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Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1571/2005 of 28 September 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
★ Commission Regulation (EC) No 1572/2005 of 28 September 2005 opening a standing invitation to tender for the resale on the Spanish market of rye held by the German intervention agency	3
★ Commission Regulation (EC) No 1573/2005 of 28 September 2005 opening a standing invitation to tender for the resale on the Community market of rye held by the German intervention agency for processing into bioethanol and its subsequent use for the production of biofuel in the Community	6
★ Commission Regulation (EC) No 1574/2005 of 28 September 2005 amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds	11
Commission Regulation (EC) No 1575/2005 of 28 September 2005 fixing the definitive rate of refund and the percentage of system B export licences to be issued in the fruit and vegetables sector (tomatoes, oranges, table grapes, apples and peaches)	16
Commission Regulation (EC) No 1576/2005 of 28 September 2005 amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year	18

II Acts whose publication is not obligatory

Council

- ★ **Information concerning the date of entry into force of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union**

1

(Continued overleaf)



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

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

Commission

2005/670/EC:

- ★ **Commission Decision of 22 June 2005 relating to a proceeding pursuant to Article 82 of the EC Treaty and Article 54 of the EEA Agreement (Case COMP/A.39.116/B2 — Coca-Cola) (notified under document number C(2005) 1829) ⁽¹⁾** 21
-

Acts adopted under Title VI of the Treaty on European Union

- ★ **Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences** 22



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1571/2005
of 28 September 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 29 September 2005.

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

Done at Brussels, 28 September 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 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 28 September 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	29,5
	096	29,4
	204	40,8
	999	33,2
0707 00 05	052	97,0
	999	97,0
0709 90 70	052	64,1
	999	64,1
0805 50 10	052	65,0
	382	63,8
	388	67,7
	524	62,6
	528	60,6
	999	63,9
0806 10 10	052	77,3
	096	52,6
	220	86,5
	624	181,7
	999	99,5
0808 10 80	388	84,1
	400	88,6
	508	31,4
	512	86,3
	528	46,8
	800	143,1
	804	80,1
	999	80,1
0808 20 50	052	89,6
	388	69,4
	720	75,4
	999	78,1
0809 30 10, 0809 30 90	052	89,7
	624	73,7
	999	81,7
0809 40 05	052	68,5
	066	64,4
	388	18,0
	508	24,5
	624	110,9
	999	57,3

⁽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 1572/2005**of 28 September 2005****opening a standing invitation to tender for the resale on the Spanish market of rye held by the German 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 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾ provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

(2) Because of the difficult weather conditions in much of Spain, cereals production will be significantly reduced in the 2005/06 marketing year. This situation has already resulted in high local prices, causing supply difficulties at competitive prices.

(3) Germany has significant intervention stocks of rye, outlets for which are hard to find and which should therefore be disposed of.

(4) The stocks of rye held by the German intervention agency should therefore be made available on the Spanish cereals market as they are particularly suited to the traders' needs.

(5) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(6) It is also important that the German intervention agency's notification to the Commission should maintain the anonymity of the tenderers.

(7) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

(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

1. The German intervention agency shall open a standing invitation to tender for the sale on the internal Community market of 500 000 tonnes of rye held by it.

2. These sales are intended to supply the Spanish market.

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

(a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;

(b) the minimum selling price shall be fixed at a level that does not disturb the cereals markets.

Article 3

1. Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93 the tender security shall be set at EUR 10 per tonne.

2. Tenders shall be valid only if they are accompanied by the tenderer's written commitment to lodge a security of EUR 80 per tonne within two working days of the day on which the notice of award of contract is received.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 5 October 2005.

⁽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).

The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 15.00 (Brussels time), with the exception of 2 November 2005, 28 December 2005, 12 April 2006, 24 May 2006 and 14 June 2006, there being no invitation to tender in the weeks concerned.

The closing date for the submission of tenders for the last partial invitation to tender shall be 28 June 2006 at 15.00 (Brussels time).

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

Bundesanstalt für Landwirtschaft und Ernährung (BLE)
Deichmannsaue 29
D-53179 Bonn
Fax 1: (49-228) 6845 3985
Fax 2: (49-228) 6845 3276.

Article 5

The German intervention agency shall send the Commission the tenders received, no later than two hours after expiry of the time-limit for submitting tenders. This notification shall be made by e-mail, using the form in the Annex hereto.

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003 the Commission shall set the minimum selling price or decide not to award any quantities. In the

event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum selling price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum selling price.

Article 7

1. The security referred to in Article 3(1) shall be released in full in respect of quantities for which:

(a) no award is made;

(b) payment of the selling price is made within the period set and the security referred to in Article 3(2) has been lodged.

2. The security referred to in Article 3(2) shall be released in proportion to the quantities of cereals delivered to Spain. Proof of a particular destination shall be supplied in accordance with Commission Regulation (EEC) No 3002/92⁽¹⁾. The T5 control copy must provide proof of compliance with the conditions laid down in Article 1(2) of this Regulation.

Article 8

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

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

Done at Brussels, 28 September 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ 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).

ANNEX

Standing invitation to tender for the resale on the Spanish market of 500 000 tonnes of rye held by the German intervention agency

Form (*)

(Regulation (EC) No 1572/2005)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (tonnes)	Tender price EUR/tonne
1			
2			
3			
etc.			

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

COMMISSION REGULATION (EC) No 1573/2005

of 28 September 2005

opening a standing invitation to tender for the resale on the Community market of rye held by the German intervention agency for processing into bioethanol and its subsequent use for the production of biofuel in the Community

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 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾ provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at a selling price which is not below the price recorded on the market at the place of storage or, failing that, on the nearest market, account being taken of transport costs, for an equivalent quality and for a representative quantity preventing market disturbance.
- (2) The increased use of biofuels in Community transport forms part of a raft of measures designed to meet the Community's environmental commitments. Promoting the use of biofuels may open up a new market for the agricultural products of the Member States.
- (3) Germany has significant intervention stocks of rye for which it is proving difficult to find markets and which should therefore be disposed of. To this end, sales on the Community market may be organised by tendering procedure with a view to processing the rye into bioethanol and its subsequent use for the production of biofuel in the Community, within the meaning of Directive 2003/30/EC of the European Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport ⁽³⁾.
- (4) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

- (5) It is also important for the German intervention agency's notification to the Commission to maintain the anonymity of the tenderers.
- (6) With a view to modernising management, the information required by the Commission should be sent by electronic mail.
- (7) To enable checks on the particular destination of the stocks covered by tendering procedures, provision should be made for specific monitoring of, on the one hand, the delivery of the rye and its processing into bioethanol and, on the other hand, its subsequent use for the production of biofuel in the Community. To permit this monitoring, application of the procedures laid down by Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention ⁽⁴⁾ and Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products ⁽⁵⁾ respectively should be made compulsory.
- (8) To guarantee proper performance, tenderers should be asked to lodge a security which, in view of the nature of the operations concerned, should be fixed by derogation from Regulation (EEC) No 2131/93, in particular as regards the conditions for its release.
- (9) The Management Committee for Cereals has not delivered an opinion within the time-limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The German intervention agency shall open a standing invitation to tender for the sale on the Community market of 200 000 tonnes of rye held by it, for processing into bioethanol and its subsequent use for the production of biofuel in the Community within the meaning of Article 2(1)(a) of Directive 2003/30/EC.

⁽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 123, 17.5.2003, p. 42.

⁽⁴⁾ 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).

⁽⁵⁾ OJ L 76, 23.3.1992, p. 1. Directive as last amended by Directive 2004/106/EC (OJ L 359, 4.12.2004, p. 30).

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding:

- (a) Article 13(1) of that Regulation, tenders shall be drawn up by reference to the actual quality of the lot to which they apply;
- (b) the second paragraph of Article 10 of that Regulation, the minimum selling price shall be set at a level which does not disturb the cereals market.

Article 3

Tenders shall be valid only if they are accompanied by:

- (a) proof that the tenderer has lodged a security which, notwithstanding the second subparagraph of Article 13(4) of Regulation (EEC) No 2131/93, is set at EUR 10 per tonne;
- (b) the tenderer's written undertaking to use the rye for processing within the Community into bioethanol and its subsequent use for the production of biofuel in the Community before 30 August 2006 and to lodge a security of EUR 40 within two working days of the day on which the notice of award of contract is received;
- (c) an undertaking to keep stock records so that checks may be carried out to ensure that the quantities of rye awarded have been processed on Community territory into bioethanol and that this ethanol has been used for the production of biofuel in the Community.

The holding and movement of ethanol is subject to Directive 92/12/EEC for the purposes of the production of biofuels.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 5 October 2005.

The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 15.00 (Brussels time), with the exception of 2 November 2005, 28 December 2005, 12 April 2006, 24 May 2006 and 14 June 2006, i.e. weeks when no invitation to tender shall be made.

The last partial invitation to tender shall expire at 15.00 (Brussels time) on 28 June 2006.

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

Bundesanstalt für Landwirtschaft und Ernährung (BLE)
Deichmannsaeue 29
D-53179 Bonn
Fax: (49-228) 6845 3985
(49-228) 6845 3276.

Article 5

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

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003 the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum selling price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum selling price.

Article 7

1. The security referred to in Article 3(a) shall be released in full in respect of quantities for which:

(a) no award is made;

(b) payment of the selling price is made within the period set and the security referred to in Article 3(b) has been lodged.

2. The security referred to in Article 3(b) shall be released in proportion to the quantities of rye used by 30 August 2006 for the production of bioethanol in the Community and subject to the bioethanol being placed under the tax warehouse system provided for in Directive 92/12/EEC and specifying the end use of the bioethanol as biofuel in the Community.

Article 8

1. Proof that the undertakings referred to in Article 3(b) have been met shall be supplied in accordance with Regulation (EEC) No 3002/92 and Directive 92/12/EEC.

2. In addition to the particulars provided for in Regulation (EEC) No 3002/92, box 104 of the control copy T5 shall refer to the undertaking provided for in Article 3(b) and (c) and contain one or more of the entries shown in Annex II.

3. Notwithstanding Article 7(1)(a) of Regulation (EEC) No 3002/92, proof that the rye has been properly used shall be provided where it is stored in a bioethanol processing undertaking and the biofuel producer shows, by submitting

supporting documents, that the bioethanol produced from rye purchased in accordance with this Regulation has been processed into biofuel.

Article 9

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

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

Done at Brussels, 28 September 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Standing invitation to tender for the resale of 200 000 tonnes of rye held by the German intervention agency

Form (*)

(Regulation (EC) No 1573/2005)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price (EUR/t)
1			
2			
3			
etc.			

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

ANNEX II

Entries referred to in Article 8(2)

- *in Spanish:* Productos destinados a la transformación y destino final previstos en el artículo 3, letras b) y c) del Reglamento (CE) n° 1573/2005
- *in Czech:* Produkty určené ke zpracování a na místo konečného určení podle čl. 3 písm. b) a c) nařízení (ES) č. 1573/2005
- *in Danish:* Produkter til forarbejdning og endelig bestemmelse som fastsat i artikel 3, litra b) og c), i forordning (EF) nr. 1573/2005
- *in German:* Erzeugnisse zur Verarbeitung und Endbestimmung gemäß Artikel 3 Buchstaben b und c der Verordnung (EG) Nr. 1573/2005
- *in Estonian:* Määruse (EÜ) nr 1573/2005 artikli 3 punktides b ja c ettenähtud eesmärgil töötlemiseks mõeldud tooted
- *in Greek:* Προϊόντα προς μεταποίηση και με τελικό προορισμό όπως προβλέπεται στο άρθρο 3 στοιχεία β) και γ) του κανονισμού (ΕΚ) αριθ. 1573/2005
- *in English:* Products intended for processing and for the final destination referred to in Article 3(b) and (c) of Regulation (EC) No 1573/2005
- *in French:* produits destinés à la transformation et à la destination finale prévues à l'article 3, points b) et c) du règlement (CE) n° 1573/2005
- *in Italian:* Prodotti destinati alla trasformazione e alla destinazione finale di cui all'articolo 3, lettere b) e c), del regolamento (CE) n. 1573/2005
- *in Latvian:* Produkti paredzēti tādai pārstrādei un galīgajam lietojumam, kā noteikts Regulas (EK) Nr. 1573/2005 3. panta b) un c) punktā
- *in Lithuanian:* Produktai, kurių perdėrimas ir galutinis panaudojimas numatyti Reglamento (EB) Nr. 1573/2005 3 straipsnio b ir c punktuose
- *in Hungarian:* Az 1573/2005/EK rendelet 3. cikkének b) és c) pontja szerinti feldolgozásra és végső felhasználásra szánt termékek
- *in Dutch:* Producten bestemd voor de verwerking en het eindgebruik als bedoeld in artikel 3, onder b) en c), van Verordening (EG) nr. 1573/2005
- *in Polish:* Produkty przeznaczone do przetworzenia oraz do końcowego miejsca przeznaczenia przewidzianych w art. 3 lit. b) i c) rozporządzenia (WE) nr 1573/2005
- *in Portuguese:* Produtos para a transformação e o destino final estabelecidos no Regulamento (CE) n.º 1573/2005
- *in Slovak:* Produkty určené na spracovanie a na konečné použitie podľa článku 3 písm. b) a c) nariadenia (ES) č. 1573/2005
- *in Slovenian:* Proizvodi za predelavo in končni namembni kraj iz člena 3(b) in (c) Uredbe (ES) št. 1573/2005
- *in Finnish:* Asetuksen (EY) N:o 1573/2005 3 artiklan b ja c alakohdan mukaiseen jalostukseen ja loppukäyttöön tarkoitettut tuotteet
- *in Swedish:* Produkter avsedda för bearbetning och slutlig användning enligt artikel 3 b och c i förordning (EG) nr 1573/2005

COMMISSION REGULATION (EC) No 1574/2005
of 28 September 2005
amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification
scheme for the international trade in rough diamonds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds ⁽¹⁾, and in particular Article 20 thereof,

Whereas:

- (1) Article 20 of Regulation (EC) No 2368/2002 provides for the amending of the list of participants in the Kimberley Process certification scheme in Annex II.
- (2) The Chair of the Kimberley Process certification scheme, through his Chair's Notice of 19 September 2005, has

decided to add Lebanon to the list of Participants as of 20 September 2005. Annex II should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 2368/2002 is hereby replaced by 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*.

It shall be applicable from 20 September 2005.

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

Done at Brussels, 28 September 2005.

For the Commission

Benita FERRERO-WALDNER
Member of the Commission

⁽¹⁾ OJ L 358, 31.12.2002, p. 28. Regulation as last amended by Commission Regulation (EC) No 1285/2005 (OJ L 203, 4.8.2005, p. 12).

ANNEX

'ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20.

ANGOLA

Ministry of Geology and Mines
Rua Hochi Min
Luanda
Angola

ARMENIA

Department of Gemstones and Jewellery
Ministry of Trade and Economic Development
Yerevan
Armenia

AUSTRALIA

Community Protection Section
Australian Customs Section
Customs House, 5 Constitution Avenue
Canberra ACT 2601
Australia

Minerals Development Section
Department of Industry, Tourism and Resources
GPO Box 9839
Canberra ACT 2601
Australia

BELARUS

Department of Finance
Sovetskaja Str., 7
220010 Minsk
Republic of Belarus

BOTSWANA

Ministry of Minerals, Energy & Water Resources
PI Bag 0018
Gaborone
Botswana

BRAZIL

Ministry of Mines and Energy
Esplanada dos Ministérios — Bloco "U" — 3º andar
70065 — 900 Brasilia — DF
Brazil

BULGARIA

Ministry of Economy
Multilateral Trade and Economic Policy and Regional
Cooperation Directorate
12, Al. Batenberg str.
1000 Sofia
Bulgaria

CANADA

International:

Department of Foreign Affairs and International Trade
Peace Building and Human Security Division
Lester B Pearson Tower B — Room: B4-120
125 Sussex Drive Ottawa, Ontario K1A 0G2
Canada

For specimen of the Canadian KP Certificate:

Stewardship Division
International and Domestic Market Policy Division
Mineral and Metal Policy Branch
Minerals and Metals Sector
Natural Resources Canada
580 Booth Street, 10th Floor, Room: 10A6
Ottawa, Ontario
Canada K1A 0E4

General Enquiries:

Kimberley Process Office
Minerals and Metals Sector (MMS)
Natural Resources Canada (NRCan)
10th Floor, Area A-7
580 Booth Street
Ottawa, Ontario
Canada K1A 0E4

CENTRAL AFRICAN REPUBLIC

Independent Diamond Valuators (IDV)
Immeuble SOCIM, 2^{ème} étage
BP 1613 Bangui
Central African Republic

CHINA, People's Republic of

Department of Inspection and Quarantine Clearance
General Administration of Quality Supervision, Inspection and
Quarantine (AQSIQ)
9 Madiandonglu
Haidian District, Beijing
People's Republic of China

HONG KONG, Special Administrative Region of the People's Republic
of China

Department of Trade and Industry
Hong Kong Special Administrative Region
People's Republic of China
Room 703, Trade and Industry Tower
700 Nathan Road
Kowloon
Hong Kong
China

CONGO, Democratic Republic of

Centre d'Évaluation, d'Expertise et de Certification (CEEC)
17th floor, BCDC Tower
30th June Avenue
Kinshasa
Democratic Republic of Congo

COTE D'IVOIRE

Ministry of Mines and Energy
BP V 91
Abidjan
Cote d'Ivoire

CROATIA

Ministry of Economy
Zagreb
Republic of Croatia

EUROPEAN COMMUNITY

European Commission
DG External Relations/A/2
B-1049 Brussels
Belgium

GHANA

Precious Minerals Marketing Company (Ltd.)
Diamond House,
Kinbu Road,
P.O. Box M. 108
Accra
Ghana

GUINEA

Ministry of Mines and Geology
BP 2696
Conakry
Guinea

GUYANA

Geology and Mines Commission
P.O. Box 1028
Upper Brickdam
Stabroek
Georgetown
Guyana

INDIA

The Gem & Jewellery Export Promotion Council
Diamond Plaza, 5th Floor 391-A, Fr D.B. Marg
Mumbai 400 004
India

INDONESIA

Directorate-General of Foreign Trade
Ministry of Trade
JI M.I. Ridwan Rais No. 5
Blok 1 Iantai 4
Jakarta Pusat Kotak Pos. 10110
Jakarta
Indonesia

ISRAEL

Ministry of Industry and Trade
P.O. Box 3007
52130 Ramat Gan
Israel

JAPAN

United Nations Policy Division
Foreign Policy Bureau
Ministry of Foreign Affairs
2-11-1, Shibakoen Minato-ku
105-8519 Tokyo
Japan

Mineral and Natural Resources Division
Agency for Natural Resources and Energy
Ministry of Economy, Trade and Industry
1-3-1 Kasumigaseki, Chiyoda-ku
100-8901 Tokyo
Japan

KOREA, Republic of

UN Division
Ministry of Foreign Affairs and Trade
Government Complex Building
77 Sejong-ro, Jongro-gu
Seoul
Korea

Trade Policy Division
Ministry of Commerce, Industry and Enterprise
1 Joongang-dong, Kwacheon-City
Kyunggi-do
Korea

LAOS, People's Democratic Republic

Department of Foreign Trade,
Ministry of Commerce
Vientiane
Laos

LEBANON

Special Committee
Director General
Ministry of Economy and Trade
Beirut
Lebanon

LESOTHO

Commission of Mines and Geology
P.O. Box 750
Maseru 100
Lesotho

MALAYSIA

Ministry of International Trade and Industry
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50622 Kuala Lumpur
Malaysia

MAURITIUS

Ministry of Commerce and Co-operatives
Import Division
2nd Floor, Anglo-Mauritius House
Intendance Street
Port Louis
Mauritius

NAMIBIA

Diamond Commission
Ministry of Mines and Energy
Private Bag 13297
Windhoek
Namibia

NORWAY

Section for Public International Law
Department for Legal Affairs
Royal Ministry of Foreign Affairs
P.O. Box 8114
0032 Oslo
Norway

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National Authority for Consumer Protection
Strada Georges Clemenceau Nr. 5, sectorul 1
Bucharest
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14, 1812 Goda St.
121170 Moscow
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Ministry of Mineral Resources
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Brookfields
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Ministry of Trade and Industry
100 High Street
#0901, The Treasury,
Singapore 179434

SOUTH AFRICA

South African Diamond Board
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South Africa

SRI LANKA

Trade Information Service
Sri Lanka Export Development Board
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SWITZERLAND

State Secretariat for Economic Affairs
Export Control Policy and Sanctions
Effingerstrasse 1
3003 Berne
Switzerland

TAIWAN, PENGHU, KINMEN AND MATSU, Separate Customs Territory

Export/Import Administration Division
Bureau of Foreign Trade
Ministry of Economic Affairs
Taiwan

TANZANIA

Commission for Minerals
Ministry of Energy and Minerals
PO Box 2000
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Tanzania

THAILAND

Ministry of Commerce
Department of Foreign Trade
44/100 Thanon Sanam Bin Nam-Nonthaburi
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Nonthaburi 11000
Thailand

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Directorate General — Mines and Geology
B.P. 356
216, Avenue Sarakawa
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UKRAINE

Ministry of Finance
State Gemological Center
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Kiev
04119 Ukraine

International Department
Diamond Factory "Kristall"
600 Letiya Street 21
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UNITED ARAB EMIRATES

Dubai Metals and Commodities Centre
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Dubai
United Arab Emirates

UNITED STATES OF AMERICA

U.S. Department of State
2201 C St., N.W.
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United States of America

VENEZUELA

Ministry of Energy and Mines
Apartado Postal No. 61536 Chacao
Caracas 1006
Av. Libertadores, Edif. PDVSA, Pent House B
La Campina — Caracas
Venezuela

VIETNAM

Export-Import Management Department
Ministry of Trade of Vietnam

31 Trang Tien
Hanoi 10.000
Vietnam

ZIMBABWE

Principal Minerals Development Office
Ministry of Mines and Mining Development
Private Bag 7709, Causeway
Harare
Zimbabwe.

COMMISSION REGULATION (EC) No 1575/2005
of 28 September 2005

fixing the definitive rate of refund and the percentage of system B export licences to be issued in the fruit and vegetables sector (tomatoes, oranges, table grapes, apples and peaches)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽²⁾, and in particular Article 6(7) thereof,

Whereas:

(1) Commission Regulation (EC) No 951/2005 ⁽³⁾ fixed the indicative quantities for the issue of B system export licences.

(2) The definitive rate of refund for tomatoes, oranges, table grapes, apples and peaches covered by licences applied for under system B between 1 July 2005 to 15 September 2005, should be fixed at the indicative rate, and the percentage of licences to be issued for the quantities applied for should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

For applications for system B export licences submitted pursuant to Article 1 of Regulation (EC) No 951/2005 between 1 July 2005 and 15 September 2005, the percentages of licences to be issued and the rates of refund applicable are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 September 2005.

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

Done at Brussels, 28 September 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

⁽³⁾ OJ L 160, 23.6.2005, p. 19. Regulation as amended by Regulation (EC) No 1078/2005 (OJ L 177, 9.7.2005, p. 3).

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 1 July 2005 to 15 September 2005 (tomatoes, oranges, table grapes, apples and peaches)

Product	Rate of refund (EUR/t net)	Percentages of licences to be issued for the quantities applied for
Tomatoes	35	100 %
Oranges	38	100 %
Table grapes	25	100 %
Apples	36	100 %
Peaches	13	100 %

COMMISSION REGULATION (EC) No 1576/2005**of 28 September 2005****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2005/2006 marketing year are fixed by

Commission Regulation (EC) No 1011/2005 ⁽³⁾. These prices and duties were last amended by Regulation (EC) No 1563/2005 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 September 2005.

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

Done at Brussels, 28 September 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

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

⁽³⁾ OJ L 170, 1.7.2005, p. 35.

⁽⁴⁾ OJ L 249, 23.9.2005, p. 16.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 29 September 2005

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	24,16	4,22
1701 11 90 ⁽¹⁾	24,16	9,45
1701 12 10 ⁽¹⁾	24,16	4,03
1701 12 90 ⁽¹⁾	24,16	9,02
1701 91 00 ⁽²⁾	26,15	12,16
1701 99 10 ⁽²⁾	26,15	7,64
1701 99 90 ⁽²⁾	26,15	7,64
1702 90 99 ⁽³⁾	0,26	0,39

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

⁽²⁾ Fixed for the standard quality defined in Annex I.I to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽³⁾ Fixed per 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

Information concerning the date of entry into force of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union

Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union ⁽¹⁾, signed in Brussels on 21 December 2004, entered into force on 1 October 2005, in accordance with Article 14 of the Protocol.

⁽¹⁾ OJ L 26, 28.1.2005, p. 222 and OJ L 243, 19.9.2005, p. 49.

COMMISSION

COMMISSION DECISION

of 22 June 2005

relating to a proceeding pursuant to Article 82 of the EC Treaty and Article 54 of the EEA Agreement

(Case COMP/A.39.116/B2 — Coca-Cola)

(notified under document number C(2005) 1829)

(Only the English text is authentic)

(Text with EEA relevance)

(2005/670/EC)

- (1) This decision adopted pursuant to Article 9(1) of Council Regulation (EC) No 1/2003 ⁽¹⁾ is addressed to the Coca-Cola Company (TCCC) and its three major bottlers, Bottling Holdings (Luxembourg) SARL, Coca-Cola Erfrischungsgetränke AG and Coca-Cola Hellenic Bottling Company SA (hereafter: the Parties). The subject matter of the procedure relates to the conduct of TCCC and its bottlers in the supply of carbonated soft drinks in both the distribution channel for consumption at home and the channel for consumption on premise in the EC Member States, Iceland and Norway. In a preliminary assessment, the Commission expressed concerns under Article 82 of the EC Treaty and Article 54 of the EEA Agreement in relation to practices consisting in exclusivity-related requirements, growth and target rebates and leveraging of market power between various product categories.
- (2) The Commission considers that the commitments offered following the preliminary assessment and the observations submitted by interested third parties are sufficient to address the identified competition concerns in channels, where the Parties reach defined market share thresholds. In particular, the Parties will refrain from concluding exclusivity agreements save in specific circumstances and from granting growth and target rebates. In the preliminary assessment these practices were considered to make it more difficult for third parties to compete on the merits. By providing that requirements concerning assortment and shelf-space must be defined separately for certain categories of brands, the commitments address the concern identified in the preliminary assessment that strong brands could be leveraged in favour of weaker brands. In regard to financing and technical equipment, the commitments reduce contract duration, give customers the option of repayment and termination without penalties and free up a certain share of cooler space, thus addressing the concerns that the pre-existing arrangements would unduly bind customers and lead to outlet exclusivity.
- (3) The decision finds that, in view of the commitments, there are no longer grounds for action by the Commission. The decision shall be binding until 31 December 2010.
- (4) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 20 May 2005.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

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

COUNCIL DECISION 2005/671/JHA
of 20 September 2005
on the exchange of information and cooperation concerning terrorist offences

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 29, 30(1), 31 and 34(2)(c) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) At its extraordinary meeting on 21 September 2001, the European Council stated that terrorism was a real challenge to the world and to Europe and that the fight against terrorism would be a priority objective of the European Union.
- (2) On 19 October 2001 the European Council stated that it was determined to combat terrorism in every form throughout the world and that it would continue its efforts to strengthen the coalition of the international community to combat terrorism in every shape and form, for example by increased cooperation between the operational services responsible for combating terrorism: Europol, Eurojust, the intelligence services, police forces and judicial authorities.
- (3) It is essential in the fight against terrorism for the relevant services to have the fullest and most up-to-date information possible in their respective fields. The Member States' specialised national services, the judicial authorities and relevant bodies of the European Union such as Europol and Eurojust absolutely need information if they are to perform their tasks.
- (4) Council Decision 2003/48/JHA of 19 December 2002 on the implementation of specific measures for police and judicial cooperation to combat terrorism in

accordance with Article 4 of Common Position 2001/931/CFSP ⁽²⁾ is a major step forward. The persistence of the terrorist threat and the complexity of the phenomenon raise the need for ever greater exchanges of information. The scope of information exchanges must be extended to all stages of criminal proceedings, including convictions, and to all persons, groups or entities investigated, prosecuted or convicted for terrorist offences.

- (5) Since the objectives of this decision cannot be sufficiently achieved by the Member States acting alone and can therefore, given the need for reciprocity, be better achieved at Community level, the Community may adopt measures, act in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.
- (6) In the execution of the exchange of information, this Decision is without prejudice to essential national security interests, and it should not jeopardise the safety of individuals or the success of a current investigation or specific intelligence activities in the field of State security.
- (7) This Decision respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union,

HAS DECIDED AS FOLLOWS:

Article 1

Definitions

For the purposes of this Decision, the following definitions shall apply:

- (a) 'terrorist offences': the offences specified in Articles 1, 2 and 3 of Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism ⁽³⁾;

⁽¹⁾ Opinion given on 7 June 2005 (not yet published in the Official Journal).

⁽²⁾ OJ L 16, 22.1.2003, p. 68.

⁽³⁾ OJ L 164, 22.6.2002, p. 3.

(b) 'Europol Convention': the Convention of 26 July 1995 on the establishment of a European Police Office ⁽¹⁾;

(c) 'Eurojust Decision': Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime ⁽²⁾;

(d) 'group or entity': 'terrorist groups' within the meaning of Article 2 of Council Framework Decision 2002/475/JHA and the groups and entities listed in the Annex to Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism ⁽³⁾.

Article 2

Provision of information concerning terrorist offences to Eurojust, Europol and the Member States

1. Each Member State shall designate a specialised service within its police services or other law enforcement authorities, which, in accordance with national law, will have access to and collect all relevant information concerning and resulting from criminal investigations conducted by its law enforcement authorities with respect to terrorist offences and send it to Europol in accordance with paragraphs 3 and 4.

2. Each Member State shall designate one, or where its legal system so provides more than one authority, as Eurojust national correspondent for terrorism matters or an appropriate judicial or other competent authority which, in accordance with national law, shall have access to and can collect all relevant information concerning prosecutions and convictions for terrorist offences and send it to Eurojust in accordance with paragraph 5.

3. Each Member State shall take the necessary measures to ensure that at least the information referred to in paragraph 4 concerning criminal investigations and the information referred to in paragraph 5 concerning prosecutions and convictions for terrorist offences which affect or may affect two or more Member States, gathered by the relevant authority, is transmitted to:

(a) Europol, in accordance with national law and with the provisions of the Europol Convention, for processing; and

(b) Eurojust, in accordance with national law and where the provisions of the Eurojust Decision so allow.

⁽¹⁾ OJ C 316, 27.11.1995, p. 2. Convention as last amended by the Protocol of 27.11.2003 (OJ C 2, 6.1.2004, p. 3).

⁽²⁾ OJ L 63, 6.3.2002, p. 1. Decision as amended by Council Decision 2003/659/JHA (OJ L 245, 29.9.2003, p. 44).

⁽³⁾ OJ L 344, 28.12.2001, p. 93. Common Position as last amended by Common Position 2005/220/CFSP (OJ L 69, 16.3.2005, p. 59).

4. The information to be transmitted in accordance with paragraph 3 to Europol shall be the following:

(a) data which identify the person, group or entity;

(b) acts under investigation and their specific circumstances;

(c) the offence concerned;

(d) links with other relevant cases;

(e) the use of communication technologies;

(f) the threat posed by the possession of weapons of mass destruction.

5. The information to be transmitted in accordance with paragraph 3 to Eurojust shall be the following:

(a) data which identify the person, group or entity that is the object of a criminal investigation or prosecution;

(b) the offence concerned and its specific circumstances;

(c) information about final convictions for terrorist offences and the specific circumstances surrounding those offences;

(d) links with other relevant cases;

(e) requests for judicial assistance, including letters rogatory, addressed to or by another Member State and the response.

6. Each Member State shall take the necessary measures to ensure that any relevant information included in documents, files, items of information, objects or other means of evidence, seized or confiscated in the course of criminal investigations or criminal proceedings in connection with terrorist offences can be made accessible as soon as possible, taking account of the need not to jeopardise current investigations, to the authorities of other interested Member States in accordance with national law and relevant international legal instruments where investigations are being carried out or might be initiated or where prosecutions are in progress in connection with terrorist offences.

Article 3

Joint investigation teams

In appropriate cases Member States shall take the necessary measures to set up joint investigation teams to conduct criminal investigations into terrorist offences.

*Article 4***Requests for judicial assistance and enforcement of judgments**

Each Member State shall take the necessary measures to ensure that requests from other Member States for mutual legal assistance and recognition and enforcement of judgments in connection with terrorist offences are dealt with as a matter of urgency and are given priority.

*Article 5***Repeal of existing provisions**

Decision 2003/48/JHA is hereby repealed.

*Article 6***Implementation**

Member States shall take the necessary measures to comply with the provisions of this Decision at the latest by 30 June 2006.

*Article 7***Territorial Application**

This Decision shall apply to Gibraltar.

*Article 8***Entry into force**

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

Done at Brussels, 20 September 2005.

For the Council
The President
M. BECKETT
