

Official Journal

of the European Union

L 219

Volume 48

24 August 2005

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1373/2005 of 23 August 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
★ Commission Regulation (EC) No 1374/2005 of 23 August 2005 opening a standing invitation to tender for the export of barley held by the Slovak intervention agency	3
★ Commission Regulation (EC) No 1375/2005 of 23 August 2005 opening a standing invitation to tender for the export of barley held by the Czech intervention agency	9
★ Commission Regulation (EC) No 1376/2005 of 23 August 2005 opening a standing invitation to tender for the export of barley held by the Swedish intervention agency	15
★ Commission Regulation (EC) No 1377/2005 of 23 August 2005 opening a standing invitation to tender for the export of barley held by the Finnish intervention agency	21
★ Commission Regulation (EC) No 1378/2005 of 22 August 2005 amending for the 52nd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Osama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001	27
★ Commission Directive 2005/48/EC of 23 August 2005 amending Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for certain pesticides in and on cereals and certain products of animal and plant origin ⁽¹⁾	29

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

Commission

2005/623/EC:

- ★ **Commission Decision of 3 August 2005 on the extension of the limited recognition of the Hellenic Register of Shipping** (notified under document number C(2005) 2940) ⁽¹⁾ 43

2005/624/EC:

- ★ **Commission Decision of 22 August 2005 concerning a derogation on the marking of pigmeat and its subsequent use for certain holdings in a surveillance zone of African swine fever in Sardinia, Italy** (notified under document number C(2005) 3161) 45

2005/625/EC:

- ★ **Commission Decision of 23 August 2005 determining the quantities of methyl bromide permitted to be used for critical uses in the European Community from 1 January to 31 December 2005 pursuant to Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer** (notified under document number C(2005) 468) 47



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1373/2005
of 23 August 2005
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 August 2005.

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

Done at Brussels, 23 August 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 23 August 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	92,9
	999	92,9
0707 00 05	052	83,1
	999	83,1
0709 90 70	052	78,8
	528	57,8
	999	68,3
0805 50 10	382	63,0
	388	62,1
	524	56,7
	528	49,0
	999	57,7
0806 10 10	052	97,9
	220	156,4
	400	196,3
	624	184,2
	999	158,7
0808 10 80	388	76,5
	400	72,5
	404	91,1
	508	64,8
	512	74,6
	528	77,0
	720	30,6
	804	77,2
	999	70,5
0808 20 50	052	104,0
	388	76,6
	512	9,9
	528	33,1
	999	55,9
0809 30 10, 0809 30 90	052	97,4
	999	97,4
0809 40 05	052	77,4
	624	65,0
	999	71,2

⁽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 1374/2005**of 23 August 2005****opening a standing invitation to tender for the export of barley 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 64 016 tonnes of barley held by the Slovak intervention agency.
- (4) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for 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

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

Article 2

The invitation to tender shall cover a maximum of 64 016 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.

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, with no 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.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽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 pursuant to 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 submission of tenders under the first partial invitation to tender shall be 9.00 (Brussels time) on 8 September 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 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.

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

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 having regard to those criteria 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 ⁽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 paragraph 1(b), 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 1068/2005 (OJ L 174, 7.7.2005, p. 65).

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.

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 one of the entries set out in Annex II.

Article 11

1. The security lodged pursuant to 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, 23 August 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Communication of refusal and possible replacement of lots under the standing invitation to tender for the export of barley held by the Slovak intervention agency

(Regulation (EC) No 1374/2005)

- 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^o 1374/2005
- *in Czech:* Intervenční ječmen nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1374/2005
- *in Danish:* Byg fra intervention uden restitutionsydelse eller -avgift, forordning (EF) nr. 1374/2005
- *in German:* Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1374/2005
- *in Estonian:* Sekkumisoder, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1374/2005
- *in Greek:* Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1374/2005
- *in English:* Intervention barley without application of refund or tax, Regulation (EC) No 1374/2005
- *in French:* Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n^o 1374/2005
- *in Italian:* Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1374/2005
- *in Latvian:* Intervences mieži bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1374/2005
- *in Lithuanian:* Intervenčiai miežiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1374/2005
- *in Hungarian:* Intervenciós árpa, visszatérítés, illetve adó nem alkalmazandó, 1374/2005/EK rendelet
- *in Dutch:* Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1374/2005
- *in Polish:* Jęczmień interwencyjny niedający prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1374/2005
- *in Portuguese:* Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1374/2005
- *in Slovak:* Intervenčný jačmeň nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1374/2005
- *in Slovenian:* Intervencija ječmena brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1374/2005
- *in Finnish:* Interventio-ohra, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1374/2005
- *in Swedish:* Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1374/2005.

ANNEX III

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

Form (*)

(Regulation (EC) No 1374/2005)

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.						

⁽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 exit from 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 EUR per tonne.

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

COMMISSION REGULATION (EC) No 1375/2005

of 23 August 2005

opening a standing invitation to tender for the export of barley 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 31 443 tonnes of barley held by the Czech intervention agency.
- (4) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for 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

The Czech intervention agency shall issue a standing invitation to tender for the export of barley held by it in accordance with Regulation (EEC) No 2131/93, save as otherwise provided in this Regulation.

Article 2

The invitation to tender shall cover a maximum of 31 443 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.

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, with no 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.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽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 pursuant to 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 submission of tenders under the first partial invitation to tender shall be 09.00 (Brussels time) on 8 September 2005.

The time limit for submitting tenders under subsequent partial invitations to tender shall be 09.00 (Brussels time) each Thursday thereafter, with the exception of 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 09.00 (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 having regard to those criteria 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 the Annex 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 paragraph 1(b), 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. Where the final result of sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer may not 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.

⁽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).

⁽²⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 1068/2005 (OJ L 174, 7.7.2005, p. 65).

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.

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 one of the entries set out in Annex II.

Article 11

1. The security lodged pursuant to 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, 23 August 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Communication of refusal and possible replacement of lots under the standing invitation to tender for the export of barley held by the Czech intervention agency

(Regulation (EC) No 1375/2005)

- 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° 1375/2005
- *in Czech:* Intervenční ječmen nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1375/2005
- *in Danish:* Byg fra intervention uden restitutionsydelse eller -avgift, forordning (EF) nr. 1375/2005
- *in German:* Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1375/2005
- *in Estonian:* Sekkumisoder, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1375/2005
- *in Greek:* Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1375/2005
- *in English:* Intervention barley without application of refund or tax, Regulation (EC) No 1375/2005
- *in French:* Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1375/2005
- *in Italian:* Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1375/2005
- *in Latvian:* Intervences mieži bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1375/2005
- *in Lithuanian:* Intervenčiai miežiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1375/2005
- *in Hungarian:* Intervenciós árpa, visszatérítés, illetve adó nem alkalmazandó, 1375/2005/EK rendelet
- *in Dutch:* Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1375/2005
- *in Polish:* Jęczmień interwencyjny niedający prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1375/2005
- *in Portuguese:* Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1375/2005
- *in Slovak:* Intervenčný jačmeň nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1375/2005
- *in Slovenian:* Intervencija ječmena brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1375/2005
- *in Finnish:* Interventio-ohra, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1375/2005
- *in Swedish:* Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1375/2005.

ANNEX III

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

Form (*)

(Regulation (EC) No 1375/2005)

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.						

⁽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 exit from 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 EUR per tonne.

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

COMMISSION REGULATION (EC) No 1376/2005**of 23 August 2005****opening a standing invitation to tender for the export of barley held by the Swedish intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

transmission of the information required by the Commission.

Having regard to the Treaty establishing the European Community,

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

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,

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

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

The Swedish intervention agency shall issue a standing invitation to tender for the export of barley held by it in accordance with Regulation (EEC) No 2131/93, save as otherwise provided for in this Regulation.

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

Article 2

- (3) Given the current market situation, a standing invitation to tender should be opened for the export of 104 730 tonnes of barley held by the Swedish intervention agency.

The invitation to tender shall cover a maximum of 104 730 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.

- (4) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, securities should be lodged to ensure that the goals of the operations 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.

Article 3

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

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

- (6) With a view to modernising the management of the system, provision should be made for the electronic

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, with no monthly increase.

Article 4

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽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).

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.

⁽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 pursuant to 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 submission of tenders under the first partial invitation to tender shall be 09.00 (Brussels time) on 8 September 2005.

The time limit for submitting tenders under subsequent partial invitations to tender shall be 09.00 (Brussels time) each Thursday thereafter, with the exception of 3 November 2005, 29 December 2005, 13 April 2006 and 25 May 2006, there being no invitation to tender in the weeks concerned.

The closing date for the submission of tenders for the last partial tendering procedure shall be 22 June 2006 at 09.00 (Brussels time).

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

Statens Jordbruksverk
Vallgatan 8
S-55182 Jönköping
Fax (46) 36 19 05 46.

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 having regard to those criteria 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 at 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 at 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. Where the final result of sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer may not 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.

⁽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).

⁽²⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 1068/2005 (OJ L 174, 7.7.2005, p. 65).

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.

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 one of the entries set out in Annex II.

Article 11

1. The security lodged pursuant to 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 Swedish 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, 23 August 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Communication of refusal and possible replacement of lots under the standing invitation to tender for the export of barley held by the Swedish intervention agency

(Regulation (EC) No 1376/2005)

- 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">— SW (kg/hl)— % of sprouted grains— % of miscellaneous impurities (<i>Schwarzbesatz</i>)— % 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° 1376/2005
- *in Czech:* Intervenční ječmen nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1376/2005
- *in Danish:* Byg fra intervention uden restitutionsydelse eller -avgift, forordning (EF) nr. 1376/2005
- *in German:* Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1376/2005
- *in Estonian:* Sekkumisoder, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1376/2005
- *in Greek:* Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1376/2005
- *in English:* Intervention barley without application of refund or tax, Regulation (EC) No 1376/2005
- *in French:* Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1376/2005
- *in Italian:* Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1376/2005
- *in Latvian:* Intervences mieži bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1376/2005
- *in Lithuanian:* Interveniniai miežiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1376/2005
- *in Hungarian:* Intervenciós árpa, visszatérítés, illetve adó nem alkalmazandó, 1376/2005/EK rendelet
- *in Dutch:* Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1376/2005
- *in Polish:* Jęczmień interwencyjny niedający prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1376/2005
- *in Portuguese:* Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1376/2005
- *in Slovak:* Intervenčný jačmeň nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1376/2005
- *in Slovenian:* Intervencija ječmena brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1376/2005
- *in Finnish:* Interventio-ohra, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1376/2005
- *in Swedish:* Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1376/2005.

ANNEX III

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

Form (*)

(Regulation (EC) No 1376/2005)

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

⁽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 EUR per tonne.

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

COMMISSION REGULATION (EC) No 1377/2005**of 23 August 2005****opening a standing invitation to tender for the export of barley held by the Finnish 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 27 780 tonnes of barley held by the Finnish intervention agency.
- (4) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, securities should be lodged to ensure that the goals of the operations 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) 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.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Finnish intervention agency shall issue a standing invitation to tender for the export of barley held by it in accordance with Regulation (EEC) No 2131/93, save as otherwise provided for in this Regulation.

Article 2

The invitation to tender shall cover a maximum of 27 780 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.

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, with no monthly increase.

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. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽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.

2. Tenders submitted in response to this invitation to tender need not be accompanied by export licence applications submitted pursuant to 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 submission of tenders under the first partial invitation to tender shall be 09.00 (Brussels time) on 8 September 2005.

The time limit for submitting tenders pursuant to subsequent partial invitations to tender shall be 09.00 (Brussels time) each Thursday thereafter, with the exception of 3 November 2005, 29 December 2005, 13 April 2006 and 25 May 2006, there being no invitation to tender in the weeks concerned.

The closing date for the submission of tenders for the last partial tendering procedure shall be 22 June 2006 at 09.00 (Brussels time).

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

Maa- ja metsätalousministeriö, interventioyksikkö
PL 232
FI-00171 Helsinki
Fax (358-9) 16 05 27 72, (358-9) 16 05 27 78

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 having regard to those criteria 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 at 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 at 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 paragraph (b), 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. Where the final result of sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer may not 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.

⁽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).

⁽²⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 1068/2005 (OJ L 174, 7.7.2005, p. 65).

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.

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 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 Finnish 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, 23 August 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Communication of refusal and possible replacement of lots under the standing invitation to tender for the export of barley held by the Finnish intervention agency

(Regulation (EC) No 1377/2005)

- 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">— SW (kg/hl)— % of sprouted grains— % of miscellaneous impurities (<i>Schwarzbesatz</i>)— % 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^o 1377/2005
- *in Czech:* Intervenční ječmen nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1377/2005
- *in Danish:* Byg fra intervention uden restitutionsydelse eller -avgift, forordning (EF) nr. 1377/2005
- *in German:* Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1377/2005
- *in Estonian:* Sekkumisoder, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1377/2005
- *in Greek:* Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1377/2005
- *in English:* Intervention barley without application of refund or tax, Regulation (EC) No 1377/2005
- *in French:* Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n^o 1377/2005
- *in Italian:* Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1377/2005
- *in Latvian:* Intervences mieži bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1377/2005
- *in Lithuanian:* Interveniniai miežiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1377/2005
- *in Hungarian:* Intervenciós árpa, visszatérítés, illetve adó nem alkalmazandó, 1377/2005/EK rendelet
- *in Dutch:* Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1377/2005
- *in Polish:* Jęczmień interwencyjny niedający prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1377/2005
- *in Portuguese:* Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1377/2005
- *in Slovak:* Intervenčný jačmeň nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1377/2005
- *in Slovenian:* Intervencija ječmena brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1377/2005
- *in Finnish:* Interventio-ohra, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1377/2005
- *in Swedish:* Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1377/2005.

ANNEX III

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

Form (*)

(Regulation (EC) No 1377/2005)

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

⁽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 EUR per tonne.

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

COMMISSION REGULATION (EC) No 1378/2005**of 22 August 2005****amending for the 52nd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan⁽¹⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 17 August 2005, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 22 August 2005.

For the Commission

Eneko LANDÁBURU

Director-General of External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 1347/2005 (OJ L 212, 17.8.2005, p. 26).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entry shall be added under the heading 'Legal persons, groups and entities':

'Al-Akhtar Trust International (*alias* (a) Al Akhtar Trust, (b) Al-Akhtar Medical Centre, (c) Akhtarabad Medical Camp). Address: (a) ST-1/A, Gulsahn-e-Iqbal, Block 2, Karachi, 25300, Pakistan, (b) Gulistan-e-Jauhar, Block 12, Karachi, Pakistan. Other information: Regional offices in Pakistan: Bahawalpur, Bawalnagar, Gilgit, Islamabad, Mirpur Khas, Tando-Jan-Muhammad. Akhtarabad Medical Camp is in Spin Boldak, Afghanistan.'

COMMISSION DIRECTIVE 2005/48/EC

of 23 August 2005

amending Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for certain pesticides in and on cereals and certain products of animal and plant origin

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

picoxystrobin, flufenacet, iodosulfuron-methyl-sodium and fosthiazate by Commission Directive 2003/84/EC ⁽⁹⁾.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ⁽¹⁾, and in particular Article 10 thereof,Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin ⁽²⁾, and in particular Article 10 thereof,Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables ⁽³⁾, and in particular Article 7 thereof,Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽⁴⁾, and in particular Article 4(1)(f) thereof,

Whereas:

- (1) The following existing active substances have been included in Annex I to Directive 91/414/EEC: iprodione by Commission Directive 2003/31/EC ⁽⁵⁾; propiconazole by Commission Directive 2003/70/EC ⁽⁶⁾ and molinate by Commission Directive 2003/81/EC ⁽⁷⁾.
- (2) The following new active substances have been included in Annex I to Directive 91/414/EEC: mesotrione by Commission Directive 2003/68/EC ⁽⁸⁾ and silthiofam,

- (3) The inclusion in Annex I to Directive 91/414/EEC of the active substances concerned was based on the assessment of the information submitted concerning the proposed use. Information relating to this use has been submitted by certain Member States in accordance with Article 4(1)(f) of that Directive. The information available has been reviewed and is sufficient to allow certain maximum residue levels (MRLs) to be fixed.
- (4) Where no Community MRL or provisional MRL exists, Member States are to establish a national provisional MRL in accordance with Article 4(1)(f) of Directive 91/414/EEC before plant protection products containing these active substances may be authorised.
- (5) Community MRLs and the levels recommended by the Codex Alimentarius are fixed and evaluated following similar procedures. There are a limited number of Codex MRLs for iprodione and propiconazole. There are already Community MRLs set out in 86/362/EEC, 86/363/EEC and 90/642/EEC for: iprodione (Council Directive 93/58/EEC ⁽¹⁰⁾) and propiconazole (Council Directive 94/30/EC ⁽¹¹⁾). These have been taken into account in this Directive. Codex MRLs that will be recommended for withdrawal in the near future were not taken into account. The MRLs based on Codex MRLs having been evaluated in the light of the risks for the consumers. No risk was established when using the toxicological end points based on the studies available to the Commission.
- (6) With respect to the inclusion in Annex I to Directive 91/414/EEC of the active substances concerned, the related technical and scientific evaluations were finalised in the form of Commission review reports. The assessment reports for those substances mentioned were finalised on the dates as mentioned in the Commission Directives cited in Recitals 1 and 2. These reports fixed the Acceptable Daily Intake (ADI) and if necessary, the Acute Reference Dose (ARfD) for the substances concerned. The exposure of consumers of food products treated with the active substance concerned has been assessed and evaluated in accordance with Community procedures. Account has also been

⁽¹⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2005/46/EC (OJ L 177, 9.7.2005, p. 35).

⁽²⁾ OJ L 221, 7.8.1986, p. 43. Directive as last amended by Commission Directive 2005/46/EC.

⁽³⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2005/46/EC.

⁽⁴⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Regulation (EC) No 396/2005 of the European Parliament and of the Council (OJ L 70, 16.3.2005, p. 1).

⁽⁵⁾ OJ L 101, 23.4.2003, p. 3.

⁽⁶⁾ OJ L 184, 23.7.2003, p. 9.

⁽⁷⁾ OJ L 224, 6.9.2003, p. 29.

⁽⁸⁾ OJ L 177, 16.7.2003, p. 12.

⁽⁹⁾ OJ L 247, 30.9.2003, p. 20.

⁽¹⁰⁾ OJ L 211, 23.8.1993, p. 6.

⁽¹¹⁾ OJ L 189, 23.7.1994, p. 70.

taken of guidelines published by the World Health Organisation ⁽¹²⁾ and the opinion of the Scientific Committee for Plants ⁽¹³⁾ on the methodology employed. It has been concluded that MRLs proposed will not lead to those ADIs or ARfD being exceeded.

- (7) In order to ensure that the consumer is adequately protected from exposure to residues resulting from unauthorised uses of plant protection products, provisional MRLs should be set for the relevant product/pesticide combinations at the lower limit of analytical determination.
- (8) The setting at Community level of such provisional MRLs does not prevent the Member States from establishing provisional MRLs for the substances concerned in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI to that Directive. It is considered that a period of four years is sufficient to permit the development of further uses of the active substance concerned. The provisional MRL should then become definitive.
- (9) It is therefore necessary to modify the MRLs set out in the Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC, to allow for proper surveillance and control of the prohibition of their uses and to protect the consumer. Where MRLs have already been defined in the Annexes to those Directives, it is appropriate to amend them. Where MRLs have not already been defined, it is appropriate to set them for the first time.
- (10) Directives 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended accordingly.
- (11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 86/362/EEC is amended as follows:

1. In Part A of Annex II, maximum residue levels are added for mesotrione, silthiofam, picoxystrobin, flufenacet, iodosulfuron-methyl-sodium, fosthiazate and molinate, as set out in Annex I to this Directive.

⁽¹²⁾ Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).

⁽¹³⁾ Opinion of the Scientific Committee on Plants regarding questions relating to amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC (Opinion expressed by the Scientific Committee on Plants, 14 July 1998) (http://europa.eu.int/comm/food/fs/sc/index_en.html).

2. In Part A of Annex II, the maximum residue levels for propiconazole and iprodione are replaced by those set out in Annex II to this Directive.

Article 2

Directive 86/363/EEC is amended as follows:

1. In Part A of Annex II, maximum residue levels are added for picoxystrobin, as set out in Annex III to this Directive.
2. In Part B of Annex II, the maximum residue levels for propiconazole are replaced by those set out in Annex IV to this Directive.

Article 3

Directive 90/642/EEC is amended as follows:

1. In Annex II, maximum residue levels are added for mesotrione, silthiofam, picoxystrobin, flufenacet, iodosulfuron-methyl-sodium, fosthiazate and molinate, as set out in Annex V to this Directive.
2. In Annex II, the maximum residue levels for propiconazole and iprodione, are replaced by those set out in Annex VI to this Directive.

Article 4

1. Member States shall adopt and publish, by 24 February 2006 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 24 February 2007.

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

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

Article 5

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 23 August 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

Maximum levels in mg/kg (ppm)	
Pesticide residues	Individual products to which the MRLs apply
Mesotrione 'Sum of mesotrione and MNBA (4-methyl-sulfonyl-2-nitro benzoic acid), expressed as mesotrione'	0,05 (*) (P) CEREALS
Silthiofam	0,05 (*) (P) CEREALS
Picoxystrobin	0,2 (P) Barley 0,2 (P) Oats 0,05 (*) (P) Cereals others
Flufenacet (Sum of all compounds containing the N fluorophenyl-N-isopropyl moiety expressed as flufenacet equivalent)	0,05 (*) (P) CEREALS
Iodosulfuron-methyl sodium (iodosulfuron-methyl including salts, expressed as iodosulfuron-methyl)	0,02 (*) (P) CEREALS
Fosthiazate	0,02 (*) (P) CEREALS
Molinate	0,05 (*) (P) CEREALS

(*) Indicates lower limit of analytical determination.

(P) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 13 September 2009.

ANNEX II

Maximum levels mg/kg	
Pesticide residues	Individual products to which the MRLs apply
Propiconazole	0,2 (P) Barley 0,2 (P) Oats 0,05 (*) (P) Cereals others
Iprodione	3 (P) Rice 0,5 (P) Oats, barley and wheat 0,02 (*) (P) Cereals others

(*) Indicates lower limit of analytical determination.

(P) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 13 September 2009.

ANNEX III

Maximum levels in mg/kg (ppm)			
Pesticide residues	of fat contained in meat, preparations of meat, offal and animal fats listed in Annex I under headings Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602 ⁽¹⁾ ⁽⁴⁾	for cow's milk and whole cream cow's milk listed in Annex I under heading No 0401; for other foodstuffs in headings Nos 0401, 0402, 0405 00 and 0406 in accordance with ⁽²⁾ ⁽⁴⁾	of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I under headings Nos 0407 00 and 0408 ⁽³⁾ ⁽⁴⁾
Picoxystrobin	0,05 ^(*) ^(p)	0,02 ^(*) ^(p)	0,05 ^(*) ^(p)

^(*) Indicates lower limit of analytical determination.

^(p) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 13 September 2009.

⁽¹⁾ In the case of foodstuffs with a fat content of 10 % or less by weight, the residue is related to the total weight of the boned foodstuff. In such cases, the maximum level is one-tenth of the value related to fat content, but must be no less than 0,01 mg/kg.

⁽²⁾ In determining the residues in raw cow's milk and whole cream cow's milk, a fat content of 4 % by weight should be taken as a basis. For raw milk and whole cream milk of another animal origin the residues are expressed on the basis of the fat.

For the other foodstuffs listed in Annex I under heading Nos 0401, 0402, 0405 00, and 0406:

— with a fat content of less than 2 % by weight, the maximum level is taken as half that set for raw milk and whole cream milk,

— with a fat content of 2 % or more by weight, the maximum level is expressed in mg/kg of fat.

In such cases, the maximum level is 25 times that set for raw milk and whole cream milk.

⁽³⁾ For eggs and egg products with a fat content higher than 10 %, the maximum level is expressed in mg/kg fat. In this case, the maximum level is 10 times higher than the maximum level for fresh eggs.

⁽⁴⁾ Footnotes ⁽¹⁾, ⁽²⁾ and ⁽³⁾ do not apply in cases where the lower limit of analytical determination is indicated.

ANNEX IV

Maximum levels in mg/kg (ppm)			
Pesticide residues	of meat, including fat, preparations of meat, offal and animal fats listed in Annex I under headings Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602	for milk and milk products listed in Annex I under headings Nos 0401, 0402, 0405 00 and 0406	of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I under headings Nos 0407 00 and 0408
Propiconazole	ruminant liver 0,1 ^(p) others products of animal origin 0,01 ^(*) ^(p)	0,01 ^(*) ^(p)	0,01 ^(*) ^(p)

^(*) Indicates lower limit of analytical determination.

^(p) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 13 September 2009.

ANNEX V

Groups and examples of individual products to which the MRLs apply	Mesotrione (Sum of mesotrione and MNBA (4-methylsulfonyl-2-nitrobenzoic acid), expressed as mesotrione)	Silthiofam	Picoxystrobin	Flufenacet (Sum of all compounds containing the N-fluorophenyl-N-isopropyl moiety expressed as flufenacet)	Iodosulfuron-methyl sodium (iodosulfuron-methyl including salts, expressed as iodosulfuron-methyl)	Fosthiazate	Molinate
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,02 (*) (p)		0,05 (*) (p)
(i) CITRUS FRUIT						0,02 (*) (p)	
Grapefruit							
Lemons							
Limes							
Mandarins (including clementines and other hybrids)							
Oranges							
Pomelos							
Others							
(ii) TREE NUTS (shelled or unshelled)						0,02 (*) (p)	
Almonds							
Brazil nuts							
Cashew nuts							
Chestnuts							
Coconuts							
Hazelnuts							
Macadamia							
Pecans							
Pine nuts							
Pistachios							
Walnuts							
Others							
(iii) POME FRUIT						0,02 (*) (p)	
Apples							
Pears							
Quinces							
Others							
(iv) STONE FRUIT						0,02 (*) (p)	
Apricots							
Cherries							
Peaches (including nectarines and similar hybrids)							
Plums							
Others							

Groups and examples of individual products to which the MRLs apply	Mesotrione (Sum of mesotrione and MNBA (4-methylsulfonyl-2-nitrobenzoic acid), expressed as mesotrione)	Silthiofam	Picoxystrobin	Flufenacet (Sum of all compounds containing the N-fluorophenyl-N-isopropyl moiety expressed as flufenacet)	Iodosulfuron-methyl sodium (iodosulfuron-methyl including salts, expressed as iodosulfuron-methyl)	Fosthiazate	Molinate
(v) BERRIES AND SMALL FRUIT						0,02 (*) (P)	
(a) Table and wine grapes							
Table grapes							
Wine grapes							
(b) Strawberries (other than wild)							
(c) Cane fruit (other than wild)							
Blackberries							
Dewberries							
Loganberries							
Raspberries							
Others							
(d) Other small fruit and berries (other than wild)							
Bilberries							
Cranberries							
Currants (red, black and white)							
Gooseberries							
Others							
(e) Wild berries and wild fruit							
(vi) MISCELLANEOUS							
Avocados							
Bananas						0,05 (P)	
Dates							
Figs							
Kiwi							
Kumquats							
Litchis							
Mangoes							
Olives							
Passion fruit							
Pineapples							
Papaya							
Others						0,02 (*) (P)	
2. Vegetables, fresh or uncooked, frozen or dry	0,05 (*) (P)	0,05 (*) (P)	0,05 (*) (P)	0,05 (*) (P)	0,02 (*) (P)	0,02 (*) (P)	0,05 (*) (P)
(i) ROOT AND TUBER VEGETABLES							
Beetroot							
Carrots							

Groups and examples of individual products to which the MRLs apply	Mesotrione (Sum of mesotrione and MNBA (4-methylsulfonyl-2-nitrobenzoic acid), expressed as mesotrione)	Silthiofam	Picoxystrobin	Flufenacet (Sum of all compounds containing the N-fluorophenyl-N-isopropyl moiety expressed as flufenacet)	Iodosulfuron-methyl sodium (iodosulfuron-methyl including salts, expressed as iodosulfuron-methyl)	Fosthiazate	Molinate
Celeriac							
Horseradish							
Jerusalem artichokes							
Parsnips							
Parsley root							
Radishes							
Salsify							
Sweet potatoes							
Swedes							
Turnips							
Yam							
Others							
(ii) BULB VEGETABLES							
Garlic							
Onions							
Shallots							
Spring onions							
Others							
(iii) FRUITING VEGETABLES							
(a) Solanacea							
Tomatoes							
Peppers							
Aubergines							
Others							
(b) Cucurbits — edible peel							
Cucumbers							
Gherkins							
Courgettes							
Others							
(c) Cucurbits — inedible peel							
Melons							
Squashes							
Watermelons							
Others							
(d) Sweet corn							
(iv) BRASSICA VEGETABLES							
(a) Flowering brassica							
Broccoli							

Groups and examples of individual products to which the MRLs apply	Mesotrione (Sum of mesotrione and MNBA (4-methylsulfonyl-2-nitrobenzoic acid), expressed as mesotrione)	Silthiofam	Picoxystrobin	Flufenacet (Sum of all compounds containing the N-fluorophenyl-N-isopropyl moiety expressed as flufenacet)	Iodosulfuron-methyl sodium (iodosulfuron-methyl including salts, expressed as iodosulfuron-methyl)	Fosthiazate	Molinate
Cauliflower							
Others							
(b) Head brassica							
Brussels sprouts							
Head cabbage							
Others							
(c) Leafy brassica							
Chinese cabbage							
Kale							
Others							
(d) Kohlrabi							
(v) LEAF VEGETABLES AND FRESH HERBS							
(a) Lettuce & similar							
Cress							
Lamb's lettuce							
Lettuce							
Scarole							
Others							
(b) Spinach & similar							
Spinach							
Beet leaves (chard)							
Others							
(c) Water cress							
(d) Witloof							
(e) Herbs							
Chervil							
Chives							
Parsley							
Celery leaves							
Others							
(vi) LEGUME VEGETABLES (fresh)							
Beans (with pods)							
Beans (without pods)							
Peas (with pods)							
Peas (without pods)							
Others							

Groups and examples of individual products to which the MRLs apply	Mesotrione (Sum of mesotrione and MNBA (4-methylsulfonyl-2-nitrobenzoic acid), expressed as mesotrione)	Silthiofam	Picoxystrobin	Flufenacet (Sum of all compounds containing the N-fluorophenyl-N-isopropyl moiety expressed as flufenacet)	Iodosulfuron-methyl sodium (iodosulfuron-methyl including salts, expressed as iodosulfuron-methyl)	Fosthiazate	Molinate
(vii) STEM VEGETABLES (fresh)							
Asparagus							
Cardoons							
Celery							
Fennel							
Globe artichokes							
Leek							
Rhubarb							
Others							
(viii) FUNGI							
(a) Cultivated mushrooms							
(b) Wild mushrooms							
3. Pulses	0,05 (*) (P)	0,05 (*) (P)	0,05 (*) (P)	0,05 (*) (P)	0,02 (*) (P)	0,02 (*) (P)	0,05 (*) (P)
Beans							
Lentils							
Peas							
Others							
4. Oil seed	0,05 (*) (P)	0,05 (*) (P)	0,05 (*) (P)	0,05 (*) (P)	0,02 (*) (P)	0,05 (*) (P)	0,05 (*) (P)
Linseed							
Peanuts							
Poppy seeds							
Sesame seeds							
Sunflower seed							
Rape seed							
Soya bean							
Mustard seed							
Cotton seed							
Others							
5. Potatoes	0,05 (*) (P)	0,05 (*) (P)	0,05 (*) (P)	0,1 (P)	0,02 (*) (P)	0,02 (*) (P)	0,05 (*) (P)
Early potatoes							
Ware potatoes							
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,1 (*) (P)	0,1 (*) (P)	0,1 (*) (P)	0,05 (*) (P)	0,05 (*) (P)	0,05 (*) (P)	0,1 (*) (P)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*) (P)	0,1 (*) (P)	0,1 (*) (P)	0,05 (*) (P)	0,05 (*) (P)	0,05 (*) (P)	0,1 (*) (P)

(*) Indicates lower limit of analytical determination.

(P) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 13 September 2009.

ANNEX VI

Groups and examples of individual products to which the MRLs apply	Propiconazole	Iprodione
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts		
(i) CITRUS FRUIT	0,05 (*) (P)	
Grapefruit		
Lemons		5 (P)
Limes		
Mandarins (including clementines and other hybrids)		1 (P)
Oranges		
Pomelos		
Others		0,02 (*) (P)
(ii) TREE NUTS (shelled or unshelled)	0,05 (*) (P)	
Almonds		
Brazil nuts		
Cashew nuts		
Chestnuts		
Coconuts		
Hazelnuts		0,2 (P)
Macadamia		
Pecans		
Pine nuts		
Pistachios		
Walnuts		
Others		0,02 (*) (P)
(iii) POME FRUIT	0,05 (*) (P)	5 (P)
Apples		
Pears		
Quinces		
Others		
(iv) STONE FRUIT		3 (P)
Apricots	0,2 (P)	
Cherries		
Peaches (including nectarines and similar hybrids)	0,2 (P)	
Plums		
Others	0,05 (*) (P)	
(v) BERRIES AND SMALL FRUIT	0,05 (*) (P)	
(a) Table and wine grapes		10 (P)
Table grapes		
Wine grapes		
(b) Strawberries (other than wild)		15 (P)
(c) Cane fruit (other than wild)		10 (P)
Blackberries		
Dewberries		
Loganberries		
Raspberries		
Others		

Groups and examples of individual products to which the MRLs apply	Propiconazole	Iprodione
(d) Other small fruit and berries (other than wild)		10 (P)
Bilberries		
Cranberries		
Currants (red, black and white)		
Gooseberries		
Others		
(e) Wild berries and wild fruit		0,02 (*) (P)
(vi) MISCELLANEOUS		
Avocados		
Bananas	0,1 (P)	
Dates		
Figs		
Kiwi		5 (P)
Kumquats		
Litchis		
Mangoes		
Olives		
Passion-fruit		
Pineapples		
Papaya		
Others	0,05 (*) (P)	0,02 (*) (P)
2. Vegetables, fresh or uncooked, frozen or dry		
(i) ROOT AND TUBER VEGETABLES	0,05 (*) (P)	
Beetroot		
Carrots		0,3 (P)
Celeriac		0,3 (P)
Horseradish		0,1 (P)
Jerusalem artichokes		
Parsnips		0,3 (P)
Parsley root		
Radishes		0,3 (P)
Salsify		
Sweet potatoes		
Swedes		
Turnips		
Yam		
Others		0,02 (*) (P)
(ii) BULB VEGETABLES	0,05 (*) (P)	
Garlic		0,2 (P)
Onions		0,2 (P)
Shallots		0,2 (P)
Spring onions		3 (P)
Others		0,02 (*) (P)
(iii) FRUITING VEGETABLES	0,05 (*) (P)	
(a) Solanacea		5 (P)
Tomatoes		
Peppers		
Aubergines		
Others		

Groups and examples of individual products to which the MRLs apply	Propiconazole	Iprodione
(b) Cucurbits — edible peel		2 (P)
Cucumbers		
Gherkins		
Courgettes		
Others		
(c) Cucurbits — inedible peel		1 (P)
Melons		
Squashes		
Watermelons		
Others		
(d) Sweet corn		0,02 (*) (P)
(iv) BRASSICA VEGETABLES	0,05 (*) (P)	
(a) Flowering brassica		0,1 (P)
Broccoli		
Cauliflower		
Others		
(b) Head brassica		
Brussels sprouts		0,5 (P)
Head cabbage		5 (P)
Others		0,02 (*) (P)
(c) Leafy brassica		
Chinese cabbage		5 (P)
Kale		
Others		0,02 (*) (P)
(d) Kohlrabi		0,02 (*) (P)
(v) LEAF VEGETABLES AND FRESH HERBS	0,05 (*) (P)	
(a) Lettuce & similar		10 (P)
Cress		
Lamb's lettuce		
Lettuce		
Scarole		
Others		
(b) Spinach and similar		0,02 (*) (P)
Spinach		
Beet leaves (chard)		
Others		
(c) Water cress		0,02 (*) (P)
(d) Witloof		0,2 (P)
(e) Herbs		10 (P)
Chervil		
Chives		
Parsley		
Celery leaves		
Others		
(vi) LEGUME VEGETABLES (fresh)	0,05 (*) (P)	
Beans (with pods)		5 (P)
Beans (without pods)		
Peas (with pods)		2 (P)
Peas (without pods)		0,3 (P)
Others		0,02 (*) (P)

Groups and examples of individual products to which the MRLs apply	Propiconazole	Iprodione
(vii) STEM VEGETABLES (fresh)		
Asparagus		
Cardoons		
Celery		
Fennel		
Globe artichokes		
Leek	0,1 ^(p)	
Rhubarb		0,2 ^(p)
Others	0,05 ^{(*) (p)}	0,02 ^{(*) (p)}
(viii) FUNGI	0,05 ^{(*) (p)}	0,02 ^{(*) (p)}
(a) Cultivated mushrooms		
(b) Wild mushrooms		
3. Pulses	0,05 ^{(*) (p)}	0,2 ^(p)
Beans		
Lentils		
Peas		
Others		
4. Oil seed		
Linseed		0,5 ^(p)
Peanuts	0,2 ^(p)	
Poppy seeds		
Sesame seeds		
Sunflower seed		0,5 ^(p)
Rape seed		0,5 ^(p)
Soya bean		
Mustard seed		
Cotton seed		
Others	0,1 ^{(*) (p)}	0,02 ^{(*) (p)}
5. Potatoes	0,05 ^{(*) (p)}	0,02 ^{(*) (p)}
Early potatoes		
Ware potatoes		
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,1 ^{(*) (p)}	0,1 ^{(*) (p)}
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 ^{(*) (p)}	0,1 ^{(*) (p)}

(*) Indicates lower limit of analytical determination.

(p) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 13 September 2009.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 August 2005

on the extension of the limited recognition of the Hellenic Register of Shipping*(notified under document number C(2005) 2940)***(Only the Greek text is authentic)****(Text with EEA relevance)**

(2005/623/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations ⁽¹⁾ and in particular Article 4(3) thereof,

Having regard to the letter dated 2 April 2004 from the Cypriot authorities, requesting the extension to Cyprus of the limited recognition of the Hellenic Register of Shipping (hereinafter HRS) pursuant to Article 4(2) of Directive 94/57/EC,

Having regard to the letter dated 7 September 2004 from the Greek authorities, requesting the unconditional extension of the limited recognition of HRS pursuant to Article 4(3) of that Directive,

Whereas:

(1) The limited recognition under Article 4(3) of Directive 94/57/EC is a recognition granted to organisations known as classification societies, which fulfil all criteria other than those set out under paragraphs 2 and 3 of the

'General' section A of the Annex thereto, but limited in time and scope in order for the organisation concerned to gain further experience.

- (2) Commission Decision 2001/890/EC ⁽²⁾ recognised HRS for Greece on the basis of Article 4(3), for a period of three years from 13 December 2001.
- (3) The Commission has verified that HRS meets all criteria of the Annex to Directive 94/57/EC other than those set out under paragraphs 2 and 3 of the 'General' section A of that Annex.
- (4) The assessment carried out by the Commission has furthermore revealed signs that HRS needs to keep developing its system of quality indicators in order to enhance its ability to measure both risk and performance.
- (5) The organisation's safety and pollution performance records as published by the Paris Memorandum of Understanding, albeit poor during the period 2000 to 2002, showed a trend towards moderate improvement in 2003 and HRS has committed itself to the objective of bringing its performance records into line with the average of the recognised organisations.
- (6) The measures provided for in this Decision are in accordance with the opinion of the COSS Committee set up by Article 7 of Directive 94/57/EC,

⁽¹⁾ OJ L 319, 12.12.1994, p. 20. Directive as last amended by Directive 2002/84/EC of the European Parliament and of the Council (OJ L 324, 29.11.2002, p. 53).

⁽²⁾ OJ L 329, 14.12.2001, p. 72.

HAS ADOPTED THIS DECISION:

Article 3

Article 1

The limited recognition of the Hellenic Register of Shipping granted by Decision 2001/890/EC is extended for a period of three years as from the date of adoption of this Decision.

This Decision is addressed to the Hellenic Republic and the Republic of Cyprus.

Done at Brussels, 3 August 2005.

Article 2

The effects of the extended recognition are limited to Greece and Cyprus.

For the Commission

Jacques BARROT

Vice-President

COMMISSION DECISION

of 22 August 2005

concerning a derogation on the marking of pigmeat and its subsequent use for certain holdings in a surveillance zone of African swine fever in Sardinia, Italy*(notified under document number C(2005) 3161)***(Only the Italian text is authentic)**

(2005/624/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever⁽¹⁾, and in particular Article 11(1)(f) thereof,

Whereas:

- (1) Commission Decision 2005/363/EC of 2 May 2005 concerning animal health protection measures against African swine fever in Sardinia, Italy⁽²⁾ was adopted in response to the presence of African swine fever in Sardinia, Italy.
- (2) Outbreaks of African swine fever still occur in Sardinia and Italy takes measures to combat African swine fever in Sardinia within the framework of Directive 2002/60/EC.
- (3) Directive 2002/60/EC provides that the competent authority establishes, immediately after the diagnosis of African swine fever in pigs on a holding has been officially confirmed, a protection zone with a radius of at least three kilometres around the outbreak site, which shall itself be included in a surveillance zone of a radius of at least ten kilometres.
- (4) Directive 2002/60/EC also provides that pigs may not be removed from the holding in which they are kept (holding of origin) in a protection and surveillance zone during a period of respectively 40 and 30 days after the completion of the preliminary cleansing, disinfection and, if necessary, disinsectisation of the infected holdings. After these periods, the competent authorities may authorise the removal of pigs from the holding of origin to a slaughterhouse if specific conditions are met. In particular, fresh meat from these pigs is either to be processed or marked with a special mark and processed at later stage.
- (5) Directive 2002/60/EC allows for a derogation from the said conditions to be granted to Member States at their request and if appropriate justification is submitted.
- (6) An outbreak of African swine fever was confirmed in the municipality of Anela in Sardinia on 25 May 2005. The competent authority established immediately a protection zone with a radius of three kilometres around the outbreak site, which is included in a surveillance zone of a radius of ten kilometres around this site. Another outbreak was confirmed in the established protection zone on 10 June 2005 in the municipality of Bultei.
- (7) The Italian authorities have asked the Commission for derogation from the fresh meat to be marked with the foreseen special mark and the condition that fresh meat originating from holdings situated within the established surveillance zone has to be processed. The request was justified by demonstrating the serious difficulties to find a market for processed meat, the consequences for the welfare of the pigs in some holdings if they are not slaughtered in due time and the negligible additional animal health risk related to such derogation if also specific disease control measures are adopted. It is therefore appropriate to provide that, under certain conditions, pigmeat from holdings situated in the established surveillance zone does not have to be processed and marked with the foreseen special mark and processed at later stage. In order to guarantee the absence of African swine fever and any risk for spread of the disease, additional measures as regards the holding of origin and the movement of these pigs have to be laid down.
- (8) The checking and sampling procedures as regards the removal of pigs from a holding in an established surveillance zone to a slaughterhouse in accordance with the diagnostic manual⁽³⁾ have to be fully applied. In case the derogation provided for in Article 11(4) of Directive 2002/60/EC is used paragraph 6 of Chapter IV of the Annex of the diagnostic manual applies.
- (9) It is also appropriate to provide that pigmeat, pigmeat products and any other products containing pigmeat of pigs originating from holdings for which such a derogation is granted, is marked with the special mark foreseen by Decision 2005/363/EC in order to ensure

⁽¹⁾ OJ L 192, 20.7.2002, p. 27. Directive as amended by the 2003 Act of Accession.

⁽²⁾ OJ L 118, 5.5.2005, p. 39. Decision as amended by Decision 2005/494/EC (OJ L 182, 13.7.2005, p. 26).

⁽³⁾ Commission Decision 2003/422/EC of 26 May 2003 approving an African swine fever diagnostic manual (OJ L 143, 11.6.2003, p. 35).

that such pigmeat, pigmeat products and other products containing pigmeat are not dispatched from Sardinia and to ensure the traceability of such pigmeat and products.

- (10) 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

Subject matter and scope

This Decision lays down a derogation from the condition relating to processing of fresh meat originating from pigs from holdings situated in the surveillance zone which has been established around the holdings in which the diagnosis of African swine fever has been officially confirmed in Sardinia, Italy in the municipalities of Anela on 25 May 2005 and Bultei on 10 June 2005.

Article 2

Definitions

For the purpose of this Decision, the definitions laid down in Article 2 of Directive 2002/60/EC and of Article 2 of Decision 2005/363/EC shall apply.

Article 3

Derogation on Article 10(3)(f), fourth indent, of Directive 2002/60/EC

The competent authority may authorise that fresh meat from pigs which have been directly transported to a slaughterhouse in accordance with Article 11(1)(f) of Directive 2002/60/EC is not processed, as foreseen in Article 10(3)(f), fourth indent, if the following conditions are met:

- (a) the holding of origin fulfils the requirements of Article 4;
- (b) the movement of the pigs fulfils all the relevant requirements laid down in Directive 2002/60/EC and in particular in Articles 11(1)(f) and (4) thereof as regards the period of respectively 30 or 21 days after the completion of the preliminary cleansing, disinfection and, if necessary, disinsectisation of the infected holdings, during which the pigs may not be removed from the holding of origin;
- (c) the meat, pigmeat products and any other products containing pigmeat originating from these pigs are marked with a special health or identification mark provided for in Article 4 of Decision 2005/363/EC.

Article 4

Requirements as regards the holding of origin

The holding of origin referred to in Article 3 shall fulfil the following requirements:

- (a) the holding of origin may not be located in a protection zone established following an outbreak of African swine fever;
- (b) the appropriate bio-security measures to prevent the introduction of African swine fever as well as a self-control programme to detect African swine fever, both referred to in the eradication programme approved by Commission Decision 2005/362/EC ⁽¹⁾, have been put in place in the holding of origin and have been approved by the competent authority before the establishment of the surveillance zone around an outbreak of African swine fever in which the holding is located;
- (c) African swine fever may not have been diagnosed in the holding of origin for at least two years before the dispatch of the pigs from this holding.

Article 5

Communication to the Commission and the other Member States

Italy shall communicate to the Commission and the other Member States, every month from the date of this Decision, all relevant information on the application of this Decision.

Article 6

Application

This Decision shall apply until 30 September 2005.

Article 7

Addressee

This Decision is addressed to the Italian Republic.

Done at Brussels, 22 August 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ Commission Decision 2005/362/EC of 2 May 2005 approving the plan for the eradication of African swine fever in feral pigs in Sardinia, Italy (OJ L 118, 5.5.2005, p. 37).

COMMISSION DECISION

of 23 August 2005

determining the quantities of methyl bromide permitted to be used for critical uses in the European Community from 1 January to 31 December 2005 pursuant to Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer*(notified under document number C(2005) 468)***(Only the Dutch, English, French, German, Greek, Italian, Polish, Portuguese and Spanish texts are authentic)**

(2005/625/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer⁽¹⁾, and in particular Article 3(2)(ii) thereof,

Whereas:

- (1) Articles 3(2)(i)(d) and 4(2)(i)(d) of Regulation (EC) No 2037/2000 prohibit the production and import respectively of methyl bromide for all uses after 31 December 2004 except, among others, for critical uses in accordance with Article 3(2)(ii) and the criteria set out in Decision IX/6 of the Parties to the Montreal Protocol. Exemptions for critical uses are intended to be limited derogations to allow a short period of time for the adoption of alternatives.
- (2) Decision IX/6 states that methyl bromide should qualify as 'critical' only if the applicant determines that the lack of availability of methyl bromide for that specific use would result in a significant market disruption; and that there are no technically and economically feasible alternatives or substitutes available to the user that are acceptable from the standpoint of environment and health and are suitable to the crops and circumstances of the nomination. Furthermore, the production and consumption, if any, of methyl bromide for critical uses should be permitted only if all technically and economically feasible steps have been taken to minimise the critical use and any associated emission of methyl bromide. An applicant should also demonstrate that an appropriate effort is being made to evaluate, commercialise and secure national regulatory approval of alternatives and substitutes; and that research programmes are in place to develop and deploy alternatives and substitutes.

- (3) The Commission received 84 proposals for critical uses of methyl bromide from 10 Member States including Belgium (60 825 kg), France (467 135 kg), Germany (45 250 kg), Greece (227 280 kg), Italy (2 298 225 kg), Poland (44 100 kg), Portugal (130 000 kg), Spain (1 059 000 kg), the Netherlands (120 kg) and the United Kingdom (140 408 kg). A total of 4 472 343 kg was requested, comprising 4 111 640 kg (92 %) for pre-harvest uses and 360 703 kg (8 %) for post-harvest uses of methyl bromide.
- (4) The Commission applied the criteria contained within Decision IX/6 and Article 3(2)(ii) of Regulation (EC) No 2037/2000 in order to determine the amount of methyl bromide that is eligible to be licensed for critical uses in 2005. The Commission found that adequate alternatives were available in the Community and had become more prevalent in many Parties to the Montreal Protocol in the period since the critical use proposals were compiled by Member States. As a result, the Commission determined that 2 777 333 kg of methyl bromide can be used in 2005 to satisfy critical uses in each of these Member States. This amount equates to 14,4 % of 1991 consumption of methyl bromide in the European Community and indicates that more than 85 % of the methyl bromide has been replaced by alternatives. The critical-use categories are similar to those defined in Annex II Table A of the reports of the First Extraordinary Meeting of the Parties to the Montreal Protocol⁽²⁾, and in Table 1A of Decision XVI/2 at the Sixteenth Meeting of the Parties to the Montreal Protocol⁽³⁾.
- (5) Article 3(2)(ii) of Regulation (EC) No 2037/2000 requires the Commission to also determine which users may take advantage of the critical use exemption. As Article 17(2) of Regulation (EC) No 2037/2000 requires Member States to define the minimum qualification requirements for personnel involved in the application of methyl bromide, and as fumigation is the only use, the Commission determined that methyl bromide fumigators are the only users proposed by the Member State and authorised by the Commission to use methyl bromide for critical uses. Fumigators are qualified to apply it safely,

⁽¹⁾ OJ L 244, 29.9.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 2077/2004 (OJ L 359, 4.12.2004, p. 28).

⁽²⁾ UNEP/OzL.Pro.ExMP/1/3. First Extraordinary Meeting of the Parties to the Montreal Protocol, held 24-26 March 2004 in Montreal, Canada. www.unep.org/ozone/Meeting_Documents/mop/index.asp

⁽³⁾ UNEP/OzL.Pro.16/Dec XVI/2. Sixteenth Meeting of the Parties to the Montreal Protocol, held 22-26 November 2004 in Prague, Czech Republic. www.unep.org/ozone

rather than for example farmers or mill owners that are generally not qualified to apply methyl bromide but who own properties on which it will be applied.

- (6) Decision IX/6 states that production and consumption of methyl bromide for critical uses should be permitted only if methyl bromide is not available from existing stocks of banked or recycled methyl bromide. Article 3(2)(ii) of Regulation (EC) No 2037/2000 states that production and importation of methyl bromide shall be allowed only if no recycled or reclaimed methyl bromide is available from any of the Parties. In accordance with Decision IX/6 and Article 3(2)(ii) of Regulation (EC) No 2037/2000, the Commission determined that 205 926 kg of stocks are available for critical uses. The European Commission has put in place licensing procedures to ensure stocks are used before methyl bromide is authorised for importation or production.
- (7) As critical uses of methyl bromide apply from 1 January 2005, and for the purpose of ensuring that interested companies and operators may benefit from the licensing system, it is appropriate that this present decision shall apply from that date.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18 of Regulation (EC) No 2037/2000,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic,

the Italian Republic, the Kingdom of The Netherlands, the Republic of Poland, the Portuguese Republic and the United Kingdom of Great Britain and Northern Ireland shall be permitted to use a total of 2 777 333 kg of methyl bromide for critical uses from 1 January to 31 December 2005 for the specific quantities and categories of use described in Annexes I to X.

Article 2

Stocks declared available for critical uses by the competent authority of each Member State shall be deducted from the amount that can be imported or produced to satisfy critical uses in that Member State.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic and the United Kingdom of Great Britain and Northern Ireland.

Article 4

This Decision shall apply from 1 January 2005 and shall expire on 31 December 2005.

Done at Brussels, 23 August 2005.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX I

KINGDOM OF BELGIUM

Categories of permitted critical uses	Kg
Greenhouse soil-bound lettuce cultivation	23 000
Endive cultivation	2 190
Greenhouse soil-bound tomato cultivation	4 846
Greenhouse soil-bound pepper and eggplant cultivation	3 000
Greenhouse soil-bound cucumber cultivation	549
Open-field white asparagus cultivation	225
Strawberry runner cultivation	2 306
Berryfruit (all except strawberry, replant)	1 350
Open-field, soil-bound leek and onion seeding fields only	660
Cut-flowers protected (except rose and chrysanthemum)	2 794
Protected, cut-flower chrysanthemum cultivation	896
Open-field, soil-bound nursery stock cultivation	630
Open-field, soil-bound tree nursery	230
Flour mills (17 mills)	4 264
Immovable antique structures and furniture (Axel Vervoort; Gemeentebestuur Bonheiden)	199
Old buildings (classified monuments and private houses)	438
Structures and objects (churches, houses, food processing structures) excluding moveable objects	307
Old buildings (ancient objects, roof structures and fixed furniture in historical constructions — Prohygiëna enterprise)	282
Woodworking premises (six premises)	101
Food processing premises (21 facilities)	300
Mills (25 mills)	200
Flour mill (Bloemmolens Diksmuide)	72
Food storage (dry), structure (17 facilities)	120
Sensitive electronic equipment	50
Empty silos (owned by 37 enterprises)	43
Food processing premises (one mill — Molens Vandenbempt)	15
Churches, monuments and ships' quarters (Bugbusters)	59
Total	49 126

Stocks of methyl bromide available for critical uses in the Member State = 2 848 kg.

ANNEX II

FRENCH REPUBLIC

Categories of permitted critical uses	Kg
Tomato and eggplant (protected and open field)	33 250
Cucumber (protected and open field)	21 140
Specialist sandy-soil carrots (grown in Brittany, harvested by hand and susceptible to <i>Fusarium solani</i> and <i>Rhizoctonia violacea</i>)	8 000
Strawberry runners	37 600
Strawberry fruit produced for the Perigord label	34 000
Ranunculus, anemone, paeonia and lily-of-the-valley open-field	21 785
Replant in apple, pear, peach, nectarine, apricot, plum and raspberry	10 000
Forest tree nursery — Douglas fir trees for truffle production	2 000
Orchard nursery	2 000
Seeds sold by PLAN-SPG company	135
Mills	21 440
Rice end-of-line rapid disinfestation	1 400
Chestnuts	2 000
Total	194 750

Stocks of methyl bromide available for critical uses in the Member State = 14 280 kg.

ANNEX III

FEDERAL REPUBLIC OF GERMANY

Categories of permitted critical uses	Kg
Food processing structures, especially mills, with fumigation sites larger than 10 000 m ³	19 350
Artefacts (Disinfestation of <i>Serpula lacrimans</i> dry-rot fungus in churches)	250
Total	19 600

Stocks of methyl bromide available for critical uses in the Member State = 7 000 kg.

ANNEX IV

HELLENIC REPUBLIC

Categories of permitted critical uses	Kg
Tomato (protected)	92 000
Cucumber (protected including tunnels added after treatment, permanent glasshouses and open-ended polyhouses)	24 000
Carnation, rose and gypsophila cut-flowers (open-field and protected)	8 000
Mills, food processing structures, processors	16 000
Raisin and dried figs	3 081
Total	143 081

Stocks of methyl bromide available for critical uses in the Member State = 0 kg.

ANNEX V

ITALIAN REPUBLIC

Categories of permitted critical uses	Kg
Tomato (protected)	671 000
Cut-flowers (protected)	162 000
Strawberry fruit (protected)	130 000
Melon (protected)	112 000
Pepper (protected)	111 000
Eggplant (protected)	96 000
Strawberry runners	78 000
Mills and processors	89 600
Museum artefacts	4 180
Total	1 453 780

Stocks of methyl bromide available for critical uses in the Member State = 167 474 kg.

ANNEX VI

REPUBLIC OF POLAND

Categories of permitted critical uses	Kg
Medicinal herbs and dried mushrooms as dry commodities	3 500
Strawberry runners	34 600
Total	38 100

Stocks of methyl bromide available for critical uses in the Member State = 210 kg.

ANNEX VII

PORTUGUESE REPUBLIC

Categories of permitted critical uses	Kg
Cut-flowers (protected and open-field)	35 000
Total	35 000

Stocks of methyl bromide available for this critical use in the Member State = 0 kg.

ANNEX VIII

KINGDOM OF SPAIN

Categories of permitted critical uses	Kg
Strawberry runners (in Castilla y León)	230 000
Strawberry fruit (protected, in Huelva)	330 000
Peppers (protected, in Murcia and south of Comunidad Valenciana)	150 000
Cut-flowers (protected, in Cadiz and Sevilla)	47 700
Cut-flowers in Cataluña	18 000
Total	775 700

Stocks of methyl bromide available for critical uses in the Member State = 8 309 kg.

ANNEX IX

KINGDOM OF THE NETHERLANDS

Categories of permitted critical uses	Kg
Post-harvest disinfestation of strawberry runners	120
Total	120

Stocks of methyl bromide available for this critical use in the Member State = 250 kg.

ANNEX X

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Categories of permitted critical uses	Kg
Strawberry fruit and raspberry (open field)	35 700
Ornamental tree production for control of <i>Verticillium</i> wilt	5 000
Mills (46); and wheat, maize and rice buildings operated by Quaker Oats, Kelloggs, Weetabix Ltd, Ryecroft and EOM	18 326
Dried commodities (nuts, dried fruit, rice, beans, cereal grains, edible seeds) for Whitworths Ltd	1 571
Mill, associated biscuit food processing, finished product and storage areas operated by Ryvita Company Ltd (Dorset)	1 787
Structures — facilities and equipment, processing and storage operated by Whitworths Ltd	880
Structures — spices building operated by Newly Weds Foods Ltd	1 125
Processing plants operated by Warehouse and Spice Grinding Facility (Pataks Foods Ltd)	1 000
Processing plants associated with herbs and spices operated by British Pepper and Spice Ltd, Lion Foods, and East Anglian Food Ingredients	1 080
Specialised cheese stores	1 561
Occasionally-infested spice products (including pappadams) processed by McCormick (UK) Ltd, British Pepper and Spice Ltd, East Anglian Food Ingredients and Pataks Foods Ltd	46
Total	68 076

Stocks of methyl bromide available for critical uses in the Member State = 6 554 kg.