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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 837/2005

of 23 May 2005

amending Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, and in particular Article 247 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Pursuant to Decision No 210/97/EC of the European Parliament and of the Council of 19 December 1996 adopting an action programme for customs in the Community (Customs 2000) ⁽²⁾, the Community transit system has been computerised. The system has been fully operational in the Member States since 1 July 2003 and has been proven to be reliable and satisfactory both for customs administrations and for economic operators.

(2) Under those circumstances it is no longer economically justified to permit formalities to be carried out on the basis of a transit declaration made in writing, the use of which implies that the customs authorities are obliged to enter manually the declaration data into the computerised system. In general, all transit declarations should therefore be lodged using a data-processing technique.

(3) The use of transit declarations made in writing should only be permitted in exceptional cases, where customs' computerised transit system or the principal's application are not functioning, in order to allow economic operators to carry out transit operations.

(4) In order to allow travellers to carry out transit operations the customs authorities should authorise the use of transit declarations made in writing where the travellers cannot directly access the computerised transit system.

(5) Since some Member States need to develop and implement necessary tools and links in order to allow all economic operators to be linked to the computerised transit system, a transitional period permitting the use of transit declarations made in writing should be envisaged.

(6) Except in cases where the customs' computerised transit system or the principal's application are not functioning, the customs authorities accepting transit declarations made in writing should ensure that the transit data is exchanged between the customs authorities using information technology and computer networks.

(7) In the absence of an opinion delivered by the Customs Code Committee, it is up to the Council to adopt the necessary measures.

(8) Commission Regulation (EEC) No 2454/93 ⁽³⁾ should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2454/93 is hereby amended as follows:

1. Article 353 shall be replaced by the following:

'Article 353

1. Transit declarations shall comply with the structure and particulars set out in Annex 37a, and shall be lodged at the office of departure using a data-processing technique.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 33, 4.2.1997, p. 24. Decision as amended by Decision No 105/2000/EC (OJ L 13, 19.1.2000, p. 1).

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

2. The customs authorities shall accept a transit declaration made in writing on a form corresponding to the specimen set out in Annex 31 and in accordance with the procedure defined by the customs authorities in agreement with each other in the following cases:

- (a) the customs authorities' computerised transit system is not functioning,
- (b) the principal's application is not functioning.

3. The use of a written transit declaration under paragraph 2(b) shall be subject to the approval of the customs authorities.

4. Where the goods are transported by travellers who have no direct access to the customs' computerised system and so have no means of lodging the transit declaration using a data processing technique at the office of departure, the customs authorities shall authorise the traveller to use a transit declaration made in writing on a form corresponding to the specimen set out in Annex 31.

In this case the customs authorities shall ensure that the transit data is exchanged between customs authorities using information technology and computer networks.'

2. Article 354 shall be deleted.

Article 2

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

It shall apply from 1 July 2006.

However, the customs authorities may continue to accept transit declarations made in writing until 31 December 2006 at the latest.

Where the customs authorities decide to accept transit declarations made in writing after 1 July 2005, the decision shall be communicated to the Commission in writing before 1 July 2005. In this case the customs authorities of these Member States shall ensure that the transit data is exchanged between the customs authorities using information technology and computer networks.

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

Done at Brussels, 23 May 2005.

For the Council
The President
J. ASSELBORN

COUNCIL REGULATION (EC) No 838/2005

of 30 May 2005

amending Regulation (EC) No 131/2004 concerning certain restrictive measures in respect of Sudan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2005/411/CFSP of 30 May 2005 concerning restrictive measures against Sudan and repealing Common Position 2004/31/CFSP ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

(1) Common Position 2004/31/CFSP ⁽²⁾ provides for an embargo on exports of arms, munitions and military equipment to Sudan, including a ban on the provision of technical and financial assistance related to military activities in Sudan. The ban on the provision of technical and financial assistance related to military activities has been implemented by Council Regulation (EC) No 131/2004 of 26 January 2004 concerning certain restrictive measures in respect of Sudan ⁽³⁾.

(2) In view of recent developments in Sudan, and notably the continued violations of the N'djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the failure of the Government of Sudan and rebel forces and all other armed groups in Darfur to comply with their commitments and the demands of the Security Council, the United Nations Security Council on 29 March 2005 adopted Resolution 1591 (2005), hereinafter referred to as 'UNSCR 1591 (2005)', imposing, *inter alia*, an arms embargo and a ban on the provision of related assistance against all the parties of the N'djamena Ceasefire Agreement and any other belligerents in Darfur. UNSCR 1591 (2005) provides for certain exemptions to the embargo.

(3) Common Position 2005/411/CFSP confirms the embargo and ban of Common Position 2004/31/CFSP and makes

provision for an additional exemption to the arms embargo and the ban on the provision of related assistance, which affects all persons and entities in Sudan, in order to bring the list of exemptions in line with UNSCR 1591 (2005). Since this exemption applies to the ban on the provision of certain financial and technical assistance, Regulation (EC) No 131/2004 should be amended accordingly.

(4) The additional exemption should have retroactive effect from the date on which UNSCR 1591 (2005) was adopted,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 of Regulation (EC) No 131/2004 is replaced by the following:

'Article 4

1. By way of derogation from Articles 2 and 3, the competent authorities of Member States as listed in the Annex, may authorise the provision of financing and financial assistance and technical assistance related to:

- (a) non-lethal military equipment intended solely for humanitarian or protective use, or for institution-building programmes of the United Nations, the African Union, the European Union and the Community;
- (b) materiel intended for European Union, United Nations and African Union crisis management operations;
- (c) mine clearance equipment and materiel for use in mine clearance;
- (d) the implementation of the Comprehensive Peace Agreement signed by the Government of Sudan and the Sudan People's Liberation Movement/Army in Nairobi, Kenya, on 9 January 2005.

2. No authorisations shall be granted for activities that have already taken place.'

⁽¹⁾ See page 25 of this Official Journal.

⁽²⁾ OJ L 6, 10.1.2004, p. 55. Common Position as amended by Common Position 2004/510/CFSP (OJ L 209, 11.6.2004, p. 28).

⁽³⁾ OJ L 21, 28.1.2004, p. 1. Regulation as last amended by Regulation (EC) No 1516/2004 (OJ L 278, 27.8.2004, p. 15).

Article 2

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

It shall apply from 29 March 2005.

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

Done at Brussels, 30 May 2005.

For the Council

The President

F. BODEN

COMMISSION REGULATION (EC) No 839/2005**of 1 June 2005****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 June 2005.

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

Done at Brussels, 1 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to Commission Regulation of 1 June 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

| <i>(EUR/100 kg)</i> | | |
|---------------------|-----------------------------------|-----------------------|
| CN code | Third country code ⁽¹⁾ | Standard import value |
| 0702 00 00 | 052 | 94,3 |
| | 204 | 91,4 |
| | 999 | 92,9 |
| 0707 00 05 | 052 | 94,9 |
| | 999 | 94,9 |
| 0709 90 70 | 052 | 88,0 |
| | 999 | 88,0 |
| 0805 50 10 | 052 | 88,7 |
| | 388 | 57,0 |
| | 508 | 50,9 |
| | 528 | 59,3 |
| | 624 | 63,5 |
| | 999 | 63,9 |
| 0808 10 80 | 388 | 69,1 |
| | 400 | 150,7 |
| | 404 | 125,1 |
| | 508 | 68,7 |
| | 512 | 77,7 |
| | 524 | 70,5 |
| | 528 | 69,8 |
| | 720 | 77,4 |
| | 804 | 93,7 |
| | 999 | 89,2 |
| 0809 20 95 | 052 | 290,4 |
| | 220 | 108,0 |
| | 400 | 504,2 |
| | 999 | 300,9 |

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

COMMISSION REGULATION (EC) No 840/2005**of 31 May 2005****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 June 2005.

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

Done at Brussels, 31 May 2005.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 (OJ L 311, 12.12.2000, p. 17).

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

ANNEX

| Code | Description Species, varieties, CN code | Amount of unit values per 100 kg | | | | | |
|-------|--|----------------------------------|-------------------|------------|------------|------------|------------|
| | | EUR LTL SEK | CYP LVL GBP | CZK MTL | DKK PLN | EEK SIT | HUF SKK |
| 1.10 | New potatoes 0701 90 50 | 35,27 | 20,33 | 1 076,22 | 262,51 | 551,82 | 8 928,32 |
| | | 121,77 | 24,55 | 15,14 | 146,77 | 8 447,62 | 1 382,10 |
| | | 324,37 | 24,23 | | | | |
| 1.30 | Onions (other than seed) 0703 10 19 | 33,77 | 19,47 | 1 030,67 | 251,40 | 528,46 | 8 550,40 |
| | | 116,62 | 23,51 | 14,50 | 140,56 | 8 090,05 | 1 323,60 |
| | | 310,64 | 23,21 | | | | |
| 1.40 | Garlic 0703 20 00 | 132,67 | 76,47 | 4 048,41 | 987,48 | 2 075,76 | 33 585,50 |
| | | 458,07 | 92,36 | 56,95 | 552,11 | 31 777,27 | 5 199,01 |
| | | 1 220,19 | 91,15 | | | | |
| 1.50 | Leeks ex 0703 90 00 | 62,17 | 35,83 | 1 897,18 | 462,76 | 972,75 | 15 738,96 |
| | | 214,66 | 43,28 | 26,69 | 258,73 | 14 891,58 | 2 436,38 |
| | | 571,81 | 42,72 | | | | |
| 1.60 | Cauliflowers 0704 10 00 | — | — | — | — | — | — |
| 1.80 | White cabbages and red cabbages 0704 90 10 | 53,56 | 30,87 | 1 634,44 | 398,67 | 838,03 | 13 559,25 |
| | | 184,93 | 37,29 | 22,99 | 222,90 | 12 829,23 | 2 098,96 |
| | | 492,62 | 36,80 | | | | |
| 1.90 | Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90 | — | — | — | — | — | — |
| | | — | — | — | — | — | — |
| | | — | — | — | — | — | — |
| 1.100 | Chinese cabbage ex 0704 90 90 | 104,01 | 59,95 | 3 173,97 | 774,19 | 1 627,40 | 26 331,17 |
| | | 359,13 | 72,41 | 44,65 | 432,86 | 24 913,52 | 4 076,05 |
| | | 956,63 | 71,47 | | | | |
| 1.110 | Cabbage lettuce (head lettuce) 0705 11 00 | — | — | — | — | — | — |
| 1.130 | Carrots ex 0706 10 00 | 29,93 | 17,25 | 913,34 | 222,78 | 468,30 | 7 577,08 |
| | | 103,34 | 20,84 | 12,85 | 124,56 | 7 169,13 | 1 172,93 |
| | | 275,28 | 20,56 | | | | |
| 1.140 | Radishes ex 0706 90 90 | 52,35 | 30,17 | 1 597,51 | 389,66 | 819,10 | 13 252,93 |
| | | 180,75 | 36,45 | 22,47 | 217,86 | 12 539,40 | 2 051,54 |
| | | 481,49 | 35,97 | | | | |
| 1.160 | Peas (<i>Pisum sativum</i>) 0708 10 00 | 636,22 | 366,72 | 19 414,78 | 4 735,61 | 9 954,63 | 161 064,57 |
| | | 2 196,73 | 442,93 | 273,13 | 2 647,74 | 152 392,94 | 24 932,69 |
| | | 5 851,60 | 437,14 | | | | |

| Code | Description Species, varieties, CN code | Amount of unit values per 100 kg | | | | | |
|---------|---|----------------------------------|----------------------------|---------------------|----------------------|-------------------------|-------------------------|
| | | EUR LTL SEK | CYP LVL GBP | CZK MTL | DKK PLN | EK SIT | HUF SKK |
| 1.170 | Beans: | | | | | | |
| 1.170.1 | — Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00 | 129,63 447,60 1 192,31 | 74,72 90,25 89,07 | 3 955,93 55,65 | 964,92 539,50 | 2 028,34 31 051,35 | 32 818,27 5 080,25 |
| 1.170.2 | — Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 00 | 151,09 521,68 1 389,65 | 87,09 105,19 103,81 | 4 610,66 64,86 | 1 124,62 628,79 | 2 364,04 36 190,59 | 38 249,94 5 921,07 |
| 1.180 | Broad beans ex 0708 90 00 | — | — | — | — | — | — |
| 1.190 | Globe artichokes 0709 10 00 | — | — | — | — | — | — |
| 1.200 | Asparagus: | | | | | | |
| 1.200.1 | — green ex 0709 20 00 | 386,13 1 333,23 3 551,44 | 222,57 268,82 265,31 | 11 783,19 165,77 | 2 874,13 1 606,96 | 6 041,65 92 490,08 | 97 753,05 15 132,11 |
| 1.200.2 | — other ex 0709 20 00 | 126,94 438,30 1 167,53 | 73,17 88,38 87,22 | 3 873,70 54,50 | 944,87 528,29 | 1 986,18 30 405,94 | 32 136,13 4 974,65 |
| 1.210 | Aubergines (eggplants) 0709 30 00 | 107,13 369,90 985,34 | 61,75 74,59 73,61 | 3 269,23 45,99 | 797,42 445,85 | 1 676,25 25 661,23 | 27 121,44 4 198,38 |
| 1.220 | Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00 | 95,37 329,29 877,17 | 54,97 66,40 65,53 | 2 910,31 40,94 | 709,88 396,90 | 1 492,22 22 843,98 | 24 143,87 3 737,45 |
| 1.230 | Chantarelles 0709 59 10 | 926,44 3 198,81 8 520,93 | 534,00 644,99 636,56 | 28 271,24 397,72 | 6 895,86 3 855,57 | 14 495,64 221 910,17 | 234 537,55 36 306,26 |
| 1.240 | Sweet peppers 0709 60 10 | 160,97 555,80 1 480,53 | 92,78 112,07 110,60 | 4 912,20 69,10 | 1 198,17 669,91 | 2 518,65 38 557,43 | 40 751,47 6 308,30 |
| 1.250 | Fennel 0709 90 50 | — | — | — | — | — | — |
| 1.270 | Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10 | 91,16 314,76 838,44 | 52,54 63,47 62,64 | 2 781,84 39,13 | 678,54 379,38 | 1 426,34 21 835,55 | 23 078,07 3 572,47 |
| 2.10 | Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00 | — | — | — | — | — | — |
| 2.30 | Pineapples, fresh ex 0804 30 00 | 79,08 273,05 727,35 | 45,58 55,06 54,34 | 2 413,24 33,95 | 588,63 329,11 | 1 237,35 18 942,32 | 20 020,20 3 099,11 |

| Code | Description Species, varieties, CN code | Amount of unit values per 100 kg | | | | | |
|--------|--|----------------------------------|-------------------|------------|------------|------------|------------|
| | | EUR LTL SEK | CYP LVL GBP | CZK MTL | DKK PLN | EEK SIT | HUF SKK |
| 2.40 | Avocados, fresh ex 0804 40 00 | 139,54 | 80,43 | 4 258,34 | 1 038,68 | 2 183,40 | 35 327,06 |
| | | 481,82 | 97,15 | 59,91 | 580,74 | 33 425,07 | 5 468,61 |
| | | 1 283,46 | 95,88 | | | | |
| 2.50 | Guavas and mangoes, fresh ex 0804 50 | — | — | — | — | — | — |
| 2.60 | Sweet oranges, fresh: | | | | | | |
| 2.60.1 | — Sanguines and semi-sanguines ex 0805 10 20 | 58,77 | 33,88 | 1 793,43 | 437,45 | 919,55 | 14 878,21 |
| | | 202,92 | 40,92 | 25,23 | 244,58 | 14 077,18 | 2 303,14 |
| | | 540,54 | 40,38 | | | | |
| 2.60.2 | — Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins ex 0805 10 20 | 48,02 | 27,68 | 1 465,42 | 357,44 | 751,37 | 12 157,12 |
| | | 165,81 | 33,43 | 20,62 | 199,85 | 11 502,59 | 1 881,91 |
| | | 441,68 | 33,00 | | | | |
| 2.60.3 | — Others ex 0805 10 20 | 53,10 | 30,61 | 1 620,40 | 395,24 | 830,83 | 13 442,80 |
| | | 183,34 | 36,97 | 22,80 | 220,99 | 12 719,04 | 2 080,94 |
| | | 488,39 | 36,49 | | | | |
| 2.70 | Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh: | | | | | | |
| 2.70.1 | — Clementines ex 0805 20 10 | 77,14 | 44,46 | 2 354,00 | 574,18 | 1 206,98 | 19 528,76 |
| | | 266,35 | 53,70 | 33,12 | 321,03 | 18 477,34 | 3 023,04 |
| | | 709,50 | 53,00 | | | | |
| 2.70.2 | — Monreales and satsumas ex 0805 20 30 | 62,22 | 35,86 | 1 898,61 | 463,11 | 973,48 | 15 750,86 |
| | | 214,82 | 43,32 | 26,71 | 258,93 | 14 902,84 | 2 438,22 |
| | | 572,24 | 42,75 | | | | |
| 2.70.3 | — Mandarines and wilkins ex 0805 20 50 | 48,83 | 28,14 | 1 490,05 | 363,45 | 764,00 | 12 361,40 |
| | | 168,59 | 33,99 | 20,96 | 203,21 | 11 695,87 | 1 913,54 |
| | | 449,10 | 33,55 | | | | |
| 2.70.4 | — Tangerines and others ex 0805 20 70 ex 0805 20 90 | 57,00 | 32,85 | 1 739,41 | 424,27 | 891,86 | 14 430,12 |
| | | 196,81 | 39,68 | 24,47 | 237,22 | 13 653,21 | 2 233,77 |
| | | 524,26 | 39,16 | | | | |
| 2.85 | Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90 | 61,33 | 35,35 | 1 871,42 | 456,47 | 959,54 | 15 525,26 |
| | | 211,75 | 42,70 | 26,33 | 255,22 | 14 689,39 | 2 403,30 |
| | | 564,04 | 42,14 | | | | |
| 2.90 | Grapefruit, fresh: | | | | | | |
| 2.90.1 | — white ex 0805 40 00 | 79,00 | 45,53 | 2 410,69 | 588,01 | 1 236,05 | 19 999,06 |
| | | 272,76 | 55,00 | 33,91 | 328,76 | 18 922,32 | 3 095,84 |
| | | 726,58 | 54,28 | | | | |
| 2.90.2 | — pink ex 0805 40 00 | 86,65 | 49,94 | 2 644,10 | 644,94 | 1 355,72 | 21 935,38 |
| | | 299,17 | 60,32 | 37,20 | 360,60 | 20 754,39 | 3 395,58 |
| | | 796,93 | 59,53 | | | | |

| Code | Description Species, varieties, CN code | Amount of unit values per 100 kg | | | | | |
|---------|---|----------------------------------|-------------------|------------|------------|------------|------------|
| | | EUR LTL SEK | CYP LVL GBP | CZK MTL | DKK PLN | EEK SIT | HUF SKK |
| 2.100 | Table grapes 0806 10 10 | 166,41 | 95,92 | 5 078,30 | 1 238,69 | 2 603,82 | 42 129,47 |
| | | 574,60 | 115,86 | 71,44 | 692,57 | 39 861,24 | 6 521,61 |
| | | 1 530,60 | 114,34 | | | | |
| 2.110 | Water melons 0807 11 00 | 64,00 | 36,89 | 1 953,12 | 476,40 | 1 001,43 | 16 203,08 |
| | | 220,99 | 44,56 | 27,48 | 266,36 | 15 330,71 | 2 508,23 |
| | | 588,67 | 43,98 | | | | |
| 2.120 | Melons (other than water melons): | | | | | | |
| 2.120.1 | — Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00 | 83,97 | 48,40 | 2 562,55 | 625,05 | 1 313,91 | 21 258,83 |
| | | 289,95 | 58,46 | 36,05 | 349,47 | 20 114,27 | 3 290,85 |
| | | 772,35 | 57,70 | | | | |
| 2.120.2 | — Other ex 0807 19 00 | 76,15 | 43,89 | 2 323,90 | 566,84 | 1 191,54 | 19 279,05 |
| | | 262,94 | 53,02 | 32,69 | 316,93 | 18 241,07 | 2 984,38 |
| | | 700,42 | 52,33 | | | | |
| 2.140 | Pears | | | | | | |
| 2.140.1 | — Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50 | 43,98 | 25,35 | 1 342,07 | 327,35 | 688,12 | 11 133,75 |
| | | 151,85 | 30,62 | 18,88 | 183,03 | 10 534,31 | 1 723,50 |
| | | 404,50 | 30,22 | | | | |
| 2.140.2 | — Other ex 0808 20 50 | 91,98 | 53,02 | 2 806,86 | 684,64 | 1 439,17 | 23 285,61 |
| | | 317,59 | 64,04 | 39,49 | 382,79 | 22 031,92 | 3 604,60 |
| | | 845,98 | 63,20 | | | | |
| 2.150 | Apricots 0809 10 00 | — | — | — | — | — | — |
| | | — | — | — | — | — | — |
| | | — | — | | | | |
| 2.160 | Cherries 0809 20 95 0809 20 05 | — | — | — | — | — | — |
| | | — | — | — | — | — | — |
| | | — | — | | | | |
| 2.170 | Peaches 0809 30 90 | 160,63 | 92,59 | 4 901,82 | 1 195,64 | 2 513,33 | 40 665,37 |
| | | 554,63 | 111,83 | 68,96 | 668,50 | 38 475,97 | 6 294,97 |
| | | 1 477,40 | 110,37 | | | | |
| 2.180 | Nectarines ex 0809 30 10 | 240,28 | 138,49 | 7 332,26 | 1 788,47 | 3 759,50 | 60 828,22 |
| | | 829,62 | 167,28 | 103,15 | 999,96 | 57 553,26 | 9 416,17 |
| | | 2 209,94 | 165,09 | | | | |
| 2.190 | Plums 0809 40 05 | 159,28 | 91,81 | 4 860,48 | 1 185,56 | 2 492,13 | 40 332,39 |
| | | 549,95 | 110,89 | 68,38 | 662,86 | 38 151,45 | 6 241,88 |
| | | 1 464,94 | 109,44 | | | | |
| 2.200 | Strawberries 0810 10 00 | 396,06 | 228,29 | 12 086,04 | 2 948,00 | 6 196,93 | 100 265,51 |
| | | 1 367,50 | 275,73 | 170,03 | 1 648,27 | 94 867,27 | 15 521,03 |
| | | 3 642,72 | 272,13 | | | | |

| Code | Description Species, varieties, CN code | Amount of unit values per 100 kg | | | | | |
|-------|--|----------------------------------|-------------------|------------|------------|------------|------------|
| | | EUR LTL SEK | CYP LVL GBP | CZK MTL | DKK PLN | EEK SIT | HUF SKK |
| 2.205 | Raspberries 0810 20 10 | 304,95 | 175,77 | 9 305,85 | 2 269,86 | 4 771,43 | 77 201,14 |
| | | 1 052,93 | 212,31 | 130,92 | 1 269,11 | 73 044,67 | 11 950,69 |
| | | 2 804,78 | 209,53 | | | | |
| 2.210 | Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30 | 1 455,44 | 838,92 | 44 414,21 | 10 833,42 | 22 772,69 | 368 459,19 |
| | | 5 025,34 | 1 013,28 | 624,82 | 6 057,10 | 348 621,54 | 57 037,24 |
| | | 13 386,41 | 1 000,03 | | | | |
| 2.220 | Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00 | 127,58 | 73,54 | 3 893,22 | 949,63 | 1 996,19 | 32 298,05 |
| | | 440,51 | 88,82 | 54,77 | 530,95 | 30 559,14 | 4 999,72 |
| | | 1 173,41 | 87,66 | | | | |
| 2.230 | Pomegranates ex 0810 90 95 | 112,06 | 64,59 | 3 419,62 | 834,11 | 1 753,36 | 28 369,11 |
| | | 386,92 | 78,02 | 48,11 | 466,36 | 26 841,73 | 4 391,52 |
| | | 1 030,67 | 77,00 | | | | |
| 2.240 | Khakis (including sharon fruit) ex 0810 90 95 | 194,50 | 112,11 | 5 935,36 | 1 447,74 | 3 043,26 | 49 239,57 |
| | | 671,57 | 135,41 | 83,50 | 809,45 | 46 588,54 | 7 622,25 |
| | | 1 788,91 | 133,64 | | | | |
| 2.250 | Lychees ex 0810 90 | — | — | — | — | — | — |

COMMISSION REGULATION (EC) No 841/2005**of 1 June 2005****on granting import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽²⁾,

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96 ⁽³⁾, and in particular Article 5(4) thereof,

Whereas:

(1) Article 9 of Regulation (EC) No 1159/2003 lays down detailed rules on determining the delivery obligations at

zero duty for products falling within CN code 1701 expressed as white sugar equivalent for imports originating in countries which are parties to the ACP Protocol and the India Agreement.

(2) The weekly totals referred to in Article 5(2) of Regulation (EC) No 1159/2003 show that some sugar is still available for the delivery obligations for preferential sugar originating in Côte d'Ivoire for the 2004/05 delivery period which have already reached their limits.

(3) Under these circumstances, the Commission must indicate that the limits concerned have not been reached,

HAS ADOPTED THIS REGULATION:

Article 1

The limits for the delivery obligations for preferential sugar originating in Côte d'Ivoire for the 2004/05 delivery period have not yet been reached.

Article 2

This Regulation shall enter into force on 2 June 2005.

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

Done at Brussels, 1 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

Director-General for Agriculture and
Rural Development

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 2).

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 162, 1.7.2003, p. 25. Regulation as last amended by Regulation (EC) No 568/2005 (OJ L 97, 15.4.2005, p. 9).

COMMISSION REGULATION (EC) No 842/2005**of 1 June 2005****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2004/2005 marketing year are fixed by

Commission Regulation (EC) No 1210/2004 ⁽³⁾. These prices and duties have last been amended by Commission Regulation (EC) No 292/2005 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 1423/95,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 2 June 2005.

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

Done at Brussels, 1 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

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

⁽³⁾ OJ L 232, 1.7.2004, p. 11.

⁽⁴⁾ OJ L 49, 22.2.2005, p. 7.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 2 June 2005

(EUR)

| CN code | Representative price per 100 kg of the product concerned | Additional duty per 100 kg of the product concerned |
|---------------------------|--|---|
| 1701 11 10 ⁽¹⁾ | 20,00 | 6,30 |
| 1701 11 90 ⁽¹⁾ | 20,00 | 11,95 |
| 1701 12 10 ⁽¹⁾ | 20,00 | 6,11 |
| 1701 12 90 ⁽¹⁾ | 20,00 | 11,43 |
| 1701 91 00 ⁽²⁾ | 21,23 | 15,55 |
| 1701 99 10 ⁽²⁾ | 21,23 | 10,10 |
| 1701 99 90 ⁽²⁾ | 21,23 | 10,10 |
| 1702 90 99 ⁽³⁾ | 0,21 | 0,43 |

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

⁽²⁾ Fixed for the standard quality defined in Annex I.I to Regulation (EC) No 1260/2001.

⁽³⁾ Fixed per 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 31 May 2005

amending Annex I to Decision 2003/804/EC laying down the animal health conditions and certification requirements for imports of molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption*(notified under document number C(2005) 1585)***(Text with EEA relevance)**

(2005/409/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, and in particular Article 19(1) thereof,

Whereas:

(1) Commission Decision 2003/804/EC ⁽²⁾ sets out a temporary list of third countries from which Member States are authorised to import live molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption into the Community, as well as model certificates that must accompany consignments of such products.

(2) Canada, Croatia, Morocco, New Zealand, Tunisia, Turkey and the United States of America have been included in that temporary list, based on current trade with Member States, while awaiting Community assessment of the guarantees these third countries can provide with respect to mollusc diseases.

(3) The animal health guarantees provided by Morocco, New Zealand, Tunisia and Turkey have been assessed by the Commission, and found not to meet all the requirements laid down in Directive 91/67/EEC and Council Directive 95/70/EC of 22 December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs ⁽³⁾.

(4) Canada and New Zealand have notified the Commission that they have no current interest in exporting live molluscs for further growth, fattening or relaying to the Community.

(5) The United States of America has submitted its programme for export certification of mollusc farming areas. That programme has been assessed by the Commission, and found to provide the necessary guarantees for export of live molluscs for further growth, fattening or relaying into the Community.

(6) Croatia is not authorised for export of live molluscs for human consumption, pursuant to Commission Decision 97/20/EC of 17 December 1996 establishing the list of third countries fulfilling the equivalence conditions for the production and placing on the market of bivalve molluscs, echinoderms, tunicates and marine gastropods ⁽⁴⁾. Accordingly, imports of such mollusc from that country should not be authorised under Decision 2003/804/EC.

⁽¹⁾ OJ L 46, 19.2.1991, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 302, 20.11.2003, p. 22. Decision as last amended by Decision 2004/623/EC (OJ L 280, 31.8.2004, p. 26).

⁽³⁾ OJ L 332, 30.12.1995, p. 33. Directive as last amended by the 2003 Act of Accession.

⁽⁴⁾ OJ L 6, 10.1.1997, p. 46. Decision as last amended by Decision 2002/469/EC (OJ L 163, 21.6.2002, p. 16).

- (7) It is also appropriate to simplify the table in Annex I to Decision 2003/804/EC.
- (8) Therefore Decision 2003/804/EC should be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2003/804/EC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 31 May 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX I

Territories from which importation of certain species of live molluscs, their eggs and gametes intended for further growth, fattening, or relaying in European Community waters, or importation of live molluscs intended for further processing before human consumption is authorised

| Country | | Territory | | Comments |
|----------|---------------|----------------------|--|---|
| ISO code | Name | Code | Description | |
| CA | Canada | | | Live molluscs only for further processing before human consumption |
| MA | Morocco | | | Live molluscs only for further processing before human consumption |
| NZ | New Zealand | | | Live molluscs only for further processing before human consumption |
| TN | Tunisia | | | Live molluscs only for further processing before human consumption |
| TR | Turkey | | | Live molluscs only for further processing before human consumption |
| US | United States | US-01 Version 1/2005 | <ul style="list-style-type: none"> — Humboldt Bay (California) — Netarts Bay (Oregon) — Wilapa Bay, Totten Inlet, Oakland Bay, Quilcence Bay and Dabob Bay (Washington) — NELHA (Hawaii) | Live molluscs for further growth, fattening or relaying, and for further processing before human consumption' |

COMMISSION DECISION

of 31 May 2005

authorising Spain to extend for three years the application of a temporary measure excluding from compensatory aid marketed produce of new banana plantations planted on or after 1 June 2002*(notified under document number C(2005) 1605)***(Only the Spanish text is authentic)**

(2005/410/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, and in particular the second subparagraph of Article 12(9) thereof,

Whereas:

- (1) Under Article 12(9) of Regulation (EEC) No 404/93 a Member State may be authorised to introduce a temporary measure whereby no compensatory aid is paid for marketed produce of new banana plantations when, in the Member State's view, there is a risk to the sustainable development of the production areas, with particular reference to conservation of the environment, and protection of the soil and the characteristic features of the countryside.
- (2) By Decision 2002/414/EC ⁽²⁾, the Commission authorised Spain to introduce a temporary measure excluding from compensatory aid marketed produce of new banana plantations planted on or after 1 June 2002 for a period of three years.
- (3) On 15 April 2005, Spain requested the Commission to authorise it to extend, for a further three years, the measure excluding the Canary Islands from compensatory aid for marketed produce of new banana plantations planted on or after 1 June 2002. The reason given for this request is the need to consolidate the positive effects of the application of the measure implemented in June 2002, and in particular to discourage the development of new plantations outside traditional

production areas, in order to protect the environment, particularly as regards the use of water resources, soil stability and the socioeconomic balance, and conservation of the characteristic features of the countryside.

- (4) Examination of Spain's request to extend the measure excluding produce from compensatory aid for a period of three years shows that it complies with the aim and the provisions of Article 12(9) of Regulation (EEC) No 404/93. This request should therefore be accepted.
- (5) The measure provided for in this Decision is in accordance with the opinion of the Management Committee for Bananas,

HAS ADOPTED THIS DECISION:

Article 1

Spain's request to the Commission to extend, for a further three-year period, the measure excluding the produce of new banana plantations planted on or after 1 June 2002 from the compensatory aid referred to in Article 12(9) of Regulation (EEC) No 404/93, authorised by Decision 2002/414/EC, is hereby accepted.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 31 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1. Regulation as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 148, 6.6.2002, p. 28.

EUROPEAN ECONOMIC AREA
EFTA SURVEILLANCE AUTHORITY

RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY

No 55/04/COL

of 30 March 2004

concerning a coordinated monitoring programme for 2004 to ensure compliance with maximum levels of pesticide residues in and on cereals and certain other products of plant origin

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area (EEA), and in particular Article 109 and Protocol 1 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5(2)(b) and Protocol 1 thereof,

Having regard to the Act referred to at point 38 of Chapter XII of Annex II to the EEA Agreement (Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals⁽¹⁾), as last amended and adapted to the EEA Agreement by Protocol 1 thereto, and in particular Article 7(2)(b) thereof,

Having regard to the Act referred to at point 54 in Chapter XII of Annex II to the EEA Agreement (Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables⁽²⁾), as last amended and adapted to the EEA Agreement by Protocol 1 thereto, and in particular Article 4(2)(b) thereof,

After consulting the EFTA Foodstuffs Committee assisting the EFTA Surveillance Authority,

Whereas:

(1) The EFTA Surveillance Authority should progressively work towards a system which would permit the esti-

mation of dietary exposure to actual pesticides. To make realistic estimations possible, data on the monitoring of pesticide residues should be available in a number of food products which constitute major components of the European diet. It is generally recognised that major components of the European diet are constituted by some 20 to 30 food products. In view of the resources available at national level for pesticide residue monitoring, the EFTA States are only able to analyse samples of eight products each year within a coordinated monitoring programme. Pesticide uses show changes within the timescale of the three-year period. Each pesticide should thus generally be monitored in 20 to 30 food products over a series of three-year cycles.

(2) Residues of all the pesticides covered by this Recommendation should be monitored in 2004, as this will allow using these data for the estimation of actual dietary exposure to them.

A systematic statistical approach to numbers of samples to be taken in each coordinated monitoring exercise is necessary. Such an approach has been set out by the Commission of the Codex Alimentarius⁽³⁾. Based on a binomial probability distribution it can be calculated that examination of about 650 samples gives a confidence of more than 99 % for detecting one sample containing pesticide residues above the limit of determination (LOD) where less than 1 % of products of plant origin contain residues above the LOD. These samples should be taken across the European Economic Area. For the EFTA States it is recommended, on the basis of population and consumer numbers, to take a minimum of 12 samples per product and per year.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37.

⁽²⁾ OJ L 350, 14.12.1990, p. 71.

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

- (3) A new guideline concerning Quality Control Procedures for Pesticide Residue Analysis has been published by the European Commission ⁽¹⁾. These guidelines should be implemented as far as possible by the analytical laboratories of the EFTA States and should be reviewed continuously in the light of experience gained in the monitoring programmes.
- (4) Article 4(2)(a) of Directive 90/642/EEC and Article 7(2)(a) of Directive 86/362/EEC require the EFTA States to specify the criteria applied in drawing up their national inspection programmes. Such information should include: (i) the criteria applied in determining the numbers of samples to be taken and analyses to be carried out and the reporting levels applied and the criteria by which the reporting levels have been fixed; (ii) details of accreditation under the Act referred to at point 54n of Chapter XII of Annex II to the EEA Agreement (Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs ⁽²⁾) of the laboratories carrying out analyses; (iii) the number and type of infringements and the action taken.
- (5) Information on the results of monitoring programmes is particularly appropriate for treatment, storage and transmission by electronic/informatic methods. Formats have been developed for supply of data by e-mail from the EC Member States to the Commission. The EFTA States could use the same format and should therefore be able to send their reports to the EFTA Surveillance Authority in the standard format. The further development of such a standard format is most effectively undertaken by the development of guidelines,

HEREBY RECOMMENDS THE EFTA STATES TO:

1. Sample and analyse for the product/pesticide residue combinations set out in the Annex to this Recommendation, taking a minimum of 12 samples of each product and reflecting as appropriate, national, EEA and third country share of the EFTA State's market.

Preferably for pesticides posing an acute risk, e.g. OP-esters, endosulfan and N-methylcarbamates, selected samples of the products: apples, tomatoes, lettuce, leek and head cabbage

⁽¹⁾ Doc. No SANCO/10476/2003, http://europa.eu.int/comm/food/plant/protection/resources/qualcontrol_en.pdf

⁽²⁾ OJ L 290, 24.11.1993, p. 14.

should also be subjected to individual analysis of the individual units in the second laboratory sample in case such pesticides are detected and particularly if it is the produce of a single producer. The number of units should be in line with the Act referred to at point 54zz of Chapter XII of Annex II to the EEA Agreement (Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC ⁽³⁾).

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

2. Report the results of the analysis of samples tested for the product/pesticide residue combinations set out in the Annex to this Recommendation, by 31 August 2005 at the latest, indicating:

(a) the analytical methods used and reporting levels achieved, in accordance with the quality control procedures set out in the quality control procedures for pesticide residue analysis;

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

The report should be produced in a format, including the electronic format, conforming to the guidance ⁽⁴⁾ to the EEA States with regard to implementation of recommendations concerning coordinated monitoring programmes.

3. Send to the EFTA Surveillance Authority and to the EFTA States, by 31 August 2004 at the latest, all the information as required by Article 7(3) of Directive 86/362/EEC and Article 4(3) of Directive 90/642/EEC concerning the 2003 monitoring exercise to ensure, at least by check sampling, compliance with maximum pesticide residue levels including:

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

⁽³⁾ OJ L 187, 16.7.2002, p. 30.

⁽⁴⁾ Presented to and taken note of in the Standing Committee on the Food Chain and Animal Health (SCFAH) every year.

- (b) information on their laboratories' quality control procedures and, in particular, information concerning aspects of the guidelines concerning quality control procedures for pesticide residue analysis which they have not been able to apply or have had difficulty in applying;
- (c) information on accreditation in accordance with the provisions of Article 3 of Directive 93/99/EEC (including type of accreditation, accreditation body and copy of accreditation certificate) of the laboratories carrying out the analyses;
- (d) information about the proficiency tests and ring tests in which the laboratory has participated.
4. Send to the EFTA Surveillance Authority, by 30 September 2004 at the latest, their intended national programme for monitoring maximum pesticide residue levels fixed by Directives 90/642/EEC and 86/362/EEC for the year 2005, including information on:
- (a) the criteria applied in determining the number of samples to be taken and analyses to be carried out;
 - (b) the reporting levels applied and the criteria by which the reporting levels have been fixed;
 - (c) details of accreditation, under Directive 93/99/EEC, of the laboratories carrying out analyses.

This Recommendation is addressed to Iceland, Liechtenstein and Norway.

Done at Brussels, 30 March 2004.

For the EFTA Surveillance Authority

Bernd HAMMERMANN
College Member

Niels FENGER
Director

ANNEX

Pesticide/product combinations to be monitored

| Pesticide residue to be analysed for | Year | | |
|--------------------------------------|------|----------|----------|
| | 2004 | 2005 (*) | 2006 (*) |
| Acephate | (c) | (a) | (b) |
| Aldicarb | (c) | (a) | (b) |
| Azinphos-methyl | (c) | (a) | (b) |
| Azoxystrobin | (c) | (a) | (b) |
| Benomyl group | (c) | (a) | (b) |
| Bromopropylate | (c) | (a) | (b) |
| Captan | (c) | (a) | (b) |
| Chlorothalonil | (c) | (a) | (b) |
| Chlorpyrifos | (c) | (a) | (b) |
| Chlorpyrifos-methyl | (c) | (a) | (b) |
| Cypermethrin | (c) | (a) | (b) |
| Cyprodinil | (c) | (a) | (b) |
| Deltamethrin | (c) | (a) | (b) |
| Diazinon | (c) | (a) | (b) |
| Dichlofluanid | (c) | (a) | (b) |
| Dicofol | (c) | (a) | (b) |
| Dimethoate | (c) | (a) | (b) |
| Diphenylamine (**) | (c) | (a) | (b) |
| Endosulfan | (c) | (a) | (b) |
| Fenhexamid | (c) | (a) | (b) |
| Folpet | (c) | (a) | (b) |
| Imazalil | (c) | (a) | (b) |
| Iprodione | (c) | (a) | (b) |
| Kresoxim-methyl | (c) | (a) | (b) |
| Lambda-cyhalothrin | (c) | (a) | (b) |
| Malathion | (c) | (a) | (b) |
| Maneb group | (c) | (a) | (b) |
| Mecarbam | (c) | (a) | (b) |
| Methamidophos | (c) | (a) | (b) |
| Metalaxyl | (c) | (a) | (b) |
| Methidathion | (c) | (a) | (b) |
| Methiocarb | (c) | (a) | (b) |
| Methomyl | (c) | (a) | (b) |

| Pesticide residue to be analysed for | Year | | |
|--------------------------------------|------|----------|----------|
| | 2004 | 2005 (*) | 2006 (*) |
| Myclobutanil | (c) | (a) | (b) |
| Omethoate | (c) | (a) | (b) |
| Oxydemeton-methyl | (c) | (a) | (b) |
| Parathion | (c) | (a) | (b) |
| Permethrin | (c) | (a) | (b) |
| Phorate | (c) | (a) | (b) |
| Pirimiphos-methyl | (c) | (a) | (b) |
| Procymidone | (c) | (a) | (b) |
| Propyzamide | (c) | (a) | (b) |
| Spiroxamine | (c) | (a) | (b) |
| Thiabendazole | (c) | (a) | (b) |
| Tolyfluanid | (c) | (a) | (b) |
| Triazophos | (c) | (a) | (b) |
| Vinclozolin | (c) | (a) | (b) |

(*) Indicative for 2005 and 2006, subject to programmes which will be recommended for these years.

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

(a) Pears, bananas, beans (fresh or frozen), potatoes, carrots, oranges/mandarines, peaches/nectarins, spinach (fresh or frozen).

(b) Cauliflower, peppers, wheat, aubergines, rice, grapes, cucumber, peas (fresh/frozen, without pod).

(c) Apples, tomatoes, lettuce, strawberries, leek, orange juice, head cabbage, rye/oats.

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

COUNCIL COMMON POSITION 2005/411/CFSP
of 30 May 2005
concerning restrictive measures against Sudan and repealing Common Position 2004/31/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

entry into or transit through Member States' territories of all persons designated by the Committee established by paragraph 3 of that Resolution (the Committee).

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

(1) On 9 January 2004, the Council adopted Common Position 2004/31/CFSP⁽¹⁾ concerning the imposition of an embargo on arms, munitions and military equipment on Sudan.

(2) On 10 June 2004, the Council adopted Common Position 2004/510/CFSP amending Common Position 2004/31/CFSP so as to allow exemptions to the embargo for the African Union-led Ceasefire Commission.

(3) The Council deems it appropriate to maintain the arms embargo against Sudan. The policy objective of the European Union in this regard is to promote lasting peace and reconciliation within Sudan.

(4) On 30 July 2004, the United Nations Security Council adopted Resolution 1556 (2004), hereinafter referred to as 'UNSCR 1556(2004)', imposing an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating in the states of North Darfur, South Darfur and West Darfur.

(5) On 29 March 2005, the United Nations Security Council adopted Resolution 1591 (2005), hereinafter referred to as 'UNSCR 1591(2005)', imposing measures to prevent

(6) UNSCR 1591(2005) also imposes a freeze of all funds, financial assets and economic resources, owned or controlled, directly or indirectly by the persons designated by the Committee or held by entities owned or controlled directly or indirectly by such persons or by any persons acting on their behalf or at their direction.

(7) UNSCR 1591(2005) furthermore reaffirms the measures imposed by UNSCR 1556(2004) and provides that these measures shall also apply to all the parties to the N'djamena Ceasefire Agreement and any other belligerents in the states of North Darfur, South Darfur and West Darfur.

(8) Paragraph 4 of UNSCR 1591(2005) provides that the measures relating to the entry into or transit through Member States' territories and to the freezing of funds, financial assets and economic resources shall enter into force on 28 April 2005, unless the Security Council determines before then that the parties to the conflict in Darfur have complied with all the commitments and demands of the Security Council referred to in UNSCR 1556(2004) and resolutions 1564(2004) and 1574(2004) and have taken immediate steps to fulfil all their commitments to respect the N'djamena Ceasefire Agreement and the Abuja Protocols, including notification of force positions, to facilitate humanitarian assistance and to cooperate fully with the African Union Mission.

(9) It is appropriate to integrate the measures imposed by Common Position 2004/31/CFSP and the measures to be imposed pursuant to UNSCR 1591(2005) in one single legal instrument.

(10) Common Position 2004/31/CFSP should therefore be repealed.

⁽¹⁾ OJ L 6, 10.1.2004, p. 55. Common Position as amended by Common Position 2004/510/CFSP (OJ L 209, 11.6.2004, p. 28).

(11) Action by the Community is needed in order to implement certain measures,

referred to in Article 1 or held by entities owned or controlled directly or indirectly by such persons or by any persons acting on their behalf or at their direction, as identified in the Annex, shall be frozen.

HAS ADOPTED THIS COMMON POSITION:

Article 1

In accordance with UNSCR 1591 (2005), restrictive measures should be imposed against those individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the arms embargo and/or are responsible for offensive military overflights in and over the Darfur region, as designated by the Committee established by paragraph 3 of UNSCR 1591(2005).

The relevant persons are listed in the Annex to this Common Position.

Article 2

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons referred to in Article 1.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall not apply where the Committee determines that travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of the UNSCR Resolutions for the creation of peace and stability in Sudan and the region.

4. In cases where pursuant to paragraph 3, a Member State authorises the entry into, or transit through, its territory of persons designated by the Committee, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 3

1. All funds, other financial assets and economic resources owned or controlled directly or indirectly by the persons

2. No funds, financial assets or economic resources shall be made available directly or indirectly to or for the benefit of such persons or entities.

3. Exemptions may be made for funds, other financial assets and economic resources which are:

(a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for payment of fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources,

after notification by the Member State concerned to the Committee of the intention to authorise, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

(d) necessary for extraordinary expenses, after notification by the Member State concerned to and approval by the Committee;

(e) subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the UNSCR 1591(2005), and is not for the benefit of a person or entity referred to in this Article, after notification by the Member State concerned to the Committee.

4. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to restrictive measures,

provided that any such interest, other earnings and payments continue to be subject to paragraph 1.

Article 4

1. The sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned to Sudan by nationals of Member States or from the territories of Member States, or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.

2. It shall also be prohibited to:

- (a) grant, sell, supply or transfer technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any person, entity or body in, or for use in Sudan;
- (b) provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance, brokering services and other services, directly or indirectly to any person, entity or body in, or for use in Sudan.

Article 5

1. Article 4 shall not apply to:

- (a) the sale, supply, transfer or export of non-lethal military equipment intended solely for humanitarian, human rights

monitoring or protective use, or for institution building programmes of the UN, the African Union, the EU and the Community, or of material intended for EU, UN and African Union crisis management operations;

- (b) technical training and assistance related to such equipment;
- (c) the sale, supply, transfer or export of de-mining equipment and materiel for use in de-mining operations;
- (d) assistance and supplies provided in support of implementation of the Comprehensive Peace Agreement;

on condition that such deliveries have been approved in advance by the competent authority of the Member State in question.

2. Article 4 shall also not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Sudan by United Nations personnel, personnel of the EU, the Community or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

3. Member States shall consider deliveries under this Article on a case-by-case basis, taking full account of the criteria set out in the European Union code of conduct on arms exports adopted on 8 June 1998. Member States shall require adequate safeguards against misuse of authorisations granted under this Article and, where appropriate, make provisions for repatriation of the equipment.

Article 6

The Council shall establish the list contained in the Annex and implement any modifications thereof on the basis of the determination made by the Committee.

Article 7

This Common Position shall take effect on the date of its adoption, with the exception of the measures set out under Articles 2 and 3, which shall apply as of 29 April 2005, unless the Council decides otherwise in the light of the determination by the Security Council on the fulfilment of the conditions set out in paragraphs 1 and 6 of UNSCR 1591(2005).

Article 8

The measures referred to in Articles 2 and 3 of this Common Position shall be reviewed 12 months after its adoption, or earlier, in the light of the determinations of the Security Council regarding the situation in Sudan. The measures referred to in Article 4 shall be reviewed 12 months after the adoption of this Common Position, and every 12 months thereafter. They shall be repealed if the Council deems that their objectives have been met.

Article 9

Common Position 2004/31/CFSP is hereby repealed.

Article 10

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

Done at Brussels, 30 May 2005.

For the Council

The President

F. BODEN

ANNEX

List of persons and entities referred to in Articles 1 and 3

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 830/2005 of 30 May 2005 amending, for the fifth time, Council Regulation (EC) No 1763/2004 imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)**

(Official Journal of the European Union L 137 of 31 May 2005)

On page 24, Article 2:

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

read: 'This Regulation shall enter into force on 8 June 2005.'
