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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1055/2005

of 27 June 2005

amending Regulation (EC) No 1466/97 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 99(5) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Central Bank ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 252 of the Treaty ⁽²⁾,

Whereas:

- (1) The Stability and Growth Pact initially consisted of Council Regulation (EC) No 1466/97 of 7 July 1997 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies ⁽³⁾, Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure ⁽⁴⁾ and the Resolution of the European Council of 17 June 1997 on the Stability and Growth Pact ⁽⁵⁾. The Stability and Growth Pact has proven its usefulness in anchoring fiscal discipline, thereby contributing to a high degree of macroeconomic stability with low inflation and low interest rates, which is necessary to induce sustainable growth and employment creation.
- (2) On 20 March 2005 the Council adopted a report entitled 'Improving the implementation of the Stability and Growth Pact' which aims to enhance the governance and the national ownership of the fiscal framework by

strengthening the economic underpinnings and the effectiveness of the Pact, both in its preventive and corrective arms, to safeguard the sustainability of public finances in the long run, to promote growth and to avoid imposing excessive burdens on future generations. The report was endorsed by the European Council in its conclusions of 23 March 2005 ⁽⁶⁾, which stated that the report updates and complements the Stability and Growth Pact, of which it is now an integral part.

- (3) According to the 20 March 2005 Ecofin report endorsed by the Spring 2005 European Council, the Member States, the Council and the Commission reaffirm their commitment to implement the Treaty and the Stability and Growth Pact in an effective and timely manner, through peer support and peer pressure, and to act in close and constructive cooperation in the process of economic and fiscal surveillance, in order to guarantee certainty and effectiveness in the rules of the Pact.
- (4) Regulation (EC) No 1466/97 needs to be amended in order to allow the full application of the agreed improvement of the implementation of the Stability and Growth Pact.
- (5) The Stability and Growth Pact lays down the obligation for Member States to adhere to the medium-term objective for their budgetary positions of 'close to balance or in surplus' (CTBOIS). In the light of the economic and budgetary heterogeneity in the Union, the medium-term budgetary objective should be differentiated for individual Member States, to take into account the diversity of economic and budgetary positions and developments as well as of fiscal risk to the sustainability of public finances, also in the face of prospective demographic changes. The medium-term budgetary objective may diverge from CTBOIS for individual Member States. For euro area and ERM2 Member States, there would thus be a defined range for the country-specific medium-term budgetary objectives, in cyclically adjusted terms, net of one-off and temporary measures.

⁽¹⁾ OJ C 144, 14.6.2005, p. 17.

⁽²⁾ Opinion of the European Parliament of 9 June 2005 (not yet published in the Official Journal), Council Common Position of 21 June 2005 (not yet published in the Official Journal) and Decision of the European Parliament of 23 June 2005 (not yet published in the Official Journal).

⁽³⁾ OJ L 209, 2.8.1997, p. 1.

⁽⁴⁾ OJ L 209, 2.8.1997, p. 6.

⁽⁵⁾ OJ C 236, 2.8.1997, p. 1.

⁽⁶⁾ Annex 2 of conclusions of the European Council of 22 and 23 March 2005.

- (6) A more symmetrical approach to fiscal policy over the cycle through enhanced budgetary discipline in economic good times should be achieved, with the objective to avoid pro-cyclical policies and to gradually reach the medium-term budgetary objective. Adherence to the medium-term budgetary objective should allow Member States to deal with normal cyclical fluctuations while keeping the government deficit below the 3 % of GDP reference value and ensure rapid progress towards fiscal sustainability. Taking this into account, it should allow room for budgetary manoeuvre, in particular for public investment.
- (7) Member States that have not yet reached their medium-term budgetary objective should take steps to achieve it over the cycle. In order to reach their medium-term budgetary objective, Member States of the euro zone or of ERM2 should pursue a minimum annual adjustment in cyclically adjusted terms, net of one-offs and other temporary measures.
- (8) In order to enhance the growth-oriented nature of the Pact, major structural reforms which have direct long-term cost-saving effects, including by raising potential growth, and therefore a verifiable impact on the long-term sustainability of public finances, should be taken into account when defining the adjustment path to the medium-term budgetary objective for countries that have not yet reached this objective and in allowing a temporary deviation from this objective for countries that have already reached it. In order not to hamper structural reforms that unequivocally improve the long-term sustainability of public finances, special attention should be paid to pension reforms introducing a multi-pillar system that includes a mandatory, fully funded pillar, because these reforms entail a short-term deterioration of public finances during the implementation period.
- (9) Deadlines set for the examination of stability and convergence programmes by the Council should be extended in order to allow for a thorough assessment of stability and convergence programmes,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1466/97 is amended as follows:

1. the following heading and Article shall be inserted;

'SECTION 1A

MEDIUM-TERM BUDGETARY OBJECTIVES

Article 2a

Each Member State shall have a differentiated medium-term objective for its budgetary position. These country-specific medium-term budgetary objectives may diverge from the requirement of a close to balance or in surplus position. They shall provide a safety margin with respect to the 3 % of GDP government deficit ratio; they shall ensure rapid progress towards sustainability and, taking this into account, they shall allow room for budgetary manoeuvre, considering in particular the needs for public investment.

Taking these factors into account, for Member States that have adopted the euro and for ERM2 Member States the country-specific medium-term budgetary objectives shall be specified within a defined range between -1 % of GDP and balance or surplus, in cyclically adjusted terms, net of one-off and temporary measures.

A Member State's medium-term budgetary objective can be revised when a major structural reform is implemented and in any case every four years.;

2. Article 3(2) is amended as follows:

- (a) point (a) shall be replaced by the following:

'(a) the medium-term budgetary objective and the adjustment path towards this objective for the general government surplus/deficit and the expected path of the general government debt ratio;'

- (b) point (c) shall be replaced by the following:

'(c) a detailed and quantitative assessment of the budgetary and other economic policy measures being taken and/or proposed to achieve the objectives of the programme, comprising a detailed cost-benefit analysis of major structural reforms which have direct long-term cost-saving effects, including by raising potential growth;'

- (c) the following point shall be added:

'(e) if applicable, the reasons for a deviation from the required adjustment path towards the medium term budgetary objective.;

3. Article 5 is amended as follows:

- (a) the first subparagraph of paragraph 1 shall be replaced by the following subparagraphs:

'1. Based on assessments by the Commission and the Committee set up by Article 114 of the Treaty, the Council shall, within the framework of multilateral surveillance under Article 99 of the Treaty, examine the medium-term budgetary objective presented by the Member State concerned, assess whether the economic assumptions on which the programme is based are plausible, whether the adjustment path towards the medium-term budgetary objective is appropriate and whether the measures being taken and/or proposed to respect that adjustment path are sufficient to achieve the medium-term objective over the cycle.

The Council, when assessing the adjustment path toward the medium-term budgetary objective, shall examine if the Member State concerned pursues the annual improvement of its cyclically-adjusted balance, net of one-off and other temporary measures, required to meet its medium-term budgetary objective, with 0,5 % of GDP as a benchmark. The Council shall take into account whether a higher adjustment effort is made in economic good times, whereas the effort may be more limited in economic bad times.

When defining the adjustment path to the medium-term budgetary objective for Member States that have not yet reached this objective and in allowing a temporary deviation from this objective for Member States that have already reached it, under the condition that an appropriate safety margin with respect to the deficit reference value is preserved and that the budgetary position is expected to return to the medium-term budgetary objective within the programme period, the Council shall take into account the implementation of major structural reforms which have direct long-term cost-saving effects, including by raising potential growth, and therefore a verifiable impact on the long-term sustainability of public finances.

Special attention shall be paid to pension reforms introducing a multi-pillar system that includes a mandatory, fully funded pillar. Member States implementing such reforms shall be allowed to deviate from the adjustment path to their medium-term budgetary objective or from the objective itself, with the deviation reflecting the net cost of the reform to the publicly managed pillar, under

the condition that the deviation remains temporary and that an appropriate safety margin with respect to the deficit reference value is preserved';

- (b) In paragraph 2, 'two months' shall be replaced by 'three months';

4. Article 7(2) is amended as follows:

- (a) point (a) shall be replaced by the following:

'(a) the medium-term budgetary objective and the adjustment path towards this objective for the general government surplus/deficit and the expected path of the general government debt ratio; the medium-term monetary policy objectives; the relationship of those objectives to price and exchange rate stability;'

- (b) point (c) shall be replaced by the following:

'(c) a detailed and quantitative assessment of the budgetary and other economic policy measures being taken and/or proposed to achieve the objectives of the programme, comprising a detailed cost-benefit analysis of major structural reforms which have direct long-term cost-saving effects, including by raising potential growth;'

- (c) the following point shall be added:

'(e) if applicable, the reasons for a deviation from the required adjustment path towards the medium term budgetary objective.';

5. Article 9 is amended as follows:

- (a) The first subparagraph of paragraph 1 shall be replaced by the following subparagraphs:

'1. Based on assessments by the Commission and the Committee set up by Article 114 of the Treaty, the Council shall, within the framework of multilateral surveillance under Article 99 of the Treaty, examine the medium-term budgetary objective presented by the Member State concerned, assess whether the economic assumptions on which the programme is based are plausible, whether the adjustment path towards the medium-term budgetary objective is appropriate and whether the measures being taken and/or proposed to respect that adjustment path are sufficient to achieve the medium-term objective over the cycle.

The Council, when assessing the adjustment path toward the medium-term budgetary objective, shall take into account whether a higher adjustment effort is made in economic good times, whereas the effort may be more limited in economic bad times. For ERM2 Member States, the Council shall examine if the Member State concerned pursues the annual improvement of its cyclically adjusted balance, net of one-off and other temporary measures, required to meet its medium-term budgetary objective, with 0,5 % of GDP as a benchmark.

When defining the adjustment path to the medium-term budgetary objective for Member States that have not yet reached this objective and in allowing a temporary deviation from this objective for Member States that have already reached it, under the condition that an appropriate safety margin with respect to the deficit reference value is preserved and that the budgetary position is expected to return to the medium-term budgetary objective within the programme period, the Council shall take into account the implementation of major structural reforms which have direct long-term cost-saving effects, including by raising potential growth, and therefore a verifiable impact on the long-term sustainability of public finances.

Special attention shall be paid to pension reforms introducing a multi-pillar system that includes a mandatory, fully funded pillar. Member States implementing such reforms shall be allowed to deviate from the adjustment path to their medium-term budgetary objective or from the objective itself, with the deviation reflecting the net cost of the reform to the publicly managed pillar, under the condition that the deviation remains temporary and that an appropriate safety margin with respect to the deficit reference value is preserved.;

(b) in paragraph 2, 'two months' shall be replaced by 'three months';

6. references to Articles 103 and 109c of the Treaty are replaced throughout the Regulation by references to Articles 99 and 114 respectively.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Luxembourg, 27 June 2005.

For the Council
The President
J.-C. JUNCKER

COUNCIL REGULATION (EC) No 1056/2005

of 27 June 2005

amending Regulation (EC) No 1467/97 on speeding up and clarifying the implementation of the excessive deficit procedure

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second subparagraph of Article 104(14) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Central Bank ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

(1) The Stability and Growth Pact initially consisted of Council Regulation (EC) No 1466/97 of 7 July 1997 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies ⁽³⁾, Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure ⁽⁴⁾ and the Resolution of the European Council of 17 June 1997 on the Stability and Growth Pact ⁽⁵⁾. The Stability and Growth Pact has proven its usefulness in anchoring fiscal discipline, thereby contributing to a high degree of macroeconomic stability with low inflation and low interest rates, which is necessary to induce sustainable growth and employment creation.

(2) On 20 March 2005 the Council adopted a report entitled 'Improving the implementation of the Stability and Growth Pact' which aims to enhance the governance and the national ownership of the fiscal framework by strengthening the economic underpinnings and the effectiveness of the Pact, both in its preventive and corrective arms, to safeguard the sustainability of public finances in the long run, to promote growth and to avoid imposing excessive burdens on future generations. The report was endorsed by the European Council in its conclusions of 23 March 2005 ⁽⁶⁾, which stated that the report updates and complements the Stability and Growth Pact, of which it is now an integral part.

(3) According to the 20 March 2005 Ecofin report endorsed by the Spring 2005 European Council, the Member States, the Council and the Commission reaffirm their commitment to implement the Treaty and the Stability and Growth Pact in an effective and timely manner, through peer support and peer pressure, and to act in close and constructive cooperation in the process of economic and fiscal surveillance, in order to guarantee certainty and effectiveness in the rules of the Pact.

(4) Regulation (EC) No 1467/97 needs to be amended in order to allow the full application of the agreed improvement of the implementation of the Stability and Growth Pact.

(5) The guiding principle for the application of the excessive deficit procedure is the prompt correction of an excessive deficit. The procedure should remain simple, transparent and equitable.

(6) The concept of exceptional excess over the reference value resulting from a severe economic downturn should be revised. In doing so, due account should be taken of the economic heterogeneity in the European Union.

(7) The Commission should always prepare a report on the basis of Article 104(3) of the Treaty. In its report, it should examine whether the exceptions provided for in Article 104(2) apply. The Commission report under Article 104(3) should appropriately reflect developments in the medium-term economic position and in the medium-term budgetary position. Furthermore, due consideration should be given to any other factors which, in the opinion of the Member State concerned, are relevant in order to comprehensively assess in qualitative terms the excess over the reference value.

(8) Careful consideration should be given in all budgetary assessments in the framework of the excessive deficit procedure to an excess close to the reference value which reflects the implementation of pension reforms introducing a multi-pillar system that includes a mandatory, fully funded pillar, because the implementation of those reforms leads to a short-term deterioration of the budgetary position, while the long-term sustainability of public finances clearly improves. In particular, when assessing under Article 104(12) of the Treaty whether the excessive deficit has been corrected, the Commission and the Council should assess developments in EDP deficit figures while also considering the net cost of the reform to the publicly managed pillar.

⁽¹⁾ OJ C 144, 14.6.2005, p. 16.

⁽²⁾ Opinion of 9 June 2005 (not yet published in the Official Journal).

⁽³⁾ OJ L 209, 2.8.1997, p. 1.

⁽⁴⁾ OJ L 209, 2.8.1997, p. 6.

⁽⁵⁾ OJ C 236, 2.8.1997, p. 1.

⁽⁶⁾ Annex 2 of conclusions of the European Council of 22 and 23 March 2005.

- (9) The procedural deadlines for Council decisions in the excessive deficit procedure should be extended in order to allow the Member State concerned to better frame its action within the national budgetary procedure and to develop a more coherent package of measures. In particular, the deadline for the Council to decide on the existence of an excessive deficit in accordance with Article 104(6) of the Treaty should be set, as a rule, to four months after the reporting dates established in Article 4(2) and (3) of Council Regulation (EC) No 3605/93 of 22 November 1993 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community⁽¹⁾. This would address the cases in which the budgetary statistical data has not been validated by the Commission (Eurostat) shortly after the reporting dates established in Regulation (EC) No 3605/93.
- (10) In order to ensure a prompt correction of excessive deficits, it is necessary for Member States that are in a situation of excessive deficit to take effective action and to achieve an annual minimum fiscal improvement in their cyclically adjusted balance, net of one-off and temporary measures. As a benchmark, countries in excessive deficit will be required to achieve an annual minimum fiscal effort in cyclically adjusted terms, net of one-off and temporary measures.
- (11) Maximum time periods within which Member States are to take effective action and measures should be extended to allow better framing of the action in the national budgetary procedures and the development of more articulated packages of measures.
- (12) If the Member State concerned has taken effective action in response to a recommendation under Article 104(7) of the Treaty or a notice issued under Article 104(9) and unexpected adverse economic events with major negative consequences for government finances prevent the correction of the excessive deficit within the time limit set by the Council, it should be possible for the Council to issue a revised recommendation under Article 104(7) or a revised notice under Article 104(9).
- (13) The current overall maximum period of 10 months from the reporting dates established in Article 4(2) and (3) of Regulation (EC) No 3605/93 until the decision to impose sanctions would be inconsistent with the amended deadlines in each step of the procedure and the possibility to issue revised recommendations under Article 104(7) of the Treaty or revised notices under Article 104(9). The overall maximum period should therefore be adjusted in accordance with these amendments.
- (14) The provisions applicable to the implementation of the excessive deficit procedure in the case of the United Kingdom, which are set out in the Annex to Regulation (EC) No 1467/97, also need to be modified to reflect those changes,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1467/97 is hereby amended as follows:

1. in Article 2, paragraphs 2 and 3 shall be replaced by the following paragraphs:

‘2. The Commission and the Council, when assessing and deciding upon the existence of an excessive deficit in accordance with Article 104(3) to (6) of the Treaty, may consider an excess over the reference value resulting from a severe economic downturn as exceptional in the sense of the second indent of Article 104(2)(a) if the excess over the reference value results from a negative annual GDP volume growth rate or from an accumulated loss of output during a protracted period of very low annual GDP volume growth relative to its potential.

3. The Commission, when preparing a report under Article 104(3) of the Treaty shall take into account all relevant factors as indicated in that Article. The report shall appropriately reflect developments in the medium-term economic position (in particular potential growth, prevailing cyclical conditions, the implementation of policies in the context of the Lisbon agenda and policies to foster research and development and innovation) and developments in the medium-term budgetary position (in particular, fiscal consolidation efforts in “good times”, debt sustainability, public investment and the overall quality of public finances). Furthermore, the Commission shall give due consideration to any other factors which, in the opinion of the Member State concerned, are relevant in order to comprehensively assess in qualitative terms the excess over the reference value and which the Member State has put forward to the Commission and to the Council. In that context, special consideration shall be given to budgetary efforts towards increasing or maintaining at a high level financial contributions to fostering international solidarity and to achieving European policy goals, notably the unification of Europe if it has a detrimental effect on the growth and fiscal burden of a Member State. A balanced overall assessment shall encompass all these factors.

4. If the double condition of the overarching principle — that, before the relevant factors mentioned in paragraph 3 are taken into account, the general government deficit remains close to the reference value and its excess over the reference value is temporary — is fully met, these factors shall also be taken into account in the steps leading to the decision on the existence of an excessive deficit, foreseen in paragraphs 4, 5 and 6 of Article 104 of the Treaty. The balanced overall assessment to be made by the Council shall encompass all these factors.

⁽¹⁾ OJ L 332, 31.12.1993, p. 7. Regulation as last amended by Regulation (EC) No 351/2002 (OJ L 55, 26.2.2002, p. 23).

5. The Commission and the Council, in all budgetary assessments in the framework of the excessive deficit procedure, shall give due consideration to the implementation of pension reforms introducing a multi-pillar system that includes a mandatory, fully funded pillar.

6. If the Council has decided, on the basis of Article 104(6) of the Treaty, that an excessive deficit exists in a Member State, the Commission and the Council shall take into account the relevant factors mentioned in paragraph 3 also in the subsequent procedural steps of Article 104, including as specified in Articles 3(5) and 5(2) of this Regulation. However those relevant factors shall not be taken into account for the decision of the Council under Article 104(12) of the Treaty on the abrogation of some or all of its decisions under paragraphs 6 to 9 and 11 of Article 104.

7. In the case of Member States where the deficit exceeds the reference value, while remaining close to it, and where this excess reflects the implementation of a pension reform introducing a multi-pillar system that includes a mandatory, fully funded pillar, the Commission and the Council shall also consider the cost of the reform to the publicly managed pillar when assessing developments in EDP deficit figures. For that purpose, consideration shall be given to the net cost of the reform on a linear degressive basis for a transitory period of five years. This net cost shall be taken into account also for the decision of the Council under Article 104(12) of the Treaty on the abrogation of some or all of its decisions under paragraphs 6 to 9 and 11 of Article 104, if the deficit has declined substantially and continuously and has reached a level that comes close to the reference value.;

2. Article 3 is hereby amended as follows:

(a) paragraph 3 shall be replaced by the following:

'3. The Council shall decide on the existence of an excessive deficit in accordance with Article 104(6) of the Treaty, as a rule within four months of the reporting dates established in Article 4(2) and (3) of Regulation (EC) No 3605/93. When it decides that an excessive deficit exists, the Council shall at the same time make recommendations to the Member State concerned in accordance with Article 104(7) of the Treaty.;

(b) paragraph 4 shall be replaced by the following paragraphs:

'4. The Council recommendation made in accordance with Article 104(7) of the Treaty shall establish a deadline of six months at most for effective action to be taken by the Member State concerned. The Council recommendation shall also establish a deadline for the correction of the excessive deficit, which should be

completed in the year following its identification unless there are special circumstances. In the recommendation, the Council shall request that the Member State achieves a minimum annual improvement of at least 0,5 % of GDP as a benchmark, in its cyclically adjusted balance net of one-off and temporary measures, in order to ensure the correction of the excessive deficit within the deadline set in the recommendation.

5. If effective action has been taken in compliance with a recommendation under Article 104(7) and unexpected adverse economic events with major unfavourable consequences for government finances occur after the adoption of that recommendation, the Council may decide, on a recommendation from the Commission, to adopt a revised recommendation under Article 104(7). The revised recommendation, taking into account the relevant factors mentioned in Article 2(3) of this Regulation, may notably extend the deadline for the correction of the excessive deficit by one year. The Council shall assess the existence of unexpected adverse economic events with major unfavourable consequences for government finances against the economic forecasts in its recommendation.;

3. Article 5 shall be replaced by the following:

'Article 5

1. Any Council decision to give notice to the participating Member State concerned to take measures for the deficit reduction in accordance with Article 104(9) of the Treaty shall be taken within two months of the Council decision establishing that no effective action has been taken in accordance with Article 104(8). In the notice, the Council shall request that the Member State achieves a minimum annual improvement of at least 0,5 % of GDP as a benchmark, in its cyclically adjusted balance net of one-off and temporary measures, in order to ensure the correction of the excessive deficit within the deadline set in the notice.

2. If effective action has been taken in compliance with a notice under Article 104(9) of the Treaty and unexpected adverse economic events with major unfavourable consequences for government finances occur after the adoption of that notice, the Council may decide, on a recommendation from the Commission, to adopt a revised notice under Article 104(9) of the Treaty. The revised notice, taking into account the relevant factors mentioned in Article 2(3) of this Regulation, may notably extend the deadline for the correction of the excessive deficit by one year. The Council shall assess the existence of unexpected adverse economic events with major unfavourable consequences for government finances against the economic forecasts in its notice.;

4. in Article 6, second sentence, the words 'two months' shall be replaced by the words 'four months';

5. Article 7 shall be replaced by the following:

'Article 7

If a participating Member State fails to act in compliance with the successive decisions of the Council in accordance with Article 104(7) and (9) of the Treaty, the decision of the Council to impose sanctions, in accordance with Article 104(11), shall be taken as a rule within sixteen months of the reporting dates established in Article 4(2) and (3) of Regulation (EC) No 3605/93. In case Article 3(5) or 5(2) of this Regulation is applied, the sixteen-month deadline is amended accordingly. An expedited procedure shall be used in the case of a deliberately planned deficit which the Council decides is excessive.;

6. Article 9 is hereby amended as follows:

(a) paragraph 2 shall be replaced by the following:

'2. The period during which the procedure is held in abeyance shall be included neither in the period referred to in Article 6 nor in the period referred to in Article 7 of this Regulation.;

(b) the following paragraph shall be added:

'3. Following the expiry of the period referred to in the first sentence of Article 3(4) and following the expiry of the period referred to in the second sentence of Article 6 of this Regulation, the Commission shall inform the Council if it considers that the measures taken seem sufficient to ensure adequate progress towards the correction of the excessive deficit within the time limits set by the Council, provided that they are fully implemented and that economic developments are in line with forecasts. The Commission statement shall be made public.;

7. references to Article 104c, 109e, 109f and 201 of the Treaty shall be replaced throughout the Regulation by references to Articles 104, 116, 117 and 269, respectively. Reference to Article D of the Treaty on European Union is replaced by reference to Article 4;

8. the Annex to Regulation (EC) No 1467/97 shall be replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

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

Done at Luxembourg, 27 June 2005.

For the Council
The President
J.-C. JUNCKER

ANNEX

'ANNEX

TIME LIMITS APPLICABLE TO THE UNITED KINGDOM

1. In order to ensure equal treatment of all Member States, the Council, when taking decisions in Sections 2, 3 and 4 of this Regulation, shall have regard to the different budgetary year of the United Kingdom, with a view to taking decisions with regard to the United Kingdom at a point in its budgetary year similar to that at which decisions have been or will be taken in the case of other Member States.
2. The provisions specified in Column I shall be substituted by the provisions specified in Column II.

Column I	Column II
“as a rule, within four months of the reporting dates established in Article 4 (2) and (3) of Council Regulation (EC) No 3605/93” (Article 3(3))	“as a rule, within six months after the end of the budgetary year in which the deficit occurred”
“the year following its identification” (Article 3(4))	“the budgetary year following its identification”
“as a rule, within sixteen months of reporting dates established in Article 4(2) and (3) of Regulation (EC) No 3605/93” (Article 7)	“as a rule, within eighteen months from the end of the budgetary year in which the deficit occurred”
“the preceding year” (Article 12(1))	“the preceding budgetary year”

COMMISSION REGULATION (EC) No 1057/2005**of 6 July 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 7 July 2005.

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

Done at Brussels, 6 July 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 6 July 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	65,5
	096	42,0
	999	53,8
0707 00 05	052	78,9
	999	78,9
0709 90 70	052	75,5
	999	75,5
0805 50 10	382	71,1
	388	60,2
	528	61,5
	999	64,3
0808 10 80	388	85,7
	400	90,7
	404	94,3
	508	68,9
	512	74,9
	528	66,7
	720	66,9
	804	91,0
	999	79,9
0808 20 50	388	86,1
	512	47,1
	528	70,0
	800	46,1
	999	62,3
0809 10 00	052	186,8
	999	186,8
0809 20 95	052	290,1
	400	316,1
	999	303,1
0809 40 05	624	113,7
	999	113,7

⁽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 1058/2005**of 6 July 2005****opening an invitation to tender for the refund on barley exports to certain third countries**

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 the first subparagraph of Article 13(3) thereof,

Whereas:

- (1) Given the present market situation for cereals, an invitation to tender for the export refund on barley should be opened in accordance with Article 4 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 ⁽²⁾.
- (2) The tendering procedure rules to be followed for establishing export refunds are laid down in Regulation (EC) No 1501/95. The requirements under that procedure include an obligation to submit an application for an export licence and lodge a security. The rate of that security should be established.
- (3) A specific period of validity must be set for the licences issued under this invitation to tender. That validity period should be commensurate with world market requirements for the 2005/06 marketing year.
- (4) To ensure that all parties are treated equally, all licences issued should have the same period of validity.
- (5) The satisfactory operation of tendering procedures for exports requires that a minimum quantity be set, and that the time limit and means of transmission for tenders lodged with the competent authority be established.

- (6) 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

1. Pursuant to Article 4 of Regulation (EC) No 1501/95, an invitation to tender for the export refund is hereby opened.
2. This invitation to tender shall cover barley for export to Algeria, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Mauritania, Oman, Qatar, Saudi Arabia, Syria, Tunisia and Yemen.
3. The invitation to tender shall be open until 22 June 2006. During that period, weekly awards shall be made. The quantities and dates for submitting tenders shall be set out in the notice of invitation to tender.

Notwithstanding Article 4(4) of Regulation (EC) No 1501/95, the time limit for submitting tenders for the first partial invitation to tender shall be 14 July 2005.

Article 2

Tenders shall be valid only if they cover a quantity of at least 1 000 tonnes.

Article 3

The security referred to in Article 5(3)(a) of Regulation (EC) No 1501/95 shall be EUR 12 per tonne.

Article 4

1. Notwithstanding Article 23(1) of Commission Regulation (EC) No 1291/2000 ⁽³⁾, export licences issued in accordance with Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

⁽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 777/2004 (OJ L 123, 27.4.2004, p. 50).

⁽³⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

2. Export licences issued under the invitation to tender provided for in this Regulation shall be valid from their date of issue within the meaning of paragraph 1 until the end of the fourth month thereafter.

Article 5

Member States shall electronically send the Commission the tenders submitted within one-and-a-half hours of the expiry of the weekly time limit for lodging tenders, as laid down in the notice of invitation to tender, using the form set out in the Annex.

If no tenders are lodged, Member States shall inform the Commission within the time limit referred to in the first paragraph.

The times set for the submission of tenders shall correspond to Belgian time.

Article 6

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

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

Done at Brussels, 6 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Form (*)

Award of the refund on barley exports to certain third countries

(Regulation (EC) No 1058/2005)

(Time limit for submission of tenders)

1	2	3
Numbering of tenderers	Quantity (tonnes)	Export refund rate (EUR/tonne)
1		
2		
3		
etc.		

(*) To be sent to DG AGRI (Unit D.2).

COMMISSION REGULATION (EC) No 1059/2005**of 6 July 2005****opening an invitation to tender for the refund on common wheat exports to certain third countries**

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 the first subparagraph of Article 13(3) thereof,

Whereas:

- (1) Given the present market situation for cereals, an invitation to tender for the export refund on common wheat should be opened in accordance with Article 4 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 ⁽²⁾.
- (2) The tendering procedure rules to be followed for establishing export refunds are laid down in Regulation (EC) No 1501/95. The requirements under that procedure include an obligation to submit an application for an export licence and lodge a security. The rate of that security should be established.
- (3) A specific period of validity must be set for the licences issued under this invitation to tender. That validity period should be commensurate with world market requirements for the 2005/06 marketing year.
- (4) To ensure that all parties are treated equally, all licences issued should have the same period of validity.
- (5) In order to prevent re-imports, the exports under this invitation to tender should be limited to certain third countries.

(6) The satisfactory operation of tendering procedures for exports requires that a minimum quantity be set, and that the time limit and means of transmission for tenders lodged with the competent authority be established.

(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

1. Under Article 4 of Regulation (EC) No 1501/95, an invitation to tender for the export refund is hereby opened.

2. The invitation to tender covers common wheat for exportation to destinations with the exception of Albania, Bulgaria, Croatia, Bosnia and Herzegovina, Serbia and Montenegro ⁽³⁾, the former Yugoslav Republic of Macedonia, Liechtenstein, Romania and Switzerland.

3. The invitation to tender shall be open until 22 June 2006. During that period, weekly awards shall be made. The quantities and dates for submitting tenders shall be set out in the notice of invitation to tender.

Notwithstanding Article 4(4) of Regulation (EC) No 1501/95, the time limit for submitting tenders for the first partial invitation to tender shall be 14 July 2005.

Article 2

Tenders shall be valid only if they cover a quantity of at least 1 000 tonnes.

Article 3

The security referred to in Article 5(3)(a) of Regulation (EC) No 1501/95 shall be EUR 12 per tonne.

⁽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 777/2004 (OJ L 123, 27.4.2004, p. 50).

⁽³⁾ Including Kosovo as defined by UN Security Council Resolution 1244 of 10 June 1999.

Article 4

1. Notwithstanding Article 23(1) of Commission Regulation (EC) No 1291/2000⁽¹⁾, export licences issued in accordance with Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued under the invitation to tender provided for in this Regulation shall be valid from their date of issue within the meaning of paragraph 1 until the end of the fourth month thereafter.

Article 5

Member States shall electronically send the Commission the tenders submitted within one-and-a-half hours of the expiry

of the weekly time limit for lodging tenders, as laid down in the notice of invitation to tender, using the form set out in the Annex.

If no tenders are lodged, Member States shall inform the Commission within the time limit referred to in the first paragraph.

The times set for the submission of tenders shall correspond to Belgian time.

Article 6

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

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

Done at Brussels, 6 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

ANNEX

Form (*)

Weekly Award of the refund on common wheat exports to certain third countries

(Regulation (EC) No 1059/2005)

(Time limit for submission of tenders)

1	2	3
Numbering of tenderers	Quantity (tonnes)	Export refund rate (EUR/tonne)
1		
2		
3		
etc.		

(*) To be sent to DG AGRI (Unit D.2).

COMMISSION REGULATION (EC) No 1060/2005**of 6 July 2005****opening a standing invitation to tender for the export of common wheat held by the Slovak intervention agency**

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 6 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EEC) No 3002/92 ⁽³⁾ lays down common detailed rules for verifying the use and/or destination of products from intervention.
- (3) Given the current market situation, a standing invitation to tender should be opened for the export of 30 000 tonnes of common wheat held by the Slovak intervention agency.
- (4) Special rules must be laid down to ensure that the operations are properly carried out and monitored. To that end, securities should be lodged to ensure that the goals of the operation are achieved without excessive cost to the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.
- (5) To forestall reimportation, exports under this invitation to tender should be limited to certain third countries.
- (6) Article 7(2a) of Regulation (EEC) No 2131/93 allows the successful exporting tenderer to be reimbursed the lowest transport costs between the place of storage and the actual place of exit, up to a certain ceiling. In view of Slovakia's geographical location, this provision should be applied.

(7) With a view to modernising the management of the system, provision should be made for the electronic transmission of the information required by the Commission.

(8) 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

As provided for in this Regulation, the Slovak intervention agency shall issue a standing invitation to tender in accordance with Regulation (EEC) No 2131/93 for the export of common wheat held by it.

Article 2

The invitation to tender shall cover a maximum of 30 000 tonnes of common wheat for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Romania, Serbia and Montenegro ⁽⁴⁾ and Switzerland.

Article 3

1. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.
2. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.
3. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender, without monthly increase.
4. Under Article 7(2a) of Regulation (EEC) No 2131/93, the lowest transport costs between the place of storage and the actual place of exit shall be reimbursed to the successful tenderer, up to the ceiling set in the invitation to tender.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 770/96 (OJ L 104, 27.4.1996, p. 13).

⁽⁴⁾ Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.

Article 4

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

2. Tenders submitted in response to this invitation to tender need not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 ⁽¹⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for the submission of tenders under the first partial invitation to tender shall be 9.00 (Brussels time) on 14 July 2005.

The time limit for submitting tenders under subsequent partial invitations to tender shall be 9.00 (Brussels time) each Thursday thereafter, with the exception of 21 July 2005, 4 August 2005, 18 August 2005, 1 September 2005, 3 November 2005, 29 December 2005, 13 April 2006 and 25 May 2006, i.e. weeks in which no invitation to tender shall be made.

The last partial invitation to tender shall expire at 9.00 (Brussels time) on 22 June 2006.

2. Tenders must be lodged with the Slovak intervention agency:

Pôdohospodárska platobná agentúra oddelenie obilnín a škrobu
Dobrovičova 12
SK-815 26 Bratislava
Tel. 421-2-58243271
Fax 421-2-58243362.

Article 6

The intervention agency, the storer and a successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage.

⁽¹⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 636/2004 (OJ L 100, 6.4.2004, p. 25).

In the event of a dispute, the analysis results shall be forwarded electronically to the Commission.

Article 7

1. The successful tenderer must accept the lot as established if the final result of the sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences do not exceed the following limits:

— one kilogram per hectolitre as regards specific weight, which must not, however, be less than 75 kg/hl,

— one percentage point as regards moisture content,

— half a percentage point as regards the impurities referred to in points B.2 and B.4 of Annex I to Commission Regulation (EC) No 824/2000 ⁽²⁾,

— half a percentage point as regards the impurities referred to in point B.5 of Annex I to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot remaining unchanged, however.

2. If the final result of the analyses carried out on the samples indicates a quality higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender and the difference exceeds the limits set out in paragraph 1(b), the successful tenderer may:

(a) accept the lot as established, or

(b) refuse to take over the lot concerned.

In the case of (b) above, the successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

3. If the final result of the sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer cannot remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

⁽²⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

Article 8

Should the cases mentioned in Article 7(2)(b) and 7(3) arise, the successful tenderer may ask the intervention agency to supply an alternative lot of common wheat of the requisite quality, at no extra cost. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof using the form in Annex I.

If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the request for a replacement, the successful tenderer shall be discharged of all obligations and the securities shall be released, provided the Commission and the intervention agency have been immediately informed using the form in Annex I.

Article 9

1. If the common wheat is removed before the results of the analyses provided for in Article 6 are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress the tenderer might have against the storer.

2. The costs of taking the samples and conducting the analyses provided for in Article 6, with the exception of those referred to in Article 7(3), shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) for up to one analysis per 500 tonnes, with the exception of the cost of inter-bin transfers. The costs of inter-bin transfers and any additional analyses requested by a successful tenderer shall be borne by that tenderer.

Article 10

Notwithstanding Article 12 of Commission Regulation (EEC) No 3002/92, the documents relating to the sale of common wheat under this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where applicable, the T5 copy shall carry one of the entries set out in Annex II.

Article 11

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17(1) of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 25 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Article 12

Within two hours of the expiry of the time limit for the submission of tenders, the Slovak intervention agency shall electronically notify the Commission of tenders received. This notification shall be made by e-mail, using the form in Annex III.

Article 13

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

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

Done at Brussels, 6 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Communication of refusal of lots under the standing invitation to tender for the export of common wheat held by the Slovak intervention agency

(Regulation (EC) No 1060/2005)

- Name of successful tenderer:
- Date of award:
- Date of refusal of the lot by the successful tenderer:

Lot number	Quantity in tonnes	Address of the silo	Reason for refusal to take over
			<ul style="list-style-type: none">— PS (kg/hl)— % of sprouted grains— % of miscellaneous impurities (Schwarzbesatz)— % of matter other than basic cereals of unimpaired quality— Other

ANNEX II

Entries referred to in Article 10

- *in Spanish:* Trigo blando de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n.º 1060/2005
- *in Czech:* Intervenční pšenice obecná nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1060/2005
- *in Danish:* Blød hvede fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1060/2005
- *in German:* Weichweizen aus Interventionsbeständen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhr-abgaben, Verordnung (EG) Nr. 1060/2005
- *in Estonian:* Pehme nisu sekkumisvarudest, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1060/2005
- *in Greek:* Μαλακός σίτος παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1060/2005
- *in English:* Intervention common wheat without application of refund or tax, Regulation (EC) No 1060/2005
- *in French:* Blé tendre d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n.º 1060/2005
- *in Italian:* Frumento tenero d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1060/2005
- *in Latvian:* Intervences parastie kvieši bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1060/2005
- *in Lithuanian:* Intervenciniai paprastieji kviečiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1060/2005
- *in Hungarian:* Intervenció s búza, visszatérítés, illetve adó nem alkalmazandó, 1060/2005/EK rendelet
- *in Dutch:* Zachte tarwe uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1060/2005
- *in Polish:* Pszenica zwyczajna interwencyjna niedająca prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1060/2005
- *in Portuguese:* Trigo mole de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1060/2005
- *in Slovak:* Intervenčná pšenica obyčajná nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1060/2005
- *in Slovene:* Intervencija navadne pšenice brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1060/2005
- *in Finnish:* Interventiovehnä, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1060/2005
- *in Swedish:* Interventionsvete, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1060/2005.

ANNEX III

Form (*)

Standing invitation to tender for the export of common wheat held by the slovak intervention agency

(Regulation (EC) No 1060/2005)

1	2	3	4	5	6	7
Serial numbers of tenderers	Lot number	Quantity in tonnes	Tender prices (EUR/tonne) ⁽¹⁾	Increases (+) Reductions (-) (EUR/tonne) (p.m.)	Commercial costs ⁽²⁾ (EUR/tonne)	Destination
1						
2						
3						
etc.						

(*) To be sent to DG AGRI (Unit D.2)

⁽¹⁾ This price includes the increases and reductions relating to the lot covered by the tender.⁽²⁾ The commercial costs corresponding to insurance and services provision borne after the exit of the intervention stock up to the FOB stage at the port of export, with the exception of transport costs. The notified costs shall be established on the basis of the average real costs recorded by the intervention agency in the six months preceding the opening of the tendering period and shall be expressed in euro per tonne.

COMMISSION REGULATION (EC) No 1061/2005**of 6 July 2005****opening a standing invitation to tender for the export of common wheat held by the Polish intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

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 6 thereof,

Subject to this Regulation, the Polish intervention agency shall issue a standing invitation to tender in accordance with Regulation (EEC) No 2131/93 for the export of common wheat held by it.

Article 2

Whereas:

The invitation to tender shall cover a maximum of 250 000 tonnes of common wheat for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Romania, Serbia and Montenegro ⁽⁴⁾ and Switzerland.

(1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.

Article 3

(2) Commission Regulation (EEC) No 3002/92 ⁽³⁾ lays down common detailed rules for verifying the use and/or destination of products from intervention.

1. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.

(3) Given the current market situation, a standing invitation to tender should be opened for the export of 250 000 tonnes of common wheat held by the Polish intervention agency.

2. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

(4) Special rules must be laid down to ensure that the operations are properly carried out and monitored. To that end, securities should be lodged to ensure that the goals of the operation are achieved without excessive cost to the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.

3. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender, without monthly increase.

Article 4

(5) To forestall reimportation, exports under this invitation to tender should be limited to certain third countries.

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

(6) With a view to modernising the management of the system, provision should be made for the electronic transmission of the information required by the Commission.

2. Tenders submitted in response to this invitation to tender need not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 ⁽⁵⁾.

Article 5

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

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for the submission of tenders under the first partial invitation to tender shall be 9.00 (Brussels time) on 14 July 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 26, 19.5.2005, p. 10).

⁽³⁾ OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 770/96 (OJ L 104, 27.04.1996, p. 13).

⁽⁴⁾ Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1.

The time limit for submitting tenders under subsequent partial invitations to tender shall be 9.00 (Brussels time) each Thursday thereafter, with the exception of 21 July 2005, 4 August 2005, 18 August 2005, 1 September 2005, 3 November 2005, 29 December 2005, 13 April 2006 and 25 May 2006, i.e. weeks in which no invitation to tender shall be made.

The last partial invitation to tender shall expire at 9.00 (Brussels time) on 22 June 2006.

2. Tenders must be lodged with the Polish intervention agency:

Agencja Rynku Rolnego
Biuro Produktów Roślinnych
Dział Zbóż
Ul. Nowy Świat 6/12
PL-00-400 Warszawa
Phone (48-22) 661 78 10
Fax (48-22) 661 78 26.

Article 6

The intervention agency, the storer and a successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage.

In the event of a dispute, the analysis results shall be forwarded electronically to the Commission.

Article 7

1. The successful tenderer must accept the lot as established if the final result of the sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences do not exceed the following limits:
 - one kilogram per hectolitre as regards specific weight, which must not, however, be less than 75 kg/hl,
 - one percentage point as regards moisture content,

- half a percentage point as regards the impurities referred to in points B.2 and B.4 of Annex I to Commission Regulation (EC) No 824/2000 ⁽¹⁾,

- half a percentage point as regards the impurities referred to in point B.5 of Annex I to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot remaining unchanged, however.

2. If the final result of the analyses carried out on the samples indicates a quality higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender and the difference exceeds the limits set out in paragraph 1(b), the successful tenderer may:

- (a) accept the lot as established, or
- (b) refuse to take over the lot concerned.

In the case of (b) above, the successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

3. If the final result of the sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer cannot remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

Article 8

Should the cases mentioned in Article 7(2)(b) and 7(3) arise, the successful tenderer may ask the intervention agency to supply an alternative lot of common wheat of the requisite quality, at no extra cost. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof using the form in Annex I.

If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the request for a replacement, the successful tenderer shall be discharged of all obligations and the securities shall be released, provided the Commission and the intervention agency have been immediately informed using the form in Annex I.

⁽¹⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

Article 9

1. If the common wheat is removed before the results of the analyses provided for in Article 6 are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress the tenderer might have against the storer.

2. The costs of taking the samples and conducting the analyses provided for in Article 6, with the exception of those referred to in Article 7(3), shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) for up to one analysis per 500 tonnes, with the exception of the cost of inter-bin transfers. The costs of inter-bin transfers and any additional analyses requested by a successful tenderer shall be borne by that tenderer.

Article 10

Notwithstanding Article 12 of Commission Regulation (EEC) No 3002/92, the documents relating to the sale of common wheat under this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where applicable, the T5 copy shall carry one of the entries set out in Annex II.

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

Done at Brussels, 6 July 2005.

Article 11

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17(1) of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 25 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Article 12

Within two hours of the expiry of the time limit for the submission of tenders, the Polish intervention agency shall electronically notify the Commission of tenders received. This notification shall be made by e-mail, using the form in Annex III.

Article 13

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

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Communication of refusal of lots under the standing invitation to tender for the export of common wheat held by the Polish intervention agency

(Regulation (EC) No 1061/2005)

- Name of successful tenderer:
- Date of award:
- Date of refusal of the lot by the successful tenderer:

Lot number	Quantity in tonnes	Address of the silo	Reason for refusal to take over
			<ul style="list-style-type: none">— PS (kg/hl)— % of sprouted grains— % of miscellaneous impurities (Schwarzbesatz)— % of matter other than basic cereals of unimpaired quality— Other

ANNEX II

Entries referred to in Article 10

- *in Spanish:* Trigo blando de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n.º 1061/2005
- *in Czech:* Intervenční pšenice obecná nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1061/2005
- *in Danish:* Blød hvede fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1061/2005
- *in German:* Weichweizen aus Interventionsbeständen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhr-abgaben, Verordnung (EG) Nr. 1061/2005
- *in Estonian:* Pehme nisu sekkumisvarudest, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1061/2005
- *in Greek:* Μαλακός σίτος παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1061/2005
- *in English:* Intervention common wheat without application of refund or tax, Regulation (EC) No 1061/2005
- *in French:* Blé tendre d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n.º 1061/2005
- *in Italian:* Frumento tenero d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1061/2005
- *in Latvian:* Intervences parastie kvieši bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1061/2005
- *in Lithuanian:* Intervenciniai paprastieji kviečiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1061/2005
- *in Hungarian:* Intervenció s búza, visszatérítés, illetve adó nem alkalmazandó, 1061/2005/EK rendelet
- *in Dutch:* Zachte tarwe uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1061/2005
- *in Polish:* Pszenica zwyczajna interwencyjna niedająca prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1061/2005
- *in Portuguese:* Trigo mole de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1061/2005
- *in Slovak:* Intervenčná pšenica obyčajná nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1061/2005
- *in Slovene:* Intervencija navadne pšenice brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1061/2005
- *in Finnish:* Interventiovehnä, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1061/2005
- *in Swedish:* Interventionsvete, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1061/2005.

ANNEX III

Form (*)

Standing invitation to tender for the export of common wheat held by the Polish intervention agency

(Regulation (EC) No 1061/2005)

1	2	3	4	5	6	7
Serial numbers of tenderers	Lot number	Quantity in tonnes	Tender prices (EUR/tonne) ⁽¹⁾	Increases (+) Reductions (-) (EUR/tonne) (p.m.)	Commercial costs ⁽²⁾ (EUR/tonne)	Destination
1						
2						
3						
etc.						

(*) To be sent to DG AGRI (Unit D.2)

⁽¹⁾ This price includes the increases and reductions relating to the lot covered by the tender.⁽²⁾ The commercial costs corresponding to insurance and services provision borne after the exit of the intervention stock up to the FOB stage at the port of export, with the exception of transport costs. The notified costs shall be established on the basis of the average real costs recorded by the intervention agency in the six months preceding the opening of the tendering period and shall be expressed in euro per tonne.

COMMISSION REGULATION (EC) No 1062/2005**of 6 July 2005****opening a standing invitation to tender for the export of common wheat held by the Austrian intervention agency**

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 6 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EEC) No 3002/92 ⁽³⁾ lays down common detailed rules for verifying the use and/or destination of products from intervention.
- (3) Given the current market situation, a standing invitation to tender should be opened for the export of 80 000 tonnes of common wheat held by the Austrian intervention agency.
- (4) Special rules must be laid down to ensure that the operations are properly carried out and monitored. To that end, securities should be lodged to ensure that the goals of the operation are achieved without excessive cost to the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.
- (5) To forestall reimportation, exports under this invitation to tender should be limited to certain third countries.
- (6) Article 7(2a) of Regulation (EEC) No 2131/93 allows the successful exporting tenderer to be reimbursed the lowest transport costs between the place of storage and the actual place of exit, up to a certain ceiling. In view of Austria's geographical location, this provision should be applied.

(7) With a view to modernising the management of the system, provision should be made for the electronic transmission of the information required by the Commission.

(8) 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

Subject to this Regulation, the Austrian intervention agency shall issue a standing invitation to tender in accordance with Regulation (EEC) No 2131/93 for the export of common wheat held by it.

Article 2

The invitation to tender shall cover a maximum of 80 000 tonnes of common wheat for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Romania, Serbia and Montenegro ⁽⁴⁾ and Switzerland.

Article 3

1. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.
2. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.
3. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender, without monthly increase.
4. Pursuant to Article 7(2a) of Regulation (EEC) No 2131/93, the lowest transport costs between the place of storage and the actual place of exit shall be reimbursed to the successful tenderer, up to the ceiling set in the invitation to tender.

Article 4

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 770/96 (OJ L 104, 27.04.1996, p. 13).

⁽⁴⁾ Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.

2. Tenders submitted in response to this invitation to tender need not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 ⁽¹⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for the submission of tenders under the first partial invitation to tender shall be 9.00 (Brussels time) on 14 July 2005.

The time limit for submitting tenders under subsequent partial invitations to tender shall be 9.00 (Brussels time) each Thursday thereafter, with the exception of 21 July 2005, 4 August 2005, 18 August 2005, 1 September 2005, 3 November 2005, 29 December 2005, 13 April 2006 and 25 May 2006, i.e. weeks in which no invitation to tender shall be made.

The last partial invitation to tender shall expire at 9.00 (Brussels time) on 22 June 2006.

2. Tenders must be lodged with the Austrian intervention agency:

AMA (Agrarmarkt Austria)
Dresdnerstraße 70
A-1200 Wien
Fax: (00 43 1) 33151 4624
(00 43 1) 33151 4469

Article 6

The intervention agency, the storer and a successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage.

In the event of a dispute, the analysis results shall be forwarded electronically to the Commission.

Article 7

1. The successful tenderer must accept the lot as established if the final result of the sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences do not exceed the following limits:

- one kilogram per hectolitre as regards specific weight, which must not, however, be less than 75 kg/hl,
- one percentage point as regards moisture content,
- half a percentage point as regards the impurities referred to in points B.2 and B.4 of Annex I to Commission Regulation (EC) No 824/2000 ⁽²⁾,
- half a percentage point as regards the impurities referred to in point B.5 of Annex I to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot remaining unchanged, however.

2. If the final result of the analyses carried out on the samples indicates a quality higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender and the difference exceeds the limits set out in paragraph 1(b), the successful tenderer may:

- (a) accept the lot as established, or
- (b) refuse to take over the lot concerned.

In the case of (b) above, the successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

3. If the final result of the sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer cannot remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

Article 8

Should the cases mentioned in Article 7(2)(b) and 7(3) arise, the successful tenderer may ask the intervention agency to supply an alternative lot of common wheat of the requisite quality, at no extra cost. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof using the form in Annex I.

⁽¹⁾ OJ L 152, 24.6.2000, p. 1.

⁽²⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the request for a replacement, the successful tenderer shall be discharged of all obligations and the securities shall be released, provided the Commission and the intervention agency have been immediately informed using the form in Annex I.

Article 9

1. If the common wheat is removed before the results of the analyses provided for in Article 6 are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress the tenderer might have against the storer.

2. The costs of taking the samples and conducting the analyses provided for in Article 6, with the exception of those referred to in Article 7(3), shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) for up to one analysis per 500 tonnes, with the exception of the cost of inter-bin transfers. The costs of inter-bin transfers and any additional analyses requested by a successful tenderer shall be borne by that tenderer.

Article 10

Notwithstanding Article 12 of Commission Regulation (EEC) No 3002/92, the documents relating to the sale of common wheat under this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC)

No 3002/92, the export declaration and, where applicable, the T5 copy shall carry one of the entries set out in Annex II.

Article 11

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17(1) of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 25 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Article 12

Within two hours of the expiry of the time limit for the submission of tenders, the Austrian intervention agency shall electronically notify the Commission of tenders received. This notification shall be made by e-mail, using the form in Annex III.

Article 13

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

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

Done at Brussels, 6 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Communication of refusal of lots under the standing invitation to tender for the export of common wheat held by the Austrian intervention agency

(Regulation (EC) No 1062/2005)

- Name of successful tenderer:
- Date of award:
- Date of refusal of the lot by the successful tenderer:

Lot number	Quantity in tonnes	Address of the silo	Reason for refusal to take over
			<ul style="list-style-type: none">— PS (kg/hl)— % of sprouted grains— % of miscellaneous impurities (Schwarzbesatz)— % of matter other than basic cereals of unimpaired quality— Other

ANNEX II

Entries referred to in Article 10

- *in Spanish:* Trigo blando de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n.º 1062/2005
- *in Czech:* Intervenční pšenice obecná nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1062/2005
- *in Danish:* Blød hvede fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1062/2005
- *in German:* Weichweizen aus Interventionsbeständen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhr-abgaben, Verordnung (EG) Nr. 1062/2005
- *in Estonian:* Pehme nisu sekkumisvarudest, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1062/2005
- *in Greek:* Μαλακός σίτος παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1062/2005
- *in English:* Intervention common wheat without application of refund or tax, Regulation (EC) No 1062/2005
- *in French:* Blé tendre d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n.º 1062/2005
- *in Italian:* Frumento tenero d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1062/2005
- *in Latvian:* Intervences parastie kvieši bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1062/2005
- *in Lithuanian:* Intervenciniai paprastieji kviečiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1062/2005
- *in Hungarian:* Intervenció s búza, visszatérítés, illetve adó nem alkalmazandó, 1062/2005/EK rendelet
- *in Dutch:* Zachte tarwe uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1062/2005
- *in Polish:* Pszenica zwyczajna interwencyjna niedająca prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1062/2005
- *in Portuguese:* Trigo mole de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1062/2005
- *in Slovak:* Intervenčná pšenica obyčajná nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1062/2005
- *in Slovene:* Intervencija navadne pšenice brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1062/2005
- *in Finnish:* Interventiovehnä, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1062/2005
- *in Swedish:* Interventionsvete, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1062/2005.

ANNEX III

Form (*)

Standing invitation to tender for the export of common wheat held by the Austrian intervention agency

(Regulation (EC) No 1062/2005)

1	2	3	4	5	6	7
Serial numbers of tenderers	Lot number	Quantity in tonnes	Tender prices (EUR/tonne) ⁽¹⁾	Increases (+) Reductions (-) (EUR/tonne) (p.m.)	Commercial costs ⁽²⁾ (EUR/tonne)	Destination
1						
2						
3						
etc.						

(*) To be sent to DG AGRI (Unit D.2)

⁽¹⁾ This price includes the increases and reductions relating to the lot covered by the tender.⁽²⁾ The commercial costs corresponding to insurance and services provision borne after the exit of the intervention stock up to the FOB stage at the port of export, with the exception of transport costs. The notified costs shall be established on the basis of the average real costs recorded by the intervention agency in the six months preceding the opening of the tendering period and shall be expressed in euro per tonne.

COMMISSION REGULATION (EC) No 1063/2005

of 6 July 2005

opening a standing invitation to tender for the export of common wheat held by the Czech intervention agency

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 6 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EEC) No 3002/92 ⁽³⁾ lays down common detailed rules for verifying the use and/or destination of products from intervention.
- (3) Given the current market situation, a standing invitation to tender should be opened for the export of 180 000 tonnes of common wheat held by the Czech intervention agency.
- (4) Special rules must be laid down to ensure that the operations are properly carried out and monitored. To that end, securities should be lodged to ensure that the goals of the operation are achieved without excessive cost to the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.
- (5) To forestall reimportation, exports under this invitation to tender should be limited to certain third countries.
- (6) Article 7(2a) of Regulation (EEC) No 2131/93 allows the successful exporting tenderer to be reimbursed the lowest transport costs between the place of storage and the actual place of exit, up to a certain ceiling. In view of the Czech Republic's geographical location, this provision should be applied.

(7) With a view to modernising the management of the system, provision should be made for the electronic transmission of the information required by the Commission.

(8) 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

Subject to this Regulation, the Czech intervention agency shall issue a standing invitation to tender in accordance with Regulation (EEC) No 2131/93 for the export of common wheat held by it.

Article 2

The invitation to tender shall cover a maximum of 180 000 tonnes of common wheat for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Romania, Serbia and Montenegro ⁽⁴⁾ and Switzerland.

Article 3

1. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.
2. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.
3. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender, without monthly increase.
4. Pursuant to Article 7(2a) of Regulation (EEC) No 2131/93, the lowest transport costs between the place of storage and the actual place of exit shall be reimbursed to the successful tenderer, up to the ceiling set in the invitation to tender.

Article 4

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 770/96 (OJ L 104, 27.04.1996, p. 13).

⁽⁴⁾ Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.

2. Tenders submitted in response to this invitation to tender need not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 ⁽¹⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for the submission of tenders under the first partial invitation to tender shall be 9.00 (Brussels time) on 14 July 2005.

The time limit for submitting tenders under subsequent partial invitations to tender shall be 9.00 (Brussels time) each Thursday thereafter, with the exception of 21 July 2005, 4 August 2005, 18 August 2005, 1 September 2005, 3 November 2005, 29 December 2005, 13 April 2006 and 25 May 2006, i.e. weeks in which no invitation to tender shall be made.

The last partial invitation to tender shall expire at 9.00 (Brussels time) on 22 June 2006.

2. Tenders must be lodged with the Czech intervention agency:

Statní zemědělský intervenční fond
Odbor Rostlinných Komodit
Ve Smečkách 33
CZ-110 00, Praha 1
Tel. (420) 222 871 667/403
Fax (420) 222 296 806 404

Article 6

The intervention agency, the storer and a successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage.

In the event of a dispute, the analysis results shall be forwarded electronically to the Commission.

Article 7

1. The successful tenderer must accept the lot as established if the final result of the sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences do not exceed the following limits:

- one kilogram per hectolitre as regards specific weight, which must not, however, be less than 75 kg/hl,
- one percentage point as regards moisture content,
- half a percentage point as regards the impurities referred to in points B.2 and B.4 of Annex I to Commission Regulation (EC) No 824/2000 ⁽²⁾,
- half a percentage point as regards the impurities referred to in point B.5 of Annex I to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot remaining unchanged, however.

2. If the final result of the analyses carried out on the samples indicates a quality higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender and the difference exceeds the limits set out in paragraph 1(b), the successful tenderer may:

- (a) accept the lot as established, or
- (b) refuse to take over the lot concerned.

In the case of (b) above, the successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

3. If the final result of the sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer cannot remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

Article 8

Should the cases mentioned in Article 7(2)(b) and 7(3) arise, the successful tenderer may ask the intervention agency to supply an alternative lot of common wheat of the requisite quality, at no extra cost. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof using the form in Annex I.

⁽¹⁾ OJ L 152, 24.6.2000, p. 1.

⁽²⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the request for a replacement, the successful tenderer shall be discharged of all obligations and the securities shall be released, provided the Commission and the intervention agency have been immediately informed using the form in Annex I.

Article 9

1. If the common wheat is removed before the results of the analyses provided for in Article 6 are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress the tenderer might have against the storer.

2. The costs of taking the samples and conducting the analyses provided for in Article 6, with the exception of those referred to in Article 7(3), shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) for up to one analysis per 500 tonnes, with the exception of the cost of inter-bin transfers. The costs of inter-bin transfers and any additional analyses requested by a successful tenderer shall be borne by that tenderer.

Article 10

Notwithstanding Article 12 of Commission Regulation (EEC) No 3002/92, the documents relating to the sale of common wheat under this Regulation, and in particular the export licence, the

removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where applicable, the T5 copy shall carry one of the entries set out in Annex II.

Article 11

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17(1) of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 25 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Article 12

Within two hours of the expiry of the time limit for the submission of tenders, the Czech intervention agency shall electronically notify the Commission of tenders received. This notification shall be made by e-mail, using the form in Annex III.

Article 13

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

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

Done at Brussels, 6 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Communication of refusal of lots under the standing invitation to tender for the export of common wheat held by the Czech intervention agency

(Regulation (EC) No 1063/2005)

- Name of successful tenderer:
- Date of award:
- Date of refusal of the lot by the successful tenderer:

Lot number	Quantity in tonnes	Address of the silo	Reason for refusal to take over
			<ul style="list-style-type: none">— PS (kg/hl)— % of sprouted grains— % of miscellaneous impurities (Schwarzbesatz)— % of matter other than basic cereals of unimpaired quality— Other

ANNEX II

Entries referred to in Article 10

- *in Spanish:* Trigo blando de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n.º 1063/2005
- *in Czech:* Intervenční pšenice obecná nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1063/2005
- *in Danish:* Blød hvede fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1063/2005
- *in German:* Weichweizen aus Interventionsbeständen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhr-abgaben, Verordnung (EG) Nr. 1063/2005
- *in Estonian:* Pehme nisu sekkumisvarudest, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1063/2005
- *in Greek:* Μαλακός σίτος παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1063/2005
- *in English:* Intervention common wheat without application of refund or tax, Regulation (EC) No 1063/2005
- *in French:* Blé tendre d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n.º 1063/2005
- *in Italian:* Frumento tenero d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1063/2005
- *in Latvian:* Intervences parastie kvieši bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1063/2005
- *in Lithuanian:* Intervenciniai paprastieji kviečiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1063/2005
- *in Hungarian:* Intervenció s búza, visszatérítés, illetve adó nem alkalmazandó, 1063/2005/EK rendelet
- *in Dutch:* Zachte tarwe uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1063/2005
- *in Polish:* Pszenica zwyczajna interwencyjna niedająca prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1063/2005
- *in Portuguese:* Trigo mole de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1063/2005
- *in Slovak:* Intervenčná pšenica obyčajná nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1063/2005
- *in Slovene:* Intervencija navadne pšenice brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1063/2005
- *in Finnish:* Interventiovehnä, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1063/2005
- *in Swedish:* Interventionsvete, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1063/2005.

ANNEX III

Form (*)

Standing invitation to tender for the export of common wheat held by the Czech intervention agency

(Regulation (EC) No 1063/2005)

1	2	3	4	5	6	7
Serial numbers of tenderers	Lot number	Quantity in tonnes	Tender prices (EUR/tonne) ⁽¹⁾	Increases (+) Reductions (-) (EUR/tonne) (p.m.)	Commercial costs ⁽²⁾ (EUR/tonne)	Destination
1						
2						
3						
etc.						

(*) To be sent to DG AGRI (Unit D.2)

⁽¹⁾ This price includes the increases and reductions relating to the lot covered by the tender.⁽²⁾ The commercial costs corresponding to insurance and services provision borne after the exit of the intervention stock up to the FOB stage at the port of export, with the exception of transport costs. The notified costs shall be established on the basis of the average real costs recorded by the intervention agency in the six months preceding the opening of the tendering period and shall be expressed in euro per tonne.

COMMISSION REGULATION (EC) No 1064/2005**of 6 July 2005****opening a standing invitation to tender for the export of common wheat held by the Lithuanian intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

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 6 thereof,

Subject to this Regulation, the Lithuanian intervention agency shall issue a standing invitation to tender in accordance with Regulation (EEC) No 2131/93 for the export of common wheat held by it.

Article 2

Whereas:

The invitation to tender shall cover a maximum of 150 000 tonnes of common wheat for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Romania, Serbia and Montenegro ⁽⁴⁾ and Switzerland.

(1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.

Article 3

(2) Commission Regulation (EEC) No 3002/92 ⁽³⁾ lays down common detailed rules for verifying the use and/or destination of products from intervention.

1. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.

(3) Given the current market situation, a standing invitation to tender should be opened for the export of 150 000 tonnes of common wheat held by the Lithuanian intervention agency.

2. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

(4) Special rules must be laid down to ensure that the operations are properly carried out and monitored. To that end, securities should be lodged to ensure that the goals of the operation are achieved without excessive cost to the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.

3. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender, without monthly increase.

Article 4

(5) To forestall reimportation, exports under this invitation to tender should be limited to certain third countries.

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

(6) With a view to modernising the management of the system, provision should be made for the electronic transmission of the information required by the Commission.

2. Tenders submitted in response to this invitation to tender need not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 ⁽⁵⁾.

Article 5

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

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for the submission of tenders under the first partial invitation to tender shall be 9.00 (Brussels time) on 14 July 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 770/96 (OJ L 104, 27.4.1996, p. 13).

⁽⁴⁾ Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1.

The time limit for submitting tenders under subsequent partial invitations to tender shall be 9.00 (Brussels time) each Thursday thereafter, with the exception of 21 July 2005, 4 August 2005, 18 August 2005, 1 September 2005, 3 November 2005, 29 December 2005, 13 April 2006 and 25 May 2006, i.e. weeks in which no invitation to tender shall be made.

The last partial invitation to tender shall expire at 9.00 (Brussels time) on 22 June 2006.

2. Tenders must be lodged with the Lithuanian intervention agency:

The Lithuanian Agricultural and Food Products Market regulation Agency
L. Stuokos-Guceviciaus Str. 9-12,
Vilnius, Lithuania
Tel. 370-5-2685049
Fax 370-5-2685061

Article 6

The intervention agency, the storer and a successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage.

In the event of a dispute, the analysis results shall be forwarded electronically to the Commission.

Article 7

1. The successful tenderer must accept the lot as established if the final result of the sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences do not exceed the following limits:
 - one kilogram per hectolitre as regards specific weight, which must not, however, be less than 75 kg/hl,
 - one percentage point as regards moisture content,

- half a percentage point as regards the impurities referred to in points B.2 and B.4 of the Annex to Commission Regulation (EC) No 824/2000 ⁽¹⁾,

- half a percentage point as regards the impurities referred to in point B.5 of Annex I to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot remaining unchanged, however.

2. If the final result of the analyses carried out on the samples indicates a quality higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender and the difference exceeds the limits set out in paragraph 1(b), the successful tenderer may:

(a) accept the lot as established, or

(b) refuse to take over the lot concerned.

In the case of (b) above, the successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

3. If the final result of the sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer cannot remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

Article 8

Should the cases mentioned in Article 7(2)(b) and 7(3) arise, the successful tenderer may ask the intervention agency to supply an alternative lot of common wheat of the requisite quality, at no extra cost. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof using the form in Annex I.

If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the request for a replacement, the successful tenderer shall be discharged of all obligations and the securities shall be released, provided the Commission and the intervention agency have been immediately informed using the form in Annex I.

⁽¹⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

Article 9

1. If the common wheat is removed before the results of the analyses provided for in Article 6 are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress the tenderer might have against the storer.

2. The costs of taking the samples and conducting the analyses provided for in Article 6, with the exception of those referred to in Article 7(3), shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) for up to one analysis per 500 tonnes, with the exception of the cost of inter-bin transfers. The costs of inter-bin transfers and any additional analyses requested by a successful tenderer shall be borne by that tenderer.

Article 10

Notwithstanding Article 12 of Commission Regulation (EEC) No 3002/92, the documents relating to the sale of common wheat under this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where applicable, the T5 copy shall carry one of the entries set out in Annex II.

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

Done at Brussels, 6 July 2005.

Article 11

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17(1) of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 25 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Article 12

Within two hours of the expiry of the time limit for the submission of tenders, the Lithuanian intervention agency shall electronically notify the Commission of tenders received. This notification shall be made by e-mail, using the form in Annex III.

Article 13

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

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Communication of refusal of lots under the standing invitation to tender for the export of common wheat held by the Lithuanian intervention agency

(Regulation (EC) No 1064/2005)

- Name of successful tenderer:
- Date of award:
- Date of refusal of the lot by the successful tenderer:

Lot number	Quantity in tonnes	Address of the silo	Reason for refusal to take over
			<ul style="list-style-type: none">— PS (kg/hl)— % of sprouted grains— % of miscellaneous impurities (Schwarzbesatz)— % of matter other than basic cereals of unimpaired quality— Other

ANNEX II

Entries referred to in Article 10

- *in Spanish:* Trigo blando de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n.º 1064/2005
- *in Czech:* Intervenční pšenice obecná nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1064/2005
- *in Danish:* Blød hvede fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1064/2005
- *in German:* Weichweizen aus Interventionsbeständen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhr-abgaben, Verordnung (EG) Nr. 1064/2005
- *in Estonian:* Pehme nisu sekkumisvarudest, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1064/2005
- *in Greek:* Μαλακός σίτος παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1064/2005
- *in English:* Intervention common wheat without application of refund or tax, Regulation (EC) No 1064/2005
- *in French:* Blé tendre d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n.º 1064/2005
- *in Italian:* Frumento tenero d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1064/2005
- *in Latvian:* Intervences parastie kvieši bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1064/2005
- *in Lithuanian:* Intervenciniai paprastieji kviečiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1064/2005
- *in Hungarian:* Intervenció s búza, visszatérítés, illetve adó nem alkalmazandó, 1064/2005/EK rendelet
- *in Dutch:* Zachte tarwe uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1064/2005
- *in Polish:* Pszenica zwyczajna interwencyjna niedająca prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1064/2005
- *in Portuguese:* Trigo mole de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1064/2005
- *in Slovak:* Intervenčná pšenica obyčajná nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1064/2005
- *in Slovene:* Intervencija navadne pšenice brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1064/2005
- *in Finnish:* Interventiovehnä, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1064/2005
- *in Swedish:* Interventionsvete, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1064/2005.

ANNEX III

Form (*)

Standing invitation to tender for the export of common wheat held by the Lithuanian intervention agency

(Regulation (EC) No 1064/2005)

1	2	3	4	5	6	7
Serial numbers of tenderers	Lot number	Quantity in tonnes	Tender prices (EUR/tonne) ⁽¹⁾	Increases (+) Reductions (-) (EUR/tonne) (p.m.)	Commercial costs ⁽²⁾ (EUR/tonne)	Destination
1						
2						
3						
etc.						

(*) To be sent to DG AGRI (Unit D.2).

⁽¹⁾ This price includes the increases and reductions relating to the lot covered by the tender.⁽²⁾ The commercial costs corresponding to insurance and services provision borne after the exit of the intervention stock up to the FOB stage at the port of export, with the exception of transport costs. The notified costs shall be established on the basis of the average real costs recorded by the intervention agency in the six months preceding the opening of the tendering period and shall be expressed in euro per tonne.

COMMISSION REGULATION (EC) No 1065/2005**of 6 July 2005****opening a standing invitation to tender for the export of barley held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Subject to this Regulation, the German intervention agency shall issue a standing invitation to tender in accordance with Regulation (EEC) No 2131/93 for the export of barley held by it.

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 6 thereof,

Article 2

The invitation to tender shall cover a maximum of 300 000 tonnes of barley for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Mexico, Romania, Serbia and Montenegro ⁽⁴⁾, Switzerland and the United States of America.

Whereas:

(1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.

Article 3

(2) Commission Regulation (EEC) No 3002/92 ⁽³⁾ lays down common detailed rules for verifying the use and/or destination of products from intervention.

1. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.

(3) Given the current market situation, a standing invitation to tender should be opened for the export of 300 000 tonnes of barley held by the German intervention agency.

2. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

(4) Special rules must be laid down to ensure that the operations are properly carried out and monitored. To that end, securities should be lodged to ensure that the goals of the operation are achieved without excessive cost to the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.

3. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender, without monthly increase.

Article 4

(5) To forestall reimportation, exports under this invitation to tender should be limited to certain third countries.

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

(6) With a view to modernising the management of the system, provision should be made for the electronic transmission of the information required by the Commission.

2. Tenders submitted in response to this invitation to tender need not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 ⁽⁵⁾.

Article 5

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

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for the submission of tenders under the first partial invitation to tender shall be 9.00 (Brussels time) on 14 July 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 770/96 (OJ L 104, 27.4.1996, p. 13).

⁽⁴⁾ Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1.

The time limit for submitting tenders under subsequent partial invitations to tender shall be 9.00 (Brussels time) each Thursday thereafter, with the exception of 21 July 2005, 4 August 2005, 18 August 2005, 1 September 2005, 3 November 2005, 29 December 2005, 13 April 2006, 25 May 2006 and 15 June 2006, i.e. weeks in which no invitation to tender shall be made.

The last partial invitation to tender shall expire at 9.00 (Brussels time) on 22 June 2006.

2. Tenders must be lodged with the German intervention agency:

Bundesanstalt für Landwirtschaft und Ernährung (BLE),
Deichmannsau 29
D-53179 Bonn
Fax (49-228) 68 45 39 85
(49-228) 68 45 32 76

Article 6

The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage.

In the event of a dispute, the analysis results shall be forwarded electronically to the Commission.

Article 7

1. The successful tenderer must accept the lot as established if the final result of the sample analyses indicates a quality:

- (a) higher than that specified in the notice of invitation to tender;
- (b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences do not exceed the following limits:
 - one kilogram per hectolitre as regards specific weight, which must not, however, be less than 64 kg/hl,
 - one percentage point as regards moisture content,

- half a percentage point as regards the impurities referred to in points B.2 and B.4 of Annex I to Commission Regulation (EC) No 824/2000 ⁽¹⁾,

- half a percentage point as regards the impurities referred to in point B.5 of Annex I to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot remaining unchanged, however.

2. If the final result of the analyses carried out on the samples indicates a quality higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender and the difference exceeds the limits set out in paragraph 1(b), the successful tenderer may:

(a) accept the lot as established, or

(b) refuse to take over the lot concerned.

In the case of (b) above, the successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

3. If the final result of the sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer cannot remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released, provided the Commission and the intervention agency are immediately notified using the form in Annex I.

Article 8

Should the cases mentioned in Article 7(2)(b) and 7(3) arise, the successful tenderer may ask the intervention agency to supply an alternative lot of barley of the requisite quality, at no extra cost. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof using the form in Annex I.

If, following successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the request for a replacement, the successful tenderer shall be discharged of all obligations and the securities shall be released, provided the Commission and the intervention agency have been immediately informed using the form in Annex I.

⁽¹⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

Article 9

1. If the barley is removed before the results of the analyses provided for in Article 6 are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress the tenderer might have against the storer.

2. The costs of taking the samples and conducting the analyses provided for in Article 6, with the exception of those referred to in Article 7(3), shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) for up to one analysis per 500 tonnes, with the exception of the cost of inter-bin transfers. The costs of inter-bin transfers and any additional analyses requested by a successful tenderer shall be borne by that tenderer.

Article 10

Notwithstanding Article 12 of Commission Regulation (EEC) No 3002/92, the documents relating to the sale of barley under this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where applicable, the T5 copy shall carry the entries set out in Annex II.

Article 11

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17(1) of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 25 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Article 12

Within two hours of the expiry of the time limit for the submission of tenders, the German intervention agency shall electronically notify the Commission of tenders received. This notification shall be made by e-mail, using the form in Annex III.

Article 13

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

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

Done at Brussels, 6 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Communication of refusal of lots under the standing invitation to tender for the export of barley held by the German intervention agency

(Regulation (EC) No 1065/2005)

- Name of successful tenderer:
- Date of award:
- Date of refusal of the lot by the successful tenderer:

Lot number	Quantity in tonnes	Address of the silo	Reason for refusal to take over
			<ul style="list-style-type: none">— PS (kg/hl)— % of sprouted grains— % of miscellaneous impurities (Schwarzbesatz)— % of matter other than basic cereals of unimpaired quality— Other

ANNEX II

Entries referred to in Article 10

- *in Spanish:* Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 1065/2005
- *in Czech:* Intervenční ječmen nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1065/2005
- *in Danish:* Byg fra intervention uden restitutionsydelse eller -avgift, forordning (EF) nr. 1065/2005
- *in German:* Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1065/2005
- *in Estonian:* Sekkumisoder, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1065/2005
- *in Greek:* Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1065/2005
- *in English:* Intervention barley without application of refund or tax, Regulation (EC) No 1065/2005
- *in French:* Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1065/2005
- *in Italian:* Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1065/2005
- *in Latvian:* Intervences mieži bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1065/2005
- *in Lithuanian:* Intervenciniai miežiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1065/2005
- *in Hungarian:* Intervenciós árpa, visszatérítés illetve adó nem alkalmazandó, 1065/2005/EK rendelet
- *in Dutch:* Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1065/2005
- *in Polish:* Jęczmień interwencyjny nie dający prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1065/2005
- *in Portuguese:* Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1065/2005
- *in Slovak:* Intervenčný jačmeň, nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1065/2005
- *in Slovenian:* Intervencija ječmena brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1065/2005
- *in Finnish:* Interventio-ohra, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1065/2005
- *in Swedish:* Interventionskom, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1065/2005.

ANNEX III

Form (*)

Standing invitation to tender for the export of barley held by the German intervention agency

(Regulation (EC) No 1065/2005)

1	2	3	4	5	6	7
Serial numbers of tenderers	Lot number	Quantity in tonnes	Tender prices (EUR/tonne) ⁽¹⁾	Increases (+) Reductions (-) (EUR/tonne) (p.m.)	Commercial costs ⁽²⁾ (EUR/tonne)	Destination
1						
2						
3						
etc.						

(*) To be sent to DG AGRI (Unit D.2).

⁽¹⁾ This price includes the increases and reductions relating to the lot covered by the tender.⁽²⁾ The commercial costs corresponding to insurance and services provision borne after the exit of the intervention stock up to the FOB stage at the port of export, with the exception of transport costs. The notified costs shall be established on the basis of the average real costs recorded by the intervention agency in the six months preceding the opening of the tendering period and shall be expressed in euro per tonne.

COMMISSION REGULATION (EC) No 1066/2005**of 6 July 2005****opening a standing invitation to tender for the export of common wheat held by the Hungarian intervention agency**

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 6 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EEC) No 3002/92 ⁽³⁾ lays down common detailed rules for verifying the use and/or destination of products from intervention.
- (3) Given the current market situation, a standing invitation to tender should be opened for the export of 500 000 tonnes of common wheat held by the Hungarian intervention agency.
- (4) Special rules must be laid down to ensure that the operations are properly carried out and monitored. To that end, securities should be lodged to ensure that the goals of the operation are achieved without excessive cost to the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.
- (5) To forestall reimportation, exports under this invitation to tender should be limited to certain third countries.
- (6) Article 7(2a) of Regulation (EEC) No 2131/93 allows the successful exporting tenderer to be reimbursed the lowest transport costs between the place of storage and the actual place of exit, up to a certain ceiling. In view of Hungary's geographical location, this provision should be applied.

(7) With a view to modernising the management of the system, provision should be made for the electronic transmission of the information required by the Commission.

(8) 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

Subject to this Regulation, the Hungarian intervention agency shall issue a standing invitation to tender in accordance with Regulation (EEC) No 2131/93 for the export of common wheat held by it.

Article 2

The invitation to tender shall cover a maximum of 500 000 tonnes of common wheat for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Romania, Serbia and Montenegro ⁽⁴⁾ and Switzerland.

Article 3

1. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.
2. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.
3. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender, without monthly increase.
4. Under Article 7(2a) of Regulation (EEC) No 2131/93, the lowest transport costs between the place of storage and the actual place of exit shall be reimbursed to the successful tenderer, up to the ceiling set in the invitation to tender.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 770/96 (OJ L 104, 27.4.1996, p. 13).

⁽⁴⁾ Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.

Article 4

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

2. Tenders submitted in response to this invitation to tender need not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 ⁽¹⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for the submission of tenders under the first partial invitation to tender shall be 9.00 (Brussels time) on 14 July 2005.

The time limit for submitting tenders under subsequent partial invitations to tender shall be 9.00 (Brussels time) each Thursday thereafter, with the exception of 21 July 2005, 4 August 2005, 18 August 2005, 1 September 2005, 3 November 2005, 29 December 2005, 13 April 2006 and 25 May 2006, i.e. weeks in which no invitation to tender shall be made.

The last partial invitation to tender shall expire at 9.00 (Brussels time) on 22 June 2006.

2. Tenders must be lodged with the Hungarian intervention agency:

Mezőgazdasági és Vidékfejlesztési Hivatal
Alkotmány u. 29.

H-1385 Budapest 62

Pf 867

Tel. (36) 1-219 62 60

Fax (36) 1-219 62 59.

Article 6

The intervention agency, the storer and a successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful

tenderer's request or within three working days if the samples are taken on removal from storage.

In the event of a dispute, the analysis results shall be forwarded electronically to the Commission.

Article 7

1. The successful tenderer must accept the lot as established if the final result of the sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences do not exceed the following limits:

— one kilogram per hectolitre as regards specific weight, which must not, however, be less than 75 kg/hl,

— one percentage point as regards moisture content,

— half a percentage point as regards the impurities referred to in points B.2 and B.4 of Annex I to Commission Regulation (EC) No 824/2000 ⁽²⁾,

— half a percentage point as regards the impurities referred to in point B.5 of Annex I to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot remaining unchanged, however.

2. If the final result of the analyses carried out on the samples indicates a quality higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender and the difference exceeds the limits set out in paragraph 1(b), the successful tenderer may:

(a) accept the lot as established, or

(b) refuse to take over the lot concerned.

In the case of (b) above, the successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

⁽¹⁾ OJ L 152, 24.6.2000, p. 1.

⁽²⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

3. If the final result of the sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer cannot remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

Article 8

Should the cases mentioned in Article 7(2)(b) and 7(3) arise, the successful tenderer may ask the intervention agency to supply an alternative lot of common wheat of the requisite quality, at no extra cost. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof using the form in Annex I.

If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the request for a replacement, the successful tenderer shall be discharged of all obligations and the securities shall be released, provided the Commission and the intervention agency have been immediately informed using the form in Annex I.

Article 9

1. If the common wheat is removed before the results of the analyses provided for in Article 6 are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress the tenderer might have against the storer.

2. The costs of taking the samples and conducting the analyses provided for in Article 6, with the exception of those referred to in Article 7(3), shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) for up to one analysis per 500 tonnes, with the exception of the cost of inter-bin transfers. The costs of inter-bin transfers and

any additional analyses requested by a successful tenderer shall be borne by that tenderer.

Article 10

Notwithstanding Article 12 of Commission Regulation (EEC) No 3002/92, the documents relating to the sale of common wheat under this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where applicable, the T5 copy shall carry one of the entries set out in Annex II.

Article 11

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17(1) of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 25 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Article 12

Within two hours of the expiry of the time limit for the submission of tenders, the Hungarian intervention agency shall electronically notify the Commission of tenders received. This notification shall be made by e-mail, using the form in Annex III.

Article 13

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

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

Done at Brussels, 6 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Communication of refusal of lots under the standing invitation to tender for the export of common wheat held by the hungarian intervention agency

(Regulation (EC) No 1066/2005)

- Name of successful tenderer:
- Date of award:
- Date of refusal of the lot by the successful tenderer:

Lot number	Quantity in tonnes	Address of the silo	Reason for refusal to take over
			<ul style="list-style-type: none">— PS (kg/hl)— % of sprouted grains— % of miscellaneous impurities (Schwarzbesatz)— % of matter other than basic cereals of unimpaired quality— Other

ANNEX II

Entries referred to in Article 10

- *in Spanish:* Trigo blando de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n.º 1066/2005
- *in Czech:* Intervenční pšenice obecná nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1066/2005
- *in Danish:* Blød hvede fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1066/2005
- *in German:* Weichweizen aus Interventionsbeständen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhr-abgaben, Verordnung (EG) Nr. 1066/2005
- *in Estonian:* Pehme nisu sekkumisvarudest, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1066/2005
- *in Greek:* Μαλακός σίτος παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1066/2005
- *in English:* Intervention common wheat without application of refund or tax, Regulation (EC) No 1066/2005
- *in French:* Blé tendre d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n.º 1066/2005
- *in Italian:* Frumento tenero d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1066/2005
- *in Latvian:* Intervences parastie kvieši bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1066/2005
- *in Lithuanian:* Intervenciniai paprastieji kviečiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1066/2005
- *in Hungarian:* Intervenció s búza, visszatérítés, illetve adó nem alkalmazandó, 1066/2005/EK rendelet
- *in Dutch:* Zachte tarwe uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1066/2005
- *in Polish:* Pszenica zwyczajna interwencyjna niedająca prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1066/2005
- *in Portuguese:* Trigo mole de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1066/2005
- *in Slovak:* Intervenčná pšenica obyčajná nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1066/2005
- *in Slovene:* Intervencija navadne pšenice brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1066/2005
- *in Finnish:* Interventiovehnä, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1066/2005
- *in Swedish:* Interventionsvete, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1066/2005.

ANNEX III

Form (*)

Standing invitation to tender for the export of common wheat held by the Hungarian intervention agency

(Regulation (EC) No 1066/2005)

1	2	3	4	5	6	7
Serial numbers of tenderers	Lot number	Quantity in tonnes	Tender prices (EUR/tonne) ⁽¹⁾	Increases (+) Reductions (-) (EUR/tonne) (p.m.)	Commercial costs ⁽²⁾ (EUR/tonne)	Destination
1						
2						
3						
etc.						

(*) To be sent to DG AGRI (Unit D.2).

⁽¹⁾ This price includes the increases and reductions relating to the lot covered by the tender.⁽²⁾ The commercial costs corresponding to insurance and services provision borne after the exit of the intervention stock up to the FOB stage at the port of export, with the exception of transport costs. The notified costs shall be established on the basis of the average real costs recorded by the intervention agency in the six months preceding the opening of the tendering period and shall be expressed in euro per tonne.

COMMISSION REGULATION (EC) No 1067/2005**of 6 July 2005****amending Regulation (EC) No 562/2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 27(4) and Article 41 thereof,

Whereas:

- (1) Annex II to Commission Regulation (EC) No 562/2000 ⁽²⁾ establishes the list of products eligible for intervention. Annex VI to that Regulation contains the addresses of the intervention agencies. Following the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union on 1 May 2004, the information concerning those Member States should be inserted in those Annexes.

- (2) Regulation (EC) No 562/2000 should therefore be amended accordingly.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 562/2000 is amended as follows:

1. Annex II is replaced by the text in Annex I to this Regulation.
2. Annex VI is replaced by the text in Annex II to this Regulation.

Article 2

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

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

Done at Brussels, 6 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation last amended by Regulation (EC) No 1899/2004 (OJ L 328, 30.10.2004, p. 67).

⁽²⁾ OJ L 68, 16.3.2000, p. 22. Regulation last amended by Regulation (EC) No 1592/2001 (OJ L 210, 3.8.2001, p. 18).

ANNEX I

ANNEX II

Productos admisibles para la intervención — Produkty k interwencji — Produkter, der er kvalificeret til intervention — Interventionsfähige Erzeugnisse — Sekkumiskõlblike toodete loetelu — Προϊόντα επιλέξιμα για την παρέμβαση — Products eligible for intervention — Produits éligibles à l'intervention — Prodotti ammissibili all'intervento — Produkti, kas ir piemēroti interveicēi — Produktai, kuriems taikoma intervencija — Intervencijora alkalmas termékek — Producten die voor interventie in aanmerking komen — Produkty kwalifikujące się do skupu interwencyjnego — Produtos elegíveis para a intervenção — Produkty, ktoré môžu byť predmetom intervencie — Proizvodi, primerni za intervencijo — Interventiokelpoiset tuotteet — Produkter som kan bli föremål för intervention

BELGIQUE/BELGIË

Carcasses, demi-carcasses: Hele dieren, halve dieren:

- Catégorie A, classe U2/
- Catégorie A, classe U2
- Catégorie A, classe U3/
- Catégorie A, classe U3
- Catégorie A, classe R2/
- Catégorie A, classe R2
- Catégorie A, classe R3/
- Catégorie A, classe R3

ČESKÁ REPUBLIKA

Jatečně upravená těla, půlky jatečně upravených těl:

- Kategorie A, třída R2
- Kategorie A, třída R3

DANMARK

Hele og halve kroppe:

- Kategori A, klasse R2
- Kategori A, klasse R3

DEUTSCHLAND

Ganze oder halbe Tierkörper:

- Kategorie A, Klasse U2
- Kategorie A, Klasse U3
- Kategorie A, Klasse R2
- Kategorie A, Klasse R3

EESTI

Rümbad, poolrümbad:

- Kategooria A, klass R2
- Kategooria A, klass R3

ΕΛΛΑΔΑ

Ολόκληρα ή μισά σφάγια

- Κατηγορία Α, κλάση R2
- Κατηγορία Α, κλάση R3

ESPAÑA

Canales o semicanales:

- Categoría A, clase U2
- Categoría A, clase U3
- Categoría A, clase R2
- Categoría A, clase R3

FRANCE

Carcasses, demi-carcasses:

- Catégorie A, classe U2
- Catégorie A, classe U3
- Catégorie A, classe R2/
- Catégorie A, classe R3/
- Catégorie C, classe U2
- Catégorie C, classe U3
- Catégorie C, classe U4
- Catégorie C, classe R3
- Catégorie C, classe R4
- Catégorie C, classe O3

IRELAND

Carcases, half-carcases:

- Category C, class U3
- Category C, class U4
- Category C, class R3
- Category C, class R4
- Category C, class O3

ITALIA

Carcasse e mezzene:

- Categoria A, classe U2
- Categoria A, classe U3
- Categoria A, classe R2
- Categoria A, classe R3

ΚΥΠΡΟΣ

Ολόκληρα ή μισά σφάγια:

- Κατηγορία Α, κλάση R2

LATVIJA

Liemeņi, pusliemeņi:

- A kategorija, R2 klase
- A kategorija, R3 klase

LIETUVA

Skerdenos ir skerdenų pusės:

- A kategorija, R2 klasė
- A kategorija, R3 klasė

LUXEMBOURG

Carcasses, demi-carcasses:

- Catégorie A, classe R2
- Catégorie C, classe R3
- Catégorie C, classe O3

MAGYARORSZÁG

Hasított test vagy hasított féltest:

- A kategória, R2 osztály
- A kategória, R3 osztály

MALTA

Carcases, half-carcases:

- Category A, class R3

NEDERLAND

Hele dieren, halve dieren:

- Catégorie A, klasse R2
- Catégorie A, klasse R3

ÖSTERREICH

Ganze oder halbe Tierkörper:

- Kategorie A, Klasse U2
- Kategorie A, Klasse U3
- Kategorie A, Klasse R2
- Kategorie A, Klasse R3

POLSKA

Tusze, półtusze:

- Kategoria A, klasa R2
- Kategoria A, klasa R3

PORTUGAL

Carcças ou meias-carcças

- Categoria A, classe U2
- Categoria A, classe U3
- Categoria A, classe R2
- Categoria A, classe R3

SLOVENIJA

Trupi, polovice trupov:

- Kategorija A, razred R2
- Kategorija A, razred R3

SLOVENSKO

Jatočné telá, jatočné polovičky:

- Kategória A, akostná trieda R2
- Kategória A, akostná trieda R3

SUOMI/FINLAND

Ruhot, puoliruhot:

- Kategoria A, luokka R2
- Kategoria A, luokka R3

SVERIGE

Slaktkroppar, halva slaktkroppar:

- Kategori A, klass R2
- Kategori A, klass R3

UNITED KINGDOM

I. **Great Britain**

Carcases, half-carcases:

- Category C, class U3
- Category C, class U4
- Category C, class R3
- Category C, class R4

II. **Northern Ireland**

Carcases, half-carcases:

- Category C, class U3
- Category C, class U4
- Category C, class R3
- Category C, class R4
- Category C, class O3'

ANNEX II

ANNEX VI

Direcciones de los organismos de intervención — Adresy intervenčních agentur — Interventionsorganernes adresser — Anschriften der Interventionsstellen — Sekkumisametite addressid — Διευθύνσεις του οργανισμού παρέμβασης — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Intervencijos agentūru adreses — Intervencinių agentūrų adresai — Az intervencijos hivatalok címei — Adressen van de interventiebureaus — Adresy agencji interwencyjnych — Endereços dos organismos de intervenção — Adresy intervenčných orgánov — Naslovi intervencijskih agencij — Interventioelinten osoitteet — Interventionsorganens adresser

Belgique/België

Bureau d'intervention et de restitution belge
Rue de Trèves 82
B-1040 Bruxelles

Belgisch Interventie- en Restitutiebureau
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B-1040 Brussel
Tel. (32-2) 287 24 11
Fax (32-2) 230 25 33/280 03 07

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Státní zemědělský intervenční fond (SZIF)
Ve Smečkách 33
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AGEA (Agenzia Erogazioni in Agricoltura)
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CY-2000 Λευκωσία
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Φαξ: 00-357-22557755

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Tel. (+370 5) 268 50 50
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FI-00023 VALTIONEUVOSTO
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Puhelin (358-9) 16 001
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Jordbruksverket – Swedish Board of Agriculture,
Intervention Division
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Tfn (46-36) 15 50 00
Fax (46-36) 19 05 46

United Kingdom

Rural Payments Agency
Lancaster House
Hampshire Court
Newcastle-upon-Tyne
NE4 7YH
Tel. (44-191) 273 96 96'

COMMISSION REGULATION (EC) No 1068/2005

of 6 July 2005

amending Regulation (EC) No 824/2000 establishing procedures for the taking-over of cereals by intervention agencies and laying down methods of analysis for determining the quality of cereals

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 6 thereof,

Whereas:

- (1) Regulation (EC) No 1784/2003 provides for no further intervention for rye from the 2004/05 marketing year. Commission Regulation (EC) No 824/2000 ⁽²⁾ should therefore be adapted to take account of this new situation.
- (2) Common wheat and durum wheat are covered by minimum quality criteria for human consumption and must satisfy the health standards laid down by Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽³⁾. The other cereals are mainly intended for animal feed and must comply with Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed ⁽⁴⁾. Provision should be made for those standards to be applicable when the products concerned are taken over under the present intervention scheme.
- (3) As from 1 July 2006, some of those standards are applicable when the products are first processed. In order to guarantee that cereals taken over before that date may be marketed under optimum conditions at the time of supply following their removal from the

intervention scheme, provision should be made for products offered for intervention to comply with those standards as from the 2005/06 marketing year.

- (4) The potential for mycotoxin formation has proved to be linked to specific conditions, identifiable essentially on the basis of the weather conditions recorded during the period of growth and, in particular, flowering of the cereals.
- (5) The risks entailed by exceeding the maximum thresholds for admissible contaminants can be identified by the intervention agencies on the basis of the information received from applicants and their own analysis criteria. In order to limit the financial costs, therefore, there is justification for requiring analyses, on the responsibility of the intervention agencies prior to the taking-over of the products, only on the basis of a risk analysis enabling the quality of the products to be guaranteed on entry into the intervention scheme.
- (6) Articles 2 and 5 of Council Regulation (EEC) No 3492/90 of 27 November 1990 laying down the factors to be taken into consideration in the annual accounts for the financing of intervention measures in the form of public storage by the European Agricultural Guidance and Guarantee Fund, Guarantee Section ⁽⁵⁾, lay down the rules on responsibility. Those Articles specify in particular that Member States are to take all measures necessary to ensure the proper preservation of products which have been the subject of Community intervention and that quantities which have deteriorated on account of the normal physical storage conditions or by reason of overlong preservation are to be recorded in the accounts as having left the intervention stock on the date when the loss or deterioration was established. They also specify that a product is to be deemed to have deteriorated if it no longer meets the quality requirements applicable when it was bought in. Consequently, only such deterioration as that laid down in those provisions may be covered by the Community budget. Where a decision taken by a Member State at the time of purchase of a product is inadequate in the light of the risk analysis required by these rules, that Member State should therefore be liable if it later emerges that the product did not comply with the minimum standards. Such a decision would not make it possible to guarantee the quality of the product and, therefore, ensure its proper preservation. Consequently, the circumstances in which a Member State is to be held liable should be specified.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Commission Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

⁽³⁾ OJ L 37, 13.2.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽⁴⁾ OJ L 140, 30.5.2002, p. 10. Directive as last amended by Commission Directive 2005/8/EC (OJ L 27, 29.1.2005, p. 44).

⁽⁵⁾ OJ L 337, 4.12.1990, p. 3.

- (7) For the purpose of determining the quality of the cereals offered for intervention, Article 3 of Regulation (EC) No 824/2000 sets out a list of methods according to the criteria for analysis. One of those methods, the Hagberg falling number test, has been adapted by the International Organisation for Standardisation. The relevant reference should be adapted. The analysis methods for assessing compliance with contaminant standards should also be specified.
- (8) For reasons of clarity and precision, Article 6 of Regulation (EC) No 824/2000 requires redrafting, particularly as regards the order of the relevant provisions. Taking account of the principle of risk analysis adopted for mycotoxin control, there is justification for including analyses for determining mycotoxin rates among those whose costs are payable by the applicant.
- (9) Regulation (EC) No 824/2000 should be amended accordingly.
- (10) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

— for common wheat and durum wheat, those permitted under Council Regulation (EEC) No 315/93 (*), including the requirements regarding the Fusarium-toxin level for common wheat and durum wheat laid down in points 2.4 to 2.7 of Annex I to Commission Regulation (EC) No 466/2001 (**).

— for barley, maize and sorghum, those set by Directive 2002/32/EC of the European Parliament and of the Council (***).

Member States shall check levels of contaminants, including radioactivity, on the basis of a risk analysis, taking account in particular of the information supplied by the applicant and the commitments of the latter regarding compliance with the standards set, especially in the light of the results of the analyses. If necessary, the rate and scope of the controls shall be determined in accordance with the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, particularly where the market situation may be seriously disrupted by contaminants.

(*) OJ L 37, 13.02.1993, p. 1.

(**) OJ L 77, 16.3.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 856/2005 (OJ L 143, 7.6.2005, p. 3).

(***) OJ L 140, 30.5.2002, p. 10.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 824/2000 is hereby amended as follows:

1. The first paragraph of Article 1 is replaced by the following:

‘During the periods referred to in Article 5(2) of Regulation (EC) No 1784/2003, any holder of a homogeneous batch of not less than 80 tonnes of common wheat, barley, maize or sorghum or 10 tonnes of durum wheat, harvested within the Community, shall be entitled to offer the batch to the intervention agency.’

2. The first and second subparagraphs of Article 2(2) are replaced by the following:

‘The cereals shall be considered sound, fair and of marketable quality if they are of the typical colour of the cereal in question, are free from abnormal smell and live pests (including mites) at every stage of their development, if they meet the minimum quality requirements set out in Annex I hereto, and if their levels of contaminants, including radioactivity, do not exceed the maximum levels permitted under Community regulations. The maximum contaminant level which must not be exceeded shall be as follows:

3. Article 3 is amended as follows:

- (a) point 3.7 is replaced by the following:

‘3.7. the method for determining the Hagberg falling number (amylase activity test) shall comply with ISO 3093:2004;’

- (b) the following point 3.10 is added:

‘3.10. the sampling methods and reference analysis methods for determining mycotoxin rates shall be those mentioned in Annex I to Regulation (EC) No 466/2001.’

4. Article 6 is replaced by the following:

‘Article 6

1. The intervention agency shall see that the physical and technical characteristics of the samples taken are analysed under its responsibility within 20 working days of the representative sample being made up.

2. The offerer shall bear the costs relating to:
- determination of the tannin content of sorghum,
 - the amylasic activity (Hagberg) test,
 - determination of the protein content of durum wheat and common wheat,
 - the Zeleny test,
 - the machinability test,
 - analyses of contaminants.
3. If the analyses referred to in paragraph 1 show that the cereals offered do not meet the minimum quality required for intervention, those cereals shall be withdrawn at the offerer's expense. The offerer shall also bear all the costs incurred.
4. In cases of dispute, the intervention agency shall have the necessary tests on the cereals in question carried out again, the cost being met by the losing party.'
5. Article 9 is amended as follows:
- Points (c) and (d) shall be replaced by the following:
 - where the percentage of broken grains exceeds 3 % for durum wheat, common wheat and barley, and 4 % for maize and sorghum, a reduction of EUR 0,05 shall be applied for each additional 0,1 percentage point;
 - where the percentage of grain impurities exceeds 2 % for durum wheat, 4 % for maize and sorghum, and 5 % for common wheat and barley, a reduction of EUR 0,05 shall be applied for each additional 0,1 percentage point;
 - Point (f) is replaced by the following:
 - where the percentage of miscellaneous impurities (Schwarzbesatz) exceeds 0,5 % for durum wheat and 1 % for common wheat, barley, maize and sorghum, a reduction of EUR 0,1 shall be applied for each additional 0,1 percentage point.'
6. The following paragraph 3 is added to Article 10:
- '3. Where the checks provided for under this Regulation are to be carried out on the basis of the risk analysis referred to in the second subparagraph of Article 2(2), the Member States shall be liable for the financial consequences of any failure to comply with the maximum admissible contaminant level. Such liability shall be established, without prejudice to any action which the Member State may itself take against the offerer or storekeeper, in the event of a failure to respect their commitments or obligations.
- However, in the case of ochratoxin A and aflatoxin, if the Member State concerned is able to prove to the Commission's satisfaction that the standards were met on entry, that normal storage conditions were observed and that the storekeeper's other commitments were respected, the financial liability shall be borne by the Community budget.'
7. In Annex I, the 'rye' column is deleted.
8. Annex II is amended as follows:
- In point 1.2(a), the first paragraph is replaced by the following:

'grains which, after elimination from the sample of all other matter referred to in this Annex, pass through sieves with apertures of the following dimensions: common wheat 2,0 mm, durum wheat 1,9 mm, barley 2,2 mm.'
 - Point 2.3 is deleted.
9. Annex III, point 1 is amended as follows:
- The first subparagraph is replaced by the following:

'For common wheat, durum wheat and barley, an average sample of 250 g shall be passed through two sieves, one with slotted perforations of 3,5 mm and the other with slotted perforations of 1,0 mm, for half a minute each.'
 - The seventh subparagraph is replaced by the following:

'The partial sample shall be passed for half a minute through a sieve with a mesh size of 2,0 mm for common wheat, 1,9 mm for durum wheat and 2,2 mm for barley. Matter which passes through this sieve shall be considered as shrivelled grains. Grains damaged by frost and unripe green grains shall belong to the "shrivelled grains" group.'

10. In footnote 2 of Annex IV, the second paragraph is replaced by the following:

'Ventilation should be such that, when small-grained cereals (common wheat, durum wheat, barley and sorghum) are dried for two hours and maize for four hours, the results from all the test samples of semolina or, as the case may be, maize that the heating chamber can hold differ by less than 0,15 % from the results obtained after drying small-grained cereals for three hours and maize for five hours.'

Article 2

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

However, the provisions on Fusarium-toxins and the method for checking contaminant levels introduced by point 2 shall be applicable only to cereals harvested and taken over as from the 2005/06 marketing year.

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

Done at Brussels, 6 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1069/2005**of 6 July 2005****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2005/2006 marketing year are fixed by Commission Regulation (EC) No 1011/2005 ⁽³⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 7 July 2005.

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

Done at Brussels, 6 July 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

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

⁽³⁾ OJ L 170, 1.7.2005, p. 35.

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 7 July 2005

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	21,64	5,48
1701 11 90 ⁽¹⁾	21,64	10,80
1701 12 10 ⁽¹⁾	21,64	5,29
1701 12 90 ⁽¹⁾	21,64	10,28
1701 91 00 ⁽²⁾	26,12	12,17
1701 99 10 ⁽²⁾	26,12	7,65
1701 99 90 ⁽²⁾	26,12	7,65
1702 90 99 ⁽³⁾	0,26	0,39

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

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

⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 1070/2005
of 6 July 2005
determining the world market price for unginne

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginne cotton is to be determined periodically from the price for ginne cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginne cotton and that calculated for unginne cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme ⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginne

cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginne cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginne cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginne cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 23,984 EUR/100 kg.

Article 2

This Regulation shall enter into force on 7 July 2005.

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

Done at Brussels, 6 July 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 July 2005

concerning the non-inclusion of triazamate in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance

(notified under document number C(2005) 1960)

(Text with EEA relevance)

(2005/487/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.
- (2) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 703/2001 ⁽³⁾ lay down the detailed rules for the implementation of the second stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC. For the active substance triazamate the notifier informed the Commission on 7 July 2004 that it no longer wished to seek the inclusion of that substance in Annex I to Directive 91/414/EEC. Consequently, that active substance should not be included in that Annex and Member States should withdraw all

authorisations for plant protection products containing triazamate.

- (3) A period of grace for disposal, storage, placing on the market and use of existing stocks should be provided to allow those stocks to be used in one further growing season.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Triazamate shall not be included as an active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

1. authorisations for plant protection products containing triazamate are withdrawn by 4 January 2006;
2. no authorisations for plant protection products containing triazamate are granted or renewed from the date of publication.

Article 3

Any period of grace granted by Member States under Article 4(6) of Directive 91/414/EEC, for the disposal, storage, placing on the market and use of existing stocks shall be as short as possible and shall expire on 4 January 2007 at the latest.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2005/34/EC (OJ L 125, 18.5.2005, p. 5).

⁽²⁾ OJ L 55, 29.2.2000, p. 25. Regulation as last amended by Regulation (EC) No 1044/2003 (OJ L 151, 19.6.2003, p. 32).

⁽³⁾ OJ L 98, 7.4.2001, p. 6.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 4 July 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission
