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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1912/2005**of 23 November 2005****amending Regulation (EC) No 527/2003 authorising the offer and delivery for direct human consumption of certain wines imported from Argentina which may have undergone oenological processes not provided for in Regulation (EC) No 1493/1999**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 45(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By way of derogation from Article 45(1) of Regulation (EC) No 1493/1999, Regulation (EC) No 527/2003 ⁽²⁾ authorises imports into the Community of wine produced in Argentina which has undergone oenological processes not provided for in the Community rules. That authorisation expired on 30 September 2005.
- (2) Negotiations are still ongoing between the Community, represented by the Commission, and Mercosur, which includes Argentina, on an agreement on trade in wines. These negotiations concern, in particular, the respective oenological practices and processes used by both parties and the protection of geographical indications.

(3) In order to facilitate the progress of the negotiations, the derogation allowing malic acid to be added to wine produced in Argentina and imported into the Community should be extended until the entry into force of the agreement resulting from the negotiations, and no later than 31 December 2006.

(4) Regulation (EC) No 527/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In the second subparagraph of Article 1(1) of Regulation (EC) No 527/2003, the date '30 September 2005' is hereby replaced by that of '31 December 2006'.

Article 2

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

It shall apply from 1 October 2005.

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

Done at Brussels, 23 November 2005.

For the Council
The President
M. BECKETT

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

⁽²⁾ OJ L 78, 25.3.2003, p. 1. Regulation as last amended by Regulation (EC) No 2067/2004 (OJ L 358, 3.12.2004, p. 1).

COUNCIL REGULATION (EC) No 1913/2005

of 23 November 2005

amending Regulations (EEC) No 2759/75, (EEC) No 2771/75, (EEC) No 2777/75, (EC) No 1254/1999, (EC) No 1255/1999 and (EC) No 2529/2001 as regards exceptional market support measures

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Whereas:

(1) Some common market organisations include exceptional market support measures to take account of restrictions on free circulation resulting from the application of measures to combat the spread of animal diseases. These measures are contained in:

— Article 20 of Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽³⁾,

— Article 14 of Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽⁴⁾,

— Article 14 of Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽⁵⁾,

— Article 39 of Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽⁶⁾,

— Article 36 of Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽⁷⁾,

— Article 22 of Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat ⁽⁸⁾.

(2) These exceptional market support measures are taken by the Commission and are directly related to or consequent upon health and veterinary measures adopted in order to combat the spread of diseases. They are taken at the request of Member States in order to avoid serious disruption on the markets concerned.

(3) In this regard Member States have prime responsibility for preventing an outbreak of disease and its spread. In the light of the situation, the extent of the disease, its duration, and, accordingly, the scale of the market-support efforts required, the cost of the aid actually paid to the producers should be shared between the Community and the Member State concerned.

(4) Adoption of the support measures should be dependent on the adoption by Member States of health and veterinary measures quickly to stamp out any outbreaks of disease.

(5) Member States should ensure that distortion of competition does not arise where Member States involve producers in providing part of the funding.

(6) The rules on State aid should not apply to Member States' financial contributions towards the exceptional market support measures,

⁽¹⁾ Opinion delivered on 13 October 2005 (not yet published in the Official Journal).

⁽²⁾ OJ C 221, 8.9.2005, p. 44.

⁽³⁾ OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 1365/2000 (OJ L 156, 29.6.2000, p. 5).

⁽⁴⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁵⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003.

⁽⁶⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽⁷⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽⁸⁾ OJ L 341, 22.12.2001, p. 3. Regulation as last amended by Regulation (EC) No 1782/2003.

HAS ADOPTED THIS REGULATION:

Article 1

Article 20 of Regulation (EEC) No 2759/75 shall be replaced by the following:

'Article 20

1. In order to take account of the restrictions on intra-Community and third-country trade which may result from the application of measures for combating the spread of diseases in animals, exceptional measures of support for the market affected by those restrictions may be taken in accordance with the procedure laid down in Article 24. These measures shall be taken at the request of the Member State(s) concerned. They may be taken only if the Member State(s) concerned has (have) taken health and veterinary measures quickly to stamp out the disease, and only to the extent and for the duration strictly necessary to support the market concerned.

2. For exceptional measures as referred to in paragraph 1 which relate directly to health and veterinary measures, the Community shall provide part-financing equivalent to 50 % of the expenditure borne by Member States and 60 % of such expenditure when combating foot-and-mouth disease.

3. Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in distortion of competition between producers in different Member States.

4. Articles 87, 88 and 89 of the Treaty shall not apply to Member States' financial contributions towards the exceptional measures referred to in paragraph 1.'

Article 2

Article 14 of Regulation (EEC) No 2771/75 shall be replaced by the following:

'Article 14

1. In order to take account of the restrictions on free circulation which may result from the application of measures for combating the spread of diseases in animals, exceptional measures of support for the market affected by those restrictions may be taken in accordance with the procedure referred to in Article 17. These measures shall be taken at the request of the Member State(s) concerned. They may be taken only if the Member State(s) concerned has

(have) taken health and veterinary measures quickly to stamp out the disease, and only to the extent and for the duration strictly necessary to support the market concerned.

2. For exceptional measures as referred to in paragraph 1 which relate directly to health and veterinary measures, the Community shall provide part-financing equivalent to 50 % of the expenditure borne by Member States.

3. Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in distortion of competition between producers in different Member States.

4. Articles 87, 88 and 89 of the Treaty shall not apply to Member States' financial contributions towards the exceptional measures referred to in paragraph 1.'

Article 3

Article 14 of Regulation (EEC) No 2777/75 shall be replaced by the following:

'Article 14

1. In order to take account of the restrictions on free circulation which may result from the application of measures for combating the spread of diseases in animals, exceptional measures of support for the market affected by those restrictions may be taken in accordance with the procedure referred to in Article 17. These measures shall be taken at the request of the Member State(s) concerned. They may be taken only if the Member State(s) concerned has (have) taken health and veterinary measures quickly to stamp out the disease, and only to the extent and for the duration strictly necessary to support the market concerned.

2. For exceptional measures as referred to in paragraph 1 which relate directly to health and veterinary measures, the Community shall provide part-financing equivalent to 50 % of the expenditure borne by Member States.

3. Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in distortion of competition between producers in different Member States.

4. Articles 87, 88 and 89 of the Treaty shall not apply to Member States' financial contributions towards the exceptional measures referred to in paragraph 1.'

Article 4

Article 39 of Regulation (EC) No 1254/1999 shall be replaced by the following:

'Article 39

1. In order to take account of the restrictions on free circulation which may result from the application of measures for combating the spread of diseases in animals, exceptional measures of support for the market affected by those restrictions may be taken in accordance with the procedure referred to in Article 43. These measures shall be taken at the request of the Member State(s) concerned. They may be taken only if the Member State(s) concerned has (have) taken health and veterinary measures quickly to stamp out the disease, and only to the extent and for the duration strictly necessary to support the market concerned.

2. For exceptional measures as referred to in paragraph 1 which relate directly to health and veterinary measures, the Community shall provide part-financing equivalent to 50 % of the expenditure borne by Member States and 60 % of such expenditure when combating foot-and-mouth disease.

3. Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in distortion of competition between producers in different Member States.

4. Articles 87, 88 and 89 of the Treaty shall not apply to Member States' financial contributions towards the exceptional measures referred to in paragraph 1.'

Article 5

Article 36 of Regulation (EC) No 1255/1999 shall be replaced by the following:

'Article 36

1. In order to take account of the restrictions on free circulation which may result from the application of measures for combating the spread of diseases in animals, exceptional measures of support for the market affected by those restrictions may be taken in accordance with the procedure referred to in Article 42. These measures shall be taken at the request of the Member State(s) concerned. They may be taken only if the Member State(s) concerned has (have) taken health and veterinary measures quickly to stamp out the disease, and only to the extent and for the duration strictly necessary to support the market concerned.

2. For exceptional measures as referred to in paragraph 1 which relate directly to health and veterinary measures, the

Community shall provide part-financing equivalent to 50 % of the expenditure borne by Member States and 60 % of such expenditure when combating foot-and-mouth disease.

3. Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in distortion of competition between producers in different Member States.

4. Articles 87, 88 and 89 of the Treaty shall not apply to Member States' financial contributions towards the exceptional measures referred to in paragraph 1.'

Article 6

Article 22 of Regulation (EC) No 2529/2001 shall be replaced by the following:

'Article 22

1. In order to take account of the restrictions on free circulation which may result from the application of measures for combating the spread of diseases in animals, exceptional measures of support for the market affected by those restrictions may be taken in accordance with the procedure referred to in Article 25(2). These measures shall be taken at the request of the Member State(s) concerned. They may be taken only if the Member State(s) concerned has (have) taken health and veterinary measures quickly to stamp out the disease, and only to the extent and for the duration strictly necessary to support the market concerned.

2. For exceptional measures as referred to in paragraph 1 which relate directly to health and veterinary measures, the Community shall provide part-financing equivalent to 50 % of the expenditure borne by Member States and 60 % of such expenditure when combating foot-and-mouth disease.

3. Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in distortion of competition between producers in different Member States.

4. Articles 87, 88 and 89 of the Treaty shall not apply to Member States' financial contributions towards the exceptional measures referred to in paragraph 1.'

Article 7

This Regulation shall enter into force on the seventh 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, 23 November 2005.

For the Council
The President
M. BECKETT

COMMISSION REGULATION (EC) No 1914/2005
of 24 November 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 25 November 2005.

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

Done at Brussels, 24 November 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 24 November 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	48,9
	204	33,2
	999	41,1
0707 00 05	052	102,4
	204	39,1
	999	70,8
0709 90 70	052	117,4
	204	63,3
	999	90,4
0805 20 10	204	66,1
	624	83,4
	999	74,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,8
	624	95,2
	999	83,0
0805 50 10	052	64,8
	388	74,2
	999	69,5
0808 10 80	388	68,4
	400	93,5
	404	93,1
	720	70,6
	999	81,4
0808 20 50	052	73,0
	400	99,0
	720	56,3
	999	76,1

⁽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 1915/2005

of 24 November 2005

amending Regulation (EC) No 1982/2004 with regard to the simplification of the recording of the quantity and specifications on particular movements of goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

trade with vessels and aircraft, sea products, electricity and natural gas.

Having regard to the Treaty establishing the European Community,

(6) Clarification is also needed regarding replacement parts which are used for repair.

Having regard to Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91 ⁽¹⁾ and in particular Articles 3(4) and (5), 9, 10 and 12 thereof,

(7) Regulation (EC) No 1982/2004 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on statistics relating to the trading of goods between Member States,

Whereas:

(1) Commission Regulation (EC) No 1982/2004 of 18 November 2004 implementing Regulation (EC) No 638/2004 of the European Parliament and of the Council on Community statistics relating to the trading of goods between Member States and repealing Commission Regulations (EC) No 1901/2000 and (EEC) No 3590/92 ⁽²⁾ determines provisions for some data elements and specific goods. These provisions should be adapted in order to facilitate data collection and to become more accurate on some particular trade transactions.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1982/2004 is amended as follows:

1. Article 9 is replaced by the following:

'Article 9

Quantity of the goods

1. The net mass shall be given in kilograms. However, where there is a supplementary unit mentioned according to paragraph 2, it is not mandatory to request the specification of net mass from the parties responsible for providing information.

2. The supplementary units shall be mentioned in accordance with the information set out in the Combined Nomenclature hereinafter referred to as "CN" as established by Council Regulation (EEC) No 2658/87 ^(*) opposite the subheadings concerned, the list of which is published in Part I "Preliminary provisions" of the said Regulation.

^(*) OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 493/2005 (OJ L 82, 31.3.2005, p. 1).'

(2) With a view to reducing the reporting burden for parties responsible for providing the information, Member States should have the possibility to exempt companies from providing information on the quantity in net mass for all the goods for which supplementary units have to be mentioned at the same time.

(3) In order to meet national data requirements Member States should be given more flexibility on the collection of codes of the Nature of Transaction as long as information transmitted to the Commission is not affected.

(4) With a view to harmonising Community statistics relating to the trading of vessels and aircraft between Member States, data transmission on trade with vessels and aircraft should be limited to transactions registered in the national ships or aircraft register and involving companies established in the reporting Member State.

(5) Additional provisions on data sources should be specified in order to enable national authorities to collect more precise information on arrival and dispatches as regards

2. In Article 10, the following sentence is added:

'Member States may collect code numbers for national purposes in column B provided that only the code numbers of column A are transmitted to the Commission.'

⁽¹⁾ OJ L 102, 7.4.2004, p. 1.

⁽²⁾ OJ L 343, 19.11.2004, p. 3.

3. Article 17 is amended as follows:

(a) In paragraph 2, points (a) and (b) are replaced by following:

'(a) the transfer of ownership of a vessel or aircraft, from a natural or legal person established in another Member State to a natural or legal person established in the reporting Member State and registered in the national ships or aircraft register. This transaction shall be treated as an arrival;

(b) the transfer of ownership of a vessel or aircraft from a natural or legal person established in the reporting Member State and registered in the national ships or aircraft register to a natural or legal person established in another Member State. This transaction shall be treated as a dispatch.

If the vessel or aircraft is new the dispatch is recorded in the Member State of construction.'

(b) Paragraph 4 is replaced by the following:

'4. Provided that there is no conflict with other Community legislation, national authorities shall have access to all available additional data sources other than those of the Intrastat System or the Single Administrative Document for customs or fiscal purposes, such as information from national ships and aircraft registers which may be required to identify the transfer of ownership of such goods.'

4. In Article 21 paragraph 4 is replaced by the following:

'4. Provided that there is no conflict with other Community legislation, national authorities shall have access to all available additional data sources other than those of the Intrastat System or the Single Administrative Document for customs or fiscal purposes such as information on declarations of national registered vessels on sea products landed in other Member States.'

5. In Article 22 paragraph 4 is replaced by the following:

'4. Provided that there is no conflict with other Community legislation, national authorities shall have access to all available additional data sources other than

those of the Intrastat System or the Single Administrative Document for customs or fiscal purposes which they may need to apply this Article.'

6. Article 23 is amended as follows:

(a) The title is replaced by the following:

'Electricity and gas'.

(b) Paragraphs 1 and 2 are replaced by the following:

'1. Statistics relating to the trading of goods between Member States shall cover dispatches and arrivals of electricity and natural gas.

2. Provided that there is no conflict with other Community legislation, national authorities shall have access to all available additional data sources other than those of the Intrastat System or the Single Administrative Document for customs or fiscal purposes which they may need to transmit data referred to in paragraph 1 to the Commission (Eurostat). National authorities may require that information is provided directly by operators established in the reporting Member State which own or operate the national transmission network for electricity or natural gas.'

7. In Annex I, point (h) is replaced by the following:

'(h) Goods for and after repair and the incorporated replacement parts. A repair entails the restoration of goods to their original function or condition. The objective of the operation is simply to maintain the goods in working order; this may involve some rebuilding or enhancements but does not change the nature of the goods in any way.'

8. Annex II is deleted.

Article 2

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

This Regulation shall apply from 1 January 2006.

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

Done at Brussels, 24 November 2005.

For the Commission
Joaquín ALMUNIA
Member of the Commission

COMMISSION REGULATION (EC) No 1916/2005**of 24 November 2005****amending Annex II to Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ⁽¹⁾, and in particular the second indent of Article 13 thereof,

Whereas:

- (1) Annex II to Regulation (EEC) No 2092/91 allows for the use of synthetic vitamins A, D and E for ruminants during a transitional period ending on 31 December 2005.
- (2) Since the existing regional differences in the possibility for organic ruminants to obtain the necessary essential vitamins A, D and E through their feed rations, as regards

climate and available sources of feed, are expected to persist, the use of such synthetic vitamins for ruminants should be allowed after that date.

- (3) Regulation (EEC) No 2092/91 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up by Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 2092/91 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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, 24 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 198, 22.7.1991, p. 1. Regulation last amended by Regulation (EC) No 1567/2005 (OJ L 252, 28.9.2005, p. 1).

ANNEX

In Part D of Annex II to Regulation (EEC) No 2092/91, point 1.2 is replaced by the following:

- 1.2. Vitamins, provitamins and chemically well-defined substances having a similar effect. Only the following substances are included in this category:

Vitamins authorised under Regulation (EC) No 1831/2003 of the European parliament and of the Council (*):

- vitamins derived from raw materials occurring naturally in feedingstuffs,
- synthetic vitamins identical to natural vitamins for monogastric animals,
- with prior authorisation of the Member State competent authority, synthetic vitamins A, D and E identical to natural vitamins for ruminants.

(*) OJ L 268, 18.10.2003, p. 29.'

COMMISSION REGULATION (EC) No 1917/2005**of 24 November 2005****fixing the representative prices and the additional import duties for molasses in the sugar sector applicable from 25 November 2005**

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 market in sugar ⁽¹⁾, and in particular Article 24(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, stipulates that the cif import price for molasses established in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾, is to be considered the representative price. That price is fixed for the standard quality defined in Article 1 of Regulation (EEC) No 785/68.
- (2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 3 of Regulation (EEC) No 785/68, except in the cases provided for in Article 4 of that Regulation and those prices should be fixed, where appropriate, in accordance with the method provided for in Article 7 of that Regulation.
- (3) Prices not referring to the standard quality should be adjusted upwards or downwards, according to the

quality of the molasses offered, in accordance with Article 6 of Regulation (EEC) No 785/68.

- (4) Where there is a difference between the trigger price for the product concerned and the representative price, additional import duties should be fixed under the terms laid down in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (5) The representative prices and additional import duties for the products concerned should be fixed in accordance with Articles 1(2) and 3(1) of Regulation (EC) No 1422/95.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 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. 12. Regulation as amended by Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

⁽³⁾ OJ 145, 27.6.1968, p. 12. Regulation as amended by Regulation (EC) No 1422/95.

ANNEX

Representative prices and additional duties for imports of molasses in the sugar sector applicable from 25 November 2005

(EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽¹⁾
1703 10 00 ⁽²⁾	11,25	—	0
1703 90 00 ⁽²⁾	11,87	—	0

⁽¹⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

⁽²⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

COMMISSION REGULATION (EC) No 1918/2005**of 24 November 2005****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

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⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.

- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 214, 8.9.1995, p. 16.

ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING
APPLICABLE FROM 25 NOVEMBER 2005 ^(a)**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	33,48 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	33,48 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	33,48 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	33,48 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3640
1701 99 10 9100	S00	EUR/100 kg	36,40
1701 99 10 9910	S00	EUR/100 kg	36,40
1701 99 10 9950	S00	EUR/100 kg	36,40
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3640

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

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 1919/2005**of 24 November 2005****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

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⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.
- (3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽³⁾, to the products listed in the Annex to the last mentioned Regulation.
- (4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said Regulation exported in the natural state must be equal to one-hundredth of an amount which takes

account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward-processing arrangements.

- (5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.
- (6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.
- (7) The abovementioned refunds must be fixed every month; they may be altered in the intervening period.
- (8) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (9) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial in nature.

⁽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. 6).

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

- (10) In order to prevent any abuses associated with the reimportation into the Community of sugar sector products that have qualified for export refunds, refunds for the products covered by this Regulation should not be fixed for all the countries of the western Balkans.
- (11) In view of the above, refunds for the products in question should be fixed at the appropriate amounts.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d), (f), (g) and (h) of Regulation (EC) No 1260/2001, exported in the natural state, shall be set out in the Annex hereto to this Regulation.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 25 NOVEMBER 2005 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	36,40 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	36,40 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	69,16 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3640 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	36,40 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3640 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3640 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,3640 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	36,40 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3640 ⁽³⁾

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

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, except for sugar incorporated into the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽¹⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1920/2005**of 24 November 2005****fixing the maximum export refund for white sugar to certain third countries for the 13th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1138/2005**

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⁾ and in particular the second indent of Article 27(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 1138/2005 of 15 July 2005 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, for the 2005/2006 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1138/2005 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 13th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1138/2005 the maximum amount of the export refund shall be 39,374 EUR/100 kg.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽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 185, 16.7.2005, p. 3.

COMMISSION REGULATION (EC) No 1921/2005
of 24 November 2005
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being

determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third-country markets;
- (b) the most favourable prices in third countries of destination for third-country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the above-mentioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽²⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽³⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 1513/2005 (OJ L 241, 17.9.2005, p. 45).

⁽³⁾ OJ L 178, 30.6.2001, p. 1. Regulation as amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾ laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) In determining the products and destinations eligible for refunds, it is appropriate to take into account that the competitive position of certain Community products does not justify encouragement of exports and that the geographical proximity of certain territories risks facilitating diversion of trade and abuses.
- (10) It follows from applying the rules set out above to the present situation on the market in milk and in particular

to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71. Regulation as last amended by Regulation (EEC) No 222/88 (OJ L 28, 1.2.1988, p. 1).

ANNEX

to the Commission Regulation of 24 November 2005 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 30 31 9100	L01	EUR/100 kg	—	0402 21 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	13,20		068	EUR/100 kg	—
	A01	EUR/100 kg	18,86		L02	EUR/100 kg	36,55
0401 30 31 9400	L01	EUR/100 kg	—	0402 21 11 9900	A01	EUR/100 kg	46,92
	L02	EUR/100 kg	20,62		L01	EUR/100 kg	—
	A01	EUR/100 kg	29,47		068	EUR/100 kg	—
0401 30 31 9700	L01	EUR/100 kg	—	0402 21 17 9000	L02	EUR/100 kg	38,94
	L02	EUR/100 kg	22,75		A01	EUR/100 kg	50,00
	A01	EUR/100 kg	32,49		L01	EUR/100 kg	—
0401 30 39 9100	L01	EUR/100 kg	—	0402 21 19 9300	068	EUR/100 kg	—
	L02	EUR/100 kg	13,20		L02	EUR/100 kg	8,28
	A01	EUR/100 kg	18,86		A01	EUR/100 kg	10,00
0401 30 39 9400	L01	EUR/100 kg	—	0402 21 19 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	20,62		068	EUR/100 kg	—
	A01	EUR/100 kg	29,47		L02	EUR/100 kg	35,03
0401 30 39 9700	L01	EUR/100 kg	—	0402 21 19 9500	A01	EUR/100 kg	44,94
	L02	EUR/100 kg	22,75		L01	EUR/100 kg	—
	A01	EUR/100 kg	32,49		068	EUR/100 kg	—
0401 30 91 9100	L01	EUR/100 kg	—	0402 21 19 9900	L02	EUR/100 kg	36,55
	L02	EUR/100 kg	25,92		A01	EUR/100 kg	46,92
	A01	EUR/100 kg	37,04		L01	EUR/100 kg	—
0401 30 99 9100	L01	EUR/100 kg	—	0402 21 19 9900	068	EUR/100 kg	—
	L02	EUR/100 kg	25,92		L02	EUR/100 kg	38,94
	A01	EUR/100 kg	37,04		A01	EUR/100 kg	50,00
0401 30 99 9500	L01	EUR/100 kg	—	0402 21 91 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	38,10		068	EUR/100 kg	—
	A01	EUR/100 kg	54,43		L02	EUR/100 kg	39,19
0402 10 11 9000	L01	EUR/100 kg	—	0402 21 91 9200	A01	EUR/100 kg	50,30
	068	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28		068	EUR/100 kg	—
0402 10 19 9000	A01	EUR/100 kg	10,00	0402 21 91 9200	L02	EUR/100 kg	39,42
	L01	EUR/100 kg	—		A01	EUR/100 kg	50,61
	068	EUR/100 kg	—		L01	EUR/100 kg	—
0402 10 91 9000	L02	EUR/100 kg	8,28	0402 21 91 9350	068	EUR/100 kg	—
	A01	EUR/100 kg	10,00		L02	EUR/100 kg	39,84
	L01	EUR/kg	—		A01	EUR/100 kg	51,12
0402 10 99 9000	068	EUR/kg	—	0402 21 91 9500	L01	EUR/100 kg	—
	L02	EUR/kg	0,0828		068	EUR/100 kg	—
	A01	EUR/kg	0,1000		L02	EUR/100 kg	42,80
0402 10 99 9000	L01	EUR/kg	—	0402 21 99 9100	A01	EUR/100 kg	54,94
	068	EUR/kg	—		L01	EUR/100 kg	—
	L02	EUR/kg	0,0828		068	EUR/100 kg	—
0402 21 11 9200	A01	EUR/kg	0,1000	0402 21 99 9100	L02	EUR/100 kg	39,19
	L01	EUR/100 kg	—		A01	EUR/100 kg	50,30
	068	EUR/100 kg	—		L01	EUR/100 kg	—
0402 21 11 9200	L02	EUR/100 kg	8,28	0402 21 99 9200	068	EUR/100 kg	—
	A01	EUR/100 kg	10,00		L02	EUR/100 kg	39,42
	L01	EUR/100 kg	—		A01	EUR/100 kg	50,61
0402 21 11 9300	L01	EUR/100 kg	—	0402 21 99 9300	L01	EUR/100 kg	—
	068	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	35,03		L02	EUR/100 kg	39,84
0402 21 11 9300	A01	EUR/100 kg	44,94	0402 21 99 9300	A01	EUR/100 kg	51,12

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 21 99 9400	L01	EUR/100 kg	—	0402 91 31 9300	L01	EUR/100 kg	—
	068	EUR/100 kg	—		L02	EUR/100 kg	4,877
	L02	EUR/100 kg	42,03		A01	EUR/100 kg	6,967
	A01	EUR/100 kg	53,96	0402 91 39 9300	L01	EUR/100 kg	—
0402 21 99 9500	L01	EUR/100 kg	—		L02	EUR/100 kg	4,877
	068	EUR/100 kg	—		A01	EUR/100 kg	6,967
	L02	EUR/100 kg	42,80	0402 91 99 9000	L01	EUR/100 kg	—
A01	EUR/100 kg	54,94	L02		EUR/100 kg	15,93	
0402 21 99 9600	L01	EUR/100 kg	—		A01	EUR/100 kg	22,76
	068	EUR/100 kg	—	0402 99 11 9350	L01	EUR/kg	—
	L02	EUR/100 kg	45,83		L02	EUR/kg	0,1055
	A01	EUR/100 kg	58,82		A01	EUR/kg	0,1508
0402 21 99 9700	L01	EUR/100 kg	—	0402 99 19 9350	L01	EUR/kg	—
	068	EUR/100 kg	—		L02	EUR/kg	0,1055
	L02	EUR/100 kg	47,52		A01	EUR/kg	0,1508
	A01	EUR/100 kg	61,03	0402 99 31 9150	L01	EUR/kg	—
0402 21 99 9900	L01	EUR/100 kg	—		L02	EUR/kg	0,1095
	068	EUR/100 kg	—		A01	EUR/kg	0,1565
	L02	EUR/100 kg	49,51	0402 99 31 9300	L01	EUR/kg	—
A01	EUR/100 kg	63,55	L02		EUR/kg	0,0953	
0402 29 15 9200	L01	EUR/kg	—		A01	EUR/kg	0,1362
	L02	EUR/kg	0,0828	0402 99 39 9150	L01	EUR/kg	—
	A01	EUR/kg	0,1000		L02	EUR/kg	0,1095
	0402 29 15 9300	L01	EUR/kg		—	A01	EUR/kg
L02		EUR/kg	0,3503	0403 90 11 9000	L01	EUR/100 kg	—
A01		EUR/kg	0,4494		L02	EUR/100 kg	8,18
0402 29 15 9500	L01	EUR/kg	—		A01	EUR/100 kg	9,86
	L02	EUR/kg	0,3655	0403 90 13 9200	L01	EUR/100 kg	—
	A01	EUR/kg	0,4692		L02	EUR/100 kg	8,18
0402 29 15 9900	L01	EUR/kg	—		A01	EUR/100 kg	9,86
	L02	EUR/kg	0,3894	0403 90 13 9300	L01	EUR/100 kg	—
	A01	EUR/kg	0,5000		L02	EUR/100 kg	34,70
0402 29 19 9300	L01	EUR/kg	—		A01	EUR/100 kg	44,55
	L02	EUR/kg	0,3503	0403 90 13 9500	L01	EUR/100 kg	—
	A01	EUR/kg	0,4494		L02	EUR/100 kg	36,23
0402 29 19 9500	L01	EUR/kg	—		A01	EUR/100 kg	46,50
	L02	EUR/kg	0,3655	0403 90 13 9900	L01	EUR/100 kg	—
	A01	EUR/kg	0,4692		L02	EUR/100 kg	38,61
0402 29 19 9900	L01	EUR/kg	—		A01	EUR/100 kg	49,55
	L02	EUR/kg	0,3894	0403 90 19 9000	L01	EUR/100 kg	—
	A01	EUR/kg	0,5000		L02	EUR/100 kg	38,84
0402 29 91 9000	L01	EUR/kg	—		A01	EUR/100 kg	49,86
	L02	EUR/kg	0,3919	0403 90 33 9400	L01	EUR/kg	—
	A01	EUR/kg	0,5030		L02	EUR/kg	0,3470
0402 29 99 9100	L01	EUR/kg	—		A01	EUR/kg	0,4455
	L02	EUR/kg	0,3919	0403 90 33 9900	L01	EUR/kg	—
	A01	EUR/kg	0,5030		L02	EUR/kg	0,3861
0402 29 99 9500	L01	EUR/kg	—		A01	EUR/kg	0,4955
	L02	EUR/kg	0,4203	0403 90 59 9310	L01	EUR/100 kg	—
	A01	EUR/kg	0,5396		L02	EUR/100 kg	13,20
0402 91 11 9370	L01	EUR/100 kg	—		A01	EUR/100 kg	18,86
	L02	EUR/100 kg	4,127	0403 90 59 9340	L01	EUR/100 kg	—
	A01	EUR/100 kg	5,895		L02	EUR/100 kg	19,32
0402 91 19 9370	L01	EUR/100 kg	—		A01	EUR/100 kg	27,59
	L02	EUR/100 kg	4,127	0403 90 59 9370	L01	EUR/100 kg	—
	A01	EUR/100 kg	5,895		L02	EUR/100 kg	19,32
					A01	EUR/100 kg	27,59

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0403 90 59 9510	L01	EUR/100 kg	—	0405 10 19 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	19,32		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	27,59		A01	EUR/100 kg	89,76
0404 90 21 9120	L01	EUR/100 kg	—	0405 10 19 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	7,07		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	8,53		A01	EUR/100 kg	92,00
0404 90 21 9160	L01	EUR/100 kg	—	0405 10 30 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	10,00		A01	EUR/100 kg	89,76
0404 90 23 9120	L01	EUR/100 kg	—	0405 10 30 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	10,00		A01	EUR/100 kg	92,00
0404 90 23 9130	L01	EUR/100 kg	—	0405 10 30 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	35,03		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	44,94		A01	EUR/100 kg	92,00
0404 90 23 9140	L01	EUR/100 kg	—	0405 10 50 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	36,55		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	46,92		A01	EUR/100 kg	92,00
0404 90 23 9150	L01	EUR/100 kg	—	0405 10 50 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	38,94		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	50,00		A01	EUR/100 kg	89,76
0404 90 29 9110	L01	EUR/100 kg	—	0405 10 50 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	39,19		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	50,30		A01	EUR/100 kg	92,00
0404 90 29 9115	L01	EUR/100 kg	—	0405 10 90 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	39,42		L02	EUR/100 kg	70,73
	A01	EUR/100 kg	50,61		A01	EUR/100 kg	95,37
0404 90 29 9125	L01	EUR/100 kg	—	0405 20 90 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	39,84		L02	EUR/100 kg	62,41
	A01	EUR/100 kg	51,12		A01	EUR/100 kg	84,16
0404 90 29 9140	L01	EUR/100 kg	—	0405 20 90 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	42,80		L02	EUR/100 kg	64,90
	A01	EUR/100 kg	54,94		A01	EUR/100 kg	87,51
0404 90 81 9100	L01	EUR/kg	—	0405 90 10 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,0828		L02	EUR/100 kg	85,16
	A01	EUR/kg	0,1000		A01	EUR/100 kg	114,82
0404 90 83 9110	L01	EUR/kg	—	0405 90 90 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,0828		L02	EUR/100 kg	68,11
	A01	EUR/kg	0,1000		A01	EUR/100 kg	91,83
0404 90 83 9130	L01	EUR/kg	—	0406 10 20 9100	L01	EUR/100 kg	—
	L02	EUR/kg	0,3503		L02	EUR/100 kg	—
	A01	EUR/kg	0,4494		A01	EUR/100 kg	—
0404 90 83 9150	L01	EUR/kg	—	0406 10 20 9230	L03	EUR/100 kg	—
	L02	EUR/kg	0,3655		L04	EUR/100 kg	12,99
	A01	EUR/kg	0,4692		400	EUR/100 kg	—
0404 90 83 9170	L01	EUR/kg	—	0406 10 20 9290	A01	EUR/100 kg	16,24
	L02	EUR/kg	0,3894		A00	EUR/100 kg	—
	A01	EUR/kg	0,5000		A00	EUR/100 kg	—
0404 90 83 9936	L01	EUR/kg	—	0406 10 20 9300	A00	EUR/100 kg	—
	L02	EUR/kg	0,1055		A00	EUR/100 kg	—
	A01	EUR/kg	0,1508		A00	EUR/100 kg	—
0405 10 11 9500	L01	EUR/100 kg	—	0406 10 20 9610	A00	EUR/100 kg	—
	L02	EUR/100 kg	66,57		A00	EUR/100 kg	—
	A01	EUR/100 kg	89,76		A00	EUR/100 kg	—
0405 10 11 9700	L01	EUR/100 kg	—	0406 10 20 9620	L03	EUR/100 kg	—
	L02	EUR/100 kg	68,24		L04	EUR/100 kg	19,96
	A01	EUR/100 kg	92,00		400	EUR/100 kg	—
				A01	EUR/100 kg	24,94	

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 10 20 9640	L03	EUR/100 kg	—	0406 30 39 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	29,32		L04	EUR/100 kg	5,69
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	36,65		A01	EUR/100 kg	13,34
0406 10 20 9650	L03	EUR/100 kg	—	0406 30 39 9950	L03	EUR/100 kg	—
	L04	EUR/100 kg	24,44		L04	EUR/100 kg	6,44
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	30,55		A01	EUR/100 kg	15,09
0406 10 20 9830	L03	EUR/100 kg	—	0406 30 90 9000	A00	EUR/100 kg	—
	L04	EUR/100 kg	9,08	0406 40 50 9000	L03	EUR/100 kg	—
	400	EUR/100 kg	—	L04	EUR/100 kg	34,48	
	A01	EUR/100 kg	11,33	400	EUR/100 kg	—	
0406 10 20 9850	L03	EUR/100 kg	—	0406 40 90 9000	A01	EUR/100 kg	43,09
	L04	EUR/100 kg	10,99		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	35,41
	A01	EUR/100 kg	13,74		400	EUR/100 kg	—
0406 20 90 9100	A00	EUR/100 kg	—	0406 90 13 9000	A01	EUR/100 kg	44,26
0406 20 90 9913	L03	EUR/100 kg	—		L03	EUR/100 kg	—
0406 20 90 9915	L04	EUR/100 kg	21,76		L04	EUR/100 kg	39,25
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	27,20	A01	EUR/100 kg	56,18	
0406 20 90 9917	L03	EUR/100 kg	—	0406 90 15 9100	L03	EUR/100 kg	—
	L04	EUR/100 kg	29,54		L04	EUR/100 kg	40,57
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	36,93		A01	EUR/100 kg	58,06
0406 20 90 9919	L03	EUR/100 kg	—	0406 90 17 9100	L03	EUR/100 kg	—
	L04	EUR/100 kg	31,41		L04	EUR/100 kg	40,57
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	39,24		A01	EUR/100 kg	58,06
0406 20 90 9919	L03	EUR/100 kg	—	0406 90 21 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	35,08		L04	EUR/100 kg	39,43
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	43,86		A01	EUR/100 kg	56,30
0406 30 31 9710	A00	EUR/100 kg	—	0406 90 23 9900	L03	EUR/100 kg	—
0406 30 31 9730	L03	EUR/100 kg	—		L04	EUR/100 kg	35,35
0406 30 31 9910	L04	EUR/100 kg	3,91		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	50,82
	A01	EUR/100 kg	9,17	0406 90 25 9900	L03	EUR/100 kg	—
0406 30 31 9930	A00	EUR/100 kg	—		L04	EUR/100 kg	34,67
0406 30 31 9950	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	5,69		A01	EUR/100 kg	49,63
	400	EUR/100 kg	—	0406 90 27 9900	L03	EUR/100 kg	—
A01	EUR/100 kg	13,34	L04		EUR/100 kg	31,39	
0406 30 39 9500	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	3,91		A01	EUR/100 kg	44,95
	400	EUR/100 kg	—	0406 90 31 9119	L03	EUR/100 kg	—
A01	EUR/100 kg	9,17	L04		EUR/100 kg	29,03	
0406 30 39 9700	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	5,69		A01	EUR/100 kg	41,60
	400	EUR/100 kg	—	0406 90 33 9119	L03	EUR/100 kg	—
A01	EUR/100 kg	13,34	L04		EUR/100 kg	29,03	
0406 30 39 9700	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	5,69		A01	EUR/100 kg	41,60
	400	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 33 9919	A00	EUR/100 kg	—	0406 90 78 9300	L03	EUR/100 kg	—
0406 90 33 9951	A00	EUR/100 kg	—		L04	EUR/100 kg	35,54
0406 90 35 9190	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	41,33		A01	EUR/100 kg	50,76
	400	EUR/100 kg	—	0406 90 78 9500	L03	EUR/100 kg	—
	A01	EUR/100 kg	59,45		L04	EUR/100 kg	34,55
0406 90 35 9990	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	41,33		A01	EUR/100 kg	49,04
	400	EUR/100 kg	—	0406 90 79 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	59,45		L04	EUR/100 kg	29,35
0406 90 37 9000	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	39,25		A01	EUR/100 kg	42,19
	400	EUR/100 kg	—	0406 90 81 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	56,18		L04	EUR/100 kg	36,63
0406 90 61 9000	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	44,68		A01	EUR/100 kg	52,44
	400	EUR/100 kg	—	0406 90 85 9930	L03	EUR/100 kg	—
	A01	EUR/100 kg	64,65		L04	EUR/100 kg	40,16
0406 90 63 9100	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	44,02		A01	EUR/100 kg	57,80
	400	EUR/100 kg	—	0406 90 85 9970	L03	EUR/100 kg	—
	A01	EUR/100 kg	63,49		L04	EUR/100 kg	36,84
0406 90 63 9900	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	42,31		A01	EUR/100 kg	52,98
	400	EUR/100 kg	—	0406 90 86 9100	A00	EUR/100 kg	—
	A01	EUR/100 kg	61,32	0406 90 86 9200	L03	EUR/100 kg	—
0406 90 69 9100	A00	EUR/100 kg	—		L04	EUR/100 kg	35,61
0406 90 69 9910	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	42,93		A01	EUR/100 kg	52,80
	400	EUR/100 kg	—	0406 90 86 9300	A00	EUR/100 kg	—
	A01	EUR/100 kg	62,22	0406 90 86 9400	L03	EUR/100 kg	—
0406 90 73 9900	L03	EUR/100 kg	—		L04	EUR/100 kg	38,16
	L04	EUR/100 kg	36,12		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	55,80
	A01	EUR/100 kg	51,75	0406 90 86 9900	L03	EUR/100 kg	—
0406 90 75 9900	L03	EUR/100 kg	—		L04	EUR/100 kg	40,16
	L04	EUR/100 kg	36,84		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	57,80
	A01	EUR/100 kg	52,98	0406 90 87 9100	A00	EUR/100 kg	—
0406 90 76 9300	L03	EUR/100 kg	—	0406 90 87 9200	A00	EUR/100 kg	—
	L04	EUR/100 kg	32,71	0406 90 87 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	33,16
	A01	EUR/100 kg	46,82		400	EUR/100 kg	—
0406 90 76 9400	L03	EUR/100 kg	—		A01	EUR/100 kg	49,00
	L04	EUR/100 kg	36,63	0406 90 87 9400	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	33,86
	A01	EUR/100 kg	52,44		400	EUR/100 kg	—
0406 90 76 9500	L03	EUR/100 kg	—		A01	EUR/100 kg	49,49
	L04	EUR/100 kg	33,92	0406 90 87 9951	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	35,97
	A01	EUR/100 kg	48,15		400	EUR/100 kg	—
0406 90 78 9100	L03	EUR/100 kg	—		A01	EUR/100 kg	51,50
	L04	EUR/100 kg	35,88				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	52,42				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9971	L03	EUR/100 kg	—	0406 90 87 9975	L03	EUR/100 kg	—
	L04	EUR/100 kg	35,97		L04	EUR/100 kg	37,52
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	51,50		A01	EUR/100 kg	53,02
0406 90 87 9972	L03	EUR/100 kg	—	0406 90 87 9979	L03	EUR/100 kg	—
	L04	EUR/100 kg	15,21		L04	EUR/100 kg	35,35
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	21,86		A01	EUR/100 kg	50,82
0406 90 87 9973	L03	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	35,33	0406 90 88 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	—	L04	EUR/100 kg	29,29	
	A01	EUR/100 kg	50,57	400	EUR/100 kg	—	
0406 90 87 9974	L03	EUR/100 kg	—	0406 90 88 9500	A01	EUR/100 kg	43,13
	L04	EUR/100 kg	37,84		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	30,20
	A01	EUR/100 kg	53,93		400	EUR/100 kg	—
				A01	EUR/100 kg	43,15	

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

The numeric destination codes are set out in Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12).

The other destinations are defined as follows:

L01 Ceuta, Melilla, Holy See, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

L02 Andorra and Gibraltar.

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Turkey, Romania, Bulgaria, Croatia, Canada, Australia, New Zealand and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

L04 Albania, Bosnia and Herzegovina, Kosovo, Serbia, Montenegro and the former Yugoslav Republic of Macedonia.

**COMMISSION REGULATION (EC) No 1922/2005
of 24 November 2005**

**fixing the maximum export refund for butter in the framework of the standing invitation to tender
provided for in Regulation (EC) No 581/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter ⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 22 November 2005.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 22 November 2005, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 1239/2005 (OJ L 200, 30.7.2005, p. 32).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund for export to the destinations referred to in the second subparagraph of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	92,49
Butter	ex 0405 10 19 9700	98,55
Butteroil	ex 0405 90 10 9000	120,10

COMMISSION REGULATION (EC) No 1923/2005
of 24 November 2005

fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds for skimmed milk powder ⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the tenders submitted in response to the invitation to

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 22 November 2005.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 22 November 2005, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 12,25 EUR/100 kg.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 90, 27.3.2004, p. 67. Regulation as last amended by Regulation (EC) No 1239/2005 (OJ L 200, 30.7.2005, p. 32).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 1924/2005**of 24 November 2005****fixing the export refunds on poultrymeat applicable from 25 November 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹⁾, and in particular the third subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.
- (3) Article 21 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down detailed rules for the application of the system of export refunds on agricultural products ⁽²⁾ stipulates that no refund is granted if the products are not of sound and fair marketable quality on the date on which the export declaration is accepted. In order to ensure uniform application of the

rules in force, it should be stated that, in order to qualify for the refund, the poultrymeat listed in Article 1 of Regulation (EEC) No 2777/75 must bear the health mark as laid down in Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat ⁽³⁾.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

The codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted and the amount of that refund shall be as shown in the Annex hereto.

However, in order to qualify for the refund, products falling within the scope of Chapter XII of the Annex to Directive 71/118/EEC must also satisfy the health marking conditions laid down in that Directive.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 671/2004 (OJ L 105, 14.4.2004, p. 5).

⁽³⁾ OJ L 55, 8.3.1971, p. 23. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

ANNEX

Export refunds on poultrymeat applicable from 25 November 2005

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	A02	EUR/100 pcs	1,00
0105 11 19 9000	A02	EUR/100 pcs	1,00
0105 11 91 9000	A02	EUR/100 pcs	1,00
0105 11 99 9000	A02	EUR/100 pcs	1,00
0105 12 00 9000	A02	EUR/100 pcs	2,00
0105 19 20 9000	A02	EUR/100 pcs	2,00
0207 12 10 9900	V03	EUR/100 kg	24,00
0207 12 90 9190	V03	EUR/100 kg	24,00
0207 12 90 9990	V03	EUR/100 kg	24,00
0207 14 20 9900	V03	EUR/100 kg	10,00
0207 14 60 9900	V03	EUR/100 kg	10,00
0207 14 70 9190	V03	EUR/100 kg	10,00
0207 14 70 9290	V03	EUR/100 kg	10,00

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

The numeric destination codes are set out in Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12).

The other destinations are defined as follows:

V03 A24, Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.

COMMISSION REGULATION (EC) No 1925/2005

of 24 November 2005

fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-

term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (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 rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 November 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 270, 21.10.2003, p. 96.

⁽³⁾ OJ L 172, 5.7.2005, p. 24.

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 24 November 2005.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 25 November 2005 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

CN code	Description of products (1)	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	—	—
	– – where goods falling within subheading 2208 (3) are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 (3) are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	3,567	3,973
	– – where goods falling within subheading 2208 (3) are exported	1,866	1,866
	– – in other cases	3,973	3,973
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (4):		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	2,574	2,980
	– – where goods falling within subheading 2208 (3) are exported	1,400	1,400
	– – in other cases	2,980	2,980
	– where goods falling within subheading 2208 (3) are exported	1,866	1,866
	– other (including unprocessed)	3,973	3,973
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	3,030	3,453
	– where goods falling within subheading 2208 (3) are exported	1,866	1,866
	– in other cases	3,973	3,973

(*) The rates set out in this Annex are not applicable to exports to Bulgaria with effect from 1 October 2004, to Romania with effect from 1 December 2005, and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

COMMISSION REGULATION (EC) No 1926/2005**of 24 November 2005****fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

(1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 2771/75.

(3) In accordance with the second paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

(4) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1(1) of Regulation (EEC) No 2771/75, and exported in the form of goods listed in Annex I to Regulation (EEC) No 2771/75, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Commission Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

ANNEX

Rates of the refunds applicable from 25 November 2005 to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)			
CN code	Description	Destination ⁽¹⁾	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	(a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	6,00
		03	20,00
		04	3,00
	(b) On exportation of other goods	01	3,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption:		
	not sweetened	01	40,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid:		
	not sweetened	01	20,00
ex 0408 19 89	– – – – Frozen:		
	not sweetened	01	20,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption:		
	not sweetened	01	73,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption:		
	not sweetened	01	18,00

⁽¹⁾ The destinations are as follows:

01 Third countries except Bulgaria as from 1 October 2004 and Romania as from 1 December 2005. For Switzerland and Liechtenstein these rates are not applicable to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported with effect from 1 February 2005,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Turkey, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines,

04 all destinations except Switzerland, Bulgaria with effect from 1 October 2004, Romania with effect from 1 December 2005 and those of 02 and 03.

COMMISSION REGULATION (EC) No 1927/2005**of 24 November 2005****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.

(3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

(4) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate

precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

(5) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.

(6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(7) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999, shall be fixed as set out in the Annex to this Regulation.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

⁽³⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 25 November 2005 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	10,00	10,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	23,57	23,57
	(b) on exportation of other goods	50,00	50,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	51,00	51,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	99,25	99,25
	(c) on exportation of other goods	92,00	92,00

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, to Romania with effect from 1 December 2005, and to the goods listed in Tables I and II to Protocol No 2 the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

**COMMISSION REGULATION (EC) No 1928/2005
of 24 November 2005**

**fixing the rates of refunds applicable to certain products from the sugar sector exported in the form
of goods not covered by Annex I to the Treaty**

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 market in the sugar sector ⁽¹⁾, and in particular Article 27(5)(a) and (15) thereof,

Whereas:

- (1) Article 27(1) and (2) of Regulation (EC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex V to that Regulation.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

- (4) Article 27(3) of Regulation (EC) No 1260/2001 lays down that the export refund for a product contained in goods may not exceed the refund applicable to that product when exported without further processing.
- (5) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (6) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1(1) and (2) of Regulation (EC) No 1260/2001, and exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 987/2005 (OJ L 167, 29.6.2005, p. 12).

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

ANNEX

Rates of refunds applicable from 25 November 2005 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	36,40	36,40

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, to Romania with effect from 1 December 2005, and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 1929/2005
of 24 November 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, lemons, table grapes and apples)

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 1172/2005 ⁽³⁾ fixed the indicative quantities for the issue of B system export licences.

(2) The definitive rate of refund for tomatoes, oranges, lemons, table grapes and apples covered by licences applied for under system B between 16 September 2005 to 15 November 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 1172/2005 between 16 September 2005 and 15 November 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 26 November 2005.

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

Done at Brussels, 24 November 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 188, 20.7.2005, p. 29.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 16 September 2005 to 15 November 2005 (tomatoes, oranges, lemons, table grapes and apples)

Product	Rate of refund (EUR/t net)	Percentages of licences to be issued for the quantities applied for
Tomatoes	35	100 %
Oranges	38	100 %
Lemons	60	100 %
Table grapes	23	100 %
Apples	36	100 %

COMMISSION REGULATION (EC) No 1930/2005
of 24 November 2005
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector⁽¹⁾, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽²⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 23 November 2005, the quantity still available for the period until

15 January 2006, for destination zones (2) Asia and (3) eastern Europe, referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 16 to 22 November 2005 should be applied and the submission of applications and the issue of licences suspended for these zones until 16 January 2006,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 16 to 22 November 2005 under Regulation (EC) No 883/2001 shall be issued in concurrence with 91,01 % of the quantities requested for zones (2) Asia and 83,48% of the quantities requested for zone (3) eastern Europe.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 23 November 2005 and the submission of export licence applications from 25 November 2005 for destination zones (2) Asia and (3) eastern Europe shall be suspended until 16 January 2006.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 908/2004 (OJ L 163, 30.4.2004, p. 56).

⁽²⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1188/2005 (OJ L 193, 23.7.2005, p. 24).

COMMISSION REGULATION (EC) No 1931/2005
of 24 November 2005
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds

and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) 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 export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 24 November 2005 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

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

C10: All destinations.

COMMISSION REGULATION (EC) No 1932/2005**of 24 November 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 1809/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 1809/2005⁽²⁾.
- (2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95⁽³⁾, the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 18 to 24 November 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1809/2005, the maximum reduction in the duty on maize imported shall be 19,47 EUR/t and be valid for a total maximum quantity of 57 500 t.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 291, 5.11.2005, p. 4.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 2235/2005 (OJ L 256, 10.10.2005, p. 13).

COMMISSION REGULATION (EC) No 1933/2005
of 24 November 2005
concerning tenders notified in response to the invitation to tender for the export of barley issued
in Regulation (EC) No 1058/2005

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1058/2005 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 18 to 24 November 2005 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1058/2005.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽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 174, 7.7.2005, p. 12.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1934/2005**of 24 November 2005****concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1438/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Having regard to Commission Regulation (EC) No 1438/2005 of 2 September 2005 on a special intervention measure for cereals in Finland and Sweden for the 2005/2006 marketing year ⁽³⁾,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from

Finland and Sweden to all third countries, with the exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1438/2005.

- (2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 18 to 24 November 2005 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1438/2005.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

⁽³⁾ OJ L 228, 3.9.2005, p. 5.

COMMISSION REGULATION (EC) No 1935/2005
of 24 November 2005

fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1059/2005

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 1059/2005 ⁽²⁾.
- (2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.
- (4) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 18 to 24 November 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1059/2005, the maximum refund on exportation of common wheat shall be 5,00 EUR/t.

Article 2

This Regulation shall enter into force on 25 November 2005.

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

Done at Brussels, 24 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽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 174, 7.7.2005, p. 15.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 November 2005

amending Decision 2001/671/EC implementing Council Directive 89/106/EEC as regards the classification of the external fire performance of roofs and roof coverings

(notified under document number C(2005) 4437)

(Text with EEA relevance)

(2005/823/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products ⁽¹⁾, and in particular Article 20(2)(a) thereof,

Whereas:

(1) Commission Decision 2001/671/EC of 21 August 2001 implementing Council Directive 89/106/EEC as regards the classification of the external fire performance of roofs and roof coverings ⁽²⁾ established a classification system for the external fire performance of roofs and roof coverings.

(2) Following a review additional classes should be introduced to accommodate the regulatory needs of Ireland and the United Kingdom.

(3) Decision 2001/671/EC should therefore be amended accordingly.

(4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2001/671/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 November 2005.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 40, 11.2.1989, p. 12. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 235, 4.9.2001, p. 20.

ANNEX

The Annex to Decision 2001/671/EC is amended as follows.

1. the section entitled PREAMBLE is amended as follows:

- (a) the first paragraph is replaced by 'ENV 1187:2002 and subsequently upgraded versions shall be applied. The upgraded version shall include, *inter alia*, new revisions/amendments of the ENV or the EN version of this standard';
- (b) in the second paragraph 'CR 1187:2001' is replaced by 'ENV 1187:2002' and in the second line, 'three' is replaced by 'four';

2. the section entitled 'SYMBOLS' is amended as follows:

- (a) in the first line, the word 'three' is replaced by 'four';
- (b) all references to 'CR 1187:2001' shall be replaced by 'ENV 1187:2002';
- (c) '— ENV 1187:2002 test 4: X_{ROOF} (t4) where t4 = burning brand + wind + supplementary radiant heat' is inserted after the line for CR 1187:2001 test 3;

3. in the table the following rows are added:

Test method	Class	Classification criteria
ENV 1187:2002 test 4	B _{ROOF} (t4)	All of the following conditions must be satisfied: <ul style="list-style-type: none"> — No penetration of roof system within 1 hour — In the preliminary test, after withdrawal of test flame, specimens burn for < 5 minutes — In the preliminary test, flame spread < 0.38 m across the region of burning
	C _{ROOF} (t4)	All of the following conditions must be satisfied: <ul style="list-style-type: none"> — No penetration of roof system within 30 minutes — In the preliminary test, after withdrawal of test flame, specimens burn for < 5 minutes — In the preliminary test, flame spread < 0.38 m across the region of burning
	D _{ROOF} (t4)	All of the following conditions must be satisfied: <ul style="list-style-type: none"> — Roof system is penetrated within 30 minutes but is not penetrated in the preliminary flame test — In the preliminary test, after withdrawal of test flame, specimens burn for < 5 minutes — In the preliminary test, flame spread < 0.38 m across the region of burning
	E _{ROOF} (t4)	All of the following conditions must be satisfied: <ul style="list-style-type: none"> — Roof system is penetrated within 30 minutes but is not penetrated in the preliminary flame test — Flame spread is not controlled
	F _{ROOF} (t4)	No performance determined

* Attention shall be drawn to dripping from the underside of the specimen, any mechanical failure and any development of holes by adding a suffix "x" to the designation to denote that one or more of these took place during the test. In addition, depending upon inclination of the product during the test, the letters EXT.F will be added to indicate "flat or horizontal" and EXT.S will be added to indicate "inclined".

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

COUNCIL JOINT ACTION 2005/824/CFSP
of 24 November 2005
on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)

THE COUNCIL OF THE EUROPEAN UNION,

give guidance to the EUPM's Head of Mission/Police Commissioner.

Having regard to the Treaty on European Union and, in particular, Article 14 and the third subparagraph of 25 thereof,

(7) In accordance with the guidelines of the European Council meeting in Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary-General/High Representative (hereinafter referred to as 'SG/HR'), in accordance with Articles 18(3) and 26 of the Treaty.

Whereas:

(1) On 11 March 2002, the Council adopted Joint Action 2002/210/CFSP⁽¹⁾ on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH). That Joint Action expires on 31 December 2005.

(8) Article 14(1) of the Treaty calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action. The indication of amounts to be financed by the Community budget illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year.

(2) The EU-Western Balkans Summit, held in Thessaloniki on 21 June 2003 concluded that the future of the Balkans is within the European Union.

(9) The mandate of EUPM will be implemented in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

(3) The Brussels European Council of 17 and 18 June 2004 adopted the European Security Strategy: Comprehensive Policy towards Bosnia and Herzegovina. It states that the long-term objective of the EU is a stable, viable, peaceful and multiethnic BiH, cooperating peacefully with its neighbours and irreversibly on track towards EU membership, and the Union's medium-term objective is the signing of a Stabilisation and Association Agreement with BiH.

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

(4) On 18 July 2005 the Council of the European Union agreed that continued EU engagement in support of policing in BiH would be needed following the completion of the current mandate of the EUPM on 31 December 2005. The EUPM will continue with an adjusted mandate and size.

1. The European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH), established by Joint Action 2002/210/CFSP shall be continued from 1 January 2006 in accordance with the following provisions.

2. The EUPM shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in Article 2.

(5) In a letter of invitation of 26 October 2005, the BiH authorities invited the EU to deploy a refocused EUPM in BiH.

Article 2

Mission statement

(6) The High Representative in BiH is also the EU Special Representative in BiH (EUSR). The EUSR will continue to promote overall EU political coordination in BiH and

The EUPM, under the guidance and coordination of the EUSR and as part of the broader rule of law approach in BiH and in the region, will aim, through mentoring, monitoring and inspecting, to establish in BiH a sustainable, professional and multiethnic police service operating in accordance with best European and international standards.

⁽¹⁾ OJ L 70, 13.3.2002, p. 1. Joint Action as last amended by Joint Action 2005/143/CFSP (OJ L 48, 19.2.2005, p. 46).

This police service should operate in accordance with commitments made as part of the Stabilisation and Association Process with the European Union, in particular with regard to the fight against organised crime and police reform.

The EUPM will operate in line with the general objectives of Annex 11 of the Dayton/Paris Agreement and its objectives will be supported by the Community instruments. Under the direction of the EUSR, the EUPM will take the lead in the coordination of policing aspects of the ESDP efforts in the fight against organised crime, without prejudice to the agreed chains of command. It will assist local authorities in planning and conducting major and organised crime investigations.

Article 3

Review

A six-monthly review process, in accordance with the assessment criteria set out in the Concept of Operations (CONOPS) and Operation Plan (OPLAN) and taking into account developments in police reform, shall enable adjustments to be made to the Mission's activities as necessary.

Article 4

Structure

1. The EUPM shall in principle be structured as follows:
 - (a) main headquarters in Sarajevo, composed of the Head of the Mission/Police Commissioner and staff as defined in the OPLAN. Part of this staff shall consist of a variable number of Liaison Officers to coordinate with other international organisations on the ground;
 - (b) co-locations within the various BiH police services at senior level, including within the State Investigation and Protection Agency, the State Border Services, Interpol, Entities, Public Security Centres, Cantons, and the Brcko district.
2. These elements shall be developed in the CONOPS and the OPLAN. The Council shall approve the CONOPS and the OPLAN.

Article 5

Head of Mission/Police Commissioner

1. The Head of Mission/Police Commissioner shall exercise Operational Control (OPCON) over EUPM and assume the day-to-day management of EUPM and coordination of EUPM activities, including the management of security of Mission staff, resources and information.
2. The Head of Mission/Police Commissioner shall be responsible for disciplinary control over the personnel. For seconded personnel, disciplinary action shall be exercised by the national or EU authority concerned.

3. The Head of Mission/Police Commissioner shall sign a contract with the Commission.

Article 6

Staff

1. The numbers and competence of the EUPM staff shall be consistent with the mission statement set out in Article 2 and the structure set out in Article 4.
2. Police officers shall be seconded by Member States for a minimum period of one year. Each Member State shall bear the costs related to the police officers seconded by it, including salaries, allowances and travel expenses to and from BiH.
3. The EUPM shall recruit international civilian staff and local staff on a contractual basis as required.
4. Member States or EU institutions may, if required, also second international civilian staff if required for a minimum period of one year. Each Member State or EU institution shall bear the costs related to any of the staff seconded by it, including salaries, allowances and travel expenses to and from BiH.
5. All staff shall remain under the authority of the appropriate seconding State or institution and shall carry out their duties and act in the interest of the Mission. Staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾ (hereinafter referred to as Council's security regulations).

Article 7

Status of staff of EUPM

1. The necessary arrangements shall be made regarding the continuation of the Agreement between the EU and BiH of 4 October 2002 on the activities of the European Union Police Mission in BiH for the duration of the EUPM.
2. The Member State or EU institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The Member State or EU institution in question shall be responsible for bringing any action against the secondee.
3. The conditions of employment and the rights and obligations of international and local contracted staff shall be laid down in the contracts between the Head of Mission/Police Commissioner and the staff member.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2005/571/EC (OJ L 193, 23.7.2005, p. 31).

*Article 8***Chain of Command**

1. The EUPM shall have a unified chain of command, as a crisis management operation.
2. The Political and Security Committee (PSC) shall provide the political control and strategic direction.
3. The SG/HR shall give guidance to the Head of Mission/Police Commissioner through the EUSR.
4. The Head of Mission/Police Commissioner shall lead the Mission and assume its day-to-day management.
5. The Head of Mission/Police Commissioner shall report to the SG/HR through the EUSR.
6. The EUSR shall report to the Council through the SG/HR.

*Article 9***Political control and strategic direction**

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of the Mission. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the Treaty. This authorisation shall include the powers to appoint a Head of Mission/Police Commissioner, upon a proposal by the SG/HR, and to amend the OPLAN and the chain of command. The Council, assisted by the SG/HR, shall decide on the objectives and termination of the Mission.
2. The PSC shall report to the Council at regular intervals taking into account the EUSR reports.
3. The PSC shall receive reports by the Police Head of Mission regarding the conduct of the Mission at regular intervals. The PSC may invite the Police Head of Mission to its meetings as appropriate.

*Article 10***Participation of Third States**

1. Without prejudice to the Union's decision-making autonomy and its single institutional framework, acceding States, non-EU European NATO members and other non-EU OSCE Member States currently providing the EUPM with staff shall be invited, and other third States may be invited to contribute to the EUPM on the basis that they bear the cost of sending the police officers and/or the international civilian staff seconded by them, including salaries, allowances and travel expenses to and from BiH, and contribute to the running costs of the EUPM as appropriate.

2. Third States making contributions to the EUPM shall have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation.

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.

4. Detailed arrangements regarding the participation of third States shall be subject to agreements to be concluded in accordance with procedures laid down in Article 24 of the Treaty.

*Article 11***Financial arrangements**

1. The financial reference amount intended to cover the expenditure related to the Mission shall be (a) EUR 3 million for 2005, (b) EUR 9 million for 2006.

2. The final budget for the years 2006 and 2007 shall be decided on an annual basis.

3. The expenditure financed by the amounts stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the EU with the exception that any pre-financing shall not remain the property of the Community. Nationals of third States participating financially in the Mission and of the host country shall be allowed to tender for contracts.

4. The Head of Mission/Police Commissioner shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

5. The financial arrangements shall respect the operational requirements of the EUPM.

6. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

*Article 12***Security**

1. The Head of Mission/Police Commissioner shall be responsible for the security of the EUPM and shall, in consultation with the Security Office of the General Secretariat of the Council, be responsible for ensuring compliance with minimum security requirements in accordance with the Council's security regulations.

2. The EUPM shall have a dedicated Mission Security Officer reporting to the Head of Mission/Police Commissioner.
3. The Head of Mission/Police Commissioner shall consult with the PSC on security issues affecting the deployment of the Mission as directed by the SG/HR.
4. EUPM staff members shall undergo mandatory security training organised by the GSC Security Office and medical checks prior to any deployment or travel to the Mission area.

Article 13

Community action

1. The Council and the Commission shall, each in accordance with their respective powers, ensure consistency between the implementation of this Joint Action and the external activities of the Community in accordance with the second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end.
2. The Council notes that coordination arrangements already exist in the Mission area as well as in Brussels.

Article 14

Release of classified information

1. The SG/HR is authorised to release to third States associated with this Joint Action, as appropriate and in accordance with the operational needs of the Mission, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the Mission, in accordance with the Council's security regulations.
2. In the event of a specific and immediate operational need, the SG/HR is also authorised to release to the local authorities

EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the Mission, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the local authorities in accordance with the procedures appropriate to their level of cooperation with the EU.

3. The SG/HR is authorised to release to third States associated with this Joint Action and to the local authorities EU non-classified documents related to the deliberations of the Council with regard to the Mission covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

Article 15

Entry into force and duration

This Joint Action shall enter into force on the date of its adoption.

It shall apply from 1 January 2006 until 31 December 2007.

Article 16

Publication

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

Done at Brussels, 24 November 2005.

For the Council
The President
I. LEWIS

⁽¹⁾ Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure (OJ L 106, 15.4.2004, p. 22). Decision as amended by Decision 2004/701/EC, Euratom (OJ L 319, 20.10.2004, p. 15).

COUNCIL JOINT ACTION 2005/825/CFSP**of 24 November 2005****amending the mandate of the European Union Special Representative in Bosnia and Herzegovina**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 12 July 2004, the Council adopted Joint Action 2004/569/CFSP⁽¹⁾ on the mandate of the European Union Special Representative (EUSR) in Bosnia and Herzegovina.
- (2) On 28 July 2005, the Council adopted Joint Action 2004/583/CFSP⁽²⁾ extending the mandate of Lord ASHDOWN as the EUSR in Bosnia and Herzegovina until 28 February 2006.
- (3) On 24 November 2005, the Council adopted Joint Action 2005/824/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina⁽³⁾, which provides for a continuation of the EUPM with an adjusted mandate and size.
- (4) In view of the specific role for the EUSR in the chain of command for EUPM, the EUSR's mandate should be amended accordingly.
- (5) The EUSR's mandate should be implemented in coordination with the Commission in order to ensure consistency with other relevant activities falling within Community competence.
- (6) The EUSR is to implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the CFSP as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2004/569/CFSP, as extended by Joint Action 2005/583/CFSP, is hereby amended as follows:

1. Article 3 shall read as follows:

'Article 3

In order to achieve the policy objectives of the EU in BiH, the mandate of the EUSR shall be to:

- (a) offer the EU's advice and facilitation in the political process;

- (b) promote overall EU political coordination in BiH;
- (c) promote overall EU coordination of, and give local political direction to, EU efforts in tackling organised crime, without prejudice to the European Union Police Mission (EUPM)'s leading role in the coordination of policing aspects of these efforts and to the ALTHEA (EUFOR) military chain of command;
- (d) provide the ALTHEA (EUFOR) Commander with local political advice, including with respect to the Integrated Police Unit style capability, on which the EUSR may draw, in agreement with the said Commander, without prejudice to the chain of command;
- (e) contribute to reinforcement of internal EU coordination and coherence in BiH, including through briefings to EU Heads of Mission and through participation in, or representation at, their regular meetings, through chairing a coordination group composed of all EU actors present in the field with a view to coordinating the implementation aspects of the EU's action, and through providing them with guidance on relations with the BiH authorities;
- (f) ensure consistency and coherence of EU action towards the public. The EUSR spokesperson shall be the main EU point of contact for BiH media on CFSP/ESDP issues;
- (g) maintain an overview over the whole range of activities in the field of the rule of law and in this context provide the Secretary-General/High Representative and the Commission with advice as necessary;
- (h) provide the Head of Mission of the EUPM with local political guidance as part of his wider responsibilities and his role in the chain of command for EUPM;
- (i) as part of the international community's and the BiH authorities' broader approach to the rule of law, and drawing upon the EUPM's provision of technical policing expertise and assistance in this respect, support the preparation and implementation of police restructuring;
- (j) provide support for a reinforced and more effective BiH criminal justice/police interface, in close liaison with EUPM;
- (k) as far as activities under Title VI of the Treaty, including Europol, and related Community activities are concerned, provide the Secretary-General and the Commission with advice as necessary, and take part in the required local coordination;

⁽¹⁾ OJ L 252, 28.7.2004, p. 7.⁽²⁾ OJ L 199, 29.7.2005, p. 94.⁽³⁾ See page 55 of this Official Journal.

(l) with a view to coherence and possible synergies, continue to be consulted on priorities for Community Assistance for Reconstruction, Development and Stabilisation.';

2. Article 6(1) shall be replaced by the following:

'1. The financial reference amount shall be EUR 160 000.';

3. Article 7(1) shall be replaced by the following:

'1. An EU dedicated staff projecting an EU identity shall be assigned to assist the EUSR to implement his mandate and contribute to the coherence, visibility and effectiveness of the overall EU action in BiH, in particular in political, politico-military, rule of law, including the fight against organised crime, and security affairs, and with regard to communication and media relations. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team in consultation with the Presidency, assisted by the

Secretary-General/High Representative, and in full association with the Commission. The EUSR shall inform the Presidency and the Commission of the final composition of his team.'.

Article 2

This Joint Action shall enter into force on the day of its adoption.

Article 3

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

Done at Brussels, 24 November 2005.

For the Council
The President
I. LEWIS

COUNCIL JOINT ACTION 2005/826/CFSP**of 24 November 2005****on the establishment of an EU Police Advisory Team (EUPAT) in the Former Yugoslav Republic of Macedonia (fYROM)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular Article 14, the third subparagraph of Article 25, Article 26 and Article 28(3) thereof,

Whereas:

- (1) Pursuant to the Ohrid Framework Agreement, the Union's contribution is based upon a broad approach with activities to address the whole range of rule of law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The activities of the Union, supported, *inter alia*, by the Community's institution building programmes under the CARDS Regulation, will contribute to the overall peace implementation in the Former Yugoslav Republic of Macedonia as well as to the achievements of the Union's overall policy in the region, notably the stabilisation and association process.
- (2) The Union appointed a European Union Special Representative (EUSR) to contribute to the consolidation of the peaceful political process and the full implementation of the Ohrid Framework Agreement, to help to ensure the coherence of the EU external action and to ensure coordination of the international community's efforts to help in the implementation and sustainability of the provisions of that Framework Agreement.
- (3) The UN Security Council Resolution 1371(2001) adopted on 26 September 2001 welcomes the Framework Agreement and supports its full implementation by the efforts of, *inter alia*, the EU.
- (4) In the interest of preserving and building upon the significant results achieved in the Former Yugoslav Republic of Macedonia through a considerable commitment of EU political effort and resources, the EU has enhanced its role in policing to further contribute to a stable secure environment to allow the Former Yugoslav Republic of Macedonia government to implement the Ohrid Framework Agreement.
- (5) The security situation in the Former Yugoslav Republic of Macedonia has continued to improve since the conflict in 2001. In 2005 stability has been further strengthened. Steps in the preparation for and implementation of key Ohrid Framework Agreement reforms were taken and efforts to address other reform priorities, including in the field of rule of law, were made. A continued commitment of EU political effort and resources will nonetheless help to further embed stability in the country as well as in the region.
- (6) On 16 September 2003, the authorities of the Former Yugoslav Republic of Macedonia invited the EU to assume responsibility for an enhanced role in policing and the deployment of an EU Police Mission (EUPOL Proxima).
- (7) Council Joint Action 2003/681/CFSP ⁽¹⁾ established EUPOL Proxima for the 12-month period from 15 December 2003 to 14 December 2004. Council Joint Action 2004/789/CFSP ⁽²⁾ extended EUPOL Proxima for the 12-month period from 15 December 2004 to 14 December 2005.
- (8) During consultations with the EU, the Government of the former Yugoslav Republic of Macedonia (fYROM) have indicated they would welcome, under certain conditions, a EU Police Advisory Team bridging between the end of EUPOL Proxima and a planned project funded by CARDS aiming at providing technical assistance in the field.
- (9) In accordance with the guidelines of the European Council meeting at Nice on 7 and 9 December 2000, this Joint Action should determine the role of the Secretary-General/High Representative (hereinafter referred to as 'SG/HR'), in accordance with Articles 18(3) and 26 of the Treaty in the implementation of measures falling within the political control and strategic direction exercised by the PSC.

⁽¹⁾ OJ L 249, 1.10.2003, p. 66. Joint Action as amended by Joint Action 2004/87/CFSP (OJ L 21, 28.1.2004, p. 31).

⁽²⁾ OJ L 348, 24.11.2004, p. 40.

- (10) Article 14(1) of the Treaty calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action. The indication of amounts to be financed by the Community budget illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year.
- (11) Recourse should be made to the extent possible to redeployment of equipment left over from other EU operational activities, especially EUPOL Proxima, taking into account operational needs and the principles of sound financial management.
- (12) The mandate of EUPAT will be implemented in the context of a situation where the rule of law is not fully secured and which could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Objective

1. The European Union hereby establishes a European Union Police Advisory Team (EUPAT) in the former Yugoslav Republic of Macedonia (fYROM) from 15 December 2005 to 14 June 2006.
2. The objective of EUPAT shall be to further support the development of an efficient and professional police service based on European standards of policing.

Article 2

Mandate

EUPAT, in line with the objectives of the Ohrid Framework Agreement, in partnership with the relevant authorities, and within a broader Rule of Law perspective shall further support the development of an efficient and professional police service based on European standards of policing, in close coordination with the Commission, notably in view of the implementation of relevant Community institution-building programmes and in complementarity with OSCE and bilateral programmes. Under the guidance of the EUSR and in partnership with the host Government authorities, EU police experts shall monitor and mentor the country's police on priority issues in the field of Border Police, Public Peace and Order and Accountability, the fight against corruption and Organised Crime. EUPAT activities shall focus on the middle and senior levels of management.

To this end, EUPAT shall give special attention to:

- overall implementation of police reform in the field,
- police-judiciary cooperation,
- professional standards/internal control.

Article 3

Planning phase

1. In preparation for the establishment of EUPAT, the EUPOL Proxima Police Head of Mission shall, building on the work done by EUPOL Proxima, and on the basis of the guidance given by the Political and Security Committee (PSC), draw up a General Plan and develop all technical instruments necessary to execute the establishment of EUPAT.
2. To this end, the current Head of Mission shall consult and coordinate with the Commission and the OSCE in Skopje, as well as with the Government of the former Yugoslav Republic of Macedonia, as appropriate.

Article 4

Structure

1. EUPAT shall consist of the following elements:
 - (a) headquarters in Skopje, composed of the Head of EUPAT and staff as defined in the General Plan;
 - (b) one central co-location unit at the Ministry of Interior level;
 - (c) mobile units co-located within the fYROM at appropriate levels.
2. These elements shall be developed in the General Plan.

Article 5

Head of EUPAT and staff

1. The Head of EUPAT shall be responsible for managing and coordinating EUPAT activities.
2. The Head of EUPAT shall assume the day-to-day management of EUPAT and shall be responsible for staff and disciplinary matters. For seconded personnel, disciplinary action shall be exercised by the national or EU authority concerned.
3. The Head of EUPAT shall sign a contract with the Commission.
4. Police officers shall be seconded by Member States. The period of secondment shall be 6 months beginning on 15 December 2005. Each Member State shall bear the costs related to the police officers seconded by it, including salaries, medical coverage, travel expenses to and from the fYROM, and allowances other than *per diems*.

5. EUPAT shall recruit international civilian staff and local staff on a contractual basis as required.

6. Member States or Community institutions may, if required, also second international civilian staff for a period of six months beginning on 15 December 2005. Each Member State or EU institution shall bear the costs related to any of the staff seconded by it including salaries, medical coverage, travel expenses to and from the FYROM, and allowances other than *per diems*.

7. While remaining under the authority of their sending Member States or Community institutions, all experts in EUPAT shall carry out their duties and act in the sole interest of the EU supporting action. All staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations ⁽¹⁾ (hereinafter referred to as Council's security regulations).

8. Through appropriate measures, the members of EUPAT shall ensure visibility of the EU action.

Article 6

Chain of Command

1. The structure of EUPAT as part of the broader EU Rule of Law approach in the FYROM shall have a unified chain of command.

2. The PSC shall provide the political control and strategic direction.

3. The Secretary-General/High Representative (SG/HR) shall give guidance to the Head of EUPAT through the EUSR.

4. The Head of EUPAT shall lead EUPAT and assume its day-to-day management.

5. The Head of EUPAT shall report to the SG/HR through the EUSR.

6. The EUSR shall report to the Council through the SG/HR.

Article 7

Political control and strategic direction

1. The Political and Security Committee shall exercise, under the responsibility of the Council, the political control and strategic direction of EUPAT.

2. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the Treaty. This authorisation shall include the powers to appoint a Head of EUPAT, upon a proposal from the SG/HR, and to approve and amend the General Plan and the chain of command. The Council, assisted by the SG/HR, shall decide on objectives and termination of EUPAT.

3. The EUSR shall provide local political guidance to the Head of EUPAT. The EUSR shall ensure coordination with other EU actors as well as relations with host party authorities and media.

4. The PSC shall receive reports by the Head of EUPAT regarding the conduct of the supporting action at regular intervals. The PSC may invite the Head of EUPAT to its meetings as appropriate.

5. The PSC shall report to the Council at regular intervals.

Article 8

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to EUPAT shall be EUR 1,5 million.

2. The expenditure financed by the amount referred to in paragraph 1 shall be managed in accordance with the rules and procedures applicable to the general budget of the EU, with the exception that any pre-financing shall not remain the property of the Community.

3. The Head of EUPAT shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

4. The financial arrangements shall respect the operational requirements of EUPAT, including compatibility of equipment and interoperability of its teams.

5. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Council Decision 2005/571/EC (OJ L 193, 23.7.2005, p. 31).

*Article 9***Consistency with Community action**

The Council and the Commission shall, each in accordance with its respective powers, ensure consistency between the implementation of this Joint Action and other external activities of the Community in accordance with the second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end.

*Article 10***Release of classified information**

1. The SG/HR shall be authorised to release to NATO/KFOR and to the third parties associated with this Joint Action, EU classified information and documents up to the level 'CONFIDENTIEL UE' generated for the purposes of the supporting action, in accordance with the Council's security regulations.

2. The SG/HR shall be also authorised to release to the OSCE, in accordance with the operational needs of the Mission, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the supporting action, in accordance with the Council's security regulations. Local arrangements shall be drawn up for this purpose.

3. In the event of a specific and immediate operational need, the SG/HR shall also be authorised to release to the host State EU classified information and documents up to the level 'CONFIDENTIEL UE' generated for the purposes of the supporting action, in accordance with the Agreement between the FYROM and the European Union on the security procedures for the exchange of classified information ⁽¹⁾.

4. The SG/HR shall be authorised to release to third parties associated with this Joint Action EU non-classified documents related to the deliberations of the Council with regard to the supporting action covered by the obligation of professional secrecy pursuant to Article 6(1) of Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure ⁽²⁾.

*Article 11***Status of staff of EUPAT**

1. The necessary arrangements shall be made regarding the extension of the Agreement between the European Union and the FYROM on the status and activities of the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL Proxima) ⁽³⁾ to EUPAT.

2. The Member State or Community institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The State or Community institution in question shall be responsible for bringing any action against the secondee.

*Article 12***Entry into force and duration**

This Joint Action shall enter into force on the date of its adoption.

It shall apply until 14 June 2006.

*Article 13***Publication**

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

Done at Brussels, 24 November 2005.

For the Council
The President
I. LEWIS

⁽¹⁾ OJ L 94, 13.4.2005, p. 39.

⁽²⁾ OJ L 106, 15.4.2004, p. 22. Decision as amended by Council Decision 2004/701/EC, Euratom (OJ L 319, 20.10.2004, p. 15).

⁽³⁾ Council Decision 2004/75/CFSP (OJ L 16, 23.1.2004, p. 65).