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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 380/2005
of 7 March 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 8 March 2005.

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

Done at Brussels, 7 March 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 7 March 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	111,6
	204	89,0
	212	129,8
	624	147,8
	999	119,6
0707 00 05	052	182,7
	068	159,6
	204	147,0
	999	163,1
0709 10 00	220	27,5
	999	27,5
0709 90 70	052	176,9
	204	149,2
	999	163,1
0805 10 20	052	46,3
	204	44,9
	212	52,8
	220	51,9
	421	39,1
	624	52,6
	999	47,9
0805 50 10	052	55,6
	220	22,0
	624	51,0
	999	42,9
0808 10 80	388	85,5
	400	109,0
	404	72,2
	508	77,7
	512	72,2
	528	62,1
	720	63,1
	999	77,4
	0808 20 50	052
388		69,4
400		99,6
512		83,1
528		62,3
720		45,1
999		92,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 381/2005**of 7 March 2005****amending Regulation (EC) No 1702/2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency⁽¹⁾, and in particular Articles 5(4) and 6(3) thereof,

Whereas:

(1) Regulation (EC) No 1592/2002 was implemented by Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations⁽²⁾.

(2) The current text of paragraph 21A.163(c) of the Annex to Regulation (EC) No 1702/2003, regarding the privilege of an approved production organisation to issue an authorised release certificate (EASA Form 1) for products, gives rise to deviating interpretations and does not reflect its original intent which is to confer such privilege upon approved production organisations of products.

(3) Regulation (EC) No 1702/2003 should therefore be amended accordingly.

(4) The measures provided for in this Regulation are based on the opinion issued by the European Aviation Safety Agency⁽³⁾ in accordance with Articles 12(2)(b) and 14(1) of Regulation (EC) No 1592/2002.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 54 of Regulation (EC) No 1592/2002,

HAS ADOPTED THIS REGULATION:

Article 1

In paragraph 21A.163(c) of the Annex to Regulation (EC) No 1702/2003, the words 'under 21A.307' are deleted.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 7 March 2005.

For the Commission

Jacques BARROT

Vice-President

⁽¹⁾ OJ L 240, 7.9.2002, p. 1. Regulation as last amended by Regulation (EC) No 1701/2003 (OJ L 243, 27.9.2003, p. 5).

⁽²⁾ OJ L 243, 27.9.2003, p. 6.

⁽³⁾ Opinion No 1/2004, 24.2.2004.

COMMISSION REGULATION (EC) No 382/2005

of 7 March 2005

laying down detailed rules for the application of Council Regulation (EC) No 1786/2003 on the common organisation of the market in dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1786/2003 of 29 September 2003 on the common organisation of the market in dried fodder⁽¹⁾, and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽²⁾, and in particular the second subparagraph of Article 71(2) thereof,

Whereas:

- (1) As Regulation (EC) No 1786/2003 has replaced Council Regulation (EC) No 603/95⁽³⁾, new implementing rules should be adopted. Commission Regulation (EC) No 785/95 of 6 April 1995 laying down detailed rules for the application of Council Regulation (EC) No 603/95 on the common organisation of the market in dried fodder⁽⁴⁾ should therefore be repealed.
- (2) For the sake of clarity, a number of definitions should be laid down.
- (3) Having regard to the conditions laid down in Article 9 of Regulation (EC) No 1786/2003, the minimum quality for the products in question, expressed in terms of moisture and protein content, should be laid down. Taking account of commercial practices, the moisture content should be differentiated according to certain production processes.

⁽¹⁾ OJ L 270, 21.10.2003, p. 114. Regulation as amended by Regulation (EC) No 583/2004 (OJ L 91, 30.3.2004, p. 1).

⁽²⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 118/2005 (OJ L 24, 27.1.2005, p. 15).

⁽³⁾ OJ L 63, 21.3.1995, p. 1.

⁽⁴⁾ OJ L 79, 7.4.1995, p. 5. Regulation as last amended by Regulation (EC) No 1413/2001 (OJ L 191, 13.7.2001, p. 8).

- (4) Fodder from areas already benefiting from an aid provided for in Title IV of Regulation (EC) No 1782/2003 should be excluded from the aid provided for in Regulation (EC) No 1786/2003.
- (5) Article 13 of Regulation (EC) No 1786/2003 requires Member States to carry out checks to verify that each processing undertaking and purchaser of fodder for dehydrating satisfy the conditions set out in that Regulation. In order to facilitate such checks and to ensure fulfilment of the conditions of eligibility for aid, processing undertakings and purchasers of fodder for dehydrating should be subject to an approval procedure. To the same end, the details to be included in aid applications, stock records and delivery declarations of processing undertakings should be specified. The other supporting documents to be supplied should be specified.
- (6) Rigorous checks should be carried out to ensure fulfilment of the quality requirements for dried fodder based on regular sampling of finished products leaving undertakings. Where these products are mixed with other materials, samples must be taken before mixing.
- (7) In order to verify that the quantities of raw materials delivered to undertakings tally with the quantities of dried fodder leaving them, the said undertakings should weigh all fodder for processing and determine its moisture content.
- (8) In order to facilitate the marketing of fodder for processing and to enable the competent authorities to carry out the checks necessary for verifying entitlement to aid, contracts between processing undertakings and farmers should be concluded before delivery of the raw materials and lodged with the competent authorities before a certain date to enable them to know the expected volume of production. To that end, contracts must be in writing, indicate the date of conclusion, the period of validity, the names and addresses of the contracting parties and the nature of the products to be processed and identify the agricultural parcel on which the fodder to be processed was grown.
- (9) In certain cases there are no such contracts, and delivery declarations, subject to the conditions applicable to contracts, must be drawn up by the processing undertaking.
- (10) In order to ensure uniform application of the system of aid, the payment procedures should be defined.

- (11) Regulation (EC) No 1786/2003 provides for a series of checks to be carried out at each stage of the production process, including through exchanges with the integrated administration and control system provided for in Regulation (EC) No 1782/2003. Checks on the identification of the agricultural parcels concerned should therefore be coordinated with the checks carried out under that system.
- (12) As this scheme is referred to in Annex V to Regulation (EC) No 1782/2003, the competent authorities should carry out cross-checks on the agricultural parcels referred to in the contracts and/or delivery declarations and those declared by the producers in their single aid applications in order to prevent any unjustified aid being granted.
- (13) To ensure compliance with the conditions laid down by Regulation (EC) No 1786/2003 and by this Regulation, in particular as regards eligibility for the aid, certain reductions of and exclusions from the aid should be laid down in order to prevent any infringements, having regard to the principle of proportionality and the special problems resulting from cases of *force majeure* or from exceptional circumstances. Reductions and exclusions should be modulated according to the seriousness of the irregularity committed and should go as far as total exclusion from aid for a specified period.
- (14) In order to ensure efficient management of the market in dried fodder, certain information must be notified to the Commission on a regular basis.
- (15) In order to prepare the report on the sector required in 2008 under Article 23 of Regulation (EC) No 1786/2003, notifications should be introduced in relation to forage areas and energy consumption in the production of dried fodder.
- (16) In accordance with Article 21 of Regulation (EC) No 1786/2003, transitional measures should be adopted for stocks held on 31 March 2005.
- (17) Where the optional transitional period provided for in Article 71 of Regulation (EC) No 1782/2003 is applied, the conditions of the aid referred to in that Article should be laid down.
- (18) Regulation (EC) No 1786/2003 applies from 1 April 2005, the date on which the 2005/06 marketing year begins. This Regulation should therefore apply from the same date.

- (19) The measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for Cereals and Direct Payments,

HAS ADOPTED THIS REGULATION:

CHAPTER 1

PURPOSE, DEFINITIONS AND CONDITIONS OF ELIGIBILITY FOR THE AID

Article 1

Purpose

This Regulation lays down detailed rules for the application of Regulation (EC) No 1786/2003 on the common organisation of the market in dried fodder.

Article 2

Definitions

For the purposes of this Regulation:

1. 'dried fodder' means the products referred to in Article 1 of Regulation (EC) No 1786/2003, drawing a distinction between the following categories:
 - (a) 'dehydrated fodder', which means the artificially heat-dried products referred to in the first and third subparagraphs of point (a) of that Article, including 'similar fodder products', in other words all artificially heat-dried herbage fodder products falling within CN code 1214 90 90 and in particular:
 - herbage legumes,
 - herbage grasses,
 - whole plants, harvested green with unripe grain, of the cereals listed in point 1 of Annex IX to Regulation (EC) No 1782/2003;
 - (b) 'sun-dried fodder', which means the products otherwise dried and ground referred to in the second and fourth indents of Article 1(a) of Regulation (EC) No 1786/2003;
 - (c) 'protein concentrates', which means the products referred to in the first subparagraph of Article 1(b) of Regulation (EC) No 1786/2003;
 - (d) 'dehydrated products', which means the products referred to in the second subparagraph of Article 1(b) of Regulation (EC) No 1786/2003;

2. 'processing undertaking' means the dried fodder processing undertaking referred to in Article 7 of Regulation (EC) No 1786/2003, duly approved by the Member State in which it is located, which carries out one of the following:

(a) dehydration of fresh fodder by means of a drier which satisfies the following requirements:

— air temperature at the entry point not less than 250 °C; however, horizontal belt driers producing an air temperature at the entry point of not less than 110 °C approved before the beginning of the 1999/2000 marketing year need not comply with this requirement,

— residence time of the fodder being dehydrated not exceeding three hours,

— in case of drying in layers of fodder, bed depth of each layer no deeper than one metre;

(b) milling of sun-dried fodder;

(c) manufacture of protein concentrates;

3. 'purchaser of fodder for drying and/or grinding' means the natural or legal person referred to in Article 10(c)(iii) of Regulation (EC) No 1786/2003, duly approved by the Member State where he/she is established, who purchases fresh fodder from producers in order to deliver it to processing undertakings;

4. 'lot' means a specific quantity of fodder of uniform quality as regards composition, moisture content and protein content, leaving a processing undertaking at the same time;

5. 'mixture' means an animal feed product containing dried fodder which has been dried and/or ground by the processing undertaking, and additives.

'Additives' are products of a different type from dried fodder, including binding agents and caking agents, or of the same type but dried and/or ground elsewhere.

However, dried fodder containing no more than 3 % additives as a percentage of the total weight of the finished product shall not be regarded as a mixture where the total nitrogen content, relative to the dry matter of the additive, does not exceed 2,4 %;

6. 'agricultural parcels' means the parcels identified in accordance with the identification system for agricultural parcels in the integrated management and verification system referred to in Articles 18 and 20 of Regulation (EC) No 1782/2003 and in Article 6 of Commission Regulation (EC) No 796/2004 ⁽¹⁾;

7. 'single aid application' means the aid application referred in Article 22 of Regulation (EC) No 1782/2003 and Articles 12 and 14 of Regulation (EC) No 796/2004;

8. 'final consignee of a lot of dried fodder' means the last person to have received that lot in the form in which it left the processing undertaking, with a view to processing the dried fodder or using it in animal feed.

Article 3

Products eligible for aid

For the purposes of this Regulation, the aid provided for in Article 4 of Regulation (EC) No 1786/2003 shall be payable on dried fodder meeting the requirements for being placed on the market as feedingstuffs which:

(a) leave, in the unaltered state or as a mixture, the premises of the processing undertaking, or, where they cannot be stored on the latter, a storage location outside the same which provides adequate guarantees of proper supervision of the stored fodder and which has been approved in advance by the competent authority;

(b) display the following characteristics on departure from the processing undertaking:

(i) a maximum moisture content of:

— 12 % for sun-dried fodder, dehydrated fodder having undergone a milling procedure, protein concentrates and dehydrated products,

— 14 % for other dehydrated fodder;

(ii) a minimum crude protein content in comparison to dry matter of:

— 15 % for dehydrated fodder, sun-dried fodder and dehydrated products,

— 45 % for protein concentrates.

⁽¹⁾ OJ L 141, 30.4.2004, p. 18.

The aid shall be payable solely on quantities of products obtained by drying fodder produced on parcels utilised for agriculture within the meaning of Article 51 of Regulation (EC) No 1782/2003.

Article 4

Exclusion

Fodder from areas already benefiting from an aid scheme provided for in Title IV of Regulation (EC) No 1782/2003 shall not be eligible for the aid provided for in Article 4 of Regulation (EC) No 1786/2003.

However, on areas in receipt of seed aid as referred to in Chapter 9 of Title IV of Regulation (EC) No 1782/2003, only fodder plants on which the seed has been harvested shall be excluded from the aid.

Conversely, areas in receipt of an arable crops area payment as referred to in Chapter 10 of Title IV of Regulation (EC) No 1782/2003 shall be eligible for the aid for processing into dried fodder provided that they have been sown entirely with arable crops in accordance with local conditions.

CHAPTER 2

PROCESSING UNDERTAKINGS AND PURCHASERS OF FODDER FOR DRYING AND/OR GRINDING

Article 5

Approval of processing undertakings

For the purposes of the approval referred to in Article 2(2), the processing undertaking shall:

- (a) provide the competent authority with a file comprising:
 - (i) a plan of their premises, showing in particular entry points for products to be processed, exit points for dried fodder, storage locations for products awaiting processing and finished products, and processing sites;
 - (ii) a description of the technical installations for carrying out the operations specified at Article 2(2), and in particular the dehydration ovens and grinding units, with details of hourly evaporation capacity and operating temperature, and weighing equipment;
 - (iii) a list of the additives used before or during the dehydration process and an illustrative list of the other products used in manufacture and of the finished products;

(iv) the model stock records referred to in Article 12;

- (b) make available to the competent authority its up-to-date stock records and accounts;
- (c) facilitate the verification procedures;
- (d) comply with the conditions laid down in Regulation (EC) No 1786/2003 and in this Regulation.

Processing undertakings shall notify the competent authority within 10 days of any change to the file referred to in point (a) of the first subparagraph, with a view to obtaining confirmation of the approval.

Article 6

Approval of purchasers of fodder for drying and/or grinding

For the purposes of approval as referred to in Article 2(3), a purchaser of fodder for drying and/or grinding must:

- (a) keep a register of the products in question, showing at least the daily purchases and sales of each product and, in respect of each lot, the quantity involved, a reference to the contract with the producer who delivered the product and, where applicable, the processing undertaking for which the product is intended;
- (b) make available to the competent authority its up-to-date stock records and accounts;
- (c) facilitate the verification procedures;
- (d) comply with the conditions laid down in Regulation (EC) No 1786/2003 and in this Regulation.

Article 7

Granting and withdrawal of approval

Approval as referred to in Article 2(2) and (3) shall be requested by the party concerned before the beginning of the marketing year.

Approval shall be granted by the competent authority of the Member State before the beginning of the marketing year. In exceptional cases, provisional approval may be granted by the competent authority during a period not exceeding two months after the beginning of the marketing year in question. In such cases, the undertaking shall be deemed approved pending the granting of definitive approval by the competent authority.

Notwithstanding Article 30, where one or more of the conditions laid down in Articles 5 or 6 are no longer met the competent authority shall withdraw approval, unless the processing undertaking or purchaser of fodder for drying and/or grinding does what is required to comply once more with those conditions within a time limit to be fixed in accordance with the seriousness of the problem.

Article 8

Obligations concerning the manufacture of fodder

Where a processing undertaking carries out the manufacture, on the one hand, of dehydrated fodder and/or protein concentrates and, on the other hand, of sun-dried fodder:

- (a) the dehydrated fodder must be manufactured in premises or places separate from those where sun-dried fodder is manufactured;
- (b) products obtained from the two manufacturing operations must be stored in different places;
- (c) a product belonging to one of the groups shall not be mixed within the undertaking with a product belonging to the other group.

Article 9

Obligations concerning products entering and leaving

Before bringing onto its premises products other than fodder to be dried and/or ground for the manufacture of mixtures, the processing undertaking shall so inform the competent authority of the Member State concerned, specifying the type and quantities thereof.

Where the products being brought in consist of fodder dried and/or ground by another processing undertaking, that undertaking shall also inform the competent authority of their origin and destination. In such cases, they may be brought onto the premises solely under the supervision of the competent authority and on conditions laid down by it.

Dried fodder leaving a processing undertaking may re-enter it only for the purpose of repackaging or reprocessing, under the supervision of the competent authority and on conditions laid down by it.

Products entering or re-entering the premises of processing undertakings in accordance with this Article may not be

stored with fodder dried and/or ground by the undertaking in question. They shall also be entered in the undertaking's stock records as specified in Article 12(1).

Article 10

Weight determination, sampling and analysis of dried fodder

1. The processing undertaking shall weigh the dried fodder and take samples when it leaves the undertaking, as provided for in Article 13(2) of Regulation (EC) No 1786/2003.

However, where the dried fodder is mixed on the premises of the processing undertaking, weighing and sampling shall be carried out before mixing takes place.

Where mixing is carried out before or during drying, a sample shall be taken after drying. It shall be accompanied by a statement to the effect that it relates to a mixture and specifying the type and name of the additive, its total nitrogenous content in the dry matter and the rate of incorporation in the finished product.

2. The competent authority may require each processing undertaking to notify it at least two working days in advance each time dried fodder leaves the undertaking or is mixed, specifying the dates and quantities, to enable the latter to carry out the necessary checks.

The competent authority shall regularly take samples and weigh a quantity relating to at least 5% by weight of dried fodder leaving the undertaking and at least 5% by weight of dried fodder mixed each marketing year.

3. The determination of moisture and crude protein content provided for in Article 3 shall be carried out by taking a sample for every 110 tonnes maximum of each lot of dried fodder leaving the processing undertaking or mixed on its premises in accordance with the method laid down in Commission Directives 76/371/EEC⁽¹⁾, 71/393/EEC⁽²⁾ and 72/199/EEC⁽³⁾.

Where several lots of the same quality with regard to composition, moisture content and protein content, together weighing 110 tonnes or less, leave the undertaking or are mixed on its premises, a sample shall be taken from each lot. However, the analysis shall be carried out on a representative mixture of these samples.

⁽¹⁾ OJ L 102, 15.4.1976, p. 1.

⁽²⁾ OJ L 279, 20.12.1971, p. 7.

⁽³⁾ OJ L 123, 29.5.1972, p. 6.

*Article 11***Weighing the fodder and determining the moisture content of fodder to be dehydrated**

1. The processing undertaking shall systematically weigh fodder to be dehydrated and sun-dried fodder delivered for processing, in order to determine the exact quantities thereof.

2. The obligation to weigh such fodder systematically shall not apply where the production of the undertaking concerned does not exceed 1 000 tonnes per marketing year and the undertaking proves to the satisfaction of the competent authority of the Member State that it cannot make use of public weighing facilities located within a radius of five kilometres. In such cases, the quantities delivered may be determined by any other method approved in advance by the competent authority of that Member State.

3. The processing undertaking shall determine the average moisture content of fodder to be dehydrated on the basis of a comparison of the quantities used and the quantities of dried fodder obtained.

4. Before the end of the first month of each quarter, the processing undertaking shall notify the competent authority of the average moisture content, as referred to in paragraph 3, recorded during the previous quarter in respect of the fodder it has dehydrated.

*Article 12***Stock records of processing undertakings**

1. The stock records of processing undertakings provided for in Article 10(a) of Regulation (EC) No 1786/2003 shall be kept in conjunction with the accounts and shall permit daily tracking of:

- (a) quantities of products entering for dehydration and/or grinding and, in respect of each delivery:
 - the date of entry,
 - the quantity,
 - the type or types referred to in Article 1 of Regulation (EC) No 1786/2003 of fodder to be dehydrated and, where applicable, sun-dried fodder,
 - the moisture content of fodder to be dehydrated,
 - the references of the contract and/or delivery declaration provided for in Article 14 or 15 of this Regulation;

(b) the quantities produced and any quantities of all additives used in manufacture;

(c) the quantities leaving, and, for each lot, the date of leaving, the moisture content and protein content recorded;

(d) the quantities of dried fodder in respect of which a processing undertaking has already benefited from aid, and which have entered or re-entered the premises of the undertaking;

(e) the stock of dried fodder at the end of each marketing year;

(f) the products mixed with or added to fodder dried and/or ground by the undertaking, specifying the type and name of the products, their total nitrogenous matter content in the dry matter and their rate of incorporation in the finished product.

2. Processing undertakings shall keep separate stock records for dehydrated fodder, sun-dried fodder, protein concentrates and dehydrated products.

3. Where a processing undertaking also dehydrates or processes products other than dried fodder, it shall keep separate stock records in respect of such other dehydrating or processing activities.

*Article 13***Supporting documents for stock records**

1. The supporting documents to be made available by processing undertakings to the competent authority at the latter's request shall include:

- (a) details whereby the production capacity of the plant may be determined;
- (b) details of the fuel stocks held in the plant at the beginning and end of production;
- (c) invoices for the purchase of fuel and the meter readings for electricity consumption during the production period;
- (d) details of the number of hours the driers and, in the case of sun-dried fodder, the grinders were in operation;
- (e) a comprehensive record of energy consumption, in accordance with Annex I;
- (f) the contracts and/or delivery declarations.

2. Processing undertakings which sell their own output shall make available to the competent authority, in addition to the documents referred to in paragraph 1, the invoices in respect of their purchases of fodder for drying and/or grinding, and the invoices in respect of the sales of dried fodder, indicating in particular the quantity and composition of the product sold, and the name and address of the purchaser.

Undertakings processing the fodder produced by their members and delivering them dried fodder shall make available to the competent authority, in addition to the documents referred to in paragraph 1, the delivery orders or any accounting document acceptable to the competent authority, indicating in particular the quantity and composition of the product delivered, and the name and address of the persons to whom it was delivered.

Undertakings producing for farmers fodder supplied by and delivered back to those farmers shall make available to the competent authority, in addition to the documents referred to in paragraph 1, invoices in respect of their production costs, indicating in particular the quantity and composition of the dried fodder produced, and the name of the farmer.

CHAPTER 3

CONTRACTS AND DELIVERY DECLARATIONS

Article 14

Contracts

1. In addition to the information specified in Article 12 of Regulation (EC) No 1786/2003, each contract as referred to in Article 10(c)(i) and (iii) of that Regulation shall include, in particular:

- (a) the names and addresses of the parties to the contract;
- (b) the date on which it is concluded;
- (c) the marketing year concerned;
- (d) the type or types of fodder to be processed and the quantity likely to be involved;
- (e) the identification of the agricultural parcel(s) on which the fodder for processing is grown, with reference to the single aid application in which these parcels have been declared, in accordance with Article 14(1) of Regulation (EC) No 796/2004 and, where a contract has been concluded or a delivery declaration made before the date of submission of the single aid application, an undertaking to declare those parcels in the single aid application.

2. Where a processing undertaking is executing a processing contract as referred to in Article 12(2) of Regulation (EC) No 1786/2003 concluded with an independent producer or with one or more of its own members, the contract shall also indicate:

- (a) the finished product to be delivered,
- (b) the costs to be paid by the producer.

Article 15

Delivery declarations

1. Where an undertaking processes its own production or a group processes that of its members, a delivery declaration shall be drawn up giving at least the following information:

- (a) the date of delivery or, where appropriate, an indicative date if delivery is to take place after the date on which the delivery declaration is submitted to the competent authority;
- (b) the quantity of fodder received or to be received;
- (c) the type or types of fodder to be processed;
- (d) where applicable, the name and address of the member of the group making the delivery;
- (e) the identification of the agricultural parcel(s) on which the fodder for processing is grown, with reference to the single aid application in which these parcels have been declared, in accordance with Article 14(1) of Regulation (EC) No 796/2004 and, where a contract has been concluded or a delivery declaration made before the date of submission of the single aid application, an undertaking to declare those parcels in the single aid application.

2. Where an undertaking obtains supplies from an approved purchaser, a delivery declaration shall be drawn up giving at least the following information:

- (a) the identity of the approved purchaser;
- (b) the date of delivery or, where appropriate, an indicative date if delivery is to take place after the date on which the declaration is submitted to the competent authority;
- (c) the quantity of fodder received or to be received, broken down according to the producers with whom contracts were concluded by the approved purchaser, specifying the reference of the contracts;
- (d) the type or types of fodder to be processed;

- (e) the identification of the agricultural parcel(s) on which the fodder for processing is grown, with reference to the single aid application in which these parcels have been declared, in accordance with Article 14(1) of Regulation (EC) No 796/2004 and, where a contract has been concluded or a delivery declaration made before the date of submission of the single aid application, an undertaking to declare those parcels in the single aid application.

Article 16

Date of the contract or declaration

The contracts and delivery declarations provided for in Articles 14 and 15 shall be drawn up in writing at least two working days before the delivery date.

However, the Member States may provide for a period of between two and eight working days before the date of delivery.

Article 17

Notifications

Processing undertakings and purchasers of fodder for drying and/or grinding shall send the competent authority, not later than the 15th of each month, a list of contracts concluded in the previous month and delivery declarations drawn up during the previous month.

The list shall include:

- (a) the identity of the co-contractor of the processing undertaking or approved purchaser or of the declarant in the case of an undertaking processing its own production or a group processing the production of its member;
- (b) the date of the contract or of the delivery declaration;
- (c) the identification references of the agricultural parcels;
- (d) the references of the single aid application in question.

The competent authority may request that this list be sent by e-mail.

CHAPTER 4

AID APPLICATIONS AND PAYMENT

Article 18

Date of lodging of aid applications

1. Within 45 days of the end of the month, processing undertakings shall lodge applications for aid as referred to in

Article 4 of Regulation (EC) No 1786/2003 covering the quantities leaving the undertaking during that month.

2. Except in cases of *force majeure* or exceptional circumstances:

- (a) the submission of an aid application after the time limit referred to in paragraph 1 shall lead to a reduction of 1% per working day in the amounts to which the undertaking would have been entitled if the application had been lodged within the time limit;

- (b) if the delay amounts to more than 25 days the application shall be considered inadmissible.

3. However, no aid applications for a marketing year may be submitted after 15 April following the end of the marketing year in question, except in cases of *force majeure* or exceptional circumstances.

Article 19

Content of applications

1. Aid applications shall include at least:

- (a) the applicant's first name, surname, address and signature;

- (b) the quantities covered by the aid application, broken down by lot;

- (c) the date on which each quantity left the undertaking;

- (d) confirmation that samples were taken of each lot in accordance with Article 10(3) on leaving the undertaking or when the dried fodder was mixed in, and any particulars required to identify the samples;

- (e) a list by lot of any additives, specifying the type, name, total nitrogenous matter content in the dry matter and rate of incorporation in the finished product;

- (f) in the case of mixtures, the total crude protein content in each lot of the fodder dried by the undertaking, after deduction of the total nitrogenous matter content provided by the additives.

2. The aid shall be granted to processing undertakings solely in respect of fodder dried and/or ground on its premises, less the weight of additives.

*Article 20***Advance payments**

1. In order to qualify for an advance in accordance with Article 7(1) of Regulation (EC) No 1786/2003, the applicant shall accompany the aid application by a certificate showing that the corresponding security has been lodged.

2. Member States shall take the necessary measures for checking entitlement to the aid within 90 days of the date the application is lodged.

*Article 21***Final amount of the aid**

1. The Commission shall fix, in accordance with the procedure referred to in Article 18(2) of Regulation (EC) No 1786/2003, the final amount of the aid referred to in Article 4(2) of that Regulation. This amount shall be calculated on the basis of the notifications from the Member States, in accordance with the second subparagraph of Article 33(1) of this Regulation.

2. Where, as a result of subsequent checks, one or more Member States submits a second, duly substantiated, notification in accordance with the second subparagraph of Article 33(1) correcting the first upward, the second notification will be taken into consideration only if the final amount of the aid, calculated on the basis of the first notification, is not affected. The quantities of dried fodder which are not taken into consideration as a result will, in that case, be allocated to the following marketing year.

3. The balance provided for in Article 7(3) of Regulation (EC) No 1786/2003 shall be paid, where appropriate, within 60 days of the date on which the Commission publishes the final amount of the aid for the marketing year concerned in the *Official Journal of the European Union*.

*Article 22***Exchange rate**

The operative event for the exchange rate applicable to the aid laid down in Article 4 of Regulation (EC) No 1786/2003 shall occur on the first day of the month in which a given lot of dried fodder leaves the premises of the approved processing undertaking.

CHAPTER 5

INSPECTIONS*Article 23***General principles**

1. The administrative and on-the-spot checks provided for in this Regulation shall be made in such a way as to ensure effective verification of compliance with the terms under which aid is granted.

2. The applications for aid in question shall be rejected if the processing undertaking prevents an on-the-spot check from being carried out.

*Article 24***Administrative checks**

1. Administrative checks shall permit the detection of irregularities, particularly via cross-checks.

The competent authorities shall carry out cross-checks between the agricultural parcels declared in the single aid application, in the contracts and/or in the delivery declarations and the reference parcels shown in the identification system for agricultural parcels to verify the eligibility for aid of the areas as such and to prevent any aid being granted without justification.

2. Indications of irregularities resulting from cross-checks shall be followed-up by any other appropriate administrative procedure, and where necessary, by an on-the-spot check.

*Article 25***On-the-spot checks**

1. On-the-spot checks shall be unannounced. However, provided that the purpose of the control is not jeopardised, advance notice may be given, limited to strictly the minimum period necessary. Such notice shall not exceed 48 hours, except in duly justified cases.

2. Where appropriate, the on-the-spot checks provided for in this Regulation, as well as any other checks provided for in Community rules, shall be carried out at the same time.

3. Should on-the-spot checks reveal significant irregularities in a region or in a processing undertaking, the competent authority shall accordingly increase the number, frequency and extent of on-the-spot checks on the undertakings concerned during the current year and in the following year.

4. The Member States shall establish the criteria for selection of the control sample. If the checks on that sample reveal irregularities, the size and scope of the sample shall be expanded appropriately.

*Article 26***On-the-spot checks on processing undertakings**

1. The competent authorities shall inspect, at least once each marketing year, the stock records referred to in Article 12 of all processing undertakings, and in particular the link between the stock records and the accounts.

2. The competent authorities shall carry out random checks on the supporting documents relating to the stock records of processing undertakings.

However, in the case of newly-approved undertakings, the inspection shall cover all applications submitted during the first year of operation.

*Article 27***On-the-spot checks on other parties**

1. The competent authorities shall undertake regular additional checks on suppliers of raw materials and on operators to whom dried fodder has been supplied.

These checks shall cover:

- (a) at least 5 % of lots which have been the subject of an aid application to verify traceability up to the final consignee;
- (b) at least 5 % of contracts and delivery declarations to verify the parcel of origin of the products supplied to processing undertakings.

2. Parties subject to on-the-spot checks shall be selected by the competent authority on the basis of risk analysis taking into account:

- (a) the amount of aid;
- (b) changes in the aid from the previous year;
- (c) the findings of checks made in past years;
- (d) other factors to be defined by the Member States.

Each year the competent authority shall assess the effectiveness of risk analysis parameters used in previous years.

3. The competent authority shall keep records on the reasons for the selection of each farmer for an on-the-spot check. The inspector carrying out the on-the-spot check shall be informed accordingly prior to the commencement of the on-the-spot check.

*Article 28***Control report**

1. Every on-the-spot check shall be the subject of a control report which makes it possible to review the various aspects of the checks carried out.

2. The subject of the checks shall be given the opportunity to sign the report and to add observations, and shall receive a copy of the control report.

CHAPTER 6

REDUCTIONS AND EXCLUSIONS*Article 29***Reductions and exclusions for under-declarations by processing undertakings**

If the quantity of dried fodder indicated in one or more aid applications is greater than the quantity eligible under Article 3, the following rules shall apply:

- (a) where the difference found on an aid application is no more than 20 % of the eligible quantity, the amount of the aid shall be calculated on the basis of the eligible quantity, reduced by double the difference found;
- (b) where the difference found on an aid application is over 20 % of the eligible quantity, the aid application shall be rejected;
- (c) where the difference found on an aid application is no more than 20 % of the eligible quantity, but follows a similar finding made during the same marketing year, the aid application shall be rejected;
- (d) where the difference found on an aid application is over 50 % of the eligible quantity or where a difference of over 20 % and no more than 50 % is found once again during the same marketing year, no aid shall be granted for the current marketing year.

The amount to be recovered shall be off-set against aid payments to which the undertaking is entitled in the context of applications lodged in the marketing years following the calendar year of the finding.

Where it is found that the irregularities referred to in the first subparagraph have been committed intentionally by the processing undertaking, the beneficiary shall be excluded from aid in the current marketing year and the following year.

Article 30

Reductions and exclusions applicable in the event of non-compliance with certain approval conditions by processing undertakings and approved purchasers

Where it is found that the stock records do not satisfy the conditions referred to in Article 12, or that the link between the stock records and the accounts and the supporting documents cannot be established, notwithstanding the reductions and exclusions referred to in Article 29, a reduction of between 10 % and 30 % of the amount of aid applied for for the current marketing year shall be imposed on the processing undertaking, depending on the seriousness of the infringement.

If the same irregularities are found once again within a period of two years following the first finding, the competent authority shall withdraw approval of the processing undertaking for a minimum of one and a maximum of three marketing years.

CHAPTER 7

GENERAL PROVISIONS

Article 31

Force majeure and exceptional circumstances

Cases of *force majeure* and of exceptional circumstances with relevant evidence to the satisfaction of the competent authority shall be notified in writing to the authority within 10 working days of the date on which the responsible person in the processing undertaking is in a position to do so.

Article 32

Additional measures and mutual assistance between Member States

1. Member States shall take all further measures required for the proper application of the common organisation of the market in dried fodder and shall give one another the mutual assistance needed for the purposes of checks required pursuant to this Regulation. In that respect, Member States may, where this Regulation does not provide for appropriate reductions and exclusions, impose appropriate national penalties on producers or other operators in the sector, such as farmers or purchasers involved in the procedure for granting aid, in order to ensure compliance with the conditions for granting aid.

2. Member States shall assist one another to ensure effective controls, and to permit checks on the authenticity of documents submitted and/or the accuracy of the data exchanged.

Article 33

Member State notifications to the Commission

1. The Member States shall notify the Commission, at the beginning of each quarter, of the quantities of dried fodder in

respect of which applications for the aid provided for in Article 4 of Regulation (EC) No 1786/2003 were lodged during the previous quarter, such particulars to be broken down by the months in which the quantities concerned left the processing undertaking,

The Member States shall inform the Commission, not later than 31 May each year, of the quantities of dried fodder in respect of which entitlement to the aid was recognised during the previous marketing year.

Notifications of the particulars referred to in the first and second subparagraphs shall distinguish between the categories referred to in Article 2(1). This information will be used by the Commission to determine whether the maximum guaranteed quantity has been complied with.

2. The Member States shall notify the Commission:

- (a) not later than 30 April of each year, of the estimated quantities of stocks of dried fodder held in the processing undertakings at 31 March that year;
- (b) not later than 30 April 2005, of the quantities of stocks of dried fodder held in the processing undertakings at 31 March 2005 and eligible under the terms of Article 34;
- (c) not later than 31 May of each year, of the number of new approvals, approvals withdrawn and provisional approvals in the previous marketing year;
- (d) not later than 31 May of each year, of the statistics on the checks carried out under Articles 23 to 28 and the reductions and exclusions applied under Articles 29, 30 and 31, in the previous marketing year, in accordance with Annex III;
- (e) not later than 31 May of each year, a comprehensive record of energy used in the production of dehydrated fodder, in accordance with Annex I, and the changes in areas of leguminous and other green fodder, in accordance with Annex II, in the previous marketing year;
- (f) during the month following the end of each six-month period, of the average moisture contents recorded during the previous six months in fodder to be dehydrated and notified by processing undertakings in accordance with Article 11(4).
- (g) not later than 1 May 2005, of the measures adopted to implement Regulation (EC) No 1786/2003 and this Regulation, in particular the national penalties provided for in Article 30 of this Regulation.

CHAPTER 8

TRANSITIONAL AND FINAL PROVISIONS

Article 34

Stocks on 31 March 2005

1. Dried fodder produced during 2004/05 that has not left the processing plant or one of the storage places referred to in Article 3(a) of this Regulation before 31 March 2005 may be eligible for the aid provided for in Article 3 of Regulation (EC) No 603/95 in the 2005/06 marketing year, provided that it:

- (a) complies with the terms of Article 3 of this Regulation;
- (b) leaves the processing undertaking under the supervision of the competent authority under the conditions laid down in Article 10 and 11 of this Regulation;
- (c) is entered in the accounts in the context of the national guaranteed quantities allocated to the Member States concerned for the 2004/05 marketing year;
- (d) has been declared and certified during the 2004/05 marketing year.

2. The competent authorities in the Member States shall adopt all the necessary inspection measures to ensure compliance with paragraph 1.

Article 35

Optional transitional period

The Member States who apply an optional transitional period in accordance with Article 71 of Regulation (EC) No 1782/2003 shall pay the processing enterprises, with a view to its subsequent transfer to producers, the aid referred to in the second subparagraph of Article 71(2) of Regulation (EC) No 1782/2003, based on the quantities recognised as eligible for the aid provided for in Article 4 of Regulation (EC) No 1786/2003 and subject to the ceiling referred to in point D of Annex VII to Regulation (EC) No 1782/2003.

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

Done at Brussels, 7 March 2005.

Where the processing undertaking is supplied with fodder from another Member State, the aid referred to in the second subparagraph of Article 71(2) of Regulation (EC) No 1782/2003 shall be paid to the processing undertakings with a view to transferring it to the producer only if that producer is based in a Member State which applies the optional transitional period.

The sum of this aid and of the aid provided for in Regulation (EC) No 1786/2003 may not exceed the maximum support for the sector provided for in Regulation (EC) No 603/95.

The aid referred to in the second subparagraph of Article 71(2) of Regulation (EC) No 1782/2003 shall be fixed in accordance with the procedure referred to in Article 18(2) of Regulation (EC) No 1786/2003 and shall be paid to the processing undertakings, which will transfer it to the producers within 15 working days.

Article 36

2004/05 marketing year

Regulation (EC) No 785/95 is hereby repealed.

However, those provisions concerning the management of the aid scheme in force during the 2004/05 marketing year shall continue to apply until the accounts for that marketing year have been finally cleared.

Article 37

Entry into force

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

It shall apply from 1 April 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Record of energy used in the production of dehydrated fodder

Member State:

Marketing year:

	Subject	Unit	Quantity
a	Production of dehydrated fodder	tonnes of dehydrated fodder	
b	Average humidity on entry	%	
c	Average humidity on leaving	%	
d	Average air temperature on entering the drier	°C	
e	Specific consumption	megajoules per kg of dehydrated fodder	
f	Type of fuel used: (gas, coal, lignite, fuel oil, electricity, biomass)		
g	Specific calorific value in megajoules per unit of energy	megajoules per unit of energy	
h	Quantity of fuel used:	(a) in tonnes of fuel	
i		(b) in megajoules	

ANNEX II

Changes in areas of leguminous and other green fodder

Member State:

Marketing year:

	Cronos-Eurostat codes	Green fodder	Area (1 000 hectares)
a	2611 + 2670	(a) = b + c Green fodder grown on arable land, of which:	
b	2611	(b) annual fodder crops (fodder maize, other)	
c	2670	(c) perennial fodder crops (clover, lucerne, temporary grassland)	
d	2672	of which: lucerne	
e	0002	Total area of permanent grassland	

ANNEX III

A. Control statistics — population subject to controls

A. Approval of processing undertakings:	
A.1. Number of undertakings approved for the marketing year	
A.2. Number of new approvals	
A.3. Number of approvals withdrawn	
A.4. of which: number withdrawn for less than one marketing year	
A.5. of which: number withdrawn for one or more marketing years	
B. Approvals of purchasers of fodder for drying and/or grinding	
B.1. Number of purchasers of fodder for drying and/or grinding approved for the marketing year	
B.2. Number of new approvals	
B.3. Number of approvals withdrawn	
B.4. of which: number withdrawn for less than one marketing year	
B.5. of which: number withdrawn for one or more marketing years	
C. Contracts	
C.1. Number of contracts	
C.2. Number of farmers concerned	
C.3. Number of parcels included in the contracts	
C.4. Area (in ha) covered by contracts	
D. Delivery declarations	
D.1. Number of delivery declarations	
D.2. Number of farmers concerned	
D.3. Number of parcels included in the delivery declarations	
D.4. Area (in ha) covered by delivery declarations	
E. Applications submitted	
E.1. Number of applications submitted	
E.2. Number of lots concerned	
E.3. Quantity processed	
E.4. Quantity leaving (covered by aid applications)	

B. Control statistics — number of controls and results

A. Checks on areas declared in the contracts and in the single aid applications	Number of farmers	Number of contracts	Number of parcels	Area	Quantities declared ineligible	National penalties (Art. 32)
A.1. Administrative checks:						
A.1.1. Declaration of the same area twice, by one or more applicants						
A.1.2. Contract (or delivery declaration) and single aid application do not correspond						
A.2. On-the-spot checks on areas declared:						
A.2.1. Number of on-the-spot checks						
A.2.2. No anomalies						
A.2.3. Over-declaration						
A.2.4. Under-declaration						
A.2.5. Crop type different from that declared						
A.2.6. Other infringements						

B. Checks on purchasers of fodder for drying and/or grinding	Number of purchasers	Number of contracts
B.1. Number of on-the-spot checks		
B.2. No anomalies		
B.3. Irregularities in the stock records		
B.4. Other infringements		

C. Checks on processing undertakings	Number of undertakings	Number of applications	Number of lots	Quantity of dried fodder leaving	Quantity of dried fodder mixed
C.1. Administrative checks:					
C.1.1. Late applications, up to 25 days late					
C.1.2. Late applications, over 25 days late					
C.1.3. No notification before leaving					
C.1.4. Non-compliance with moisture and/or protein content criteria					
C.1.5. Other irregularities detected					
C.2. On-the-spot checks on processing undertakings					
C.2.1. Number of on-the-spot checks					
C.2.2. Number of samples taken (Art. 10(2))					
C.2.3. No notification before leaving					
C.2.4. Non-compliance with moisture and/or protein content criteria					
C.2.5. Weighing irregularities					

C. Checks on processing undertakings	Number of undertakings	Number of applications	Number of lots	Quantity of dried fodder leaving	Quantity of dried fodder mixed
C.2.6. Stock records and accounts do not correspond					
C.2.7. Other irregularities in the stock records					
C.2.8. Other irregularities detected					
C.3. Penalties applied (Art. 29):					
C.3.1. Difference of no more than 20 % (Art. 29(a))					
C.3.2. Repeat case of difference of no more than 20 % (Art. 29(c))					
C.3.3. Difference of between 20 % and 50 % (Art. 29(b))					
C.3.4. Repeat case of difference of between 20 % and 50 % (Art. 29(d))					
C.3.5. Difference over 50 % (Art. 29(d))					
C.3.6. Intentional irregularity (Art. 29, third subparagraph)					
C.3.7. Financial penalties of 10%–30 % (Art. 30)					

D. Checks on the traceability of products (Art. 27(1))	Number of lots	Quantity of dried fodder leaving	Quantity of dried fodder mixed
D.1. Checks on the reality of purchases of fodder for drying and grinding (delivery and payment)			
D.2. Checks on the reality (reception and payment) of dried fodder leaving to the first intermediary (marketing undertakings)			
D.3. Checks on the reality (reception and payment) of dried fodder leaving to the final intermediary			

COMMISSION REGULATION (EC) No 383/2005**of 7 March 2005****determining the operative events for the exchange rates applicable to the products of the wine sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro⁽¹⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture⁽²⁾ determines the operative events for the applicable exchange rates on the basis of the criteria set out in Article 3 of Regulation (EC) No 2799/98, without prejudice to any specific definitions or exemptions provided for in the rules for the sectors concerned on the basis of those criteria.
- (2) The operative events for the exchange rates applicable to certain measures of the common organisation of the market in wine are specific and should therefore be determined in a specific regulation.
- (3) Article 8 of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽³⁾ provides for a premium that may be granted in return for the permanent abandonment of vine-growing on a particular area. Article 8(5) of Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential⁽⁴⁾, lays down the maximum level of the

premium per hectare. For reasons of administrative practicability, the operative event for the exchange rate for the amount of that premium should fall at the beginning of the wine year.

- (4) Article 11 of Regulation (EC) No 1493/1999 establishes a system for the restructuring and conversion of vineyards. For reasons of administrative practicability, the exchange rate applicable for the financial allocation provided for in Article 14 of that Regulation should be the one most recently fixed by the European Central Bank prior to 1 July preceding the financial year for which the financial allocations are fixed.
- (5) Articles 27 and 28 of Regulation (EC) No 1493/1999 provide for buying-in prices to be paid to the producers and for the aid that the distiller may receive for the distillation of by-products of wine-making and distillation of wine from dual-purpose grapes, respectively. Taking into consideration the economic objectives of and the procedure for implementing the operations, the operative event for the exchange rate for those amounts should fall on the first day of the wine year concerned.
- (6) Article 29 of Regulation (EC) No 1493/1999 provides for a minimum price to be paid to the producers and for aid that the distiller may receive for distillation designed to support the potable alcohol sector. Article 30 of that Regulation provides for a crisis distillation measure in an exceptional case of market disturbance caused by serious surpluses or problems of quality. For reasons of administrative practicability, the operative event for the exchange rate applicable in those cases should be monthly.
- (7) Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms⁽⁵⁾ provides for an aid to be paid to makers of fortified wine. As the amount of that aid is linked to the distillation measures in question, it is appropriate to use the same principle when determining the operative event.

⁽¹⁾ OJ L 349, 24.12.1998, p. 1.

⁽²⁾ OJ L 349, 24.12.1998, p. 36. Regulation as last amended by Regulation (EC) No 1250/2004 (OJ L 237, 8.7.2004, p. 13).

⁽³⁾ 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).

⁽⁴⁾ OJ L 143, 16.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1389/2004 (OJ L 255, 31.7.2004, p. 7).

⁽⁵⁾ OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 1774/2004 (OJ L 316, 15.10.2004, p. 61).

- (8) Articles 34 and 35 of Regulation (EC) No 1493/1999 establish aids for specific uses. To establish the operative event as close as possible to the economic objective, and for reasons of administrative practicability, the operative event should be on the first day of the month in which the first enrichment operation is carried out for the aid provided for in Article 34 of that Regulation, and the first day of each month in which processing operations are carried out for the aid provided for in Article 35 of that Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Production potential

1. The operative event for the exchange rate applicable to the permanent abandonment premium provided for in Article 8 of Regulation (EC) No 1493/1999 shall be the first day of the wine year in which the application for the premium has been submitted.

2. The exchange rate applicable to the financial allocation for the restructuring and conversion of vineyards, provided for in Article 14 of Regulation (EC) No 1493/1999, shall be the rate most recently fixed by the European Central Bank prior to 1 July preceding the financial year for which the financial allocations are fixed.

Article 2

Market mechanisms

1. For the distillation of by-products of wine-making, the operative event for the exchange rate applicable to the buying-in price and to the aid to be paid to distillers, provided for respectively in paragraphs 9 and 11 of Article 27 of Regulation (EC) No 1493/1999, shall fall on the first day of the wine year in respect of which the buying-in price is paid.

2. For the distillation of wine from dual-purpose grapes, the operative event for the exchange rate applicable to the buying-in price and to the aid to be paid to distillers, provided for respectively in paragraphs 3 and 5 of Article 28 of Regulation (EC) No 1493/1999, shall fall on the first day of the wine year in respect of which the buying-in price is paid.

3. For the distillation of table wines and wines suitable for yielding table wines to supply the potable alcohol market, the operative event for the exchange rate applicable to the primary aid and to the minimum price, provided for respectively in paragraphs 2 and 4 of Article 29 of Regulation (EC) No 1493/1999, shall fall on the first day of the month in which the initial delivery of wine under a contract is carried out.

4. For the crisis distillation provided for in Article 30 of Regulation (EC) No 1493/1999, the operative event for the exchange rate applicable to the minimum price shall fall on the first day of the month in which the initial delivery of wine under a contract is carried out.

5. For the aid to be paid to makers of fortified wine, pursuant to the third subparagraph of Article 69(3) of Regulation (EC) No 1623/2000, the operative event for the exchange rate shall be the same as for the particular distillation measures concerned.

6. The operative event for the exchange rate applicable to the aid to be paid for the use of concentrated grape musts or rectified concentrated grape musts for enrichment, pursuant to Article 34(1) of Regulation (EC) No 1493/1999, shall fall on the first day of the month in which the first enrichment operation is carried out.

7. The operative event for the exchange rate applicable to the aid to be paid for the use of grape musts and concentrated grape musts, pursuant to Article 35(1) of Regulation (EC) No 1493/1999, shall fall on the first day of each month in which the processing operations are carried out.

Article 3

Entry into force

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

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

Done at Brussels, 7 March 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 384/2005**of 7 March 2005****adopting the programme of ad hoc modules, covering the years 2007 to 2009, for the labour force sample survey provided for by Council Regulation (EC) No 577/98****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITY,

Having regard to the Treaty establishing the European Communities,

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

Whereas:

- (1) In accordance with Regulation (EC) No 577/98, it is necessary to specify the elements of the programme of ad hoc modules covering the years 2007 to 2009.
- (2) Council Decision 2002/177/EC of 18 February 2002 on guidelines for Member States' employment policies for the year 2002⁽²⁾ states that specific statistical information is needed by the Member States and the Commission to develop appropriate policy measures in

the domains of accidents at work and work-related health problems, the labour market situation of migrants and their descendants and entry of young people into the labour market. That information should therefore be included in the ad hoc modules for 2007 to 2009.

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

HAS ADOPTED THIS REGULATION:

Article 1

The programme of ad hoc modules for the labour force sample survey, covering the years 2007 to 2009, as set out in the Annex, is hereby adopted.

Article 2

This Regulation shall enter into force on the twentieth 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, 7 March 2005.

For the Commission

Joaquín ALMUNIA

Member of the Commission

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

⁽²⁾ OJ L 60, 1.3.2002, p. 60.

ANNEX

LABOUR FORCE SURVEY**Multi-annual programme of ad hoc modules**

1. ACCIDENTS AT WORK AND WORK-RELATED HEALTH PROBLEMS

List of variables: to be defined before December 2005.

Reference period: 2007.

Member States and regions concerned: All.

Sample: to be defined before December 2005.

Transmission of the results: before 31 March 2008.

2. LABOUR MARKET SITUATION OF MIGRANTS AND THEIR IMMEDIATE DESCENDANTS

Implementation of the 2008 module will be conditional upon the results of feasibility studies to be finished before the end of 2005.

List of variables: to be defined before December 2006.

Reference period: 2008.

Member States and regions concerned: All.

Sample: to be defined before December 2006.

Transmission of the results: before 31 March 2009.

3. ENTRY OF YOUNG PEOPLE INTO THE LABOUR MARKET

List of variables: to be defined before December 2007.

Reference period: 2009.

Member States and regions concerned: All.

Sample: to be defined before December 2007.

Transmission of the results: before 31 March 2010.

COMMISSION DIRECTIVE 2005/21/EC

of 7 March 2005

adapting to technical progress Council Directive 72/306/EEC on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in vehicles

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

Article 1

The Annexes to Directive 72/306/EEC are amended in accordance with the Annex to this Directive.

Having regard to Council Directive 72/306/EEC of 2 August 1972 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in vehicles⁽¹⁾, and in particular Article 4 thereof,

Article 2

With effect from 9 March 2006, Member States:

Whereas:

(1) Directive 72/306/EEC is one of the separate directives under the type-approval procedure laid down by Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers⁽²⁾.

— shall no longer grant EC type-approval pursuant to Article 4(1) of Directive 70/156/EEC, and

— may refuse national type-approval,

(2) Consequently the provisions laid down in Directive 70/156/EEC relating to vehicle systems, components and separate technical units apply to Directive 72/306/EEC.

for a new type of vehicle on grounds relating to the emission of pollutants from diesel engines if it fails to comply with the provisions of Directive 72/306/EEC, as amended by this Directive.

(3) Article 9(2) of Directive 70/156/EEC, as amended by Directive 92/53/EEC⁽³⁾, provides for the equivalence between the separate Directives and the corresponding Regulations of the United Nations Economic Commission for Europe (UN-ECE). It is therefore necessary to align the technical requirements relating to the light source of the opacimeter used for the measurement of the opacity of the exhaust with UN-ECE Regulation 24 and international standards. It is also appropriate to align the fuel used for measuring the opacity of the exhaust with the fuel permitted for the measurement of emissions, as given in Council Directive 88/77/EEC⁽⁴⁾.

This Directive shall not invalidate any approval previously granted pursuant to Directive 72/306/EEC nor prevent extensions to such approvals under the terms of the Directive under which they were originally granted.

Article 3

(4) The measures provided for in this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress established by Directive 70/156/EEC,

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 8 March 2006. They shall forthwith inform the Commission thereof. They shall apply this Directive from 9 March 2006.

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

⁽¹⁾ OJ L 190, 20.8.1972, p. 1. Directive as last amended by Commission Directive 97/20/EC (OJ L 125, 16.5.1997, p. 21).

⁽²⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Commission Directive 2004/104/EC (OJ L 337, 13.11.2004, p. 13).

⁽³⁾ OJ L 225, 10.8.1992, p. 1.

⁽⁴⁾ OJ L 36, 9.2.1988, p. 33. Directive as last amended by Commission Directive 2001/27/EC (OJ L 107, 18.4.2001, p. 10).

2. Member States shall communicate to the Commission the texts of the main provisions of the national law that they adopt in the field governed by this Directive.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 7 March 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

The list of Annexes between the Articles and Annex I is replaced by the following:

'LIST OF ANNEXES

- Annex I: Definitions, application for EC type-approval, granting of EC type-approval, symbol of the corrected absorption coefficient, specifications and tests, modifications of the type, conformity of production
Appendix 1: Information document
Appendix 2: Type-approval certificate
- Annex II: Example of the symbol of the corrected absorption coefficient
- Annex III: Test at steady speeds over the full load curve
- Annex IV: Test under free acceleration
- Annex V: Limit values applicable in the test at steady speeds
- Annex VI: Characteristics of opacimeters
- Annex VII: Installation and use of the opacimeter'

AMENDMENTS TO ANNEX I TO DIRECTIVE 72/306/EEC

1. In section 5.2.2.1, 'Annex VI' is replaced by 'Annex V'.

In section 5.3.2, 'Annex VI' is replaced by 'Annex V'

In section 5.4, 'Annex VII' is replaced by 'Annex VI'.

In section 7.2.1.2, 'Annex VI' is replaced by 'Annex V'.

AMENDMENTS TO ANNEX III TO DIRECTIVE 72/306/EEC

2. Section 3.2 is replaced by the following:

'3.2. Fuel

The reference fuel specified in Annex IV of Directive 88/77/EEC, as last amended, and which is appropriate to the emission limits against which the vehicle or engine is being type-approved, shall be used.;

in section 3.4, 'Annex VII' is replaced by 'Annex VI' and 'Annex VIII' is replaced by 'Annex VII';

in section 4.2, 'Annex VI' is replaced by 'Annex V'.

3. Annex V is deleted.

4. Annex VI becomes Annex V.

5. Annex VII becomes Annex VI.

Section 3.3 is replaced by the following:

'3.3. Light source

The light source shall be an incandescent lamp with a colour temperature in the range 2 800 to 3 250 K or a green light emitting diode (LED) with a spectral peak between 550 and 570 nm. The light source shall be protected against sooting by means that do not influence the optical path length beyond the manufacturer's specifications.'

6. Annex VIII becomes Annex VII.

In items 2.16, 2.17 and 2.2.3, 'Annex VII' is replaced by 'Annex VI'.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 March 2005

with regard to the transit of live bovine animals through the United Kingdom

(notified under document number C(2005) 509)

(Text with EEA relevance)

(2005/177/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmission spongiform encephalopathies⁽¹⁾, and in particular Article 15(3) thereof,

Whereas:

- (1) Council Decision 98/256/EC of 16 March 1998 concerning emergency measures to protect against bovine spongiform encephalopathy, amending Decision 94/474/EC and repealing Decision 96/239/EC⁽²⁾ provides that the United Kingdom is to ensure that live bovine animals are not dispatched from its territory to other Member States or to third countries.
- (2) The imminent withdrawal of service by ferry companies currently carrying live cattle from Ireland to continental Europe will seriously affect the trade of live bovine animals between Ireland and other Member States.
- (3) Therefore, rules should be laid down to allow the transit of live bovine animals from Ireland via the United

Kingdom. However, such transit should be subject to strict conditions and controls in order not to weaken the measures in force under Decision 98/256/EC.

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

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to Decision 98/256/EC, the United Kingdom shall authorise the uninterrupted transit of live bovine animals ('the animals') dispatched from Ireland via the United Kingdom to other Member States, subject to the conditions laid down in this Decision.

Article 2

The health certificates provided for in Council Directive 64/432/EEC⁽³⁾ accompanying the animals in transit from Ireland via the United Kingdom to other Member States shall bear the following words:

'Animals conforming to Commission Decision 2005/177/EC of 7 March 2005'.

⁽¹⁾ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1993/2004 (OJ L 344, 20.11.2004, p. 12).

⁽²⁾ OJ L 113, 15.4.1998, p. 32. Decision as last amended by Commission Decision 2002/670/EC (OJ L 228, 24.8.2002, p. 22).

⁽³⁾ OJ 121, 29.7.1964, p. 1977/64. Directive as last amended by Regulation No (EC) 21/2004 (OJ L 5, 9.1.2004, p. 8).

Article 3

The transit of the animals from Ireland via the United Kingdom to other Member States, as provided for in Article 1, shall only be allowed provided that at least two working days advance notification is transmitted by the competent authority in Ireland to:

- (a) the central authority of the United Kingdom;
- (b) the central authority of all Member States of transit of the animals; and
- (c) the central and local competent authority of the Member State of final destination.

Article 4

The competent authority of Ireland shall ensure that the vehicle transporting the animals is sealed with an official seal which must remain in place for the entire duration of the transit via the United Kingdom, except for official inspection purposes or in welfare circumstances set out in Article 5.

That seal number(s) shall be recorded by the competent authority of Ireland on the health certificate referred to in Article 2.

Article 5

Where for emergency welfare reasons or for official inspection purposes, the animals have to be unloaded in the United Kingdom, the transporter shall immediately notify the competent authority of that Member State.

Those animals shall not be permitted to continue their journey unless the following conditions are complied with:

- (a) the re-loading is supervised by the competent authority of the United Kingdom;
- (b) the vehicle is re-sealed immediately following the re-loading; and
- (c) a supplementary certificate is provided as set out in the Annex.

Article 6

The competent authority of the United Kingdom shall carry out appropriate checks to ensure the implementation of this Decision and in particular to control the integrity of seals, as provided for in Article 5, on vehicles leaving the United Kingdom.

That competent authority shall confirm compliance with this Decision by applying an official stamp on the health certificate referred to in Article 2, or by issuing a supplementary certificate as set out in the Annex.

In cases of non-compliance with this Decision the animals shall not be allowed to continue their journey to their final destination. Such animals may be detained pending, subject to animal and public health considerations, slaughter, destruction or, with the agreement of the Member State of dispatch, return to their place of origin.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 7 March 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Supplementary Certificate (Commission Decision 2005/177/EC of 7 March 2005)

Member State of destination:

Reference No of the official certificate accompanying the live bovine animals:

Member State of origin:

ATTESTATION

The undersigned official veterinarian certifies that:

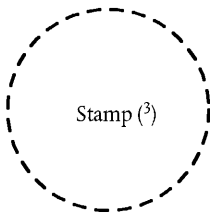
- the original seals have been broken for animal welfare reasons/official inspections⁽¹⁾;
- the animals have/have not⁽¹⁾ been unloaded;
- the re-loading was supervised by the competent authority⁽²⁾;
- the vehicle is re-sealed with seal numbers

.....
.....
.....

— Additional observations:

.....
.....
.....

Done at on
(place) (date)



.....
(signature of the official veterinarian)⁽³⁾

.....
(name in capital letters, qualifications and title)

⁽¹⁾ Delete as appropriate.
⁽²⁾ Delete if not applicable.
⁽³⁾ The signature and stamp must be in colour different to that of the printing.

COMMISSION RECOMMENDATION

of 1 March 2005

concerning a coordinated Community monitoring programme for 2005 to ensure compliance with maximum levels of pesticide residues in and on cereals and certain other products of plant origin and national monitoring programmes for 2006

(Text with EEA relevance)

(2005/178/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

using these data for the estimation of actual dietary exposure to them.

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals⁽¹⁾, and in particular Article 7(2)(b) thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables⁽²⁾, and in particular Article 4(2)(b) thereof,

Whereas:

(1) Directives 86/362/EEC and 90/642/EEC provide that the Commission should progressively work towards a system which would permit the estimation of dietary exposure to pesticides. To make realistic estimations possible, data on the monitoring of pesticide residues should be available in a number of food products which constitute major components of the European diet. It is generally recognised that major components of the European diet are constituted by some 20 to 30 food products. In view of the resources available at national level for pesticide residue monitoring, Member States are only able to analyse samples of eight products each year within a coordinated monitoring programme. Pesticide uses show changes within the timescale of three-year cycles. Each pesticide should thus generally be monitored in 20 to 30 food products over a series of three-year cycles.

(2) Residues of the pesticides covered by this Recommendation should be monitored in 2005, as this will allow

(3) A systematic statistical approach to numbers of samples to be taken in each coordinated monitoring exercise is necessary. Such an approach has been set out by the Commission of the Codex Alimentarius⁽³⁾. On the basis of a binomial probability distribution, it can be calculated that examination of 613 samples allows with a certainty of more than 99 %, the detection of a sample containing pesticide residues above the limit of determination (LOD), provided that less than 1 % of products of plant origin contain residues above that limit. Collection of these samples should be apportioned between Member States on the basis of population and consumer numbers, with a minimum of 12 samples per product and per year.

(4) Guidelines concerning quality control procedures for pesticide residue analysis are published on the Commission website⁽⁴⁾. It is agreed that these guidelines should be applied as far as possible by the analytical laboratories of the Member States and should be reviewed continuously in the light of experience gained in the monitoring programmes.

(5) Directives 86/362/EEC and 90/642/EEC require Member States to specify the criteria applied in drawing up their national inspection programmes. Such information should include the criteria applied in determining the numbers of samples to be taken and analyses to be carried out and the reporting levels applied, the criteria by which the reporting levels have been fixed and details of accreditation under Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs⁽⁵⁾ of the laboratories carrying out analyses. The number and type of infringements and the action taken should also be indicated.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2004/61/EC (OJ L 127, 29.4.2004, p. 81).

⁽²⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2004/115/EC (OJ L 374, 22.12.2004, p. 64).

⁽³⁾ Codex Alimentarius, 'Pesticide Residues in Foodstuffs', Rome, 1994, ISBN 92-5-203271-1, volume 2, p. 372.

⁽⁴⁾ Document number SANCO/10476/2003, http://europa.eu.int/comm/food/plant/protection/resources/qualcontrol_en.pdf

⁽⁵⁾ OJ L 290, 24.11.1993, p. 14. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

- (6) Maximum residue levels for baby food have been established in accordance with Article 6 of Commission Directive 91/321/EEC of 14 May 1991 on infant formulae and follow-on formulae⁽¹⁾ and Article 6 of Commission Directive 96/5/EC, Euratom of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children⁽²⁾.
- (7) Information on the results of monitoring programmes is particularly appropriate for treatment, storage and transmission by electronic/informatic methods. Formats have been developed for supply of data by e-mail from the Member States to the Commission. Member States should therefore be able to send their reports to the Commission in the standard format. The further development of such a standard format is most effectively undertaken by the development of guidelines by the Commission.
- (8) The measures provided for in this recommendation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HEREBY RECOMMENDS:

1. Member States are invited, during the year 2005, to take and analyse samples for the product/pesticide residue combinations set out in Annex I, on the basis of the number of samples of each product allocated to them in Annex II, reflecting as appropriate, national, Community and third country share of the Member State's market.

Preferably for pesticides posing an acute risk, e.g. OP-esters, endosulfan and N-methylcarbamates, reasonable number of samples of the products: pears, potatoes, carrots, oranges or mandarines, and cucumbers should also be subjected to individual analysis of the individual units in the second laboratory sample in case such pesticides are detected and particularly if it is the produce of a single producer. The number of units should be in line with Commission Directive 2002/63/EC⁽³⁾.

Two samples should be taken. If the first laboratory sample contains a detectable residue of a targeted pesticide, the units of the second sample should be analysed individually.

At least 10 samples of baby food based mainly on vegetables, fruits or cereals should be taken by each Member States.

⁽¹⁾ OJ L 175, 4.7.1991, p. 35. Directive as last amended by Directive 2003/14/EC (OJ L 41, 14.2.2003, p. 37).

⁽²⁾ OJ L 49, 28.2.1996, p. 17. Directive as last amended by Directive 2003/13/EC (OJ L 41, 14.2.2003, p. 33).

⁽³⁾ OJ L 187, 16.7.2002, p. 30.

Samples should be taken from produce originating from organic farming. The number of samples should be in proportion to the market share of organic produce in each Member State, with a minimum of one sample.

2. Member States are invited to report the results of the analysis of samples tested for the product/pesticide residue combinations set out in Annex I by 31 August 2006 at the latest, indicating:

(a) the analytical methods used and reporting levels achieved, in accordance with the quality control procedures set out in the Quality Control Procedures for Pesticide Residue Analysis;

(b) the number and type of infringements and the action taken.

The report should be produced in a format, including the electronic format, conforming to the guidance to the Member States with regard to implementation of Commission recommendations concerning coordinated Community monitoring programmes provided by the Standing Committee on the Food Chain and Animal Health.

The result on samples taken from produce originating from organic farming should be reported in a separate datasheet.

3. Member States are invited to send to the Commission and to the other Member States, by 31 August 2005 at the latest, the information required under Article 7(3) of Directive 86/362/EEC and Article 4(3) of Directive 90/642/EEC concerning the 2004 monitoring exercise to ensure, at least by check sampling, compliance with maximum pesticide residue levels including:

(a) the results of their national programmes concerning pesticide residues;

(b) information on their laboratories quality control procedures and, in particular, information concerning aspects of the guidelines concerning quality control procedures for pesticide residue analysis which they have not been able to apply or have had difficulty in applying;

(c) information on accreditation in accordance with the provisions of Article 3 of Directive 93/99/EEC (including type of accreditation, accreditation body and copy of accreditation certificate) of the laboratories carrying out the analyses;

- (d) information about the proficiency tests and ring tests in which the laboratory has participated.
- (b) the reporting levels applied and the criteria by which the reporting levels have been fixed; and
4. Member States are invited to send to the Commission, by 30 September 2005 at the latest, their intended national programme for monitoring maximum pesticide residue levels fixed by Directives 90/642/EEC and 86/362/EEC for the year 2006, including information on:
- (c) details of accreditation, under Directive 93/99/EEC of the laboratories carrying out analyses.
- (a) the criteria applied in determining the number of samples to be taken and analyses to be carried out;

Done at Brussels, 1 March 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

Pesticide/product combinations to be monitored

Pesticide residue to be analysed for			
	2005	2006 (*)	2007 (*)
Acephate	(a)	(b)	(c)
Aldicarb	(a)	(b)	(c)
Azinphos-methyl	(a)	(b)	(c)
Azoxystrobin	(a)	(b)	(c)
Benomyl group	(a)	(b)	(c)
Bifenthrin	(a)	(b)	(c)
Bromopropylate	(a)	(b)	(c)
Bupirimate	(a)	(b)	(c)
Captan	(a)	(b)	(c)
Carbaryl	(a)	(b)	(c)
Chlormequat (**)	(a)	(b)	(c)
Chlorothalonil	(a)	(b)	(c)
Chlorpropham	(a)	(b)	(c)
Chlorpyrifos	(a)	(b)	(c)
Chlorpyrifos-methyl	(a)	(b)	(c)
Cypermethrin	(a)	(b)	(c)
Cyprodinil	(a)	(b)	(c)
Deltamethrin	(a)	(b)	(c)
Diazinon	(a)	(b)	(c)
Dichlofluanid	(a)	(b)	(c)
Dicofol	(a)	(b)	(c)
Dimethoate	(a)	(b)	(c)
Diphenylamine (***)	(a)	(b)	(c)
Endosulfan	(a)	(b)	(c)
Fenhexamid	(a)	(b)	(c)
Fludioxonil	(a)	(b)	(c)
Folpet	(a)	(b)	(c)
Imazalil	(a)	(b)	(c)
Imidacloprid	(a)	(b)	(c)
Iprodione	(a)	(b)	(c)
Kresoxim-methyl	(a)	(b)	(c)
Lambda-cyhalothrin	(a)	(b)	(c)
Malathion	(a)	(b)	(c)

Pesticide residue to be analysed for			
	2005	2006 (*)	2007 (*)
Maneb group	(a)	(b)	(c)
Metalaxyl	(a)	(b)	(c)
Methamidophos	(a)	(b)	(c)
Methidathion	(a)	(b)	(c)
Methiocarb	(a)	(b)	(c)
Methomyl	(a)	(b)	(c)
Myclobutanil	(a)	(b)	(c)
Oxydemeton-methyl	(a)	(b)	(c)
Parathion	(a)	(b)	(c)
Phosalone	(a)	(b)	(c)
Pirimicarb	(a)	(b)	(c)
Pirimiphos-methyl	(a)	(b)	(c)
Procymidone	(a)	(b)	(c)
Propargite	(a)	(b)	(c)
Pyretrins	(a)	(b)	(c)
Pyrimethanil	(a)	(b)	(c)
Spiroxamine	(a)	(b)	(c)
Thiabendazole	(a)	(b)	(c)
Tolcloflos-methyl	(a)	(b)	(c)
Tolyfluanid	(a)	(b)	(c)
Triadimefon	(a)	(b)	(c)
Vinclozolin	(a)	(b)	(c)

- (a) Pears, beans (fresh or frozen), potatoes, carrots, oranges or mandarines, spinach (fresh or frozen), rice and cucumber.
 (b) Cauliflower, peppers, wheat, aubergines, grapes, peas (fresh/frozen, without pod), bananas and orange juice.
 (c) Apples, tomatoes, lettuce, strawberries, leek, head cabbage, rye or oats, peaches including nectarines and similar hybrids.

(*) Indicative for 2006 and 2007, subject to programmes which will be recommended for these years.

(**) Chlormequat should be analysed in pears and cereals only.

(***) Diphenylamine should be analysed in apples and pears only.

ANNEX II

Number of samples of each product to be taken by each Member State

Code country	Samples	Code country	Samples
AT	12	IT	65
BE	12	IE	12
CY	12	LU	12
CZ	12	LT	12
DE	93	LV	12
DK	12	MT	12
ES	45	NL	17
EE	12	PT	12
EL	12	PL	45
FR	66	SE	12
FI	12	SI	12
HU	12	SK	12
		UK	66
Total number of samples: 613			

COMMISSION DECISION

of 4 March 2005

amending Decisions 93/52/EEC and 2003/467/EC as regards the declaration that Slovenia is free of brucellosis (*B. melitensis*) and enzootic bovine leukosis and Slovakia of bovine tuberculosis and bovine brucellosis

(notified under document number C(2005) 483)

(Text with EEA relevance)

(2005/179/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, and in particular Annex A (I) (4), Annex A (II) (7) and Annex D (I) (E) thereto,

Having regard to Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals⁽²⁾, and in particular Annex A, Chapter 1, point II thereto,

Whereas:

(1) Commission Decision 93/52/EEC of 21 December 1992 recording the compliance by certain Member States or regions with the requirements relating to brucellosis (*B. melitensis*) and according them the status of a Member State or region officially free of the disease⁽³⁾ lists the regions of Member States which are recognised as officially free of brucellosis (*B. melitensis*) in accordance with Directive 91/68/EEC.

(2) In Slovenia, ovine or caprine brucellosis has been compulsorily notifiable for at least five years and no case of that disease has been officially confirmed during that period. That Member State has also prohibited vaccination against that disease for at least three years. In addition, Slovenia has undertaken to

comply with certain other conditions laid down in Directive 91/68/EEC concerning random checks to be carried out following recognition of that Member State as brucellosis-free. Slovenia should therefore be recognised as officially free of brucellosis (*B. melitensis*) as regards ovine or caprine holdings.

(3) Directive 64/432/EEC provides that Member States or parts or regions thereof may be declared officially free of tuberculosis, brucellosis and enzootic bovine leukosis as regards bovine herds subject to compliance with certain conditions set out in that Directive.

(4) The lists of Member States declared free of bovine tuberculosis, bovine brucellosis and enzootic bovine leukosis are set out in Commission Decision 2003/467/EC of 23 June 2003 establishing the official tuberculosis, brucellosis and enzootic-bovine-leukosis free status of certain Member States and regions of Member States as regards bovine herds⁽⁴⁾.

(5) Following evaluation by the Commission of the documentation submitted by Slovenia to demonstrate compliance with the appropriate conditions provided for in Directive 64/432/EEC as regards the freedom from enzootic bovine leukosis, the whole of that Member State should be declared officially free of enzootic bovine leukosis.

(6) Following evaluation by the Commission of the documentation submitted by Slovakia to demonstrate compliance with the appropriate conditions provided for in Directive 64/432/EEC as regards the freedom from bovine tuberculosis and bovine brucellosis, the whole of that Member State should be declared officially free of bovine tuberculosis and bovine brucellosis.

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

⁽²⁾ OJ L 46, 19.2.1991, p. 19. Directive as last amended by Commission Decision 2004/554/EC (OJ L 248, 9.7.2004, p. 1).

⁽³⁾ OJ L 13, 21.1.1993, p. 14. Decision as last amended by Decision 2005/28/EC (OJ L 15, 19.1.2005, p. 30).

⁽⁴⁾ OJ L 156, 25.6.2003, p. 74. Decision as last amended by Decision 2005/28/EC.

(7) Decisions 93/52/EEC and 2003/467/EC should therefore be amended accordingly.

Article 2

Annexes I, II and III to Decision 2003/467/EC are amended in accordance with Annex II to this Decision.

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

Article 3

This Decision is addressed to the Member States.

HAS ADOPTED THIS DECISION:

Done at Brussels, 4 March 2005.

Article 1

Annex I to Decision 93/52/EEC is amended in accordance with Annex I to this Decision.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

Annex I to Decision 93/52/EEC is replaced by the following:

'ANNEX I

MEMBER STATES

ISO code	Member State
BE	Belgium
CZ	Czech Republic
DK	Denmark
DE	Germany
IE	Ireland
LU	Luxembourg
HU	Hungary
NL	Netherlands
AT	Austria
SI	Slovenia
SK	Slovakia
FI	Finland
SE	Sweden
UK	United Kingdom'

ANNEX II

Annexes I, II and III to Decision 2003/467/EC are amended as follows:

1. In Annex I, Chapter 1 is replaced by the following:

‘CHAPTER 1
Officially tuberculosis-free Member States

ISO code	Member State
BE	Belgium
CZ	Czech Republic
DK	Denmark
DE	Germany
FR	France
LU	Luxembourg
NL	Netherlands
AT	Austria
SK	Slovakia
FI	Finland
SE	Sweden’

2. In Annex II, Chapter 1 is replaced by the following:

‘CHAPTER 1
Officially brucellosis-free Member States

ISO code	Member State
BE	Belgium
CZ	Czech Republic
DK	Denmark
DE	Germany
LU	Luxembourg
NL	Netherlands
AT	Austria
SK	Slovakia
FI	Finland
SE	Sweden’

3. In Annex III, Chapter 1 is replaced by the following:

‘CHAPTER 1
Officially enzootic-bovine-leukosis-free Member States

ISO code	Member State
BE	Belgium
CZ	Czech Republic
DK	Denmark
DE	Germany
ES	Spain
FR	France
IE	Ireland
CY	Cyprus
LU	Luxembourg
NL	Netherlands
AT	Austria
SI	Slovenia
FI	Finland
SE	Sweden
UK	United Kingdom’

COMMISSION DECISION

of 4 March 2005

authorising Member States to adopt certain derogations pursuant to Council Directive 96/49/EC with regard to the transport of dangerous goods by rail*(notified under document number C(2005) 443)***(Text with EEA relevance)**

(2005/180/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail⁽¹⁾, and in particular Articles 6(9), (11) and (14) thereof,

Whereas:

(1) Pursuant to Article 6(9) of Directive 96/49/EC, Member States must give the Commission an advance notification of their derogations, for the first time by 31 December 2002 or until two years after the last date of application of the amended versions of the Annex to the Directive.

(2) Certain Member States had notified the Commission by 31 December 2002 of their wish to adopt derogations from Directive 96/49/EC. By Commission Decision 2003/627/EC of 20 August 2003 authorising Member States pursuant to Directive 96/49/EC to adopt certain derogations with regard to the transport of dangerous goods by rail⁽²⁾, the Commission authorised the adoption by those Member States of the derogations listed in Annexes I and II to that Decision.

(3) Commission Directive 2003/29/EC⁽³⁾ amended the Annex to Directive 96/49/EC. By virtue of Directive 2003/29/EC Member States had to bring into force national legislation no later than 1 July 2003, the last date of application referred to in Article 6(9) of Directive 96/49/EC being 30 June 2003.

⁽¹⁾ OJ L 235, 17.9.1996, p. 25. Directive as last amended by Commission Directive 2004/110/EC (OJ L 365, 10.12.2004, p. 24).

⁽²⁾ OJ L 217, 29.8.2003, p. 67.

⁽³⁾ OJ L 90, 8.4.2003, p. 47.

(4) A few Member States notified their wish to adopt derogations. The Commission has examined the notifications for compliance with the conditions laid down in Articles 6(9), (11) and (14) of Directive 96/49/EC, and has approved them. Those Member States should therefore be authorised to adopt those derogations.

(5) By the same occasion, it is considered desirable to assemble all the derogations authorised to date in a single decision. Decision 2003/627/EC should therefore be repealed and replaced.

(6) To make sure that the situation of the derogations is updated regularly, the Commission shall propose a comprehensive update of all existing derogations at least every five years.

(7) The measures provided for in this Decision are in accordance with the opinion of the Committee on the transport of dangerous goods, set up by Article 9 of Council Directive 94/55/EC⁽⁴⁾,

HAS ADOPTED THIS DECISION:

Article 1

Member States listed in Annex I are authorised to implement the derogations set out in Annex I, regarding the transportation by rail within their territory of small quantities of certain dangerous goods.

These derogations shall be applied without discrimination.

⁽⁴⁾ OJ L 319, 12.12.1994, p. 7. Directive as last amended by Commission Directive 2004/111/EC (OJ L 365, 10.12.2004, p. 25).

Article 2

Member States listed in Annex II are authorised to implement the derogations set out in Annex II regarding, first, the transportation on particular designated routes within their territory of dangerous goods forming part of a defined industrial process, being of local nature and being tightly controlled under clearly specified conditions, and, secondly, the local transportation of dangerous goods over short distances within the perimeters of ports, airports or industrial sites.

Article 3

Decision 2003/627/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 4 March 2005.

For the Commission

Jacques BARROT

Vice-President

ANNEX I

Derogations for Member States on small quantities of certain dangerous goods

GERMANY

RA-SQ 3.1

Subject: Exemption of small quantities of certain goods for private use.

Reference to the Annex to Directive 96/49/EC (hereinafter referred to as the Directive): Table in Chapter 3.2 for certain UN numbers in Classes 1 to 9.

Content of the Annex to the Directive: Transport authorisation and provisions.

Reference to the national legislation: Gefahrgut-Ausnahmereverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.4.2003 (BGBl. I S. 595); Ausnahme 3.

Content of the national legislation: Classes 1 to 9; Exemption for very small quantities of various goods in packagings and quantities for private use; a maximum of 50 kg per transport unit; application of the general packing requirements for internal packaging.

Comments: Derogation limited to 31.12.2004.
List No. 14*.

RA-SQ 3.2

Subject: Combined packaging authorisation.

Reference to the Annex to the Directive: 4.1.10.4 MP2

Content of the Annex to the Directive: Prohibition of combined packaging.

Reference to the national legislation: Gefahrgut-Ausnahmereverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.4.2003 (BGBl. I S. 595); Ausnahme 21.

Content of the national legislation: Class 1.4S, 2, 3 and 6.1; authorisation of combined packaging of objects in Class 1.4S (cartridges for small weapons), aerosols (Class 2) and cleaning and treatment materials in Class 3 and 6.1 (UN numbers listed) as sets to be sold in combined packaging in packaging group II and in small quantities.

Comments: List No. 30*, 30a, 30b, 30c, 30d, 30e, 30f, 30g.

FRANCE

RA-SQ 6.1

Subject: Transport of registered luggage in passenger trains.

Reference to the Annex to the Directive: 7.7

Content of the Annex to the Directive: RID materials and objects excluded from transport as luggage.

Reference to the national legislation: Arrêté du 5 juin 2001 relatif au transport de marchandises dangereuses par chemin de fer (Decree of 5 June 2001 on the transport of hazardous goods by rail, 'RID-Decree') — Article 18.

Content of the national legislation: RID materials and objects which may be carried as express parcels can be carried as luggage in passenger trains.

RA-SQ 6.2

Subject: Parcels of hazardous materials kept by passengers in trains.

Reference to the Annex to the Directive: 7.7

Content of the Annex to the Directive: RID materials and objects excluded from transport as hand luggage.

Reference to the national legislation: Arrêté du 5 juin 2001 relatif au transport de marchandises dangereuses par chemin de fer (Decree of 5 June 2001 on the transport of hazardous goods by rail, 'RID-Decree') — Article 19.

Content of the national legislation: The transport as hand luggage of parcels of hazardous materials intended for the personal or professional use of passengers is authorised subject to certain conditions: only the provisions relating to the packaging, marking and labelling of parcels set out in 4.1, 5.2 and 3.4 apply.

Comments: Portable gas receptacles allowed for patients with respiratory problems in the necessary amount for one journey.

RA-SQ 6.3

Subject: Transport for the needs of the rail carrier.

Reference to the Annex to the Directive: 5.4.1

Content of the Annex to the Directive: Information concerning hazardous materials to be indicated on the consignment note.

Reference to the national legislation: Arrêté du 5 juin 2001 relatif au transport de marchandises dangereuses par chemin de fer (Decree of 5 June 2001 on the transport of hazardous goods by rail, 'RID-Decree') — Article 20.2.

Content of the national legislation: Transport for the needs of the rail carrier of quantities not exceeding the limits set in 1.1.3.6 is not subject to the load declaration obligation.

RA-SQ 6.4

Subject: Exemption from the labelling of certain mail wagons.

Reference to the Annex to the Directive: 5.3.1

Content of the Annex to the Directive: Obligation to affix labels on the walls of wagons.

Reference to the national legislation: Arrêté du 5 juin 2001 relatif au transport de marchandises dangereuses par chemin de fer (Decree of 5 June 2001 on the transport of hazardous goods by rail, 'RID-Decree') — Article 21.1.

Content of the national legislation: Only mail wagons carrying over three tonnes of a material in the same class (other than 1, 6.2 or 7) must be labelled.

RA-SQ 6.5

Subject: Exemption from the labelling of wagons carrying small containers.

Reference to the Annex to the Directive: 5.3.1

Content of the Annex to the Directive: Obligation to affix labels on the walls of wagons.

Reference to the national legislation: Arrêté du 5 juin 2001 relatif au transport de marchandises dangereuses par chemin de fer (Decree of 5 June 2001 on the transport of hazardous goods by rail, 'RID-Decree') — Article 21.2.

Content of the national legislation: If the labels affixed on the small containers are clearly visible, the wagons do not have to be labelled.

RA-SQ 6.6

Subject: Exemption from the labelling of wagons carrying road vehicles loaded with parcels.

Reference to the Annex to the Directive: 5.3.1

Content of the Annex to the Directive: Obligation to affix labels on the walls of wagons.

Reference to the national legislation: Arrêté du 5 juin 2001 relatif au transport de marchandises dangereuses par chemin de fer (Decree of 5 June 2001 on the transport of hazardous goods by rail, 'RID-Decree') — Article 21.3.

Content of the national legislation: If the road vehicles have labels corresponding to the parcels which they contain, the wagons do not have to be labelled.

SWEDEN

RA-SQ 14.1

Subject: A railway carriage carrying dangerous goods, as express goods, need not be marked with labels.

Reference to the Annex to the Directive: 5.3.1

Content of the Annex to the Directive: Railway carriages carrying dangerous goods must display labels.

Reference to the national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

Content of the national legislation: A railway carriage carrying dangerous goods, as express goods, need not be marked with labels.

Comments: There are quantity limits in RID for goods to be called express goods. Therefore it is a small quantity issue.

THE UNITED KINGDOM

RA-SQ 15.1

Subject: Carriage of certain low-hazard radioactives such as clocks, watches, smoke detectors, compass dials.

Reference to the Annex to the Directive: Most requirements of RID

Content of the Annex to the Directive: Requirements concerning the carriage of Class 7 material.

Reference to the national legislation: Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations 1996, Regulation 2(6) (as amended by Schedule 5 of the Carriage of Dangerous Goods (Amendment) Regulations 1999).

Content of the national legislation: Total exemption from the provisions of the national regulations for certain commercial products containing limited quantities of radioactive material.

Comments: This derogation is a short-term measure, which will no longer be required when similar amendments to the IAEA regulations are incorporated into RID.

RA-SQ 15.2

Subject: Movement of nominally empty fixed tanks not intended as transport equipment (N2).

Reference to the Annex to the Directive: Parts 5 and 7

Content of the Annex to the Directive: Requirements concerning consignment procedures, carriage, operation and vehicles.

Reference to the national legislation: To be specified in forthcoming Regulations.

Content of the national legislation: See above.

Comments: Movement of such fixed tanks is not carriage of dangerous goods in the normal sense, and RID provisions cannot in practice be applied. As the tanks are 'nominally empty', the amount of dangerous goods actually contained in them is by definition extremely small.

RA-SQ 15.3

Subject: Easing of restrictions on transporting mixed loads of explosives, and explosives with other dangerous goods, in wagons, vehicles and containers (N4/5/6).

Reference to the Annex to the Directive: 7.5.2.1 and 7.5.2.2

Content of the Annex to the Directive: Restrictions on certain types of mixed loading.

Reference to the national legislation: Carriage of Dangerous Goods by Road Regulations 1996, reg. 18; Carriage of Dangerous Goods by Rail Regulation, Regulations 17 and 24; Carriage of Explosives by Road Regulations, Regulation 14.

Content of the national legislation: National legislation is less restrictive regarding mixed loading of explosives, providing such carriage can be accomplished without risk.

Comments: The United Kingdom wishes to permit some variations on the mixing rules for explosives with other explosives and for explosives with other dangerous goods. Any variation will have a quantity limitation on one or more constituent parts of the load and would only be permitted provided that 'all reasonably practicable measures have been taken to prevent the explosives being brought into contact with, or otherwise endangering or being endangered by, any such goods'.

Examples of variations the UK may want to permit are:

1. Explosives allocated on classification to UN Numbers 0029, 0030, 0042, 0065, 0081, 0082, 0104, 0241, 0255, 0267, 0283, 0289, 0290, 0331, 0332, 0360, or 0361 may be carried in the same vehicle with the dangerous goods allocated on classification the UN Number 1942. The quantity of UN 1942 permitted to be carried shall be limited by deeming it to be an explosive of 1.1D;
2. Explosives allocated on classification to UN Number 0191, 0197, 0312, 0336, 0403, 0431, or 0453 may be carried in the same vehicle with dangerous goods (except flammable gases, infectious substances and toxic substances) in transport category 2 or dangerous goods in transport category 3, or any combination of them, provided the total mass or volume of dangerous goods in transport category 2 does not exceed 500 kilograms or litres and the total net mass of such explosives does not exceed 500 kg;
3. Explosives of 1.4G may be carried with flammable liquids and flammable gases in transport category 2 or non-flammable, non-toxic gases in transport category 3, or in any combination of them in the same vehicle, provided the total mass or volume of dangerous goods when added together does not exceed 200 kilograms or litres and the total net mass of explosives does not exceed 20 kg;
4. Explosive articles allocated on classification to UN Numbers 0106, 0107 or 0257 may be carried with explosive articles in Compatibility Group D, E or F for which they are components. The total quantity of explosives of UN Numbers 0106, 0107 or 0257 shall not exceed 20 kilograms.

RA-SQ 15.4

Subject: To allow different 'maximum total quantity per transport unit' for Class 1 goods in categories 1 and 2 of table in 1.1.3.1.

Reference to the Annex to the Directive: 1.1.3.1

Content of the Annex to the Directive: Exemptions related to the nature of the transport operation.

Reference to the national legislation: To be specified in forthcoming Regulations.

Content of the national legislation: To lay down rules regarding exemptions for limited quantities and mixed loading of explosives.

Comments: To allow different limited quantity limits and mixed loading multiplication factors for Class 1 goods, namely '50' for Category 1 and '500' for category 2. For the purpose of calculating mixed loads, the multiplication factors to read '20' for Transport Category 2 and '2' for Transport Category 3.

RA-SQ 15.5

Subject: Adoption of RA-SQ 6.6.

Reference to the national legislation: Carriage of Dangerous Goods by Rail Regulations 1996, Schedule 5, paragraphs 6 and 9.

ANNEX II

Derogations for Member States on local transport limited to their territory

GERMANY

RA-LT 3.1

Subject: Transportation of Class 9 PCB-contaminated materials in bulk.

Reference to the Annex to Directive 96/49/EC (hereinafter referred to as the Directive): 7.3.1.

Content of the Annex to the Directive: Transportation in bulk.

Reference to the national legislation: Gefahrgut-Ausnahmeverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.4.2003 (BGBl. I S. 595); Ausnahme 11.

Content of the national legislation: Authorisation for transportation in bulk in vehicle swap bodies or containers sealed to be impermeable to fluids or dust.

Comments: Derogation 11 limited to 31.12.2004; as from 2005, same provisions in ADR and RID.

See also Multilateral Agreement M137.

List No 4*.

RA-LT 3.2

Subject: Transportation of packaged hazardous waste.

Reference to the Annex to the Directive: Parts 1 to 5.

Content of the Annex to the Directive: Classification, packaging and marking.

Reference to the national legislation: Gefahrgut-Ausnahmeverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.4.2003 (BGBl. I S. 595); Ausnahme 20.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packagings (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Comments: List No. 6*.

SWEDEN

RA-LT 14.1

Subject: Carriage of hazardous waste to hazardous waste disposal plants.

Reference to the Annex to the Directive: part 2, chapter 5.2, and 6.1.

Content of the Annex to the Directive: Classification, marking and labelling, and requirements for the construction and testing of packaging.

Reference to national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

Content of the national legislation: The legislation consists of simplified classification criteria, less restrictive requirements for the construction and testing of packaging, and modified labelling and marking requirements. Instead of classifying hazardous waste according to RID it is assigned to different waste groups. Each waste group contains substances that can, in accordance with RID, be packed together (mixed packing). Each package must be marked with the relevant waste group code instead of the UN number.

Comments:

These regulations may only be used for the carriage of hazardous waste from public recycling sites to hazardous waste disposal plants.

DECISION No 2/2005 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE

of 1 March 2005

derogating from the concept of 'originating products' to take account of the special situation of the ACP States regarding the production of preserved tuna and of tuna loins (HS heading ex 16.04)

(2005/181/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

Having regard to the ACP-EC Partnership Agreement signed at Cotonou on 23 June 2000, and in particular Article 38 of Protocol 1 to Annex V thereof,

Whereas:

- (1) Article 38(1) of the said Protocol provides for derogations from the rules of origin to be granted whenever the development of an existing industry or the establishment of a new one warrants it.
- (2) Article 38(8) of the said Protocol provides that the derogations are granted automatically within an annual quota of 8 000 tonnes for canned tuna and of 2 000 tonnes for tuna loins.
- (3) On 28 October 2002 Decision No 2/2002 of the ACP-EC Customs Cooperation Committee derogating from the concept of 'originating products' to take account of the special situation of the ACP States regarding the production of canned tuna and of tuna loins (HS heading ex 16.04)⁽¹⁾ was adopted. The derogation provided for in Article 1 of this Decision shall apply during the period of 1 October 2002 to 28 February 2005.
- (4) In view of the expiry of this provision the ACP States submitted on 8 November 2004 a request for a new global derogation from the rules of origin as contained in the ACP-EC Partnership Agreement, for canned tuna and tuna loins, valid for all ACP States, and covering the full annual quantities, i.e. 8 000 tonnes of canned tuna and 2 000 tonnes of tuna loins, imported into the Community from 1 March 2005 onwards.
- (5) The derogation is requested under the relevant provisions of Protocol 1, particularly with regard to Article 38(8) and the requested quantities fall within the limits of the annual quota which is granted automatically upon request of the ACP States.

(6) This Decision shall apply from 1 March 2005 until the end of 2007 pending the adoption of the new trading arrangements which shall enter into force by 1 January 2008 according to Article 37 of the ACP-EC Partnership Agreement.

(7) Decision No 2/2002 refers to 'canned tuna', but actually applies to 'preserved tuna'. The term 'preserved tuna' comprises canned tuna and tuna vacuum-packed in plastic bags or other containers. The Combined Nomenclature of the European Communities uses the term 'preserved tuna' which encompasses 'canned tuna'. The same terminology should be used in this Decision.

(8) The quantities for which a derogation is adopted should be managed by the Commission in collaboration with the customs authorities of the Member States and those of the ACP States. To that end, detailed rules should be adopted,

HAS DECIDED AS FOLLOWS:

Article 1

By way of derogation from the special provisions in the list in Annex II to Protocol 1 to Annex V of the ACP-EC Partnership Agreement, preserved tuna and tuna loins of HS heading ex 16.04 produced in the ACP States from non-originating tuna shall be regarded as originating in the ACP States in accordance with the terms of this Decision.

Article 2

The derogation provided for in Article 1 shall apply to the products and the quantities shown in the Annex to this Decision which are imported into the Community from the ACP States during the period of 1 March 2005 to 31 December 2007.

Article 3

The quantities set out in the Annex shall be managed by the Commission, which shall take all administrative action it deems advisable for their efficient management. Articles 308a, 308b and 308c of Commission Regulation (EEC) No 2454/93⁽²⁾ relating to the management of tariff quotas shall apply *mutatis mutandis* to the management of the quantities referred to in the Annex.

⁽¹⁾ OJ L 311, 14.11.2002, p. 22.

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

Article 4

1. The customs authorities of the ACP States shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1. To that end, all the certificates they issue pursuant to this Decision shall bear a reference to it.

2. The competent authorities of those countries shall forward to the Commission every three months, via the Secretariat of the ACP Group, a statement of the quantities in respect of which movement certificates EUR.1 have been issued pursuant to this Decision and the serial numbers of those certificates.

Article 5

Box 7 of movement certificates EUR.1 issued under this Decision shall contain one of the following indications:

— 'Derogation — Decision No 2/2005';

— 'Dérogation — Décision n° 2/2005'.

Article 6

The ACP States, the Member States and the European Community shall take the measures necessary on their part to implement this Decision.

Article 7

This Decision shall enter into force on the date of its adoption.

This Decision shall apply from 1 March 2005.

Done at Brussels, 1 March 2005.

*For the ACP-EC Customs Cooperation
Committee*

The Joint Chairmen

Robert VERRUE

Isabelle BASSONG

ANNEX

Order No	HS Heading	Description of goods	Period	Quantities (in tonnes)
09.1632	ex 16.04	Preserved tuna ⁽¹⁾	1.3.2005-28.2.2006	8 000
			1.3.2006-28.2.2007	8 000
			1.3.2007-31.12.2007	6 666
09.1637	ex 16.04	Tuna loins	1.3.2005-28.2.2006	2 000
			1.3.2006-28.2.2007	2 000
			1.3.2007-31.12.2007	1 666

⁽¹⁾ In any form of packaging whereby the product is considered as preserved within the meaning of HS heading ex 16.04.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials

(Official Journal of the European Union L 345 of 20 November 2004)

On page 84, Annex XXIII, 10th and 11th indents:

for: ‘— all agricultural products listed in Article 146(1) and products derived therefrom by an intermediate process and used as fuel for energy production,

— all products listed in Article 146(1) and products derived therefrom and intended for energy purposes’.

read: ‘— all agricultural products listed in Article 145(1) and products derived therefrom by an intermediate process and used as fuel for energy production,

— all products listed in Annex XXII and products derived therefrom and intended for energy purposes’.
