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Contents

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II *Acts whose publication is not obligatory*

Commission

Acts adopted under Title V of the Treaty on European Union

Acts adopted under Title VI of the Treaty on European Union

EN

[1] Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 758/2005

of 19 May 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 20 May 2005.

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

Done at Brussels, 19 May 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 19 May 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	052	108,4
	204	65,2
	212	97,2
	999	90,3
0707 00 05	052	92,3
	204	51,2
	999	71,8
0709 90 70	052	84,4
	624	50,3
	999	67,4
0805 10 20	052	41,9
	204	39,9
	212	108,2
	220	45,2
	388	52,1
	400	44,6
	624	61,2
	999	56,2
0805 50 10	052	49,0
	388	63,6
	400	69,6
	528	43,4
	624	80,9
	999	61,3
0808 10 80	388	92,1
	400	112,5
	404	78,7
	508	62,3
	512	72,1
	524	57,3
	528	68,5
	720	64,4
	804	94,0
	999	78,0

(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 759/2005

of 19 May 2005

applying a reduction coefficient to refund certificates for goods not covered by Annex I to the Treaty, as provided for by Article 8(5) of Regulation (EC) No 1520/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products [1],

Having regard to Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds [2], and in particular Article 8(5) thereof,

Whereas:

(1) Member States' notifications pursuant to Article 8(2) of Regulation (EC) No 1520/2000 indicate that the total amount of applications received reaches EUR 93 532 277 while the available amount for the tranche of refund certificates as referred to in Article 8(4) of Regulation (EC) No 1520/2000 is EUR 59 655 557.

(2) A reduction coefficient shall be calculated on the basis of Article 8(3) and (4) of Regulation (EC) No 1520/2000. Such coefficient should therefore be applied to amounts requested in the form of refund certificates for use from 1 June 2005 as established in Article 8(6) of Regulation (EC) No 1520/2000,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts for applications of refund certificates for use from 1 June 2005 are subject to a reduction coefficient of 0,363.

Article 2

This Regulation shall enter into force on 20 May 2005.

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

Done at Brussels, 19 May 2005.

For the Commission
Günter VERHEUGEN
Vice-President

[1] OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).
[2] OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

COMMISSION REGULATION (EC) No 760/2005

of 19 May 2005

fixing the quantities of raw tobacco which may be transferred to another group of varieties in Germany, Greece, Spain, France, Italy and Portugal under the guarantee threshold for the 2005 harvest

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco [1], and in particular Article 9(4) thereof,

Whereas:

(1) Article 9 of Regulation (EEC) No 2075/92 introduces production quotas for the different groups of varieties of tobacco. The individual quotas are divided among producers on the basis of the guarantee thresholds for the 2005 harvest laid down in Annex II to Council Regulation (EC) No 546/2002 of 25 March 2002 fixing the premiums and guarantee thresholds for leaf tobacco by variety group and Member State for the 2002, 2003 and 2004 harvests and amending Regulation (EEC) No 2075/92 [2]. Under Article 9(4) of Regulation (EEC) No 2075/92, the Commission may authorise Member States to transfer parts of their guarantee threshold quantities between groups of varieties provided that such transfers do not give rise to additional costs for the European Agricultural Guidance and Guarantee Fund (EAGGF) and do not involve any increase in the Member State's overall guarantee threshold allocations.

(2) Since these conditions have been met, transfers should be authorised in the Member States which have made application to do so.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 2005 harvest, Member States are hereby authorised to transfer, before 30 May 2005, quantities from one group of varieties to another in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 19 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 215, 30.7.1992, p. 70. Regulation last amended by Regulation (EC) No 2319/2003 (OJ L 345, 31.12.2003, p. 17).
[2] OJ L 84, 28.3.2002, p. 4. Regulation last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1), as amended by Regulation (EC) No 864/2004 (OJ L 161, 30.4.2004, p. 48).

ANNEX

Guarantee threshold quantities which each Member State is authorised to transfer from one group of varieties to another

Member State	Group of varieties from which transfer is made	Group of varieties to which transfer is made
Germany	1 036,2 tonnes dark air-cured (group III)	528,6 tonnes flue-cured (group I)
		367,2 tonnes light air-cured (group II)
Greece	1 694 tonnes light air-cured (group II)	10 761 tonnes flue-cured (group I)
	4 415 tonnes sun-cured (group V)	
	7 269 tonnes Kabak Koulak (group VIII)	
	122 tonnes Katerini (group VII)	
	5 267 tonnes Kabak Koulak (group VIII)	3 193 tonnes Basmas (group VI)
Spain	1 999,8 tonnes dark air-cured (group III)	1 571,1 tonnes flue-cured (group I)
		35,6 tonnes light air-cured (group II)
France	3 828,4 tonnes dark air-cured (group III)	1 717,2 tonnes flue-cured (group I)
		1 444,5 tonnes light air-cured (group II)
Italy	850,0 tonnes sun-cured (group V)	611,9 tonnes flue-cured (group I)
	120,0 tonnes sun-cured (group V)	98,2 tonnes fire-cured (group IV)
Portugal	50,0 tonnes light air-cured (group II)	39,9 tonnes flue-cured (group I)

COMMISSION REGULATION (EC) No 761/2005

of 19 May 2005

opening crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999 for certain wines in France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine [1], and in particular Article 33(1)(f) thereof,

Whereas:

(1) Article 30 of Regulation (EC) No 1493/1999 provides for the possibility of a crisis distillation measure in the event of exceptional market disturbance due to major surpluses. Such measures may be limited to certain categories of wine and/or certain areas of production, and may apply to quality wines psr at the request of the Member State concerned.

(2) By letter of 18 February 2005, the French Government requested that crisis distillation be opened for quality still wine produced in specified regions (psr) in its territory. Further information was forwarded on 25 February and 25 March 2005.

(3) Considerable surpluses have been recorded on the French market in quality still wine psr, which are reflected in a fall in prices and a worrying rise in stocks towards the end of the current marketing year. In order to reverse this negative trend, and so remedy the difficult market situation, stocks of quality still wine psr should be reduced to a level that can be regarded as normal in terms of covering market requirements.

(4) Since the conditions laid down in Article 30(5) of Regulation (EC) No 1493/1999 are satisfied, a crisis distillation measure should be opened for a maximum of 1.5 million hectolitres of quality still wine psr.

(5) The crisis distillation opened by this Regulation must comply with the conditions laid down by 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 [2] as regards the distillation measure provided for in Article 30 of Regulation (EC) No 1493/1999. Other provisions of Regulation (EC) No 1623/2000 must also apply, in particular those concerning the delivery of alcohol to intervention agencies and the payment of advances.

(6) The price distillers must pay producers should be set at a level that permits the market disturbance to be dealt with by allowing producers to take advantage of the possibility afforded by this measure.

(7) The product of crisis distillation must be raw or neutral alcohol only, for compulsory delivery to the intervention agency in order to avoid disturbing the market for potable alcohol, which is supplied largely by the distillation provided for in Article 29 of Regulation (EC) No 1493/1999.

(8) 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

Crisis distillation as provided for in Article 30 of Regulation (EC) No 1493/1999 is hereby opened for a maximum of 1.5 million hectolitres of quality still wine produced in specified regions (psr) in France, in accordance with the provisions of Regulation (EC) No 1623/2000 concerning this type of distillation.

Article 2

Producers may conclude contracts as provided for in Article 65 of Regulation (EC) No 1623/2000 (hereinafter referred to as 'the contract') from 23 May 2005 to 15 July 2005.

Contracts shall be accompanied by proof that a security equal to EUR 5 per hectolitre has been lodged.

Contracts may not be transferred.

[1] OJ L 179, 14.7.1999, p. 1. Regulation last amended by the Act of Accession of 2003.

[2] OJ L 194, 31.7.2000, p. 45. Regulation last amended by Regulation (EC) No 616/2005 (OJ L 103, 22.4.2005, p. 15.)

Article 3

1. If the total quantity covered by the contracts submitted to the intervention agency exceeds the quantity laid down in Article 1, France shall determine the rate of reduction to be applied to the above contracts.

2. France shall take the administrative steps necessary to approve the above contracts by 15 August at the latest. The approval shall specify any rate of reduction applied and the quantity of wine accepted per contract and shall stipulate that the producer may cancel the contract where the quantity to be distilled is reduced.

France shall notify the Commission before 1 September of the quantities of wine covered by approved contracts.

3. France may limit the number of contracts that individual producers may conclude under this Regulation.

Article 4

1. The quantities of wine covered by approved contracts shall be delivered to the distilleries by 15 December at the latest. The alcohol obtained must be delivered to the intervention agency in accordance with Article 6(1) by 15 March at the latest.

2. The security shall be released for the quantities delivered when the producer presents proof of delivery to a distillery.

The security shall be forfeit where no delivery is made within the time limit laid down in paragraph 1.

Article 5

The minimum price paid for wine delivered for distillation under this Regulation shall be EUR 3.35/% vol/hl.

Article 6

1. Distillers shall deliver the product obtained from distillation to the intervention agency. That product shall be of an alcoholic strength of at least 92 % vol.

2. The price the intervention agency must pay distillers for raw alcohol delivered shall be EUR 3.717/% vol/hl. The payment shall be made in accordance with Article 62(5) of Regulation (EC) No 1623/2000. However, payment may be made only from 16 October 2005.

Distillers may receive an advance of EUR 2.558/% vol/hl. on that amount. In that case the advance shall be deducted from the price actually paid. Articles 66 and 67 of Regulation (EC) No 1623/2000 shall apply. However, payment may be made only from 16 October 2005.

Article 7

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

It shall apply from 23 May 2005.

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

Done at Brussels, 19 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 762/2005

of 19 May 2005

opening crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999 for table wine in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine [1], and in particular Article 33(1)(f) thereof,

Whereas:

(1) Article 30 of Regulation (EC) No 1493/1999 provides for the possibility of a crisis distillation measure in the event of exceptional market disturbance due to major surpluses. Such measures may be limited to certain categories of wine and/or certain areas of production, and may apply to quality wines psr at the request of the Member State concerned.

(2) By letter of 8 March 2005, the Spanish Government requested that crisis distillation be opened for table wine produced in its territory.

(3) Considerable surpluses have been recorded on the table wine market in Spain, which are reflected in a fall in prices and a worrying rise in stocks towards the end of the current marketing year. In order to reverse this negative trend, and so remedy the difficult market situation, stocks of table wine should be reduced to a level that can be regarded as normal in terms of covering market requirements.

(4) Since the conditions laid down in Article 30(5) of Regulation (EC) No 1493/1999 are satisfied, a crisis distillation measure should be opened for a maximum of 4 million hectolitres of table wine.

(5) The crisis distillation opened by this Regulation must comply with the conditions laid down by 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 [2] as regards the distillation measure provided for in Article 30 of Regulation (EC) No 1493/1999. Other provisions of Regulation (EC) No 1623/2000 must also apply, in particular those concerning the delivery of alcohol to intervention agencies and the payment of advances.

(6) The price distillers must pay producers should be set at a level that permits the market disturbance to be dealt with by allowing producers to take advantage of the possibility afforded by this measure.

(7) The product of crisis distillation must be raw or neutral alcohol only, for compulsory delivery to the intervention agency in order to avoid disturbing the market for potable alcohol, which is supplied largely by the distillation provided for in Article 29 of Regulation (EC) No 1493/1999.

(8) 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

Crisis distillation as provided for in Article 30 of Regulation (EC) No 1493/1999 is hereby opened for a maximum of 4 million hectolitres of table wine in Spain, in accordance with the provisions of Regulation (EC) No 1623/2000 concerning this type of distillation.

[1] OJ L 179, 14.7.1999, p. 1. Regulation last amended by the 2003 Act of Accession.

[2] OJ L 194, 31.7.2000, p. 45. Regulation last amended by Regulation (EC) No 616/2005 (OJ L 103, 22.4.2005, p. 15).

Article 2

Producers may conclude contracts as provided for in Article 65 of Regulation (EC) No 1623/2000 (hereinafter referred to as 'the contract') from 23 May to 15 June 2005.

Contracts shall be accompanied by proof that a security equal to EUR 5 per hectolitre has been lodged.

Contracts may not be transferred.

Article 3

1. If the total quantity covered by the contracts submitted to the intervention agency exceeds the quantity laid down in Article 1, Spain shall determine the rate of reduction to be applied to the above contracts.

2. Spain shall take the administrative steps necessary to approve the above contracts by 18 July 2005 at the latest. The approval shall specify any rate of reduction applied and the quantity of wine accepted per contract and shall stipulate that the producer may cancel the contract where the quantity to be distilled is reduced.

Spain shall notify the Commission before 1 August 2005 of the quantities of wine covered by approved contracts.

3. Spain may limit the number of contracts that individual producers may conclude under this Regulation.

Article 4

1. The quantities of wine covered by approved contracts shall be delivered to the distilleries by 15 October 2005 at the latest. The alcohol obtained must be delivered to the intervention agency in accordance with Article 6(1) by 15 March 2006 at the latest.

2. The security shall be released for the quantities delivered when the producer presents proof of delivery to a distillery.

The security shall be forfeit where no delivery is made within the time limit laid down in paragraph 1.

Article 5

The minimum price paid for wine delivered for distillation under this Regulation shall be EUR 1,914/% vol/hl.

Article 6

1. Distillers shall deliver the product obtained from distillation to the intervention agency. That product shall be of an alcoholic strength of at least 92 % vol.

2. The price the intervention agency must pay distillers for raw alcohol delivered shall be EUR 2,281/% vol/hl. The payment shall be made in accordance with Article 62(5) of Regulation (EC) No 1623/2000. However, payment may be made only from 16 October 2005.

Distillers may receive an advance of EUR 1,122/% vol/hl on that amount. In that case the advance shall be deducted from the price actually paid. Articles 66 and 67 of Regulation (EC) No 1623/2000 shall apply. However, payment of the advance may be made only from 16 October 2005.

Article 7

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

It shall apply from 23 May 2005.

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

Done at Brussels, 19 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 763/2005

of 19 May 2005

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas:

Examination of the quantities for which applications have been submitted shows that licences for the May 2005 tranche should be issued for the quantities applied for reduced, where appropriate, by the percentages not covered and fixing the quantities carried over to the subsequent tranche,

HAS ADOPTED THIS REGULATION:

Article 1

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

2. The available quantities carried over to the subsequent tranche are set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 May 2005.

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

Done at Brussels, 19 May 2005.

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

[1] OJ L 348, 21.12.2002, p. 5.
[2] OJ L 314, 30.11.2001, p. 1.
[3] OJ L 93, 10.4.2003, p. 3.

ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for May 2005 and quantities carried over to the subsequent tranche

Origin/product	Reduction percentage		Quantity carried over to the tranche for September 2005 (t)	
	Netherlands Antilles and Aruba	Least-developed OCTs	Netherlands Antilles and Aruba	Least-developed OCTs
OCT (Article 10(1)(a) and (b) of Regulation (EC) No 638/2003) — CN code 1006	0	0	8 484,759	6 667

Origin/product	Reduction percentage	Quantity carried over to the tranche for September 2005 (t)
ACP (Article 3(1) of Regulation (EC) No 638/2003) — CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30	40,8392	—
ACP (Article 5(1) of Regulation (EC) No 638/2003) — CN codes 1006 40 00	0	16 530

COMMISSION REGULATION (EC) No 764/2005

of 19 May 2005

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals [2].

(3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

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

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

(6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 May 2005.

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

Done at Brussels, 19 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 270, 21.10.2003, p. 78.
[2] OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

ANNEX

to the Commission Regulation of 19 May 2005 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—
1001 10 00 9400	A00	EUR/t	0
1001 90 91 9000	—	EUR/t	—
1001 90 99 9000	A00	EUR/t	0
1002 00 00 9000	A00	EUR/t	0
1003 00 10 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—
1004 00 00 9400	A00	EUR/t	0
1005 10 90 9000	—	EUR/t	—
1005 90 00 9000	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—
1101 00 11 9000	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	8,91
1101 00 15 9130	C01	EUR/t	8,32
1101 00 15 9150	C01	EUR/t	7,67
1101 00 15 9170	C01	EUR/t	7,09
1101 00 15 9180	C01	EUR/t	6,63
1101 00 15 9190	—	EUR/t	—
1101 00 90 9000	—	EUR/t	—
1102 10 00 9500	A00	EUR/t	0
1102 10 00 9700	A00	EUR/t	0
1102 10 00 9900	—	EUR/t	—
1103 11 10 9200	A00	EUR/t	0
1103 11 10 9400	A00	EUR/t	0
1103 11 10 9900	—	EUR/t	—
1103 11 90 9200	A00	EUR/t	0
1103 11 90 9800	—	EUR/t	—

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

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

COMMISSION REGULATION (EC) No 765/2005

of 19 May 2005

concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1757/2004

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals [3], and in particular Article 13(3) thereof,

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 13 to 19 May 2005 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1757/2004.

Article 2

This Regulation shall enter into force on 20 May 2005.

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

Done at Brussels, 19 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 270, 21.10.2003, p. 78.
[2] OJ L 313, 12.10.2004, p. 10.
[3] OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 766/2005

of 19 May 2005

concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1565/2004

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals [1], and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals [2], and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1565/2004 of 3 September 2004 on a special intervention measure for cereals in Finland and Sweden for the 2004/2005 marketing year [3],

Whereas:

(1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland and Sweden to all third countries, with the exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1565/2004.

(2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 13 to 19 May 2005 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1565/2004.

Article 2

This Regulation shall enter into force on 20 May 2005.

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

Done at Brussels, 19 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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[1] OJ L 270, 21.10.2003, p. 78.
[2] OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).
[3] OJ L 285, 4.9.2004, p. 3.

COMMISSION REGULATION (EC) No 767/2005

of 19 May 2005

fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 115/2005

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified on 13 to 19 May 2005, pursuant to the invitation to tender issued in Regulation (EC) No 115/2005, the maximum refund on exportation of common wheat shall be 6,50 EUR/t.

Article 2

This Regulation shall enter into force on 20 May 2005.

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

Done at Brussels, 19 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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[1] OJ L 270, 21.10.2003, p. 78.
[2] OJ L 24, 27.1.2005, p. 3.
[3] OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 11 May 2005

on the renewal of the mandate of the European Group on Ethics in Science and New Technologies

(Only the French text is authentic)

(2005/383/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas:

(1) In November 1991, the European Commission decided to incorporate ethics into the decision-making process for Community research and technological development policies by setting up the Group of Advisers on the Ethical Implications of Biotechnology (GAEIB).

(2) The Commission decided on 16 December 1997 to replace the GAEIB by the European Group on Ethics in Science and New Technologies (EGE) extending the Group's mandate to cover all areas of the application of science and technology.

(3) The EGE's mandate was renewed by the Commission Decision of 26 March 2001 for a four-year period and its remit was slightly modified to improve the Group's working methods.

(4) The EGE requires new working methods in order to respond to more rapid science and technology developments in a timely manner and requires new competences in order to address a greater range of science and technology applications.

(5) The Communication from the Commission on the collection and use of expert advice by the Commission: principles and guidelines (COM(2002) 713), states that 'open calls may be particularly appropriate when dealing with sensitive issues and when groups are liable to stand for a reasonable period of time'.

(6) The current EGE remit comes to an end on 25 March 2005 and the following decision shall therefore replace the remit annexed to the Communication to the Commission of 26 March 2001 (C(2001) 691),

HAS DECIDED AS FOLLOWS:

Article 1

The Commission hereby decides to renew the mandate of the European Group on Ethics in Science and New Technologies (EGE) for a four-year period.

Article 2

Mission

The task of the EGE shall be to advise the Commission on ethical questions relating to sciences and new technologies, either at the request of the Commission or on its own initiative. The Parliament and the Council may draw the Commission's attention to questions which they consider to be of major ethical importance. The Commission shall, when seeking the opinion of the EGE, set a time limit within which such an opinion shall be given.

Article 3

Composition — Nomination — Appointment

1. The EGE members are appointed by the President of the Commission.

2. The following rules will apply:

— Members are nominated *ad personam*. Members serve in a personal capacity and are asked to advise the Commission independently from any outside influence. The EGE shall be independent, pluralist and multidisciplinary.

— The EGE shall have up to 15 members.

— Each member of the EGE shall be appointed for a term of four years. Such appointment may be renewable for a maximum of two further terms.

— Members who are no longer capable of contributing efficiently to the work of the group, or who resign, may be replaced by an alternative member, in accordance with Article 3(1), on the basis of a reserve list, for the remaining duration of their mandate.

— The identification and selection of the EGE members will be made on the basis of an open call for expressions of interest. Additional applications received through other channels will also be taken into consideration in the selection procedure.

— The list of EGE members shall be published by the Commission in the *Official Journal of the European Union*.

Article 4

Functioning

1. The EGE members shall elect a chairperson and a vice-chairperson from among its members for the duration of the term of office.

2. The EGE work programme shall be agreed by the President of the Commission (including ethical reviews suggested by the EGE under their right of self initiative — see Article 2). The Bureau of European Policy Advisers (BEPA) of the Commission, acting in close cooperation with the EGE's chairperson, shall be responsible for organising the work of the EGE and its Secretariat.

3. The EGE's working sessions shall be private. Outside these working sessions the EGE may discuss its work with concerned Commission departments and may invite representatives of NGOs or representative organisations when appropriate for an exchange of views. The agenda for the EGE meetings will be distributed to relevant Commission services.

4. The EGE will normally meet at the Commission's seat according to the modalities and the calendar fixed by the Commission. The EGE should meet at least six times during a 12-month period involving around 12 working days a year. Members are expected to attend a minimum of four meetings a year.

5. For the purposes of preparing its opinions and within the limits of the available resources for this action, the EGE:

— may invite experts having a specific competence, to guide and inform the work of the EGE if this is deemed useful and/or necessary,

— may initiate studies in order to collect all necessary scientific and technical information,

— may set up working groups to consider specific issues,

— will organize a public round table in order to promote dialogue and improve transparency for each opinion that it produces,

— will establish close links with the Commission departments involved in the topic the Group is working on,

— may establish closer links with representatives of the various ethics bodies in the European Union and in the applicant countries.

6. Every opinion shall be published immediately after its adoption. Where an opinion is not adopted unanimously, it shall include any dissenting point of view. Where there is an operational requirement for advice to be given more quickly on a particular subject, short statements will be produced, to be followed if necessary by a fuller analysis, while ensuring that transparency is respected as for any other opinion. EGE opinions always refer to the state of the art of the technology at the time the opinion is issued. The EGE may decide to update opinions if it deems it necessary.

7. The EGE shall adopt its own Rules of Procedure.

8. A report on the EGE's activities shall be produced under the responsibility of the chairperson before the end of its term of office. The report shall be published.

Article 5

Meeting expenses

Travel and subsistence expenses for the meetings of the EGE shall be covered by the Commission according to Commission rules.

Article 6

Entry into force

The present decision will be published in the *Official Journal of the European Union* and shall enter into force on the day of the nomination of the new EGE members.

Done at Brussels, 11 May 2005.

For the Commission

José Manuel BARROSO

The President

COMMISSION DECISION

of 12 May 2005

amending Decisions 2000/45/EC, 2001/405/EC, 2001/688/EC, 2002/255/EC and 2002/747/EC in order to prolong the validity of the ecological criteria for the award of the Community eco-label to certain products

(notified under document number C(2005) 1446)

(Text with EEA relevance)

(2005/384/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme [1], and in particular the second subparagraph of Article 6(1) thereof,

After consulting the European Union Eco-labelling Board,

Whereas:

(1) The product group definition and the ecological criteria set out in Commission Decision 2000/45/EC of 17 December 1999 establishing the ecological criteria for the award of the Community eco-label to washing machines [2] expire on 30 November 2006.

(2) The product group definition and the ecological criteria set out in Commission Decision 2001/405/EC of 4 May 2001 establishing the ecological criteria for the award of the Community eco-label to tissue paper products [3] expire on 5 May 2006.

(3) The product group definition and the ecological criteria set out in Commission Decision 2001/688/EC of 28 August 2001 establishing ecological criteria for the award of the Community eco-label to soil improvers and growing media [4] expire on 29 August 2006.

(4) Commission Decision 2002/255/EC of 25 March 2002 establishing the ecological criteria for the award of the Community eco-label to televisions [5] expires on 31 March 2006.

(5) Commission Decision 2002/747/EC of 9 September 2002 establishing revised ecological criteria for the award of the Community eco-label to light bulbs and amending Decision 1999/568/EC [6] expires on 31 August 2006.

(6) Pursuant to Regulation (EC) No 1980/2000, a timely review has been carried out of the ecological criteria, as well as of the related assessment and verification requirements, established by those Decisions.

(7) In the light of the review of those criteria and requirements, it is appropriate to prolong the period of validity of the ecological criteria and the requirements for a period of one year.

(8) Since the review obligation pursuant to Regulation (EC) No 1980/2000 only concerns the ecological criteria and assessment and verification requirements, it is appropriate that Decisions 2002/255/EC and 2002/747/EC remain in effect.

(9) Decisions 2000/45/EC, 2001/405/EC, 2001/688/EC, 2002/255/EC and 2002/747/EC should therefore be amended accordingly.

(10) The measures provided for in this Decision are in accordance with the opinion of the Committee instituted by Article 17 of Regulation (EC) No 1980/2000,

[1] OJ L 237, 21.9.2000, p. 1.
[2] OJ L 16, 21.1.2000, p. 74. Decision as amended by Decision 2003/240/EC (OJ L 89, 5.4.2003, p. 16).
[3] OJ L 142, 29.5.2001, p. 10.
[4] OJ L 242, 12.9.2001, p. 17.
[5] OJ L 87, 4.4.2002, p. 53.
[6] OJ L 242, 10.9.2002, p. 44.

HAS ADOPTED THIS DECISION:

Article 1

In Decision 2000/45/EC, Article 3 is replaced by the following:

'*Article 3*

The ecological criteria for the product group washing machines, as well as the related assessment and verification requirements, shall be valid until 30 November 2007.'

Article 2

In Decision 2001/405/EC, Article 3 is replaced by the following:

'*Article 3*

The ecological criteria for the product group tissue-paper products, as well as the related assessment and verification requirements, shall be valid until 4 May 2007.'

Article 3

In Decision 2001/688/EC, Article 3 is replaced by the following:

'*Article 3*

The ecological criteria for the product group soil improvers and growing media, as well as the related assessment and verification requirements, shall be valid until 28 August 2007.'

Article 4

In Decision 2002/255/EC, Article 4 is replaced by the following:

'*Article 4*

The ecological criteria for the product group televisions, as well as the related assessment and verification requirements, shall be valid until 31 March 2007.'

Article 5

In Decision 2002/747/EC, Article 5 is replaced by the following:

'*Article 5*

The ecological criteria for the product group light bulbs, as well as the related assessment and verification requirements, shall be valid until 31 August 2007.'

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 12 May 2005.

For the Commission

Stavros DIMAS

Member of the Commission

COMMISSION DECISION

of 13 May 2005

on the clearance of the accounts of Member States' expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2004 financial year

(notified under document number C(2005) 1443)

(2005/385/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy [1], and in particular Article 7(3) thereof,

After consulting the Fund Committee,

Whereas:

(1) Under Article 7(3) of Regulation (EC) No 1258/1999, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for clearance and a certificate regarding the integrality, accuracy and veracity of the accounts transmitted and the reports established by the certification bodies, clears the accounts of the paying agencies referred to in Article 4(1) of that Regulation.

(2) Pursuant to Article 7(1) of Commission Regulation (EC) No 296/96 of 16 February 1996 on data to be transmitted by the Member States and the monthly booking of expenditure financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) [2], account is taken for the 2004 financial year of expenditure incurred by the Member States between 16 October 2003 and 15 October 2004.

(3) The time limits granted to the Member States for the submission to the Commission of the documents referred to in Article 6(1)(b) of Regulation (EC) 1258/1999 and in Article 4(1) of Commission Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Council Regulation (EEC) No 729/70 regarding the procedure for the clearance of accounts of the EAGGF Guarantee Section [3], have expired.

(4) The Commission has checked the information submitted and communicated to the Member States before 31 March 2005 the results of its verifications, along with the necessary amendments.

(5) Under the first subparagraph of Article 7(1) of Regulation (EC) No 1663/95, the accounts clearance decision referred to in Article 7(3) of Regulation (EC) No 1258/1999 must determine, without prejudice to decisions taken subsequently in accordance with Article 7(4) of the Regulation, the amount of expenditure effected in each Member State during the financial year in question recognised as being chargeable to the EAGGF Guarantee Section, on the basis of the accounts referred to in Article 6(1)(b) of Regulation (EC) No 1258/1999 and the reductions and suspensions of advances for the financial year concerned, including the reductions referred to in the second subparagraph of Article 4(3) of Regulation (EC) No 296/96. Under Article 154 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities [4], the outcome of the clearance decision, that is to say any discrepancy which may occur between the total expenditure booked to the accounts for a financial year pursuant to Article 151(1) and Article 152 and the total expenditure taken into consideration by the Commission in this Decision, is to be booked, under a single article, as additional expenditure or a reduction in expenditure.

(6) For certain paying agencies, in the light of the verifications made, the annual accounts and the accompanying documents permit the Commission to take a decision on the integrality, accuracy and veracity of the accounts submitted. Annex I lists the amounts cleared by Member State. The details of these amounts were described in the Summary Report that was presented to the Fund Committee at the same time as this Decision.

(7) In the light of the verifications made, the information submitted by certain paying agencies requires additional inquiries and their accounts cannot be cleared in this Decision. Annex II lists the paying agencies concerned.

[1] OJ L 160, 26.6.1999, p. 103.
[2] OJ L 39, 17.2.1996, p. 5. Regulation as last amended by Regulation (EC) No 1655/2004 (OJ L 298, 23.9.2004, p. 3).
[3] OJ L 158, 8.7.1995, p. 6. Regulation as last amended by Regulation (EC) No 465/2005 (OJ L 77, 23.3.2005, p. 6).
[4] OJ L 248, 16.9.2002, p. 1.

(8) Article 4(2) of Regulation (EC) No 296/96, in liaison with Article 14 of Council Regulation (EC) No 2040/2000 of 26 September 2000 on budgetary discipline [1] lays down that advances against booking are to be reduced for expenditure effected by the Member States after the limits or deadlines laid down. However, under Article 4(3) of Regulation (EC) No 296/96, any overrun of deadlines during August, September and October is to be taken into account in the accounts clearance decision except where noted before the last decision of the financial year relating to advances. Some of the expenditure declared by certain Member States during the abovementioned period and for the measures for which the Commission did not accept any extenuating circumstances was effected after the statutory limits or deadlines laid down. This Decision should therefore lay down the relevant reductions. A decision will be taken at a later date, in accordance with Article 7(4) of Regulation (EC) No 1258/1999, definitively fixing the expenditure for which Community financing will not be granted regarding those reductions and any other expenditure which may be found to have been effected after the limits or deadlines laid down.

(9) The Commission, in accordance with Article 14 of Regulation (EC) No 2040/2000 and Article 4(2) of Regulation (EC) No 296/96, has already reduced or suspended a number of monthly advances on entry into the accounts of expenditure for the 2004 financial year and makes in this Decision the reductions laid down in Article 4(3) of Regulation (EC) No 296/96. In the light of the above, to avoid any premature or merely a temporary reimbursement of the amounts in question, they should not be recognised in this Decision, without prejudice to further examination under Article 7(4) of Regulation (EC) No 1258/1999.

(10) The second subparagraph of Article 7(1) of Regulation (EC) No 1663/95 lays down that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in the first subparagraph, shall be determined by deducting advances paid during the financial year in question, i.e. 2004, from expenditure recognised for that year in accordance with the first subparagraph. Such amounts are to be deducted from, or added to, advances against expenditure from the second month following that in which the accounts clearance decision is taken.

(11) In accordance with the final subparagraph of Article 7(3) of Regulation (EC) No 1258/1999 and Article 7(1) of Regulation (EC) No 1663/95, this Decision, adopted on the basis of accounting information, does not prejudice decisions taken subsequently by the Commission excluding from Community financing expenditure not effected in accordance with Community rules,

HAS ADOPTED THIS DECISION:

Article 1

With the exception of the paying agencies referred to in Article 2, the accounts of the paying agencies of the Member States concerning expenditure financed by the EAGGF Guarantee Section in respect of the 2004 financial year are hereby cleared. The amounts which are recoverable from, or payable to, each Member State under this Decision are set out in Annex I.

Article 2

For the 2004 financial year, the accounts of the Member States' paying agencies in respect of expenditure financed by the EAGGF Guarantee Section, shown in Annex II, are disjoined from this Decision and shall be the subject of a future clearance Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 244, 29.9.2000, p. 27.

ANNEX I

Clearance of the Paying Agencies' accounts — Financial year 2004

Amount to be recovered from or paid to the Member State

MS		2004 — Expenditure for the Paying Agencies for which the accounts are		Total a + b	Reductions and suspensions for the whole financial year	Total including reductions and suspensions	Advances paid to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State
		cleared	disjoined					
		= expenditure declared in the annual declaration	= total of the expenditure in the monthly declarations					
		a	b	c = a + b	d	e = c + d	f	g = e – f
AT	EUR	1 141 832 188,85	0,00	1 141 832 188,85	0,00	1 141 832 188,85	1 141 832 509,04	– 320,19
BE	EUR	1 072 926 545,09	0,00	1 072 926 545,09	0,00	1 072 926 545,09	1 072 805 591,37	120 953,72
CZ	CZK	148 270 977,89	0,00	148 270 977,89	0,00	148 270 977,89	148 270 977,89	0,00
DE	EUR	6 010 175 861,68	23 818 955,08	6 033 994 816,76	– 150 191,69	6 033 844 625,07	6 033 635 575,97	209 049,10
DK	DKK	9 058 346 238,16	0,00	9 058 346 238,16	– 68 177,57	9 058 278 060,59	9 058 602 584,17	– 324 523,58
EE	EEK	8 595 434,55	0,00	8 595 434,55	0,00	8 595 434,55	8 595 434,55	0,00
EL	EUR	2 781 442 489,74	0,00	2 781 442 489,74	– 5 228 942,57	2 776 213 547,17	2 777 610 434,43	– 1 396 887,26
ES	EUR	6 269 452 812,02	57 020 505,80	6 326 473 317,82	– 7 926 338,98	6 318 546 978,84	6 319 215 724,26	– 668 745,42
FI	EUR	869 358 525,94	0,00	869 358 525,94	– 4 383,80	869 354 142,14	868 904 449,67	449 692,47
FR	EUR	9 395 956 559,98	1 868 053,41	9 397 824 613,39	– 9 219 078,83	9 388 605 534,56	9 389 117 043,59	– 511 509,03
HU	HUF	125 098 884,00	0,00	125 098 884,00	0,00	125 098 884,00	125 098 884,00	0,00
IE	EUR	1 829 924 935,77	0,00	1 829 924 935,77	– 1 354 653,66	1 828 570 282,11	1 829 730 495,20	– 1 160 213,09
IT	EUR	1 194 172 909,54	3 835 460 014,48	5 029 632 924,02	– 48 452 006,98	4 981 180 917,04	5 022 642 872,80	– 41 461 955,76
LT	LTL	1 826 753,89	0,00	1 826 753,89	0,00	1 826 753,89	1 826 753,89	0,00
LU	EUR	0,00	37 803 193,51	37 803 193,51	– 42 350,66	37 760 842,85	37 760 842,85	0,00
LV	LVL	23 671,15	0,00	23 671,15	0,00	23 671,15	23 671,15	0,00
NL	EUR	1 262 187 678,33	0,00	1 262 187 678,33	– 313 300,35	1 261 874 377,98	1 261 891 680,76	– 17 302,78
PL	PLN	46 695 429,61	0,00	46 695 429,61	0,00	46 695 429,61	46 695 429,61	0,00
PT	EUR	824 235 249,10	0,00	824 235 249,10	– 884 668,91	823 350 580,19	823 155 282,67	195 297,52

MS		2004 — Expenditure for the Paying Agencies for which the accounts are		Total a + b	Reductions and suspensions for the whole financial year	Total including reductions and suspensions	Advances paid to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State
		cleared	disjoined					
		= expenditure declared in the annual declaration	= total of the expenditure in the monthly declarations					
		a	b	c = a + b	d	e = c + d	f	g = e – f
SE	SEK	7 740 689 327,48	0,00	7 740 689 327,48	0,00	7 740 689 327,48	7 740 689 327,48	0,00
SI	SIT	16 964 300,84	0,00	16 964 300,84	0,00	16 964 300,84	16 964 300,84	0,00
SK	SKK	57 252 395,16	0,00	57 252 395,16	0,00	57 252 395,16	57 252 395,16	0,00
UK	GBP	2 782 254 804,67	0,00	2 782 254 804,67	– 36 835 148,07	2 745 419 656,60	2 747 004 082,12	– 1 584 425,52

1) For the calculation of the amount to be recovered from or paid to the Member State the amount taken into account is, the total of the annual declaration for the expenditure cleared (col.a) or, the total of the monthly declarations for the expenditure disjoined (col.b).

2) The reductions and suspensions are those taken into account in the advance system, to which are added in particular the corrections for the non-respect of payment deadlines established in August, September and October 2004.

ANNEX II

Clearance of the Paying Agencies' accounts Financial year 2004

List of the Paying Agencies for which the accounts are disjoined and are subject of a later clearance decision

Member State	Paying Agency
Germany	Bayern Umwelt
Spain	Madrid
France	SDE
Italy	AGEA
Luxembourg	Ministère de l'agriculture

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL DECISION 2005/386/CFSP

of 14 March 2005

concerning the conclusion of the Agreement between the European Union and New Zealand on the participation of New Zealand in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

(1) On 12 July 2004, the Council adopted Joint Action 2004/570/CFSP on the European Union military operation in Bosnia and Herzegovina [1].

(2) Article 11(3) of that Joint Action provides that detailed arrangements regarding the participation of third States are to be the subject of an agreement, in accordance with Article 24 of the Treaty on European Union.

(3) Following authorisation by the Council on 13 September 2004, the Presidency, assisted by the Secretary-General/High Representative, negotiated an Agreement between the European Union and New Zealand on the participation of New Zealand in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea).

(4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and New Zealand on the participation of New Zealand in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea) is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the European Union.

Article 3

This Decision shall take effect on the day of its adoption.

Article 4

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

Done at Brussels, 14 March 2005.

For the Council
The President
F. BODEN

[1] OJ L 252, 28.7.2004, p. 10.

AGREEMENT

between the European Union and New Zealand on the participation of New Zealand in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea)

THE EUROPEAN UNION (EU),

of the one part, and

THE GOVERNMENT OF NEW ZEALAND (NEW ZEALAND),

of the other part,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

— the adoption by the Council of the European Union of Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina [1],

— the invitation to New Zealand to participate in the EU-led operation,

— the successful completion of the Force Generation process and the recommendation by the EU Operation Commander and the EU Military Committee to agree on the participation of New Zealand forces in the EU-led operation,

— Political and Security Committee Decision BiH/1/2004 of 21 September 2004 [2] on the acceptance of New Zealand's contribution to the EU military operation in Bosnia and Herzegovina,

— Political and Security Committee Decision BiH/3/2004 of 29 September 2004 on the setting up of the Committee of Contributors for the EU military operation in Bosnia and Herzegovina [3],

HAVE AGREED AS FOLLOWS:

Article 1

Participation in the operation

1. New Zealand shall associate itself with Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina and with any Joint Action or Decision by which the Council of the European Union decides to extend the EU military crisis management operation, in accordance with the provisions of this Agreement and any required implementing arrangements.

2. The contribution of New Zealand to the EU military crisis management operation is without prejudice to the decision-making autonomy of the European Union.

3. New Zealand shall ensure that its forces and personnel participating in the EU military crisis management operation undertake their mission in conformity with:

— Joint Action 2004/570/CFSP and possible subsequent amendments,

— the Operation Plan,

— implementing measures.

4. Forces and personnel seconded to the operation by New Zealand shall carry out their duties and conduct themselves solely with the interest of the EU military crisis management operation in mind.

5. New Zealand shall inform the EU Operation Commander in due time of any change to its participation in the operation.

[1] OJ L 252, 28.7.2004, p. 10.
[2] OJ L 324, 27.10.2004, p. 20.
[3] OJ L 325, 28.10.2004, p. 64. Decision as amended by Decision BiH/5/2004 (OJ L 357, 2.12.2004, p. 39).

Article 2

Status of forces

1. The status of the forces and personnel contributed to the EU military crisis management operation by New Zealand shall be governed in accordance with the provisions contained in paragraph 12 of United Nations Security Council Resolution 1575 (2004) of 22 November 2004.

2. The status of the forces and personnel contributed to headquarters or command elements located outside Bosnia and Herzegovina, shall be governed by arrangements between the headquarters and command elements concerned and New Zealand.

3. Without prejudice to the provisions on the status of forces referred to in paragraph 1 of this Article, New Zealand shall exercise jurisdiction over its forces and personnel participating in the EU military crisis management operation.

4. New Zealand shall be responsible for responding to any claims from, linked to, or concerning the participation of any of its forces or personnel in the EU military crisis management operation. New Zealand shall be responsible for bringing any action, in particular legal or disciplinary, against any of its forces and personnel, in accordance with its laws and regulations.

5. New Zealand undertakes to make a declaration as regards the waiver of claims against any State participating in the EU military crisis management operation, and to do so when signing this Agreement.

6. The European Union undertakes to ensure that Member States make a declaration as regards the waiver of claims, for the participation of New Zealand in the EU military crisis management operation, and to do so when signing this Agreement.

Article 3

Classified information

1. New Zealand shall take appropriate measures to ensure that EU classified information is protected in accordance with the European Union Council's security regulations, contained in Council Decision 2001/264/EC of 19 March 2001 [1], and in accordance with further guidance issued by competent authorities, including the EU Operation Commander.

2. Where the EU and New Zealand have concluded an agreement on security procedures for the exchange of classified information, the provisions of such an agreement shall apply in the context of the EU military crisis management operation.

Article 4

Chain of command

1. All forces and personnel participating in the EU military crisis management operation shall remain under the full command of their national authorities.

2. National authorities shall transfer the operational and tactical command and/or control of their forces and personnel to the EU Operation Commander. The EU Operation Commander is entitled to delegate his authority.

3. New Zealand shall have the same rights and obligations in terms of the day-to-day management of the operation as participating European Union Member States.

4. The EU Operation Commander may, following consultations with New Zealand, at any time request the withdrawal of New Zealand's contribution.

5. A Senior Military Representative (SMR) shall be appointed by New Zealand to represent its national contingent in the EU military crisis management operation. The SMR shall consult with the EU Force Commander on all matters affecting the operation and shall be responsible for day-to-day contingent discipline.

Article 5

Financial aspects

1. New Zealand shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 1(1) of this Agreement, as well as in Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications [2].

2. In the case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, New Zealand shall, when its liability has been established, pay compensation under the conditions foreseen in the provisions on status of forces, as referred to in Article 2(1) of this Agreement.

[1] OJ L 101, 11.4.2001, p. 1. Decision as amended by Decision 2004/194/EC (OJ L 63, 28.2.2004, p. 48).

[2] OJ L 63, 28.2.2004, p. 68.

Article 6

Arrangements to implement the Agreement

Any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the Secretary-General of the Council of the European Union/High Representative for the Common Foreign and Security Policy and the appropriate authorities of New Zealand.

Article 7

Non-compliance

Should one of the Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a notice of one month.

Article 8

Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 9

Entry into force

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.

2. This Agreement shall be provisionally applied from the date of signature.

3. This Agreement shall remain in force for the duration of New Zealand's contribution to the operation.

Done at Brussels, 04-05-2005, in the English language in four copies.

For the European Union *For New Zealand*

DECLARATIONS

referred to in Article 2(5) and (6) of the Agreement

Declaration by the EU Member States:

'The EU Member States applying EU Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina will endeavour, insofar as their internal legal systems so permit, to waive on a reciprocal basis, as far as possible, claims against New Zealand for injury, death of their personnel, or damage to, or loss of, any assets owned by themselves and used by the EU crisis management operation if such injury, death, damage or loss:

— was caused by personnel from New Zealand in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or

— arose from the use of any assets owned by New Zealand, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel from New Zealand using those assets.'

Declaration by New Zealand:

'New Zealand applying EU Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina will endeavour, insofar as its internal legal system so permits, to waive on a reciprocal basis, as far as possible, claims against any other State participating in the EU crisis management operation for injury, death of its personnel, or damage to, or loss of, any assets owned by itself and used by the EU crisis management operation if such injury, death, damage or loss:

— was caused by personnel in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or

— arose from the use of any assets owned by States participating in the EU crisis management operation, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel using those assets.'

(Acts adopted under Title VI of the Treaty on European Union)

COUNCIL DECISION 2005/387/JHA

of 10 May 2005

on the information exchange, risk-assessment and control of new psychoactive substances

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 29, 31(1)(e) and 34 (2)(c) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Whereas:

(1) The particular dangers inherent in the development of psychoactive substances require rapid action by the Member States.

(2) When new psychoactive substances are not brought within the scope of criminal law in all Member States, problems may arise in cooperation between the judicial authorities and law enforcement agencies of Member States owing to the fact that the offence or offences in question are not punishable under the laws of both the requesting and the requested State.

(3) The European Union Action Plan on Drugs 2000-2004 provided for the Commission to organise an appropriate assessment of the Joint Action of 16 June 1997 concerning the information exchange, risk assessment and the control of new synthetic drugs [2] (herineafter 'the Joint Action') taking into account the external evaluation commissioned by the European Monitoring Centre on Drugs and Drug Addiction (hereinafter 'the EMCDDA') of the early warning system. The assessment showed that the Joint Action had fulfilled its expectations. Nevertheless, the outcome of the assessment made it clear that the Joint Action was in need of reinforcement and reorientation. In particular, its main objective, the clarity of its procedures and definitions, the transparency of its operation, and the relevance of its scope had to be redefined. The Communication from the Commission to the European Parliament and the Council on the mid-term evaluation of the EU Action Plan on Drugs (2000-2004) indicated that changes to the legislation would be introduced in order to enhance action against synthetic drugs. The mechanism as established by the Joint Action should therefore be adapted.

(4) New psychoactive substances can be harmful to health.

(5) The new psychoactive substances covered by this Decision may include medicinal products as defined in Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code relating to veterinary medicinal products [3] and in Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code relating to medicinal products for human use [4].

(6) The information exchange under the early warning system, established under the Joint Action, has proved to be a valuable asset to the Member States.

(7) Nothing in this Decision should prevent Member States from exchanging information, within the European Information Network on Drugs and Drug Addiction (hereinafter 'the Reitox network'), on emerging trends in new uses of existing psychoactive substances which may pose a potential risk to public health, as well as information on possible public health related measures, in accordance with the mandate and procedures of the EMCDDA.

(8) No deterioration of either human or veterinary health care as a result of this Decision will be permitted. Substances of established and acknowledged medical value are therefore excluded from control measures based on this Decision. Suitable regulatory and public health related measures should be taken for substances of established and acknowledged medical value that are being misused.

[1] Opinion delivered on 13 January 2004 (not yet published in the Official Journal).

[2] OJ L 167, 25.6.1997, p. 1.

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

[4] OJ L 311, 28.11.2001, p. 67. Directive as last amended by Directive 2004/27/EC (OJ L 136, 30.4.2004, p. 34).

(9) In addition to what is provided for under the pharmacovigilance systems as defined in Directive 2001/82/EC and in Directive 2001/83/EC, the exchange of information on abused or misused psychoactive substances needs to be reinforced and appropriate cooperation with the European Medicines Agency (hereinafter 'EMEA') ensured. The United Nations Commission on Narcotic Drugs (hereinafter 'CND') Resolution 46/7 'Measures to promote the exchange of information on new patterns of drug use and on psychoactive substances consumed', provides a useful framework for action by the Member States.

(10) The introduction of deadlines into every phase of the procedure established by this Decision should guarantee that the instrument can react swiftly and enhances its ability to provide a quick-response mechanism.

(11) The Scientific Committee of the EMCDDA has a central role in the assessment of the risks associated with a new psychoactive substance, it will for the purpose of this Decision be extended to include experts from the Commission, Europol and the EMEA, and experts from scientific fields not represented, or not sufficiently represented, in the Scientific Committee of the EMCDDA.

(12) The extended Scientific Committee that assesses the risks associated with new psychoactive substances should remain a concise technical body of experts, capable of assessing effectively all risks associated with a new psychoactive substance. Therefore the extended Scientific Committee should be kept to a manageable size.

(13) Since the objectives of the proposed action, namely to bring about an exchange of information, a risk-assessment by a scientific committee and an EU-level procedure for bringing notified substances under control, cannot be sufficiently achieved by the Member States and can therefore, by reason of the effects of the envisaged action, be better achieved at European Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Decision does not go what is beyond what is necessary in order to achieve those objectives

(14) In conformity with Article 34(2)(c) of the Treaty, measures based upon this Decision can be taken by qualified majority as these measures are necessary to implement this Decision.

(15) This Decision respects fundamental rights and observes the principles recognised by Article 6 of the Treaty and reflected in the Charter of Fundamental Rights of the European Union,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

This Decision establishes a mechanism for a rapid exchange of information on new psychoactive substances. It takes note of information on suspected adverse reactions to be reported under the pharmacovigilance system as established by Title IX of Directive 2001/83/EC.

This Decision also provides for an assessment of the risks associated with these new psychoactive substances in order to permit the measures applicable in the Member States for control of narcotic and psychotropic substances to be applied also to new psychoactive substances.

Article 2

Scope

This Decision applies to substances not currently listed in any of the schedules to:

(a) the 1961 United Nations Single Convention on Narcotic Drugs, that may pose a comparable threat to public health as the substances listed in Schedule I or II or IV thereof, and

(b) the 1971 United Nations Convention on Psychotropic Substances, that may pose a comparable threat to public health as the substances listed in Schedule I or II or III or IV thereof.

This Decision relates to end-products, as distinct from precursors in respect of which Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances [1], and Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors [2] provide for a Community regime.

Article 3

Definitions

For the purpose of this Decision the following definitions shall apply:

(a) 'new psychoactive substance' means a new narcotic drug or a new psychotropic drug in pure form or in a preparation;

[1] OJ L 357, 20.12.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 1232/2002 (OJ L 180, 10.7.2002, p. 5).
[2] OJ L 47, 18.2.2004, p. 1.

(b) 'new narcotic drug' means a substance in pure form or in a preparation, that has not been scheduled under the 1961 United Nations Single Convention on Narcotic Drugs, and that may pose a threat to public health comparable to the substances listed in Schedule I, II or IV;

(c) 'new psychotropic drug' means a substance in pure form or in a preparation that has not been scheduled under the 1971 United Nations Convention on Psychotropic Substances, and that may pose a threat to public health comparable to the substances listed in Schedule I, II, III or IV;

(d) 'marketing authorisation' means a permission to place a medicinal product on the market, granted by the competent authority of a Member State, as required by Title III of Directive 2001/83/EC (in the case of medicinal products for human use) or Title III of Directive 2001/82/EC (in the case of veterinary medicinal products) or a marketing authorisation granted by the European Commission under Article 3 of Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency ([1]);

(e) 'United Nations system' means the World Health Organisation (WHO), the Commission on Narcotic Drugs (CND) and/or the Economic and Social Committee acting in accordance with their respective responsibilities as described in Article 3 of the 1961 United Nations Single Convention on Narcotic Drugs or in Article 2 of the 1971 United Nations Convention on Psychotropic Substances;

(f) 'preparation' means a mixture containing a new psychoactive substance;

(g) 'Reporting Form' means a structured form for notification of a new psychoactive substance and/or of a preparation containing a new psychoactive substance agreed between the EMCDDA/Europol and their respective networks in the Member States' Reitox and the Europol National Units.

Article 4

Exchange of information

1. Each Member State shall ensure that its Europol National Unit and its representative in the Reitox network provide information on the manufacture, traffic and use, including supplementary information on possible medical use, of new psychoactive substances and of preparations containing new psychoactive substances, to Europol and the EMCDDA, taking into account the respective mandates of these two bodies.

([1]) OJ L 136, 30.4.2004, p. 1.

Europol and the EMCDDA shall collect the information received from Member States through a Reporting Form and communicate this information immediately to each other and to the Europol National Units and the representatives of the Reitox network of the Member States, the Commission, and to the EMEA.

2. Should Europol and the EMCDDA consider that the information provided by a Member State on a new psychoactive substance does not merit the communication of information as described in paragraph 1, they shall inform the notifying Member State immediately thereof. Europol and the EMCDDA shall justify their decision to the Council within six weeks.

Article 5

Joint Report

1. Where Europol and the EMCDDA, or the Council, acting by a majority of its members, consider that the information provided by the Member State on a new psychoactive substance merits the collection of further information, this information shall be collated and presented by Europol and the EMCDDA in the form of a Joint Report (hereinafter the 'Joint Report'). The Joint Report shall be submitted to the Council, the EMEA and the Commission.

2. The Joint Report shall contain:

(a) a chemical and physical description, including the name under which the new psychoactive substance is known, including, if available, the scientific name (International Non-proprietary Name);

(b) information on the frequency, circumstances and/or quantities in which a new psychoactive substance is encountered, and information on the means and methods of manufacture of the new psychoactive substance;

(c) information on the involvement of organised crime in the manufacture or trafficking of the new psychoactive substance;

(d) a first indication of the risks associated with the new psychoactive substance, including the health and social risks, and the characteristics of users;

(e) information on whether or not the new substance is currently under assessment, or has been under assessment, by the UN system;

(f) the date of notification on the Reporting Form of the new psychoactive substance to the EMCDDA or to Europol;

(g) information on whether or not the new psychoactive substance is already subject to control measures at national level in a Member State;

(h) as far as possible, information will be made available on:

(i) the chemical precursors that are known to have been used for the manufacture of the substance,

(ii) the mode and scope of the established or expected use of the new substance,

(iii) any other use of the new psychoactive substance and the extent of such use, the risks associated with this use of the new psychoactive substance, including the health and social risks.

3. The EMEA shall submit to Europol and the EMCDDA the following information on whether in the European Union or in any Member State:

(a) the new psychoactive substance has obtained a marketing authorisation;

(b) the new psychoactive substance is the subject of an application for a marketing authorisation;

(c) a marketing authorisation that had been granted in respect of the new psychoactive substance has been suspended.

Where this information relates to marketing authorisations granted by Member States, these Member States shall provide the EMEA with this information if so requested by it.

4. Member States shall provide the details referred to under paragraph 2 within six weeks from the date of notification on the Reporting Form as set out in Article 4(1).

5. The Joint Report shall be submitted no more than four weeks after the date of receipt of the information from Member States and the EMEA. The Report shall be submitted by Europol or the EMCDDA, as appropriate, in accordance with Article 5(1) and (2).

Article 6

Risk assessment

1. The Council, taking into account the advice of Europol and the EMCDDA, and acting by a majority of its members, may request that the risks, including the health and social risks, caused by the use of, the manufacture of, and traffic in, a new psychoactive substance, the involvement of organised crime and possible consequences of control measures, be assessed in accordance with the procedure set out in paragraphs 2 to 4, provided that at least a quarter of its members or the Commission have informed the Council in writing that they are in favour of such an assessment. The Member States or the Commission shall inform the Council thereof as soon as possible, but in any case within four weeks of receipt of the Joint Report. The General Secretariat of the Council shall notify this information to the EMCDDA without delay.

2. In order to carry out the assessment, the EMCDDA shall convene a special meeting under the auspices of its Scientific Committee. In addition, for the purpose of this meeting the Scientific Committee may be extended by a further five experts at most, to be designated by the Director of the EMCDDA, acting on the advice of the Chairperson of the Scientific Committee, chosen from a panel of experts proposed by Member States and approved every three years by the Management Board of the EMCDDA. Such experts will be from scientific fields that are not represented, or not sufficiently represented, in the Scientific Committee, but whose contribution is necessary for the balanced and adequate assessment of the possible risks, including health and social risks. Furthermore, the Commission, Europol and the EMEA shall each be invited to send a maximum of two experts.

3. The risk assessment shall be carried out on the basis of information to be provided to the scientific Committee by the Member States, the EMCDDA, Europol, the EMEA, taking into account all factors which, according to the 1961 United Nations Single Convention on Narcotic Drugs or the 1971 United Nations Convention on Psychotropic Substances, would warrant the placing of a substance under international control.

4. On completion of the risk assessment, a report (hereinafter the 'Risk Assessment Report') shall be drawn up by the Scientific Committee. The Risk Assessment Report shall consist of an analysis of the scientific and law enforcement information available, and shall reflect all opinions held by the members of the Committee. The Risk Assessment Report shall be submitted to the Commission and Council by the chairperson of the Committee, on its behalf, within a period of twelve weeks from the date of the notification by the General Secretariat of the Council to the EMCDDA referred to in paragraph 1.

The Risk Assessment Report shall include:

(a) the physical and chemical description of the new psychoactive substance and its mechanisms of action, including its medical value;

(b) the health risks associated with the new psychoactive substance;

(c) the social risks associated with the new psychoactive substance;

(d) information on the level of involvement of organised crime and information on seizures and/or detections by the authorities, and the manufacture of the new psychoactive substance;

(e) information on any assessment of the new psychoactive substance in the United Nations system;

(f) where appropriate, a description of the control measures that are applicable to the new psychoactive substance in the Member States;

(g) options for control and the possible consequences of the control measures, and

(h) the chemical precursors that are used for the manufacture of the substance.

Article 7

Circumstances where no risk assessment is carried out

1. No risk assessment shall be carried out in the absence of a Europol/EMCDDA Joint Report. Nor shall a risk assessment be carried out where the new psychoactive substance concerned is at an advanced stage of assessment within the United Nations system, namely once the WHO expert committee on drug dependence has published its critical review together with a written recommendation, except where there is significant new information that is relevant in the framework of this Decision.

2. Where the new psychoactive substance has been assessed within the United Nations system, but it has been decided not to schedule the new psychoactive substance under the 1961 Single Convention on Narcotic Drugs or the 1971 Convention on Psychotropic Substances, a risk assessment shall be carried out only if there is significant new information that is relevant in the framework of this Decision.

3. No risk assessment shall be carried out on a new psychoactive substance if:

(a) the new psychoactive substance is used to manufacture a medicinal product which has been granted a marketing authorisation; or,

(b) the new psychoactive substance is used to manufacture a medicinal product for which an application has been made for a marketing authorisation or,

(c) the new psychoactive substance is used to manufacture a medicinal product for which a marketing authorisation has been suspended by a competent authority.

Where the new psychoactive substance falls into one of the categories listed under the first subparagraph, the Commission, on the basis of data collected by EMCDDA and Europol, shall assess with the EMEA the need for further action, in close cooperation with the EMCDDA and in accordance with the mandate and procedures of the EMEA.

The Commission shall report to the Council on the outcome.

Article 8

Procedure for bringing specific new psychoactive substances under control

1. Within six weeks from the date on which it received the Risk Assessment Report, the Commission shall present to the Council an initiative to have the new psychoactive substance subjected to control measures. If the Commission deems it is not necessary to present an initiative on submitting the new psychoactive substance to control measures, within six weeks from the date on which it received the Risk Assessment Report, the Commission shall present a report to the Council explaining its views.

2. Should the Commission deem it not necessary to present an initiative on submitting the new psychoactive substance to control measures, such an initiative may be presented to the Council by one or more Member States, preferably not later than six weeks from the date on which the Commission presented its report to the Council.

3. The Council shall decide, by qualified majority and acting on an initiative presented pursuant to paragraph 1 or 2, on the basis of Article 34(2) (c) of the Treaty, whether to submit the new psychoactive substance to control measures.

Article 9

Control measures taken by Member States

1. If the Council decides to submit a new psychoactive substance to control measures, Member States shall endeavour to take, as soon as possible, but no later than one year from the date of that decision, the necessary measures in accordance with their national law to submit:

(a) the new psychotropic drug to control measures and criminal penalties as provided under their legislation by virtue of their obligations under the 1971 United Nations Convention on Psychotropic Substances;

(b) the new narcotic drug to control measures and criminal penalties as provided under their legislation by virtue of their obligations under the 1961 United Nations Single Convention on Narcotic Drugs.

2. Member States shall report the measures taken to both the Council and the Commission as soon as possible after the relevant decision has been taken. Thereafter this information shall be communicated to the EMCDDA, Europol, the EMEA, and the European Parliament.

3. Nothing in this Decision shall prevent a Member State from maintaining or introducing on its territory any national control measure it deems appropriate once a new psychoactive substance has been identified by a Member State.

Article 10

Annual report

The EMCDDA and Europol shall report annually to the European Parliament, the Council and the Commission on the implementation of this Decision. The report will take into account all aspects required for an assessment of the efficacy and achievements of the system created by this Decision. The Report shall, in particular, include experience relating to coordination between the system set out in this Decision and the pharmacovigilance system.

Article 11

Pharmacovigilance system

Member States and the EMEA shall ensure an appropriate exchange of information between the mechanism set up by means of this Decision and the pharmacovigilance systems as defined and established under Title VII of Directive 2001/82/EC and Title IX of Directive 2001/83/EC.

Article 12

Repeal

The Joint Action on New Synthetic Drugs of 16 June 1997 is hereby repealed. Decisions taken by the Council based on Article 5 of that Joint Action shall continue to be legally valid.

Article 13

Publication and taking effect

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

Done at Brussels, 10 May 2005.

For the Council
The President
J. KRECKÉ