENTS FOR DETECTION OF INFECTIONS WITH H5/H7 SUBTYPES OF AVIAN INFLUENZA IN DUCKS, GOOSE AND QUAIL

1. Blood samples for serological testing shall be taken preferably from birds which are kept outside in fields.
2. From each selected holding 40 to 50 blood samples shall be taken for serological testing.

D. SURVEY FOR AVIAN INFLUENZA IN WILD BIRDS

In those Member States where surveillance will also concern wild birds the following guidelines shall be followed.

D.1. *Survey design and implementation*

1. Liaisons with bird conservation/watching institutions and ringing stations are necessary. Sampling where appropriate shall be carried out by staff from these groups/stations or by hunters.
2. Experience with the previous surveys has shown that the virus isolation rate was extremely low, therefore sampling shall focus on the birds migrating south during autumn and early winter.

D.2. *Sampling procedures*

1. Cloacal swabs for virological examination shall be taken. In addition to 'first year' birds in autumn, host species with high susceptibility and increased contact with poultry (such as Mallard ducks) may offer the highest chance of success.
2. Samples shall be taken from different species of free living birds. Waterfowl and shorebirds shall be the main sampling targets.
3. Swabs containing faeces, or carefully collected fresh faeces shall be taken from wild birds trapped, hunted and found freshly dead.
4. Pooling of up to five samples from the same species is possible. Specific care has to be taken for the storage and transport of samples. If rapid transport within 48 hours to the laboratory (in transport medium at 4° Celsius) is not guaranteed, samples shall be stored and then transported in dry ice at -70° Celsius.

E. LABORATORY TESTING

Laboratory tests shall be carried out in accordance with the diagnostic procedures for the confirmation and differential diagnostic of avian influenza (AI) set out in Annex III to Directive 92/40/EEC (including examination of sera from ducks and geese by haemagglutination-inhibition (HI) test. However, if laboratory tests not laid down in Directive 92/40/EEC, nor described in the OIE Terrestrial Manual, are envisaged, Member States shall provide the necessary validation data to the CRL, in parallel to submitting their programme to the Commission for approval. All positive serological findings shall be confirmed by the National laboratories for avian influenza by an haemagglutination-inhibition test, using designated strains supplied by the Community Reference Laboratory:

H5 (a) Initial test using Duck/Denmark/64650/03 (H5N7)

(b) Test all positives with Ostrich/Denmark/72420/96 (H5N2) to eliminate N7 cross reactive antibody.

H7 (a) Initial test using Turkey/England/647/77 (H7N7)

(b) Test all positives with African Starling/983/79 (H7N1) to eliminate N7 cross reactive antibody.

COMMISSION DECISION

of 22 June 2005

concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of an oilseed rape product (*Brassica napus* L., GT73 line) genetically modified for tolerance to the herbicide glyphosate

(notified under document number C(2005) 1838)

(Only the Dutch text is authentic)

(Text with EEA relevance)

(2005/465/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ⁽¹⁾, and in particular the first subparagraph of Article 18(1) thereof,

After consulting the European Food Safety Authority,

Whereas:

(1) Pursuant to Directive 2001/18/EC, the placing on the market of a product containing or consisting of a genetically modified organism or a combination of genetically modified organisms is subject to written consent being granted by the competent authority concerned, in accordance with the procedure laid down in that Directive.

(2) A notification concerning the placing on the market of a genetically modified oilseed rape product (*Brassica napus* L., GT73 line) was submitted by Monsanto SA to the competent authority of the Netherlands.

(3) The notification covers the same uses as for any other oilseed rape, with the exception of the uses as or in food and the cultivation in the Community of varieties derived from the genetically modified product (GT73 transformation event). The notification covers the importation and storage of the GT73 oilseed rape, and its use as feed as well as in the processing for feed, and its industrial uses as or in products.

(4) In accordance with the procedure provided for in Article 14 of Directive 2001/18/EC, the competent authority of the Netherlands prepared an assessment report, which is submitted to the Commission and the competent authorities of other Member States. That assessment report concludes that no reasons have emerged on the basis of which consent for the placing on the market of GT73 oilseed rape should be withheld.

(5) The competent authorities of certain Member States raised objections to the placing on the market of the product.

(6) The opinion adopted on 11 February 2004 by the European Food Safety Authority, as established by Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽²⁾, concluded, from all evidence provided, that *Brassica napus* L. line GT73 is as safe as conventional oilseed rape for humans and animals, and in the context of the proposed uses, for the environment. The European Food Safety Authority also found that the monitoring plan provided by the consent holder was appropriate for the intended uses of the GT73 oilseed rape.

(7) An examination of each of the objections in the light of Directive 2001/18/EC, of the information submitted in the notification and of the opinion of the European Food Safety Authority, discloses no reason to believe that the placing on the market of *Brassica napus* L. line GT73 will adversely affect human or animal health or the environment.

(8) Refined oil from GT73 oilseed rape has been commercially released for food purposes in the Community in accordance with the procedure referred to in Article 5 of Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽³⁾.

⁽¹⁾ OJ L 106, 17.4.2001, p. 1. Directive as last amended by Regulation (EC) No 1830/2003 (OJ L 268, 18.10.2003, p. 24).

⁽²⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

⁽³⁾ OJ L 43, 14.2.1997, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

- (9) A unique identifier should be assigned to the GT73 oilseed rape for the purposes of Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC and Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms ⁽¹⁾.
- (10) Adventitious or technically unavoidable traces of genetically modified organisms in products are exempted from labelling and traceability requirements in accordance with thresholds established under Directive 2001/18/EC and Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽²⁾.
- (11) In light of the opinion of the European Food Safety Authority, it is not necessary to establish specific conditions for the intended uses with regard to the handling or packaging of the product and the protection of particular ecosystems, environments or geographical areas.
- (12) In the light of the opinion of the European Food Safety Authority, an appropriate management system should be in place to prevent grains of GT73 oilseed rape entering cultivation.
- (13) Prior to the placing on the market of the product, the necessary measures to ensure its labelling and traceability at all stages of its placing on the market, including verification by appropriate validated detection methodology, should be applicable.
- (14) The measures provided for in this Decision are not in accordance with the opinion of the Committee established under Article 30 of Directive 2001/18/EC and the Commission therefore submitted to the Council a proposal relating to these measures. Since on the expiry of the period laid down in Article 30(2) of Directive 2001/18/EC the Council had neither adopted the proposed measures nor indicated its opposition to them in accordance with Article 5(6) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽³⁾ the measures should be adopted by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

Consent

Without prejudice to other Community legislation, in particular Regulation (EC) No 258/97 and Regulation (EC) No 1829/2003, written consent shall be granted by the competent authority of the Netherlands to the placing on the market, in accordance with this Decision, of the product identified in Article 2, as notified by Monsanto Europe SA (Reference C/NL/98/11).

The consent shall, in accordance with Article 19(3) of Directive 2001/18/EC, explicitly specify the conditions to which the consent is subject, which are set out in Articles 3 and 4.

Article 2

Product

1. The genetically modified organisms to be placed on the market as or in products (hereinafter 'the product'), are grains of oilseed rape (*Brassica napus* L.), with tolerance to the herbicide glyphosate, derived from the oilseed rape GT73 line, which has been transformed with *Agrobacterium tumefaciens*, using the vector PV-BNGT04. The product contains the following DNA in two cassettes:

(a) Cassette 1

A 5-enolpyruvylshikimate-3-phosphate synthase (*epsps*) gene derived from *Agrobacterium* sp. strain CP4 (CP4 EPSPS), which confers glyphosate tolerance, under the regulation of the modified figwort mosaic virus promoter (P-CMoVb), terminator sequences from the pea *rbcS E9* gene encoding the small subunit of ribulose biphosphate carboxylase/oxygenase and the N-terminal chloroplast transit peptide CTP2 sequence from the *epsps* gene of *Arabidopsis thaliana*.

(b) Cassette 2

The variant 247 of the original glyphosate oxidoreductase gene (*goxv247*) derived from *Ochrobactrum anthropi* strain LBAA, which confers glyphosate tolerance, under the regulation of the modified figwort mosaic virus promoter (P-CMoVb), terminator sequences from *Agrobacterium tumefaciens* and the N-terminal chloroplast transit peptide sequence CTP1 from the ribulose biphosphate carboxylase/oxygenase (*Arab-ssu1a*) gene of *Arabidopsis thaliana*.

The product does not contain the adenyltransferase gene (*aad*) encoding resistance to streptomycin and spectinomycin, as present in the transformation vector used.

2. The unique identifier of the product is MON-00073-7.

⁽¹⁾ OJ L 10, 16.1.2004, p. 5.

⁽²⁾ OJ L 268, 18.10.2003, p. 1.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

3. The consent shall cover grains from progeny derived from crosses of oilseed rape line GT73 with any traditionally bred oilseed rape as or in products.

Article 3

Conditions for placing on the market

The product may be put to the same uses as any other oilseed rape, with the exception of cultivation and uses as or in food, and may be placed on the market subject to the following conditions:

- (a) the period of validity of the consent shall be for a period of 10 years starting from the date on which the consent is issued;
- (b) the unique identifier of the product shall be MON-00073-7;
- (c) without prejudice to Article 25 of Directive 2001/18/EC, the consent holder shall, whenever requested to do so, make positive and negative control samples of the product, or its genetic material, or reference materials available to the competent authorities;
- (d) the words 'This product contains genetically modified organisms' or 'This product contains genetically modified GT73 oilseed rape' shall appear either on a label or in a document accompanying the product, except where other Community legislation sets a threshold below which such information is not required; and
- (e) as long as the product has not been authorised for the placing on the market for the purpose of cultivation, the words 'not for cultivation' shall appear either on a label or in a document accompanying the product.

Article 4

Monitoring

1. Throughout the period of validity of the consent, the consent holder shall ensure that the monitoring plan, contained in the notification, to check for any adverse effects on human and animal health or the environment arising from handling or use of the product, is put in place and implemented.

2. The consent holder shall directly inform the operators and users concerning the safety and general characteristics of the product and of the conditions as to monitoring, including the appropriate management measures to be taken in case of acci-

dental grain spillage. Technical guidelines for the implementation of this Article are provided in the Annex to this Decision.

3. The consent holder shall submit to the Commission and to the competent authorities of the Member States annual reports on the results of the monitoring activities.

4. Without prejudice to Article 20 of Directive 2001/18/EC the monitoring plan as notified shall, where appropriate and subject to the agreement of the Commission and the competent authority of the Member State which received the original notification, be revised by the consent holder in the light of the results of the monitoring activities.

5. The consent holder shall be in the position to give evidence to the Commission and the competent authorities of the Member States:

- (a) that the existing monitoring networks, as specified in the monitoring plan contained in the notification, gathers the information relevant for the monitoring of the product; and
- (b) that these existing monitoring networks have agreed to make available that information to the consent holder before the date of submission of the monitoring reports to the Commission and competent authorities of the Member States in accordance with paragraph 3.

Article 5

Applicability

This Decision shall apply from the date on which a detection method specific to the GT73 oilseed rape is validated by the Community reference laboratory as referred to in the Annex to Regulation (EC) No 1829/2003, and as specified in Commission Regulation (EC) No 641/2004 ⁽¹⁾ on detailed rules for the implementation of Regulation (EC) No 1829/2003.

Article 6

Addressee

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 22 June 2005.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 102, 7.4.2004, p. 14.

ANNEX

Technical guidelines for the implementation of Article 4(2)

1. The consent holder shall inform operators in the Community, namely traders and processors of bulk mixtures of imported oilseed rape grains, which may contain GT73 oilseed rape, that:
 - (a) GT73 oilseed rape has received consent for import and use in the Community, and
 - (b) establishment of a general surveillance plan for any unanticipated adverse effects arising from the placing on the market of GT73 oilseed rape for the above uses is a condition of consent.
2. The consent holder will provide operators with a national contact person for the reporting of any unanticipated adverse effects.
3. The consent holder shall inform operators that the possibility of and consequences arising from accidental spillage of GT73 oilseed rape have been evaluated by the European Food Safety Authority (EFSA) in the context of its intended uses. The consent holder will maintain regular contact with operators to ensure that they are informed of any changes to current practice which may change the conclusions of the environmental risk assessment.
4. The consent holder shall ensure that operators are alert to the possibility that accidental spillage of imported oilseed rape grain in ports and crushing facilities may result in the germination and establishment of volunteer plants, which could include GT73 oilseed rape.
5. In the event that volunteer oilseed rape plants could include GT73 oilseed rape, the consent holder shall:
 - (a) inform operators that these plants should be eradicated to minimise the potential for unanticipated adverse effects arising from the GT73 oilseed rape, and
 - (b) provide operators with appropriate plans for eradicating volunteer oilseed rape plants that could include GT73 oilseed rape.
6. Member States may, taking account of Article 4(5) of Directive 2001/18/EC and section C.1.6 of Council Decision 2002/811/EC ⁽¹⁾, carry out checks and/or additional monitoring with respect to accidental spillage of GT73 oilseed rape grains and identification of potential unanticipated adverse effects arising from such spillage.

⁽¹⁾ OJ L 280, 18.10.2002, p. 27.