

# Official Journal

## of the European Union

L 312

English edition

### Legislation

Volume 48

29 November 2005

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1946/2005 of 14 November 2005 amending Regulation (EC) No 2007/2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process** ..... 1
  
- ★ **Council Regulation (EC) No 1947/2005 of 23 November 2005 on the common organisation of the market in seeds and repealing Regulations (EEC) No 2358/71 and (EEC) No 1674/72** ..... 3
  
- Commission Regulation (EC) No 1948/2005 of 28 November 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 8
  
- ★ **Commission Regulation (EC) No 1949/2005 of 28 November 2005 amending Regulation (EC) No 1917/2000 with regard to specific movements and the exclusion of trade relating to repair transactions** ..... 10
  
- ★ **Commission Regulation (EC) No 1950/2005 of 28 November 2005 adapting several Regulations concerning the cereal, rice and potato starch markets by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union** ..... 18
  
- Commission Regulation (EC) No 1951/2005 of 28 November 2005 amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year ..... 45
  
- ★ **Commission Directive 2005/81/EC of 28 November 2005 amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings** <sup>(1)</sup> ..... 47

<sup>(1)</sup> Text with EEA relevance

(Continued overleaf)

Price: EUR 18



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

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

**European Parliament**

**Council**

**Commission**

2005/833/EC, Euratom:

- ★ **Decision of the European Parliament, of the Council and of the Commission of 4 November 2005 appointing the members of the Supervisory Committee of the European Anti-Fraud Office (OLAF)** ..... 49

**Council**

2005/834/EC:

- ★ **Council Decision of 8 November 2005 on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries and amending Decision 2003/17/EC** ..... 51

2005/835/EC:

- ★ **Council Recommendation of 14 November 2005 on priority actions to increase cooperation in the field of archives in Europe** ..... 55

2005/836/CFSP:

- ★ **Political and Security Committee Decision EUPOL COPPS/1/2005 of 16 November 2005 concerning the appointment of the Head of Mission/Police Commissioner of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS)** ..... 57

2005/837/EC, Euratom:

- ★ **Council Decision of 21 November 2005 appointing a member of the Economic and Social Committee** ..... 58

2005/838/EC, Euratom:

- ★ **Council Decision of 24 November 2005 appointing a French member of the Economic and Social Committee** ..... 59

**Commission**

2005/839/EC:

- ★ **Commission Decision of 13 July 2005 declaring a concentration compatible with the common market and the functioning of the EEA Agreement — Case No COMP/M.3625 — Blackstone/Acetex (notified under document number C(2005) 2672)** ..... 60

2005/840/EC:

- ★ **Commission Decision of 25 November 2005 amending Decision 2004/4/EC authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt (notified under document number C(2005) 4525)** ..... 63



2005/841/EC:

- ★ **Commission Decision of 28 November 2005 providing for the temporary marketing of certain seed of the species *Triticum durum*, not satisfying the requirements of Council Directive 66/402/EEC** (notified under document number C(2005) 4527) <sup>(1)</sup> ..... 65

2005/842/EC:

- ★ **Commission Decision of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest** (notified under document number C(2005) 2673) ..... 67



---

<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1946/2005****of 14 November 2005****amending Regulation (EC) No 2007/2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process**

THE COUNCIL OF THE EUROPEAN UNION,

Republic of Montenegro, the Republic of Serbia and Kosovo, as defined in the United Nations Security Council Resolution 1244 (1999), each constitute separate customs territories.

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

(6) The Community has concluded an agreement on trade in textile products with the Republic of Serbia <sup>(2)</sup>,

Having regard to the proposal from the Commission,

Whereas:

HAS ADOPTED THIS REGULATION:

(1) Regulation (EC) No 2007/2000 <sup>(1)</sup> expires on 31 December 2005.

*Article 1*

Regulation (EC) No 2007/2000 is hereby amended as follows:

(2) Since Stabilisation and Association Agreements have not yet been concluded with all the Western Balkan countries, it is appropriate to prolong the period of validity of Regulation (EC) No 2007/2000.

1. in Article 1(1) and (2), 'and Serbia and Montenegro, including Kosovo' shall be replaced by 'and in the customs territories of Montenegro, Serbia or Kosovo';

(3) Continued market opening is expected to contribute to the process of political and economic stabilisation in the region while not creating negative effects for the Community. Accordingly, these preferences should apply for a further period, from 1 January 2006 to 31 December 2010.

2. in Article 3(1) and (2), 'the Federal Republic of Yugoslavia' shall be replaced by 'the customs territories of Montenegro or Kosovo';

(4) A Constitutional Charter was adopted in the Federal Republic of Yugoslavia on 4 February 2003, changing the name of that country to Serbia and Montenegro and establishing the division of competences between the State Union and the two constituent Republics.

3. Article 4 shall be amended as follows:

(a) in paragraph 2, point (d), 'in the Federal Republic of Yugoslavia including Kosovo' shall be replaced by 'in the customs territories of Montenegro, Serbia or Kosovo';

(5) The trade measures provided for in Regulation (EC) No 2007/2000 should also take into account that the

(b) in paragraph 4, introductory phrase and point (c), 'Serbia and Montenegro, including Kosovo' shall be replaced by 'the customs territories of Montenegro, Serbia or Kosovo';

<sup>(1)</sup> OJ L 240, 23.9.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 1282/2005 (OJ L 203, 4.8.2005, p. 6).

<sup>(2)</sup> OJ L 90, 8.4.2005, p. 36.

4. in Article 17, '31 December 2005' shall be replaced by '31 December 2010';
5. in Annex I, in the column 'Beneficiaries', all references to the 'Federal Republic of Yugoslavia including Kosovo' shall be replaced by 'customs territories of Montenegro, Serbia or Kosovo'.

*Article 2*

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

It shall apply from 1 January 2006.

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

Done at Brussels, 14 November 2005.

*For the Council*  
*The President*  
T. JOWELL

---

**COUNCIL REGULATION (EC) No 1947/2005****of 23 November 2005****on the common organisation of the market in seeds and repealing Regulations (EEC) No 2358/71 and (EEC) No 1674/72**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 36 and the third subparagraph of Article 37(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,

Whereas:

(1) The operation and development of the common market in agricultural products should be accompanied by the establishment of a common agricultural policy to include, in particular, a common organisation of the agricultural markets which may take various forms depending on the product concerned.

(2) Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organisation of the market in seeds <sup>(3)</sup> has been substantially amended several times, particularly by Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers <sup>(4)</sup>. In the interests of clarity, Regulation (EEC) No 2358/71 should be repealed and replaced by a new Regulation.

(3) The provisions of Council Regulation (EEC) No 1674/72 of 2 August 1972 laying down general rules for granting and financing aid for seed <sup>(5)</sup> were incorporated into the implementing rules in Chapter 10 of Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials <sup>(6)</sup>. Regulation (EEC) No 1674/72 should therefore be repealed.

(4) In order to monitor the volume of trade in seeds with third countries, provision should be made for an import licence scheme with the lodging of a security to ensure that the transactions for which such licences are requested are effected.

(5) The system of customs duties makes it possible to dispense with all other protective measures in the case of goods imported from third countries.

(6) The internal market and customs duty mechanism could, in exceptional circumstances, prove inadequate. In such cases, in order not to leave the Community market without defence against disturbances that might ensue, the Community should be able to take all necessary measures without delay. Those measures should comply with the Community's international obligations.

(7) The proper working of the internal market in seeds would be jeopardised by the granting of national aid. The provisions of the Treaty governing State aid should, therefore, apply to the products covered by this common market organisation. However, since accession, Finland may, subject to authorisation by the Commission, grant aid respectively for certain quantities of seeds and for certain quantities of cereal seed produced solely in Finland, because of its specific climatic conditions.

<sup>(1)</sup> Not yet published in the Official Journal.

<sup>(2)</sup> Opinion delivered on 26 October 2005 following non-compulsory consultation (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 246, 5.11.1971, p. 1. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

<sup>(4)</sup> OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 118/2005 (OJ L 24, 27.1.2005, p. 15).

<sup>(5)</sup> OJ L 177, 4.8.1972, p. 1. Regulation as last amended by Regulation (EEC) No 3795/85 (OJ L 367, 31.12.1985, p. 21).

<sup>(6)</sup> OJ L 345, 20.11.2004, p. 1. Regulation as last amended by Regulation (EC) No 1044/2005 (OJ L 172, 5.7.2005, p. 76).

- (8) Since the common market in seeds is constantly evolving, the Member States and the Commission should keep each other supplied with information relevant to developments in this area.
- (9) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>,

1202 10 10	Groundnuts, not roasted or otherwise cooked, in shell, for sowing
1204 00 10	Linseed, whether or not broken, for sowing
1205 10 10	Rape or colza seeds, whether or not broken, for sowing
1206 00 10	Sunflower seeds, whether or not broken, for sowing
ex 1207	Other oil seeds and oleaginous fruits, whether or not broken, for sowing
1209	Seeds, fruit and spores, of a kind used for sowing

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

##### INTRODUCTORY PROVISIONS

###### Article 1

A common organisation of the market in seeds shall be established and shall cover the following products:

CN code	Description of goods
0712 90 11	Sweetcorn hybrids for sowing
0713 10 10	Peas ( <i>Pisum sativum</i> ) for sowing
ex 0713 20 00	Chickpeas for sowing
ex 0713 31 00	Beans of the species <i>Vigna mungo</i> (L.) Hepper or <i>Vigna radiata</i> (L.) Wilczek for sowing
ex 0713 32 00	Small red (Adzuki) beans ( <i>Phaseolus</i> or <i>Vigna angularis</i> ) for sowing
0713 33 10	Kidney beans, including white pea beans ( <i>Phaseolus vulgaris</i> ) for sowing
ex 0713 39 00	Other beans for sowing
ex 0713 40 00	Lentils for sowing
ex 0713 50 00	Broad beans ( <i>Vicia faba</i> var. <i>major</i> ) and horse beans ( <i>Vicia faba</i> var. <i>equina</i> , <i>Vicia faba</i> var. <i>mino</i> )
ex 0713 90 00	Other dried leguminous vegetables for sowing
1001 90 10	Spelt for sowing
ex 1005 10	Hybrid maize (corn) seed
1006 10 10	Rice in the husk (paddy or rough) for sowing
1007 00 10	Grain sorghum hybrids for sowing
1201 00 10	Soya beans, whether or not broken, for sowing

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

###### Article 2

The marketing year for seeds shall begin on 1 July of each year and end on 30 June of the following year.

###### Article 3

This Regulation shall apply without prejudice to the measures provided for by Regulation (EC) No 1782/2003.

#### CHAPTER II

##### TRADE WITH THIRD COUNTRIES

###### Article 4

1. Imports into the Community of any of the products listed in Article 1 may be subject to the presentation of an import licence. The products for which import licences are required shall be determined in accordance with the procedure referred to in Article 10(2).

2. Import licences shall be issued by the Member States to any persons who so request, irrespective of their place of establishment in the Community.

3. Licences shall be valid for imports carried out anywhere in the Community. Their issue shall be subject to the lodging of a security guaranteeing that the products are imported during the validity period of the licence. Except in cases of *force majeure*, the security shall be forfeited in whole or in part if the transaction is not carried out, or is carried out only partially, within that period.

###### Article 5

Unless this Regulation provides otherwise, the rates of duty in the Common Customs Tariff shall apply to the products listed in Article 1.

*Article 6*

1. The general rules for the interpretation of the Combined Nomenclature and the detailed rules for its application shall apply to the tariff classification of products referred to in Article 1. The tariff nomenclature resulting from the application of this Regulation shall be included in the Common Customs Tariff.

2. Save as otherwise provided for in this Regulation or in provisions adopted pursuant thereto, the following shall be prohibited in trade with third countries:

- (a) the levying of any charge having equivalent effect to a customs duty;
- (b) the application of any quantitative restriction or measure having equivalent effect.

*Article 7*

1. If, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 is affected by, or is threatened with, serious disturbance likely to jeopardise the achievement of the objectives set out in Article 33 of the Treaty, appropriate measures may be applied in trade with non-member countries of the World Trade Organisation until such disturbance or threat of it has ceased.

2. If the situation referred to in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures. The Member States shall be notified of such measures, which shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within three working days following receipt of the request.

3. The measures mentioned in paragraph 2 may be referred to the Council by any Member State within three working days of the day on which they are notified. The Council shall meet immediately. It may, acting by a qualified majority, amend or repeal the measures in question within one month of the day on which the measures are referred to it.

4. Arrangements adopted under this Article shall take account of the obligations arising from agreements concluded in accordance with Article 300(2) of the Treaty.

## CHAPTER III

**GENERAL PROVISIONS***Article 8*

1. Save as otherwise provided in this Regulation, Articles 87, 88 and 89 of the Treaty shall apply to the production of, and trade in, the products listed in Article 1.

2. However, Finland may, subject to authorisation by the Commission, grant aid respectively for certain quantities of seeds and for certain quantities of cereal seed produced solely in Finland, because of its specific climatic conditions.

Prior to 1 January 2006, the Commission shall transmit to the Council, on the basis of the information supplied in due time by Finland, a report on the results of the aid authorised, accompanied by the necessary proposals.

*Article 9*

The Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation.

*Article 10*

1. The Commission shall be assisted by a Management Committee for Seeds (hereinafter referred to as 'the Committee').

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

*Article 11*

Detailed rules on the application of this Regulation, and in particular the validity period of the licences referred to in Article 4 and the arrangements for communicating the information referred to in Article 9, shall be adopted in accordance with the procedure referred to in Article 10(2).

## CHAPTER IV

**TRANSITIONAL AND FINAL PROVISIONS***Article 12*

1. Regulations (EEC) No 2358/71 and (EEC) No 1674/72 are hereby repealed.

2. References to Regulation (EEC) No 2358/71 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in the Annex.

*Article 13*

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

It shall apply from 1 July 2006.

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

---

## ANNEX

**Correlation table**

Regulation (EEC) No 2358/71	This Regulation
Article 1	Article 1
Article 2	Article 2
—	Article 3
Article 3	—
Article 3a	—
Article 4(1) and (2), first subparagraph	Article 4
Article 4(2), second subparagraph	Article 11
Article 5(1)	Article 5
Article 5(2) and Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 9, first sentence	Article 9
Article 9, second sentence	Article 11
Article 11	Article 10
Article 12	—
Article 13	—
Article 14	—
Article 15	—
Article 16	—
—	Article 12
Article 17	Article 13

**COMMISSION REGULATION (EC) No 1948/2005**  
**of 28 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 <sup>(1)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 29 November 2005.

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

Done at Brussels, 28 November 2005.

*For the Commission*  
J. M. SILVA RODRÍGUEZ  
*Director-General for Agriculture and  
Rural Development*

---

<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

## ANNEX

**to Commission Regulation of 28 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	50,9
	204	27,7
	999	39,3
0707 00 05	052	136,8
	204	54,6
	999	95,7
0709 90 70	052	117,9
	204	69,2
	999	93,6
0805 20 10	204	65,3
	624	83,4
	999	74,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	72,9
	624	112,5
	999	92,7
0805 50 10	052	67,4
	388	74,2
	999	70,8
0808 10 80	388	68,5
	400	92,7
	404	91,6
	720	91,8
	999	86,2
0808 20 50	052	73,0
	400	92,7
	720	48,3
	999	71,3

<sup>(1)</sup> 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 1949/2005

of 28 November 2005

## amending Regulation (EC) No 1917/2000 with regard to specific movements and the exclusion of trade relating to repair transactions

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1172/95 of 22 May 1995 on the statistics relating to the trading of goods by the Community and its Member States with non-member countries <sup>(1)</sup>, and in particular Articles 4(1), 6(2), 9(1), 10(4) and 15 thereof,

Whereas:

(1) Commission Regulation (EC) No 1917/2000 of 7 September 2000 laying down certain provisions for the implementation of Council Regulation (EC) No 1172/95 as regards statistics on external trade <sup>(2)</sup>, specifies the data elements to be collected for statistics on external trade and enumerates the goods and movements which should be exempted or which need particular provisions for methodological reasons.

(2) Whenever appropriate, common definitions and concepts should be applied in respect of data relating, respectively, to the trading of goods between Member States and to the trading of goods with non-member countries. Since 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 <sup>(3)</sup> revised the framework for the production of Community statistics on the trading of goods between Member States, it has become necessary to adapt accordingly the implementing rules on statistics on the trading of goods by the Community and its Member States with non-member countries.

(3) According to international recommendations and the provisions in force concerning Community statistics relating to the trading of goods between Member States, goods undergoing repair are to be excluded from statistics relating to the trading of goods. Consequently, it is also necessary to exclude goods undergoing repair from Community statistics on the trading of goods with non-member countries.

(4) In order to ensure the comparability of information on specific goods traded within the Community and those traded with non-member countries, adjustments have to be made to provisions for industrial plants, vessels and aircraft, ships and aircraft stores and supplies, staggered consignments, offshore installations, spacecraft, electricity, gas and sea products.

(5) Additional specifications should be provided on goods which are subject of temporary use in order to harmonise the way these goods are excluded from Community statistics on the trading of goods with non-member countries.

(6) The coding system serving to describe the nature of the transaction should be aligned on the provisions applicable within the framework of statistics on the trading of goods between Member States.

(7) Regulation (EC) No 1917/2000 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1917/2000 is amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

Pursuant to Article 6(2) of the Basic Regulation, external trade statistics transmitted to the Commission shall not cover goods:

— released for free circulation after being subject to inward processing or processing under customs control,

— contained in the list of exemptions set out in Annex 1.'

<sup>(1)</sup> OJ L 118, 25.5.1995, p. 10. Regulation 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).

<sup>(2)</sup> OJ L 229, 9.9.2000, p. 14.

<sup>(3)</sup> OJ L 102, 7.4.2004, p. 1.

2. In Article 15(2) the following point (m) is added:

'(m) Electricity and gas.'

3. In Article 16, paragraphs 2 and 3 are replaced by the following:

'2. Member States may apply a simplified declaration procedure for recording exports of complete industrial plant.

3. The simplified procedure may be applied only to the export of complete industrial plants the total statistical value of each of which exceeds EUR 3 million, unless they are complete industrial plants for re-use; in this case, Member States shall inform the Commission of the criteria used.

The statistical value of an industrial plant shall be calculated by adding the statistical values of its component parts and the statistical values of the goods referred to in the second subparagraph of paragraph 1.'

4. Article 17 is replaced by the following:

'Article 17

1. For the purposes of this Chapter, component parts falling within a given chapter of the Combined Nomenclature shall be classified under the relevant complete industrial plant subheading of Chapter 98 of that Nomenclature.

2. Where Member States do not allow a simplified declaration procedure for recording component parts of complete industrial plant under the subheadings provided for in Chapter 98, the goods shall be classified under the relevant subheadings, as provided in the other chapters of the Combined Nomenclature.'

5. Article 18 is replaced by the following:

'Article 18

In accordance with the Combined Nomenclature, the code numbers for complete industrial plant subheadings shall be composed in conformity with the following rules:

(a) the code shall comprise eight digits;

(b) the first four digits shall be 9880;

(c) the fifth and the sixth digits shall correspond to the chapter of the Combined Nomenclature to which the goods of the component part belong;

(d) the seventh and the eighth digits shall be 0.'

6. Article 19(3) is deleted.

7. Article 20 is amended as follows:

(a) point (c) is replaced by the following:

'(c) "ownership of a vessel or an aircraft" means the fact of a natural or legal person's registration as owner of a vessel or an aircraft.;

(b) point (d) is deleted.

8. Article 21 is replaced by the following:

'Article 21

1. External trade statistics to be transmitted to the Commission shall cover the following transactions:

(a) the transfer of ownership of a vessel or aircraft from a natural or legal person established in a non-member country 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 import;

(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 a non-member country; this transaction shall be treated as an export;

(c) the entry of a vessel or aircraft in the statistical territory of the Community or the leaving of the statistical territory of the Community because of operations with a view to or following processing under contract.

For the purposes of point (b), the export shall be recorded in the Member State of construction if the vessel or aircraft is new.

For the purposes of point (c), "processing" shall be considered to cover only operations aiming to produce a new or really improved vessel or aircraft.

2. The statistics on the transactions referred to in paragraph 1 which the Member States transmit to the Commission shall include the following data:

- (a) the code corresponding to the subdivision of the Combined Nomenclature;
- (b) the statistical procedure;
- (c) the partner country, namely:
  - in the case of transactions referred to in paragraph 1(a), the non-member country of construction if the vessel or aircraft is new; in other cases, the non-member country where the natural or legal person transferring the ownership of the vessel or aircraft is established;
  - in the case of transactions referred to in paragraph 1(b) the non-member country where the natural or legal person to whom the ownership of the vessel or aircraft is transferred is established;
  - in the case of transactions referred to in paragraph 1(c) the non-member country of consignment for vessels and aircraft entering the statistical territory of the Community and the country of destination for vessels and aircraft leaving the statistical territory of the Community;
- (d) the quantity, as a number of items and in any other supplementary units laid down in the Combined Nomenclature, for vessels, and the quantity, in net mass and in supplementary units, for aircraft;
- (e) the statistical value, meaning the total amount which would be invoiced in the case of sale or purchase of the whole vessel or aircraft, after exclusion of any transport and insurance costs.

3. The reference period shall be the month in which either the transfer of ownership takes place, in the case of transactions referred to in paragraph 1(a) or 1(b), or in which the movement takes place, in the case of transactions referred to in paragraph 1(c).'

9. Article 22 is replaced by the following:

*'Article 22*

National authorities shall have access to data sources in addition to those laid down in Article 7 of Regulation

(EC) No 1172/1995, including access to information contained in national shipping and aircraft registers which may be required in order to identify the transfer of ownership of such goods.'

10. In Article 24(2), point (b) is replaced by the following:

'(b) the country code of the partner country or the simplified country code QS;'

11. Article 25 is replaced by the following:

*'Article 25*

For the purposes of this Chapter, "staggered consignments" means imports or exports of components of complete goods in an unassembled or disassembled state over several deliveries for commercial or transport-related reasons.'

12. Article 29(2) is replaced by the following:

'2. The monthly returns covering the transactions referred to in paragraph 1, which are transmitted to the Commission by the Member States, shall include the following data:

- (a) the code corresponding to the subdivision of the Combined Nomenclature;
- (b) the country code of the partner country or the simplified country code QW;
- (c) the statistical procedure;
- (d) the quantity in net mass;
- (e) the statistical value.

For the purposes of point (a), the following simplified codes shall be used for goods destined for the operators of the offshore installation or for the operation of the engines, machines and other equipment of the offshore installation:

— 9931 24 00: goods from CN Chapters 1 to 24;

— 9931 27 00: goods from CN Chapter 27;

— 9931 99 00: goods classified elsewhere.

Without prejudice to the customs regulations, in the case of goods coming from or destined for installations, the “partner country” referred to in point (b) shall be understood to be the country where the natural or legal person responsible for the commercial use of the installation in question is established.’

13. Article 31 is replaced by the following:

*‘Article 31*

1. Statistics on trade with non-member countries covering the following shall be transmitted to the Commission:

- (a) the entry of a spacecraft into the statistical territory of the Community or the leaving of the statistical territory of the Community because of operations with a view to, or following, processing under contract;
- (b) the space launch of a spacecraft which was the subject of a transfer of ownership between a natural or legal person established in a non-member country and a natural or legal person established in a Member State;
- (c) the space launch of a spacecraft which was the subject of a transfer of ownership from a natural or legal person established in a Member State to a natural or legal person established in a non-member State.

The operations referred to in point (b) shall be recorded as an import in the Member State where the new owner is established.

The operation referred to in point (c) shall be recorded as an export by the Member State of construction of the finished spacecraft.

For the purposes of this paragraph, “processing” shall be considered to cover only operations aiming to produce a new or really improved spacecraft.

2. The monthly returns on the operations referred to in paragraph 1, which Member States shall transmit to the Commission, shall include the following data:

- (a) the code corresponding to the subdivision of the Combined Nomenclature;
- (b) the code of the partner country;

- (c) the statistical procedure;
- (d) the quantity in net mass and in supplementary units;
- (e) the statistical value as the value of the spacecraft “ex-works” in accordance with the delivery terms specified in Annex III to this Regulation.

For the purposes of point (b), “partner country” shall be determined according to the following criteria:

- for the operations referred to in paragraph 1(a) “partner country” shall mean the non-member country of origin for spacecraft entering the statistical territory of the Community and the country of destination for spacecraft leaving the statistical territory of the Community;
- for the operations referred to in paragraph 1(b) “partner country” shall mean the country of construction of the finished spacecraft;
- for the operations referred to in paragraph 1(c) “partner country” shall mean the country where the natural or legal person to whom the ownership of the spacecraft is transferred is established.

3. The reference period shall be the month in which either the movement takes place, in the case of operations referred to in paragraph 1(a), or in which the transfer of ownership takes place, in the case of operations referred to in paragraph 1(b) and (c).’

14. In Title II, after Article 31, the following Chapters 9 and 10 are added:

‘CHAPTER 9

**Electricity and gas**

*Article 31a*

In addition to the data sources laid down in Article 7 of Regulation (EC) No 1172/95, national authorities may require that relevant information for the monitoring of trade flows on electricity and gas between the reporting Member State and non-member countries be provided directly by operators established in the reporting Member State which own or operate the national transmission network for electricity or gas.

## CHAPTER 10

**Sea products***Article 31b*

1. For the purposes of this Article, "sea products" means fishery products, minerals, salvage and all other products which have not yet been landed by seagoing vessels.

2. External trade statistics to be transmitted to the Commission shall cover the following transactions:

(a) the landing of sea products in the reporting Member State's ports, or their acquisition by vessels registered in a Member State from vessels registered in a non-member country, these transactions being treated as imports;

(b) the landing of sea products in a non-member country's ports from a vessel registered in the reporting Member State, or their acquisition by vessels registered in a non-member country from vessels registered in a Member State, these transactions being treated as exports.

3. The monthly returns on the transactions referred to in paragraph 2, which the Member States shall transmit to the Commission, shall include the following data:

(a) the code corresponding to the subdivision of the Combined Nomenclature;

(b) the code of the partner country, namely:

— on import, the non-member country where the vessel capturing the sea product is registered;

— on export, the non-member country where the sea product is landed or where the vessel acquiring the sea product is registered;

(c) the statistical procedure;

(d) the quantity in net mass;

(e) the statistical value.

4. National authorities shall have access to data sources in addition to those laid down in Article 7 of Regulation (EC) No 1172/95, including access to information on declarations of national registered vessels on sea products landed in non-member countries.'

15. Annexes I and II are replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 January 2006.

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

Done at Brussels, 28 November 2005.

*For the Commission*  
Joaquín ALMUNIA  
*Member of the Commission*

## ANNEX

Annexes I and II to Regulation (EC) No 1917/2000 are replaced by the following:

## 'ANNEX I

**List of goods referred to in Article 2 excluded from statistics relating to the trading of goods with non-member countries to be transmitted to the Commission (Eurostat)**

Data shall not be compiled for the following goods:

- (a) means of payment which are legal tender, and securities;
- (b) monetary gold;
- (c) emergency aid for disaster areas;
- (d) because of the diplomatic or similar nature of their intended use:
  - 1. goods benefiting from diplomatic consular or similar immunity;
  - 2. gifts to a Head of State or to members of a government or parliament;
  - 3. items being circulated within the framework of administrative mutual aid;
- (e) provided that they are not the subject of a commercial transaction:
  - 1. decorations, honorary distinctions and prizes, commemorative badges and medals;
  - 2. travel equipment, provisions and other items, including sports equipment, intended for personal use or consumption which accompany, precede or follow the traveller;
  - 3. bridal outfits, items involved in moving house, or heirlooms;
  - 4. coffins, funerary urns, ornamental funerary articles and items for the upkeep of graves and funeral monuments;
  - 5. printed advertising material, instructions for use, price lists and other advertising items;
  - 6. goods which have become unusable, or which cannot be used for industrial purposes;
  - 7. ballast;
  - 8. postage stamps;
  - 9. pharmaceutical products used at international sporting events;
- (f) products used as part of exceptional common measures for the protection of persons or of the environment;
- (g) goods which are the subject of non-commercial traffic between persons resident in the frontier zones defined by the Member States (frontier traffic); products obtained by agricultural producers on properties located outside, but adjacent to, the statistical territory within which they have their principal undertaking;

- (h) provided that the trade is temporary, goods imported and exported for the repair of means of transport, containers and related transport equipment, but which are not placed under processing arrangements, and parts replaced during the repairs;
  - (i) goods exported to national armed forces stationed outside the statistical territory as well as imported goods which had been conveyed outside the statistical territory by the national armed forces, as well as goods acquired or disposed of on the statistical territory of a Member State by the foreign armed forces which are stationed there;
  - (j) goods used as carriers of information such as floppy disks, computer tapes, films, plans, audio- and videotapes, and CD-ROMs which are traded in order to provide information, where developed to order for a particular client or where they are not the subject of a commercial transaction, as well as goods which complement a previous delivery, e.g. an update, and for which the consignee is not invoiced;
  - (k) satellite launchers:
    - on export and import pending their launching into space;
    - at the time of launching into space;
  - (l) 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 good in working order; this may involve some rebuilding or enhancements but does not change the nature of the good in any way;
  - (m) goods for and following temporary use, provided all the following conditions are met:
    1. no processing is planned or made;
    2. the expected duration of the temporary use is not longer than 24 months.
-

## ANNEX II

## List of transactions referred to in Article 13(2)

A	B
1. Transactions involving actual or intended transfer of ownership against compensation (financial or otherwise) (except the transactions listed under 2, 7, 8) <sup>(a)</sup> <sup>(b)</sup> <sup>(c)</sup>	1. Outright/purchase/sale <sup>(b)</sup> 2. Supply for sale on approval or after trial, for consignment or with the intermediation of a commission agent 3. Barter trade (compensation in kind) 4. Personal purchases by travellers 5. Financial leasing (hire-purchase) <sup>(c)</sup>
2. Return of goods after registration of the original transaction under code 1 <sup>(d)</sup> ; replacement of goods free of charge <sup>(d)</sup>	1. Return of goods 2. Replacement for returned goods 3. Replacement (e.g. under warranty) for goods not being returned
3. Transactions (not temporary) involving transfer of ownership but without compensation (financial or other)	1. Goods delivered under aid programmes operated or financed partly or wholly by the European Community 2. Other general government-aid deliveries 3. Other aid deliveries (individuals, non-governmental organisations) 4. Others
4. Operations with a view to processing under contract <sup>(e)</sup> (except those recorded under 7)	<sup>(h)</sup>
5. Operations following processing under contract <sup>(e)</sup> (except those recorded under 7)	<sup>(h)</sup>
6. Particular transactions coded for national purposes <sup>(f)</sup>	<sup>(h)</sup>
7. Operations under joint defence projects or other joint intergovernmental production programs (e.g. Airbus)	<sup>(h)</sup>
8. Supply of building materials and equipment for works that are part of a general construction or engineering contract <sup>(g)</sup>	<sup>(h)</sup>
9. Other transactions	<sup>(h)</sup>

<sup>(a)</sup> This item covers most exports and imports, i.e. transactions in respect of which:

- ownership is transferred from resident to non-resident, and
- payment or compensation in kind is or will be made.

Note that this also applies to movements between entities belonging to the same enterprise or to the same group of enterprises and to movements to/from central distribution depots, unless no payment or other compensation is made (otherwise they are covered by code 3).

<sup>(b)</sup> Including spare parts and other replacements made against payment.

<sup>(c)</sup> Including financial leasing: the lease instalments are calculated in such a way as to cover all or virtually all of the value of the goods. The risks and rewards of ownership are transferred to the lessee. At the end of the contract the lessee becomes the legal owner of the goods.

<sup>(d)</sup> Return and replacement dispatches of goods originally recorded under items 3 to 9 of column A should be registered under the corresponding items.

<sup>(e)</sup> Processing covers operations (transformation, construction, assembling, enhancement, renovation, ...) with the objective of producing a new or really improved item. This does not necessarily involve a change in the product classification. Processing activities on a processor's own account are not covered by this item and should be registered under item 1 of column A.

Goods for or following processing have to be recorded as imports and exports.

However, a repair should not be recorded under this position. 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.

Goods for and after repair are excluded from external statistics see Annex I (l).

<sup>(f)</sup> Transactions recorded under this position could be e.g. transactions not involving transfer of ownership, e.g. repair, hire, loan, operational leasing and other temporary uses, except processing under contract (delivery or return). Transactions recorded with this code shall not be transmitted to the Commission.

<sup>(g)</sup> The transactions recorded under item 8 of column A involve goods which are not separately invoiced, but for which a single invoice is made covering the total value of the works. Where this is not the case, the transactions should be recorded under item 1.

<sup>(h)</sup> Code numbers for national purposes may be collected in column B provided that only the code numbers of column A are transmitted to the Commission.'

## COMMISSION REGULATION (EC) No 1950/2005

of 28 November 2005

**adapting several Regulations concerning the cereal, rice and potato starch markets by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 57(2) thereof,

Whereas:

- (1) Certain technical amendments are necessary in several Commission Regulations concerning the cereal, rice and potato starch markets in order to carry out the necessary adaptations by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, (hereinafter referred to as the 'new Member States') to the European Union.
- (2) Commission Regulations (EEC) No 2692/89 <sup>(1)</sup>, (EEC) No 862/91 <sup>(2)</sup>, (EEC) No 1722/93 <sup>(3)</sup>, (EC) No 2058/96 <sup>(4)</sup>, (EC) No 196/97 <sup>(5)</sup>, (EC) No 327/98 <sup>(6)</sup>, (EC) No 638/2003 <sup>(7)</sup> and (EC) No 2236/2003 <sup>(8)</sup> contain certain entries in all Community languages. They should also include those entries in the languages of the new Member States.
- (3) Commission Regulation (EEC) No 2145/92 of 29 July 1992 redefining the destination zones for export refunds, export levies and certain export licenses for cereals and rice <sup>(9)</sup> contains certain references to the new Member States as destinations for export refunds. Those references should be deleted.

- (4) Regulations (EEC) No 2692/89, (EEC) No 862/91, (EEC) No 2145/92, (EEC) No 1722/93, (EC) No 2058/96, (EC) No 196/97, (EC) No 327/98, (EC) No 638/2003 and (EC) No 2236/2003 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2692/89 is hereby amended as follows:

1. Article 13(7) is replaced by the following:

'7. The application for a subsidy document and the document itself shall include in section 20 and section 22 one of the entries listed in points A and B respectively of Annex I, written in red or underlined in red.

The heading of the export licence or advance fixing certificate and section 21 shall be crossed out in red.;

2. Article 14(2)(b) and (c) are replaced by the following:

'(b) section 104 shall be annotated accordingly and one of the entries listed in Annex II shall be added

(c) section 106 shall be annotated accordingly and one of the entries listed in Annex III shall be added.;

3. in Article 15(1), the second subparagraph is replaced by the following:

'If the quality requirements referred to in the first subparagraph are found not to be met when the declaration of release for consumption on Réunion is accepted, one of the entries listed in Annex IV shall be entered under "Remarks" in section J of the control copy referred to in Article 14.;

4. the text in Annex I to this Regulation is added as Annexes I, II, III and IV.

<sup>(1)</sup> OJ L 261, 7.9.1989, p. 8. Regulation as last amended by Regulation (EC) No 1275/2004 (OJ L 241, 13.7.2004, p. 8).

<sup>(2)</sup> OJ L 88, 9.4.1991, p. 7. Regulation as last amended by Regulation (EC) No 1482/98 (OJ L 195, 11.7.1998, p. 14).

<sup>(3)</sup> OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

<sup>(4)</sup> OJ L 276, 29.10.1996, p. 7.

<sup>(5)</sup> OJ L 31, 1.2.1997, p. 53.

<sup>(6)</sup> OJ L 37, 11.2.1998, p. 5. Regulation as last amended by Regulation (EC) No 2458/2001 (OJ L 331, 15.12.2001, p. 10).

<sup>(7)</sup> OJ L 93, 10.4.2003, p. 3.

<sup>(8)</sup> OJ L 339, 24.12.2003, p. 45.

<sup>(9)</sup> OJ L 214, 30.7.1992, p. 20. Regulation as amended by Regulation (EC) No 3304/94 (OJ L 341, 30.12.1994, p. 48).

*Article 2*

Regulation (EEC) No 862/91 is hereby amended as follows:

1. in Article 2(1), the second subparagraph is replaced by the following:

'The certificate of origin to be used shall be made out on a form, a specimen of which is given in Annex I.;

2. Article 3(1) is replaced by the following:

'1. The proof referred to in the first indent of Article 1(2) of Regulation (EEC) No 3491/90 shall be constituted by the competent authorities in Bangladesh entering under "Remarks" in the certificate of origin one of the entries listed in Annex II.;

3. Article 4(1)(a) is replaced by the following:

'(a) in boxes 20 and 24, one of the entries listed in Annex III.;

4. the title of the Annex is replaced by 'Annex I';

5. the text in Annex II to this Regulation is added as Annexes II and III.

*Article 3*

In the Annex to Regulation (EEC) No 2145/92 the names of following countries are hereby deleted:

1. in Zone I: Malta, Cyprus;
2. in Zone II: Poland, Czech and Slovak Federal Republic, Hungary, Estonia, Latvia, and Lithuania;
3. in Zone III: Slovenia.

*Article 4*

Regulation (EEC) No 1722/93 is hereby amended as follows:

1. Article 10(6) is replaced by the following:

'6. When the product in question is the subject of intra-Community trade or is exported to third countries via the territory of another Member State, a T 5 control copy shall be issued in accordance with Commission Regulation (EEC) No 2454/93 (\*)

Box 104 of the control copy shall include, under the heading "Other", one of the entries listed in Annex IV.

(\*) OJ L 253, 11.10.1993, p. 1.;

2. the text in Annex III to this Regulation is added as Annex IV.

*Article 5*

Regulation (EC) No 2058/96 is hereby amended as follows:

1. Article 2(4)(a) and (b) are replaced by the following:

'(a) in box 20 one of the entries listed in Annex I;

(b) in box 24, one of the entries listed in Annex II.;

2. Article 5(3)(a) and (b) are replaced by the following:

'(a) in box 104, one of the entries listed in Annex III;

(b) in box 107, one of the entries listed in Annex IV.;

3. the text in Annex IV to this Regulation is added as Annexes I, II, III and IV.

*Article 6*

Regulation (EC) No 196/97 is hereby amended as follows:

1. Article 3(1)(b) is replaced by the following:

'(b) in box 24, one of the entries listed in the Annex must be given.;

2. the text in Annex V to this Regulation is added as an Annex.

*Article 7*

Regulation (EC) No 327/98 is hereby amended as follows:

1. Article 4(4) is replaced by the following:

'4. Section 24 of the licences shall bear one of the following entries:

(a) in the case of the quota referred to in Article 1(1)(a), one of the entries listed in Annex V;

(b) in the case of the quota referred to in Article 1(1)(b), one of the entries listed in Annex VI;

(c) in the case of the quota referred to in Article 1(1)(c), one of the entries listed in Annex VII.;

2. the text in Annex VI to this Regulation is added as Annexes V, VI and VII.

*Article 8*

Regulation (EC) No 638/2003 is hereby amended as follows:

1. Article 7(2) is replaced by the following:

‘2. Proof that the export charge has been collected shall be provided by the indication of the amount in national currency and the insertion by the customs authorities of the exporting country of one of the entries listed in Annex III, together with the signature and stamp of the customs office, in section 12 of the export licence in accordance with the specimen in Annex I, issued by the exporting country.’;

2. Article 16(3) is replaced by the following:

‘3. Section 24 of the licences shall bear one of the following entries:

(a) for imports originating in the ACP states: one of the entries listed in Annex IV;

(b) for imports originating in the OCTs: one of the entries listed in Annex V.’;

3. the text in Annex VII to this Regulation is added as Annexes III, IV and V.

*Article 9*

Regulation (EC) No 2236/2003 is hereby amended as follows:

1. Article 13(3)(a) is replaced by the following:

‘(a) an export licence issued to the starch-producing undertaking in question by the competent authority of the Member State referred to in paragraph 2 bearing one of the entries listed in the Annex, by way of derogation from Article 3 of Commission Regulation (EC) No 1518/95 (\*);

\_\_\_\_\_ (\*) OJ L 147, 30.6.1995, p. 55.’;

2. the text in Annex VIII to this Regulation is added as an Annex.

*Article 10*

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

This Regulation shall not affect the validity of licences applied for or issued between 1 May 2004 and the date of the entry into force of this Regulation.

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

Done at Brussels, 28 November 2005.

For the Commission  
Mariann FISCHER BOEL  
Member of the Commission

\_\_\_\_\_

## ANNEX I

## 'ANNEX I

**A. Entries referred to in Article 13(7) for Section 20**

- *In Spanish:* Documento de subvención para el arroz: Reunión — artículo 11 bis del Reglamento (CEE) nº 1418/76
- *In Czech:* Subvenční doklad pro rýži: Réunion – článek 11a nařízení (EHS) č. 1418/76
- *In Danish:* Tilskudsdokument ris Réunion — artikel 11a i forordning (EØF) nr. 1418/76
- *In German:* Subventionsdokument Reis Réunion — Artikel 11a der Verordnung (EWG) Nr. 1418/76
- *In Estonian:* Subsiidiumidokument riisi jaoks: Réunion – Määruse (EMÜ) nr 1418/76 artikkel 11a
- *In Greek:* Έγγραφο επιδότησης για το ρύζι που αποστέλλεται στη Réunion — Άρθρο 11 του κανονισμού (ΕΟΚ) αριθ. 1418/76
- *In English:* Subsidy document for rice: Réunion — Article 11a of Regulation (EEC) No 1418/76
- *In French:* Document de subvention riz: Réunion — article 11 bis du règlement (CEE) nº 1418/76
- *In Italian:* Documento di sovvenzione riso: Riunione — articolo 11 bis del regolamento (CEE) n. 1418/76
- *In Latvian:* Subsīdiju dokuments attiecībā uz rīsiem: Reinjona – Regulas Nr. 1418/76 11.a pants
- *In Lithuanian:* Subsidijos dokumentas ryžiams: Rejunjonas – Reglamento (EEB) Nr. 1418/76 11a straipsnis
- *In Hungarian:* A rizsre vonatkozó támogatási dokumentum: Réunion – az 1418/76/EGK rendelet 11a. cikke
- *In Maltese:* Dokument ta' sussidju tar-ross: Réunion – artikolu 11a tar-Regolament (KEE) Nru 1418/76
- *In Dutch:* Subsidiebewijs rijst Réunion — artikel 11 bis van Verordening (EEG) nr. 1418/76
- *In Polish:* Dokument subwencji dla ryżu: Réunion – artykuł 11a rozporządzenia (EWG) nr 1418/76
- *In Portuguese:* Documento de subvenção arroz Reunião — n.º 11.ºA do Regulamento (CEE) n.º 1418/76
- *In Slovak:* Potvrdenie o náhrade pre ryžu: Réunion – článok 11a nariadenia (EHS) č. 1418/76
- *In Slovene:* Dokument o subvenciji za riž: Réunion – člen 11a Uredbe (EGS) št. 1418/76
- *In Finnish:* Riisiä koskeva tukiasiakirja: Réunion – asetuksen (ETY) N:o 1418/76 11 a artikla
- *In Swedish:* Subventionsdokument för ris: Réunion – artikel 11a i förordning (EEG) nr 1418/76

**B. Entries referred to in Article 13(7) for Section 22**

- *In Spanish:* Subvención para el arroz de Reunión fijada por anticipado el ... (fecha de presentación de la solicitud del documento)
- *In Czech:* Subvence pro rýži pro Réunion stanovená předem dne ... (datum podání žádosti o doklad)
- *In Danish:* Tilskud ris Réunion forudfastsat den ... (dato for indgivelsen af ansøgningen om dokumentet)
- *In German:* Subvention Reis Réunion, im Voraus festgesetzt am ... (Eingangsdatum des Antrags für das Dokument)

- *In Estonian:* Réunioni riisitoetus on eelnevalt kinnitatud ... (kuupäev, mil dokumenditaotlus esitati)
- *In Greek:* Επιδότηση για το ρύζι που αποστέλλεται στη Réunion και έχει προκαθορισθεί στις ... (ημερομηνία υποβολής της αίτησης για το έγγραφο)
- *In English:* Rice subsidy Réunion fixed in advance on ... (date on which the application for the document was lodged)
- *In French:* Subvention riz Réunion préfixée le ... (date du dépôt de la demande du document)
- *In Italian:* Sovvenzione riso Riunione prefissata il ... (giorno in cui è stato richiesto il documento)
- *In Latvian:* Rīsu subsīdija Reinjonā noteikta iepriekš ... (datums, kad tika iesniegts pieteikums par dokumentu)
- *In Lithuanian:* Rejunjono ryžių subsidija ... (data, kurią buvo pateikta paraiška dokumentui)
- *In Hungarian:* Rizsszubvenció, Réunion, előzetesen ... -án/-én rögzítve (a dokumentum iránti kérelem benyújtásának időpontja)
- *In Maltese:* Sussidju tar-ross Réunion iffissat minn qabel fi ... (data li fiha ntbaghtet l-applikazzjoni ghad-dokument)
- *In Dutch:* Subsidie rijst Réunion vooraf vastgesteld op ... (datum waarop de aanvraag van het bewijs is ingediend)
- *In Polish:* Subwencje dla ryżu Réunion ustalone z wyprzedzeniem w dniu ... (data złożenia wniosku o wydanie dokumentu)
- *In Portuguese:* Subvenção arroz Reunião fixada antecipadamente em ... (data de apresentação do pedido do documento)
- *In Slovak:* Náhrada za ryžu pre ostrov Réunion určená predbežne dňa ... (dátum, kedy bola predložená žiadosť o dokument)
- *In Slovene:* Subvencija riž Réunion določena vnaprej dne ... (datum vložitve zahtevka za dokument)
- *In Finnish:* Tuki riisille – Réunion, ennakkovahvistus ... (asiakirjahakemuksen jättöpäivä)
- *In Swedish:* Subvention för ris till Réunion förutfastställd den ... (datum då ansökan om dokumentet lämnades in)
-

## ANNEX II

## Entries referred to in Article 14(2)(b)

- *In Spanish:* Destinado al consumo en la Reunión — artículo 11 bis del Reglamento (CEE) n° 1418/76
  - *In Czech:* Určeno ke spotřebě na Réunionu – článek 11a nařízení (EHS) č. 1418/76
  - *In Danish:* Bestemt til at overgå til frit forbrug på Réunion — artikel 11a i forordning (EØF) nr. 1418/76
  - *In German:* Bestimmt zur Überführung in den freien Verkehr in Réunion — Artikel 11a der Verordnung (EWG) Nr. 1418/76
  - *In Estonian:* Lubatud ringlusse tarbimiseks Réunionis – Määruse (EMÜ) nr 1418/76 artikkel 11a
  - *In Greek:* Προορίζεται για κατανάλωση στη Réunion — άρθρο 11α του κανονισμού (ΕΟΚ) αριθ. 1418/76
  - *In English:* To be released for consumption in Réunion — Article 11a of Regulation (EEC) No 1418/76
  - *In French:* Destiné à être mis à la consommation à la Réunion — article 11 bis du règlement (CEE) n° 1418/76
  - *In Italian:* Destinato ad essere immesso in consumo nel dipartimento francese d'oltremare della Riunione — articolo 11 bis del regolamento (CEE) n. 1418/76
  - *In Latvian:* Paredzēts patēriņam Reinjonā – Regulas (EEK) Nr. 1418/76 11.a pants
  - *In Lithuanian:* Skirti vartojimui Rejunjone – Reglamento (EEB) Nr. 1418/76 11a straipsnis
  - *In Hungarian:* Réunionban fogyasztásra bocsátandó – az 1418/76/EGK rendelet 11a. cikke
  - *In Maltese:* Jinħareġ għall-konsum f'Reunión – Artikolu 11a tar-Regolament (KEE) Nru 1418/76
  - *In Dutch:* Bestemd voor invoer tot verbruik in Réunion — artikel 11 bis van Verordening (EEG) nr. 1418/76
  - *In Polish:* Do wprowadzenia do konsumpcji w Réunion – artykuł 11a rozporządzenia (EWG) nr 1418/76
  - *In Portuguese:* Destinado a ser colocado no consumo na Reunião — artigo 11.º A do Regulamento (CEE) n.º 1418/76
  - *In Slovak:* Určené na uvoľnenie na spotrebu na ostrove Réunion – článok 11a nariadenia (EHS) č. 1418/76
  - *In Slovene:* Določeno za sprostitve v potrošnjo v Réunionu – člen 11a Uredbe (EGS) št. 1418/76
  - *In Finnish:* Tarkoitettu kulutukseen Réunionilla – asetuksen (ETY) N:o 1418/76 11 a artikla
  - *In Swedish:* Avsedd att frisläppas för konsumtion på Réunion – artikel 11a i förordning (EEG) nr 1418/76
-

## ANNEX III

## Entries referred to in Article 14(2)(c)

- *In Spanish:* Subvención para el arroz de Reunión aplicable el ... (fecha de aceptación de la declaración de expedición)
  - *In Czech:* Subvence pro rýži pro Réunion použitelná dne ... (datum přijetí vývozního prohlášení)
  - *In Danish:* Tilskud til ris for Réunion gældende den ... (dato for antagelsen af angivelsen om forsendelse)
  - *In German:* Subvention Reis Réunion, anwendbar am ... (Tag der Annahme der Lieferungserklärung)
  - *In Estonian:* Réunioni riisubsiidiumi kohaldatase ... (ekspordideklaratsiooni aktsepteerimise kuupäev)
  - *In Greek:* Επιδότηση για το ρύζι Réunion που εφαρμόζεται στις ... (ημερομηνία αποδοχής της δήλωσης αποστολής)
  - *In English:* Réunion rice subsidy applicable on ... (date of acceptance of declaration of exportation)
  - *In French:* Subvention riz Réunion applicable le ... (date de l'acceptation de la déclaration d'expédition)
  - *In Italian:* Sovvenzione riso Riunione applicabile il ... (giorno dell'accettazione della dichiarazione di spedizione)
  - *In Latvian:* Reinjonas rīsu subsīdija attiecināma uz ... (eksporta deklarācijas pieņemšanas datums)
  - *In Lithuanian:* Rejunjono subsidijos ryžiams taikomos ... (eksporto deklaracijos priėmimo data)
  - *In Hungarian:* A ... -án/-én alkalmazandó réunioni rizsszubszenció (a kiviteli nyilatkozat elfogadásának időpontja)
  - *In Maltese:* Sussidju tar-ross Réunion applikabbli fi ... (data li fiha giet aċċettata d-dikjarazzjoni ta' esportazzjoni)
  - *In Dutch:* Subsidie rijst Réunion van toepassing op ... (datum van aanvaarding van de aangifte tot verzending)
  - *In Polish:* Subwencje ryżu Réunion obowiązują od dnia ... (data akceptacji deklaracji eksportowej)
  - *In Portuguese:* Subvenção arroz Reunião aplicável em ... (data de admissão da declaração de expedição)
  - *In Slovak:* Náhrada za ryžu pre Réunion uplatniteľná dňa ... (dátum prijatia vyhlásenia o vývoze)
  - *In Slovene:* Réunion: subvencija za riž, določena vnaprej dne ... (datum vnaprejšnje določitve)
  - *In Finnish:* Tuki riisille – Réunion, ennakkovahvistus ... (ennakkovahvistuksen myöntämispäivä)
  - *In Swedish:* Subvention för ris till Réunion giltig den ... (datum då avsändningsdeklarationen mottogs)
- or
- *In Spanish:* Subvención para el arroz de Reunión fijada por anticipado el ... (fecha de fijación anticipada)
  - *In Czech:* Réunion: subvence pro rýži stanovená předem dne ... (datum stanovení předem)
  - *In Danish:* Tilskud for ris Réunion forudfastsat den ... (dato for forudfastsættelsen)
  - *In German:* Subvention Reis Réunion, im Voraus festgesetzt am ... (Tag der Vorausfestsetzung)
  - *In Estonian:* Réunion: riisubsiidium on eelnevalt kinnitatud ... (eelkinnituse kuupäev)
  - *In Greek:* Επιδότηση για το ρύζι Réunion που έχει προκαθοριστεί στις ... (ημερομηνία προκαθορισμού)

- 
- *In English:* Réunion: rice subsidy fixed in advance on ... (date of advance fixing)
  - *In French:* Subvention riz Réunion préfixée le ... (date de préfixation)
  - *In Italian:* Sovvenzione riso Riunione prefissata il ... (giorno della prefissazione)
  - *In Latvian:* Rerinjona: rīsu subsīdija noteikta iepriekš ... (iepriekšējas noteikšanas datums)
  - *In Lithuanian:* Rejunjonas: subsidija ryžiams nustatyta iš anksto ... (išankstinio nustatymo data)
  - *In Hungarian:* Réunion: rizsszubvenció előzetesen ... -án/-én rögzítve (az előzetes rögzítés időpontja)
  - *In Maltese:* Réunion: sussidju tar-ross iffissat minn qabel fi ... (data ta' meta gie ffissat minn qabel)
  - *In Dutch:* Subsidie rijst Réunion vooraf vastgesteld op ... (datum van de vaststelling vooraf)
  - *In Polish:* Subwencja ryżu Réunion ustalona z góry w dniu ... (data ustalenia z góry)
  - *In Portuguese:* Subvenção arroz Reunião fixada antecipadamente em ... (data da fixação antecipada)
  - *In Slovak:* Réunion: náhrada za ryžu určená predbežne dňa ... (dátum predbežného určenia)
  - *In Slovene:* Réunion: subvencija za riž, določena vnaprej dne ... (datum vnaprejšnje določitve)
  - *In Finnish:* Tuki riisille – Réunion, sovellettavissa ... alkaen (lähetysilmoituksen hyväksymispäivä)
  - *In Swedish:* Subvention för ris till Réunion förutfastställd den ... (datum för förutfastställelsen)
-

## ANNEX IV

## Entries referred to in Article 15(1)

- *In Spanish:* Producto que no se ajusta a las condiciones requeridas en una cantidad de ... (señalar la cantidad en kilogramos, expresados en cifras y en letras)
- *In Czech:* Produkt, který neodpovídá specifikaci, v množství ... (počet kilogramů, slovy i čísly)
- *In Danish:* Produkt, som ikke opfylder betingelserne for en mængde på ... (angivelse af mængden i kilo med tal og bogstaver)
- *In German:* Erzeugnis nicht konform für eine Menge von ... (Menge in kg in Zahlen und Buchstaben)
- *In Estonian:* Nõuetele mittevastav toote kogus ... (kilogrammides, numbrite ja tähtedega)
- *In Greek:* Προϊόν μη σύμφωνο για ποσότητα ... (σημειώνεται η ποσότητα σε χιλιόγραμμα, αριθμητικώς και ολογράφως)
- *In English:* (Number of kilograms, in letters and figures) not in accordance with specification ...
- *In French:* Produit non conforme pour une quantité de ... (indiquer la quantité en kilogrammes en chiffres et en lettres)
- *In Italian:* Prodotto non conforme ai requisiti qualitativi per una quantità pari a ... kg (indicare la quantità in cifre ed in lettere)
- *In Latvian:* Produkts, kas neatbilst norādītajam daudzumam (kilogramu skaits vārdiem un cipariem) ...
- *In Lithuanian:* Produktas, neatitinkantis specifikacijos ... (nurodyti kiekį kilogramais, raidėmis ir skaičiais)
- *In Hungarian:* A(z) ... (jelölje a mennyiséget kilogrammban, számmal és betűvel) mennyiségnek nem megfelelő összeg
- *In Maltese:* (In-numru ta' kilogrammi, f' ittri u cifri) mhux skond l-ispeċifikazzjoni ...
- *In Dutch:* Product niet conform voor een hoeveelheid van ... kg (hoeveelheid vermelden in cijfers en in letters)
- *In Polish:* (Liczba kilogramów, słownie i cyframi) niezgodnie ze specyfikacją ...
- *In Portuguese:* Produto não conforme para uma quantidade de ... (indicar a quantidade em quilogramas, em algarismos e por extenso)
- *In Slovak:* (Počet kilogramov, slovom a číslom) nie je v súlade so špecifikáciou ...
- *In Slovene:* (količina v kilogramih, izražena z besedami in števili) ni v skladu s specifikacijo ...
- *In Finnish:* ei ole vaatimusten mukainen ... kg:n osalta (merkitään määrä kilogrammoina numeroin ja kirjaimin)
- *In Swedish:* Produkt som inte uppfyller kvalitetskraven för en kvantitet på ... (ange kvantiteten i kilo med siffror och bokstäver).'

## ANNEX II

## ‘ANNEX II

## Entries referred to in Article 3(1)

— <i>In Spanish:</i>	Derecho especial percibido a la exportación del arroz	}	(amount in national currency)
— <i>In Czech:</i>	Zvláštní poplatek vybraný při vývozu rýže		
— <i>In Danish:</i>	Særafgift, der opkræves ved eksport af ris		
— <i>In German:</i>	Bei der Ausfuhr von Reis erhobene Sonderabgabe		
— <i>In Estonian:</i>	Riisi ekspordi suhtes kohaldatav erimaks		
— <i>In Greek:</i>	Ειδικός δασμός που εισπράττεται κατά την εξαγωγή ρυζιού		
— <i>In English:</i>	Special charge collected on export of rice		
— <i>In French:</i>	Taxe spéciale perçue à l'exportation du riz		
— <i>In Italian:</i>	Tassa speciale riscossa all'esportazione del riso		
— <i>In Latvian:</i>	Īpašs maksājums, kuru iekasē par rīsu eksportu		
— <i>In Lithuanian:</i>	Specialus mokestis, taikomas ryžių eksportui		
— <i>In Hungarian:</i>	A rizs exportálásakor beszedett különleges díj		
— <i>In Maltese:</i>	Taxxa speċjali miġbura ma' l-esportazzjoni tar-ross		
— <i>In Dutch:</i>	Bij uitvoer van de rijst opgelegde bijzondere heffing		
— <i>In Polish:</i>	Specjalna opłata pobrana od eksportu ryżu		
— <i>In Portuguese:</i>	Taxa especial cobrada à exportação de arroz		
— <i>In Slovak:</i>	Zvláštny poplatok inkasovaný pri vývoze ryže		
— <i>In Slovene:</i>	Posebna dajatev, pobrana na izvoz riža		
— <i>In Finnish:</i>	Riisin viennin yhteydessä perittävä erityismaksu		
— <i>In Swedish:</i>	Särskild avgift som tas ut vid export av ris		

## ANNEX III

**Entries referred to in Article 4(1)(a)**

- *In Spanish:* Bangladesh
  - *In Czech:* Bangladés
  - *In Danish:* Bangladesh
  - *In German:* Bangladesch
  - *In Estonian:* Bangladesh
  - *In Greek:* Μπαγκλαντές
  - *In English:* Bangladesh
  - *In French:* Bangladesh
  - *In Italian:* Bangladesh
  - *In Latvian:* Bangladešā
  - *In Lithuanian:* Bangladešas
  - *In Hungarian:* Banglades
  - *In Maltese:* Bangladesh
  - *In Dutch:* Bangladesh
  - *In Polish:* Bangladesz
  - *In Portuguese:* Bangladesh
  - *In Slovak:* Bangladés
  - *In Slovene:* Bangladeš
  - *In Finnish:* Bangladesh
  - *In Swedish:* Bangladesh'
-

## ANNEX III

## 'ANNEX IV

**Entries referred to in Article 10(6)**

- *In Spanish:* Se utilizará para la transformación o la entrega, de conformidad con el artículo 10 del Reglamento (CEE) n° 1722/93 o para la exportación a partir del territorio aduanero de la Comunidad.
- *In Czech:* Použije se pro zpracování nebo dodávku v souladu s článkem 10 nařízení Komise (EHS) č. 1722/93 nebo pro vývoz z celního území Společenství.
- *In Danish:* Til forarbejdning eller levering i overensstemmelse med artikel 10 i forordning (EØF) nr. 1722/93 eller til udførsel fra Fællesskabets toldområde.
- *In German:* Zur Verarbeitung oder Lieferung gemäß Artikel 10 der Verordnung (EWG) Nr. 1722/93 oder zur Ausfuhr aus dem Zollgebiet der Gemeinschaft bestimmt.
- *In Estonian:* Kasutamiseks töötlemiseks või tarnimiseks komisjoni määruse (EMÜ) nr 1722/93 artikli 10 kohaselt või ekspordiks ühenduse tolliterritooriumilt.
- *In Greek:* Προς χρήση για μεταποίηση ή παράδοση σύμφωνα με το άρθρο 10 του κανονισμού (ΕΟΚ) αριθ. 1722/93 ή για εξαγωγή από το τελωνειακό έδαφος της Κοινότητας.
- *In English:* To be used for processing or delivery in accordance with Article 10 of Commission Regulation (EEC) No 1722/93 or for export from the customs territory of the Community.
- *In French:* À utiliser pour la transformation ou la livraison, conformément à l'article 10 du règlement (CEE) n° 1722/93, ou pour l'exportation à partir du territoire douanier de la Communauté.
- *In Italian:* Da utilizzare per la trasformazione o la consegna, conformemente all'articolo 10 del regolamento (CEE) n. 1722/93, o per l'esportazione dal territorio doganale della Comunità.
- *In Latvian:* Izmantošanai pārstrādei vai piegādei saskaņā ar Komisijas Regulas (EEK) Nr. 1722/93 10. pantu, vai arī eksportam no Kopienas teritorijas.
- *In Lithuanian:* Naudoti perdirbimui arba pristatymui pagal Komisijos reglamento (EEB) Nr. 1722/93 10 straipsnį, arba eksportui iš Bendrijos muitų teritorijos.
- *In Hungarian:* Az 1722/93/EGK bizottsági rendelet 10. cikkével összhangban történő feldolgozásra vagy szállításra vagy a Közösség vámterületéről történő kivitelre irányuló felhasználásra.
- *In Maltese:* Biex jintuża' għall-ipproċessar jew ikkunsenjar b'konformità ma' l-Artikolu 10 tar-Regolament tal-Kummissjoni (KEE) Nru 1722/93 jew għall-esportazzjoni mit-territorju doganali tal-Komunità.
- *In Dutch:* Bestemd voor verwerking of levering overeenkomstig artikel 10 van Verordening (EEG) nr. 1722/93 of voor uitvoer uit het douanegebied van de Gemeenschap.
- *In Polish:* Do przetwarzania lub dostaw, zgodnie z art. 10 rozporządzenia Komisji (EWG) nr 1722/93, lub do wywozu z terytorium celnego Wspólnoty.
- *In Portuguese:* A utilizar para transformação ou entrega, em conformidade com o disposto no artigo 10.º do Regulamento (CEE) n.º 1722/93, ou para exportação a partir do território aduaneiro da Comunidade.
- *In Slovak:* Na použitie pri spracovaní alebo dodávke v súlade s článkom 10 nariadenia Komisie (EHS) č. 1722/93 alebo na vývoz z colného územia Spoločenstva.

- *In Slovene:* Za predelavo ali dobavo v skladi s členom 10 Uredbe Komisije (EGS) št. 1722/93 ali za izvoz iz carinskih območij Skupnosti.
  - *In Finnish:* Käytetään jalostamiseen tai toimittamiseen asetuksen (ETY) N:o 1722/93 10 artiklan mukaisesti taikka vientiin yhteisön tullialueelta.
  - *In Swedish:* Avsedd för bearbetning eller leverans i enlighet med artikel 10 i kommissionens förordning (EEG) nr 1722/93 eller för export från gemenskapens tullområde.'
-

## ANNEX IV

## 'ANNEX I

**Entries referred to in Article 2(4)(a)**

- *In Spanish:* Partidos de arroz, del código NC 1006 40 00, destinados a la producción de preparaciones alimenticias del código NC 1901 10
- *In Czech:* Zlomková rýže kódu KN 1006 40 00 pro výrobu potravinových přípravků kódu KN 1901 10
- *In Danish:* Brudris, henhørende under KN-kode 1006 40 00, bestemt til fremstilling af tilberedte næringsmidler, henhørende under KN-kode 1901 10
- *In German:* Bruchreis des KN-Codes 1006 40 00, bestimmt zur Herstellung von Lebensmittelzubereitungen des KN-Codes 1901 10
- *In Estonian:* CN-koodi 1006 40 00 alla kuuluv purustatud riis CN-koodi 1901 10 alla kuuluvate toiduainete tootmiseks
- *In Greek:* Θραύσματα ρυζιού υπαγόμενα στον κωδικό ΣΟ 1006 40 00, που προορίζονται για την παραγωγή παρασκευασμάτων διατροφής του κωδικού ΣΟ 1901 10
- *In English:* Broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10
- *In French:* Brisures de riz, relevant du code NC 1006 40 00, destinées à la production de préparations alimentaires du code NC 1901 10
- *In Italian:* Rotture di riso, di cui al codice NC 1006 40 00, destinate alla produzione di preparazioni alimentari del codice NC 1901 10
- *In Latvian:* Šķeltie rīsi, uz kuriem attiecas KN kods 1006 40 00, kas paredzēti to pārtikas produktu ražošanai, uz kuriem attiecas KN kods 1901 10
- *In Lithuanian:* KN kodu 1006 40 00 klasifikuojami skaldyti ryžiai, skirti KN kodu 1901 10 klasifikuojamų maisto produktų gamybai
- *In Hungarian:* A 1901 10 KN-kód alá tartozó élelmiszer-készítmények előállítására szánt, a 1006 40 00 KN-kód alá tartozó törmelékrizs
- *In Maltese:* Ross miksur tal-kodiċi NK 1006 40 00 għall-produzzjoni ta' preparazzjonijiet alimentari tal-kodiċi NK 1901 10
- *In Dutch:* Breukrijst van GN-code 1006 40 00, voor de productie van voor voeding bestemde bereidingen van GN-code 1901 10
- *In Polish:* Ryż łamany objęty kodem CN 1006 40 00 do produkcji przetworów spożywczych objętych kodem CN 1901 10
- *In Portuguese:* Trincas de arroz do código NC 1006 40 00, destinadas à produção de preparações alimentares do código NC 1901 10
- *In Slovak:* Zlomková ryža spadajúca do kódu KN 1006 40 00 na výrobu potravinových prípravkov spadajúcich do kódu KN 1901 10
- *In Slovene:* Lomljen riž z oznako KN 1006 40 00 za proizvodnjo živilskih izdelkov z oznako KN 1901 10
- *In Finnish:* CN-koodiin 1006 40 00 kuuluvat rikkoutuneet riisinjyvät CN-koodiin 1901 10 kuuluvien elintarvikevalmisteiden valmistamiseksi
- *In Swedish:* Brutet ris som omfattas av KN-nummer 1006 40 00, avsett för produktion av livsmedelsberedningar som omfattas av KN nummer 1901 10

## ANNEX II

**Entries referred to in Article 2(4)(b)**

- *In Spanish:* Exención del derecho de aduana [Reglamento (CE) n° 2058/96]
  - *In Czech:* Osvobozeno od cla (nařízení (ES) č. 2058/96)
  - *In Danish:* Toldfri (Forordning (EF) nr. 2058/96)
  - *In German:* Zollfrei (Verordnung (EG) Nr. 2058/96)
  - *In Estonian:* Tollimaksuvaba (Määrus (EÜ) nr 2058/96)
  - *In Greek:* Απαλλαγή δασμού [κανονισμός (ΕΚ) αριθ. 2058/96]
  - *In English:* Free of customs duty (Regulation (EC) No 2058/96)
  - *In French:* Exemption du droit de douane [règlement (CE) n° 2058/96]
  - *In Italian:* Esenzione dal dazio doganale [Regolamento (CE) n. 2058/96]
  - *In Latvian:* Atbrīvots no muitas nodokļa (Regula (EK) Nr. 2058/96)
  - *In Lithuanian:* Muitas netaikomas (Reglamentas (EB) Nr. 2058/96)
  - *In Hungarian:* Vámmentes (2058/96/EK rendelet)
  - *In Maltese:* Eżenti mid-dazju doganali (Regolament (KE) Nru 2058/96)
  - *In Dutch:* Vrijgesteld van douanerecht (Verordening (EG) nr. 2058/96)
  - *In Polish:* Wolne od opłat celnych (rozporządzenie (WE) nr 2058/96)
  - *In Portuguese:* Isenção de direito aduaneiro [Regulamento (CE) n.º 2058/96]
  - *In Slovak:* Oslobodené od cla [nariadenie (ES) č. 2058/96]
  - *In Slovene:* Carine prosto (Uredba (ES) št. 2058/96)
  - *In Finnish:* Tullivapaa (asetus (EY) N:o 2058/96)
  - *In Swedish:* Tullfri (förordning (EG) nr 2058/96)
-

## ANNEX III

**Entries referred to in Article 5(3)(a)**

- *In Spanish:* Destinadas a la producción de preparaciones alimenticias del código NC 1901 10
  - *In Czech:* Pro výrobu potravinových přípravků kódu KN 1901 10
  - *In Danish:* Bestemt til fremstilling af tilberedte næringsmidler, henhørende under KN-kode 1901 10
  - *In German:* Bestimmt zur Herstellung von Lebensmittelzubereitungen des KN-Codes 1901 10
  - *In Estonian:* CN-koodi 1901 10 alla kuuluvate toiduainete tootmiseks
  - *In Greek:* Προορίζονται για την παραγωγή παρασκευασμάτων διατροφής του κωδικού ΣΟ 1901 10
  - *In English:* For production of food preparations of CN code 1901 10
  - *In French:* Destinées à la production de préparations alimentaires du code NC 1901 10
  - *In Italian:* Destinate alla produzione di preparazioni alimentari del codice NC 1901 10
  - *In Latvian:* Paredzēti to pārtikas produktu ražošanai, uz kuriem attiecas KN kods 1901 10
  - *In Lithuanian:* Skirti KN kodu 1901 10 klasifikuojamų maisto produktų gamybai
  - *In Hungarian:* A 1901 10 KN-kód alá tartozó élelmiszer-készítmények előállítására szánt
  - *In Maltese:* Għall-produzzjoni ta' preparazzjonijiet alimentari tal-kodiċi KN 1901 10
  - *In Dutch:* Bestemd voor de productie van voor voeding bestemde bereidingen van GN-code 1901 10
  - *In Polish:* Do produkcji przetworów spożywczych objętych kodem CN 1901 10
  - *In Portuguese:* Destinadas à produção de preparações alimentares do código NC 1901 10
  - *In Slovak:* Na výrobu potravinových prípravkov spadajúcich do kódu KN 1901 10
  - *In Slovene:* Za proizvodnjo živilskih izdelkov z oznako KN 1901 10
  - *In Finnish:* Tarkoitettu CN-koodiin 1901 10 kuuluvien elintarvikevalmisteiden valmistukseen
  - *In Swedish:* Avsett för produktion av livsmedelsberedningar som omfattas av KN-nummer 1901 10
-

## ANNEX IV

**Entries referred to in Article 5(3)(b)**

- *In Spanish:* Reglamento (CE) n° 2058/96 — artículo 4
  - *In Czech:* Článek 4 nařízení (ES) č. 2058/96
  - *In Danish:* Forordning (EF) nr. 2058/96 — artikel 4
  - *In German:* Verordnung (EG) Nr. 2058/96 — Artikel 4
  - *In Estonian:* Määruse (EÜ) nr 2058/96 artikkel 4
  - *In Greek:* Κανονισμός (ΕΚ) αριθ. 2058/96 — άρθρο 4
  - *In English:* Article 4 of Regulation (EC) No 2058/96
  - *In French:* Article 4 du règlement (CE) n° 2058/96
  - *In Italian:* Regolamento (CE) n. 2058/96 — articolo 4
  - *In Latvian:* Regulas (EK) Nr. 2058/96 4. pants
  - *In Lithuanian:* Reglamentas (EB) Nr. 2058/96 4 straipsnis
  - *In Hungarian:* A 2058/96/EK rendelet – 4. cikk
  - *In Maltese:* Artikolu 4 tar-Regolament (KE) Nru 2058/96
  - *In Dutch:* Verordening (EG) nr. 2058/96, artikel 4
  - *In Polish:* Artykuł 4 rozporządzenia (WE) nr 2058/96
  - *In Portuguese:* Regulamento (CE) n.º 2058/96 — artigo 4.º
  - *In Slovak:* Článok 4 nariadenia (ES) č. 2058/96
  - *In Slovene:* Člen 4 Uredbe (ES) 2058/96
  - *In Finnish:* Asetuksen (EY) N:o 2058/96 4 artikla
  - *In Swedish:* Förordning (EG) nr 2058/96 – artikel 4'
-

## ANNEX V

## 'ANNEX

**Entries referred to in Article 3(1)(b)**

- *In Spanish:* Derecho de aduana reducido de 25 % [Reglamento (CE) n° 196/97]
  - *In Czech:* Clo snížené o 25 % (nařízení (ES) č. 196/97)
  - *In Danish:* Told nedsat med 25 % (Forordning (EF) nr. 196/97)
  - *In German:* Um 25 % ermäßigter Zollsatz (Verordnung (EG) Nr. 196/97)
  - *In Estonian:* 25 % võrra vähendatud tollimaks (Määrus (EÜ) nr 196/97)
  - *In Greek:* Δασμός μειωμένος κατά 25 % [Κανονισμός (ΕΚ) αριθ. 196/97]
  - *In English:* Reduced duty by 25 % (Regulation (EC) No 196/97)
  - *In French:* Droit réduit de 25 % [règlement (CE) n° 196/97]
  - *In Italian:* Dazio ridotto del 25 % [Regolamento (CE) n. 196/97]
  - *In Latvian:* Nodoklis, kas samazināts par 25 % (Regula (EK) Nr. 196/97)
  - *In Lithuanian:* 25 % sumažintas muitas (Reglamentas (EB) Nr. 196/97)
  - *In Hungarian:* 25 %-kal csökkentett vám-tétel (196/97/EK rendelet)
  - *In Maltese:* Dazju mnaqqas b'25% (Regolament (KE) Nru 196/97)
  - *In Dutch:* Douanerecht verminderd met 25 % (Verordening (EG) nr. 196/97)
  - *In Polish:* Opłata obniżona o 25 % (rozporządzenie (WE) nr 196/97)
  - *In Portuguese:* Direito reduzido em 25 % [Regulamento (CE) n.º 196/97]
  - *In Slovak:* Znížené clo o 25 % [nariadenie (ES) č. 196/97]
  - *In Slovene:* Znižana dajatev za 25 % (Uredba (ES) št. 196/97)
  - *In Finnish:* Tulli, jota on alennettu 25 % (asetus (EY) N:o 196/97)
  - *In Swedish:* Tullsatsen nedsatt med 25 % (förordning (EG) nr 196/97)
-

## ANNEX VI

## ‘ANNEX V

**Entries referred to in Article 4(4)(a)**

- *In Spanish:* Exención del derecho de aduana hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 327/98]
- *In Czech:* Osvozeno od cla až do množství uvedeného v kolonkách 17 a 18 této licence (nařízení (ES) č. 327/98)
- *In Danish:* Toldfri op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (Forordning (EF) nr. 327/98)
- *In German:* Zollfrei bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 327/98)
- *In Estonian:* Tollimaksuvabastus kuni käesoleva litsentsi lahtrites 17 ja 18 osutatud koguseni (Määrus (EÜ) nr 327/98)
- *In Greek:* Ατελώς μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [κανονισμός (ΕΚ) αριθ. 327/98]
- *In English:* Exemption from customs duty up to the quantity indicated in sections 17 and 18 of this licence (Regulation (EC) No 327/98)
- *In French:* Exemption du droit de douane jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [règlement (CE) n° 327/98]
- *In Italian:* Esenzione dal dazio doganale limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 327/98]
- *In Latvian:* Atbrīvojums no muitas nodokļa līdz daudzumam, kas norādīts šīs licences 17. un 18. iedaļā (Regula (EK) Nr. 327/98)
- *In Lithuanian:* Muitas netaikomas mažesniems kiekiams nei nurodyta šios licencijos 17 ir 18 skirsnuose
- *In Hungarian:* Az ezen engedély 17. és 18. rovatában megjelölt mennyiségig vámmentes (327/98/EK rendelet)
- *In Maltese:* Eżenzjoni mid-dwana sal-kwantità murija fit-taqsimiet 17 u 18 ta' din il-liċenzja (Regolament (KE) Nru 327/98)
- *In Dutch:* Vrijgesteld van douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 327/98)
- *In Polish:* Zwolnienie z opłaty celnej ilości określonej w sekcji 17 i 18 niniejszego pozwolenia (rozporządzenie (WE) nr 327/98)
- *In Portuguese:* Isenção de direito aduaneiro até à quantidade indicada nas casas 17 e 18 do presente certificado [Regulamento (CE) n.º 327/98]
- *In Slovak:* Oslobodenie od cla do množstva uvedeného v oddieloch 17 a 18 tejto licencie [nariadenie (ES) č. 327/98]
- *In Slovene:* Oprostitev carin do količine, navedene v oddelkih 17 in 18 tega dovoljenja (Uredba (ES) št. 327/98)
- *In Finnish:* Tullivapaa tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 327/98)
- *In Swedish:* Tullfri upp till den mängd som anges i fälten 17 och 18 i denna licens (förordning (EG) nr 327/98)

## ANNEX VI

**Entries referred to in Article 4, paragraph 4, point (b)**

- *In Spanish:* Derecho de aduana reducido a 88 EUR/t hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 327/98]
- *In Czech:* Clo snižené na 88 EUR/t až do množství uvedeného v kolonkách 17 a 18 této licence (nařízení (ES) č. 327/98)
- *In Danish:* Nedsat told 88 EUR/t op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (Forordning (EF) nr. 327/98)
- *In German:* Ermäßigter Zollsatz von 88 EUR/t bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 327/98)
- *In Estonian:* Vähendatud tollimaksumäär 88 EUR/t kuni käesoleva litsentsi lahtrites 17 ja 18 osutatud koguseni (Määrus (EÜ) nr 327/98)
- *In Greek:* Μειωμένος δασμός σε 88 ευρώ ανά τόνο μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [κανονισμός (ΕΚ) αριθ. 327/98]
- *In English:* Reduced duty to EUR 88 per tonne up to the quantity indicated in sections 17 and 18 of this licence (Regulation (EC) No 327/98)
- *In French:* Droit réduit à 88 EUR par tonne jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [règlement (CE) n° 327/98]
- *In Italian:* Dazio ridotto a 88 EUR/t limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 327/98]
- *In Latvian:* Nodoklis samazināts līdz 88 EUR par tonnu līdz daudzumam, kas norādīts šīs licences 17. un 18. iedaļā (Regula (EK) Nr. 327/98)
- *In Lithuanian:* Sumažintas muitas iki 88 EUR už toną, kai kiekis neviršija licencijos 17 ir 18 skirsniuose nurodyto dydžio (Reglamentas (EB) Nr. 327/98)
- *In Hungarian:* Az ezen engedély 17. és 18. rovatában megjelölt mennyiségig 88 EUR/tonnára csökkentett vám-tétel (327/98/EK rendelet)
- *In Maltese:* Dazju mnaqqas għal 88 EUR it-tunnellata (metrika) sal-kwantità murija fit-taqsimiet 17 u 18 ta' din il-licenzja (Regolament (KE) Nru 327/98)
- *In Dutch:* Verminderd douanerecht van 88 EUR/t voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 327/98)
- *In Polish:* Opłata obniżona o 88 EUR za tonę, dla ilości nieprzekraczającej ilości podanej w sekcji 17 i 18 niniejszego pozwolenia (rozporządzenie (WE) nr 327/98)
- *In Portuguese:* Direito reduzido a 88 EUR/t até à quantidade indicada nas casas 17 e 18 do presente certificado [Regulamento (CE) n.º 327/98]
- *In Slovak:* Znížené clo o 88 EUR do množstva uvedeného v oddieloch 17 a 18 tejto licencie [nariadenie (ES) č. 327/98]

- *In Slovene:* Znižana carina na 88 EUR na tono do količine, navedene v oddelkih 17 in 18 tega dovoljenja (Uredba (ES) št. 327/98)
  - *In Finnish:* Tulli, joka on alennettu 88 euroon/t tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 327/98)
  - *In Swedish:* Tullsatsen nedsatt till 88 euro/t upp till den mängd som anges i fälten 17 och 18 i denna licens (förordning (EG) nr 327/98)
-

## ANNEX VII

## Entries referred to in Article 4(4)(c)

- *In Spanish:* Derecho de aduana reducido de 28 EUR/t hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 327/98]
- *In Czech:* Clo snižené o 28 EUR/t až do množství uvedeného v kolonkách 17 a 18 této licence (nařízení (ES) č. 327/98)
- *In Danish:* Reduceret afgift med 28 EUR/t op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (Forordning (EF) nr. 327/98)
- *In German:* Um 28 EUR/t ermäßigter Zollsatz bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 327/98)
- *In Estonian:* Vähendatud tollimaksumäär 28 EUR/t kuni käesoleva litsentsi lahtrites 17 ja 18 osutatud koguseni (Määrus (EÜ) nr 327/98)
- *In Greek:* Μειωμένος δασμός κατά 28 ευρώ ανά τόνο μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [κανονισμός (ΕΚ) αριθ. 327/98]
- *In English:* Reduced duty by EUR 28 per tonne up to the quantity indicated in sections 17 and 18 of this licence (Regulation (EC) No 327/98)
- *In French:* Droit réduit de 28 EUR par tonne jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [règlement (CE) n° 327/98]
- *In Italian:* Dazio ridotto di 28 EUR/t limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 327/98]
- *In Latvian:* Nodoklis samazināts par 28 EUR par tonnu līdz daudzumam, kas norādīts šīs licences 17. un 18. iedaļā (Regula (EK) Nr. 327/98)
- *In Lithuanian:* Muitas sumažintas 28 EUR už toną, kai kiekis neviršija licencijos 17 ir 18 skirsnuose nurodyto dydžio (Reglamentas (EB) Nr. 327/98)
- *In Hungarian:* Az ezen engedély 17. és 18. rovatában megjelölt mennyiségig 28 EUR/tonnára csökkentett vám-tétel (327/98/EK rendelet)
- *In Maltese:* Dazju mnaqqas b' 28 EUR it-tunnellata (metrika) sal-kwantità murija fit-taqsimiet 17 u 18 ta' din il-licenzja (Regolament (KE) Nru 327/98)
- *In Dutch:* Douanerecht verminderd met 28 EUR/t voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 327/98)
- *In Polish:* Opłata obniżona o 28 EUR za tonę dla ilości nieprzekraczającej ilości wskazanej w sekcji 17 i 18 niniejszego pozwolenia (rozporządzenie (WE) nr 327/98)
- *In Portuguese:* Direito reduzido em 28 EUR/t até à quantidade indicada nas casas 17 e 18 do presente certificado [Regulamento (CE) n.º 327/98]
- *In Slovak:* Znížené clo o 28 EUR na tonu do množstva uvedeného v oddieloch 17 a 18 tejto licencie [nariadenie (ES) č. 327/98]

- *In Slovene:* Znižana carina za 28 EUR na tono do količine, navedene v oddelkih 17 in 18 tega dovoljenja (Uredba (ES) št. 327/98)
  - *In Finnish:* Tulli, jota on alennettu 28 euroon/t tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 327/98)
  - *In Swedish:* Tullsatsen nedsatt med 28 euro/t upp till den mängd som anges i fälten 17 och 18 i denna licens (förordning (EG) nr 327/98)
-

## ANNEX VII

## 'ANNEX III

**Entries referred to in Article 7(2)**

- *In Spanish:* Gravamen percibido a la exportación del arroz
  - *In Czech:* Zvláštní poplatek vybraný při vývozu rýže
  - *In Danish:* Særafgift, der opkræves ved eksport af ris
  - *In German:* Bei der Ausfuhr von Reis erhobene Sonderabgabe
  - *In Estonian:* Riisi ekspordi suhtes kohaldatav erimaks
  - *In Greek:* Ειδικός φόρος που εισπράττεται κατά την εξαγωγή του ρυζιού
  - *In English:* Special charge collected on export of rice
  - *In French:* Taxe spéciale perçue à l'exportation du riz
  - *In Italian:* Tassa speciale riscossa all'esportazione del riso
  - *In Latvian:* Īpašais maksājums, kuru iekasē par rīsu eksportu
  - *In Lithuanian:* Specialus mokestis, taikomas ryžių eksportui
  - *In Hungarian:* A rizs exportjakor beszedett különleges díj
  - *In Maltese:* Taxxa speċjali miġbura ma' l-esportazzjoni tar-ross
  - *In Dutch:* Bij uitvoer van de rijst opgelegde bijzondere heffing
  - *In Polish:* Specjalna opłata pobrana od wywozu ryżu
  - *In Portuguese:* Direito especial cobrado na exportação do arroz
  - *In Slovak:* Zvláštny poplatok inkasovaný pri vývoze ryže
  - *In Slovene:* Posebna dajatev, pobrana od izvoza riža
  - *In Finnish:* Riisin viennin yhteydessä perittävä erityismaksu
  - *In Swedish:* Särskild avgift för risexport
-

## ANNEX IV

## Entries referred to in Article 16(3)(a)

- *In Spanish:* Derecho de aduana reducido hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 638/2003]
- *In Czech:* Snížené clo až do množství uvedeného v kolonkách 17 a 18 této licence (nařízení (ES) č. 638/2003)
- *In Danish:* Nedsat told op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (forordning (EF) nr. 638/2003)
- *In German:* Ermäßigter Zollsatz bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 638/2003)
- *In Estonian:* Vähendatud tollimaksumäär kuni käesoleva litsentsi lahtrites 17 ja 18 osutatud koguseni (Määrus (EÜ) nr 638/2003)
- *In Greek:* Μειωμένος δασμός μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [Κανονισμός (ΕΚ) αριθ. 638/2003]
- *In English:* Reduced duty up to the quantity indicated in Sections 17 and 18 of this licence (Regulation (EC) No 638/2003)
- *In French:* Droit réduit jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [règlement (CE) n° 638/2003]
- *In Italian:* Dazio ridotto limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 638/2003]
- *In Latvian:* Samazināts muitas nodoklis līdz daudzumam, kas norādīts šīs licences 17. un 18. iedaļā (Regula (EK) Nr. 638/2003)
- *In Lithuanian:* Sumažintas muitas, taikomas mažesniems kiekiams nei nurodyta šios licencijos 17 ir 18 skirsniuose
- *In Hungarian:* Az ezen engedély 17. és 18. rovatában megjelölt mennyiségig csökkentett vámtertel (638/2003/EK rendelet)
- *In Maltese:* Dazju mnaqqas sal-kwantità murija fit-Taqsimiet 17 u 18 ta' din il-licenzja (Regolament (KE) Nru 638/2003)
- *In Dutch:* Verminderd douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 638/2003)
- *In Polish:* Zniżené clo do množství uvedeného v oddieloch 17 a 18 tejto licencie (nariadenie (ES) č. 638/2003)
- *In Portuguese:* Direito reduzido até à quantidade indicada nas casas 17 e 18 do presente certificado [Regulamento (CE) n.º 638/2003]
- *In Slovak:* Znížené clo do množstva uvedeného v oddieloch 17 a 18 tejto licencie [nariadenie (ES) č. 638/2003]
- *In Slovene:* Znižana dajatev do količine, navedene v oddelkih 17 in 18 tega dovoljenja (Uredba (ES) št. 638/2003)
- *In Finnish:* Tulli, joka on alennettu tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 638/2003)
- *In Swedish:* Tullsatsen nedsatt upp till den mängd som anges i fälten 17 och 18 i denna licens (förordning (EG) nr 638/2003)

## ANNEX V

## Entries referred to in Article 16(3)(b)

- *In Spanish:* Exención del derecho de aduana hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 638/2003]
- *In Czech:* Osvobozeno od cla až do množství uvedeného v kolonkách 17 a 18 této licence (nařízení (ES) č. 638/2003)
- *In Danish:* Toldfri op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (Forordning (EF) nr. 638/2003)
- *In German:* Zollfrei bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 638/2003)
- *In Estonian:* Tollimaksuvabastus kuni käesoleva litsentsi lahtrites 17 ja 18 osutatud koguseni (Määrus (EÜ) nr 638/2003)
- *In Greek:* Ατελώς μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [Κανονισμός (ΕΚ) αριθ. 638/2003]
- *In English:* Exemption from customs duty up to the quantity indicated in Sections 17 and 18 of this licence (Regulation (EC) No 638/2003)
- *In French:* Exemption du droit de douane jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [règlement (CE) n° 638/2003]
- *In Italian:* Esenzione del dazio doganale limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 638/2003]
- *In Latvian:* Atbrīvojums no muitas nodokļa līdz daudzumam, kas norādīts šīs licences 17. un 18. iedaļā (Regula (EK) Nr. 638/2003)
- *In Lithuanian:* Muitas netaikomas mažesniems kiekiams nei nurodyta šios licencijos 17 ir 18 skirsnuose
- *In Hungarian:* Vámmentesség az ezen engedély 17. és 18. rovatában megjelölt mennyiségig (638/2003/EK rendelet)
- *In Maltese:* Eżenzjoni mid-dwana sal-kwantità murija fit-Taqsimiet 17 u 18 ta' din il-licenzja (Regolament (KE) Nru 638/2003)
- *In Dutch:* Vrijgesteld van douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 638/2003)
- *In Polish:* Zwolnienie z opłat celnych dla ilości nieprzekraczającej ilości podanej w sekcji 17 i 18 niniejszego pozwolenia (rozporządzenie (WE) nr 638/2003)
- *In Portuguese:* Isenção de direito aduaneiro até à quantidade indicada nas casas 17 e 18 do presente certificado [Regulamento (CE) n.º 638/2003]
- *In Slovak:* Oslobodenie od cla do množstva uvedeného v oddieloch 17 a 18 tejto licencie [nariadenie (ES) č. 638/2003]
- *In Slovene:* Oprostitev carin do količine, navedene v oddelkih 17 in 18 tega dovoljenja (Uredba (ES) št. 638/2003)
- *In Finnish:* Tullivapaa tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 638/2003)
- *In Swedish:* Tullfri upp till den mängd som anges i fälten 17 och 18 i denna licens (förordning (EG) nr 638/2003)

## ANNEX VIII

## 'ANNEX

**Entries referred to in Article 13(3)(a)**

- *In Spanish:* Para exportación sin restitución, de conformidad con el artículo 6 del Reglamento (CE) n° 1868/94
- *In Czech:* K vývozu bez náhrady podle článku 6 nařízení (ES) č. 1868/94
- *In Danish:* Skal eksporteres uden restitution, jf. artikel 6 i forordning (EF) nr. 1868/94
- *In German:* Ausfuhr ohne Erstattung gemäß Artikel 6 der Verordnung (EG) Nr. 1868/94
- *In Estonian:* Eksportimiseks ilma eksporditoetuse ta määruse (EÜ) nr 1868/94 artikli 6 kohaselt
- *In Greek:* Προς εξαγωγή χωρίς επιστροφή σύμφωνα με το άρθρο 6 του κανονισμού (ΕΚ) αριθ. 1868/94
- *In English:* For export without refund under Article 6 of Regulation (EC) No 1868/94
- *In French:* À exporter sans restitution conformément à l'article 6 du règlement (CE) n° 1868/94
- *In Italian:* Da esportare senza restituzione a norma dell'articolo 6 del regolamento (CE) n. 1868/94
- *In Latvian:* Eksportam bez kompensācijas saskaņā ar Regulas (EK) Nr. 1868/94 6. pantu
- *In Lithuanian:* Eksportui be grąžinamosios išmokos pagal Reglamento (EB) Nr. 1868/94 6 straipsnį
- *In Hungarian:* Visszatérítés nélkül exportálandó az 1868/94/EK rendelet 6. cikke szerint
- *In Maltese:* Għall-esportazzjoni mingħajr rifuzzjoni skond l-Artikolu 6 tar-Regolament (KE) Nru 1868/94
- *In Dutch:* Overeenkomstig artikel 6 van Verordening (EG) nr. 1868/94 zonder restitutie uit te voeren
- *In Polish:* Wywóz bez refundacji zgodnie z art. 6 rozporządzenia (WE) nr 1868/94
- *In Portuguese:* A exportar sem restituição em conformidade com o artigo 6.º do Regulamento (CE) n.º 1868/94
- *In Slovak:* Na vývoz bez náhrady podľa článku 6 nariadenia (ES) č. 1868/94
- *In Slovene:* Za izvoz brez nadomestila v skladu s členom 6 Uredbe (ES) št. 1868/94
- *In Finnish:* Viedään tuetta asetuksen (EY) N:o 1868/94 6 artiklan mukaisesti
- *In Swedish:* För export utan exportbidrag enligt artikel 6 i förordning (EG) nr 1868/94

**COMMISSION REGULATION (EC) No 1951/2005****of 28 November 2005****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

Commission Regulation (EC) No 1011/2005 <sup>(3)</sup>. These prices and duties were last amended by Commission Regulation (EC) No 1875/2005 <sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 29 November 2005.

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

Done at Brussels, 28 November 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> 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).

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

<sup>(3)</sup> OJ L 170, 1.7.2005, p. 35.

<sup>(4)</sup> OJ L 300, 17.11.2005, p. 43.

## ANNEX

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

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 <sup>(1)</sup>	26,90	3,22
1701 11 90 <sup>(1)</sup>	26,90	8,08
1701 12 10 <sup>(1)</sup>	26,90	3,08
1701 12 90 <sup>(1)</sup>	26,90	7,65
1701 91 00 <sup>(2)</sup>	25,67	12,44
1701 99 10 <sup>(2)</sup>	25,67	7,88
1701 99 90 <sup>(2)</sup>	25,67	7,88
1702 90 99 <sup>(3)</sup>	0,26	0,39

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

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

<sup>(3)</sup> Fixed per 1 % sucrose content.

## COMMISSION DIRECTIVE 2005/81/EC

of 28 November 2005

## amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 86(3) thereof,

Whereas:

(1) Commission Directive 80/723/EEC<sup>(1)</sup> requires Member States to ensure the transparency of financial relations between public authorities and public undertakings as well as within certain undertakings. Undertakings required to maintain separate accounts are undertakings that enjoy special or exclusive rights granted by a Member State as referred to in Article 86(1) of the Treaty or are entrusted with the operation of a service of general economic interest as referred to in Article 86(2) of the Treaty and receive State aid in any form whatsoever in relation to such service and that carry on other activities.

(2) Member States may grant firms entrusted with the operation of services of general economic interest compensation to cover the specific costs of such services. Such compensation may not, however, exceed what is necessary for the operation of the services in question and must not be used to finance activities outside the scope of the service of general economic interest.

(3) Pursuant to Directive 80/723/EEC, separate accounts must be maintained only where an undertaking entrusted with the operation of services of general economic interest receives State aid. In its judgment in *Altmark Trans GmbH*<sup>(2)</sup> the Court of Justice of the European Communities held that, under certain conditions, public service compensation does not constitute State aid within the meaning of Article 87(1) of the Treaty.

(4) However, irrespective of the legal classification of public service compensation in the light of Article 87(1) of the Treaty, the obligation to maintain separate accounts should apply to all undertakings receiving such compensation that also carry on activities outside the scope of the service of general economic interest. It is only by maintaining separate accounts that the costs imputable to the service of general economic interest can be identified and the correct amount of compensation calculated.

(5) Directive 80/723/EEC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Article 2(1)(d) of Directive 80/723/EEC is replaced by the following:

‘(d) undertaking required to maintain separate accounts. means any undertaking that enjoys a special or exclusive right granted by a Member State pursuant to Article 86(1) of the Treaty or is entrusted with the operation of a service of general economic interest pursuant to Article 86(2) of the Treaty, that receives public service compensation in any form whatsoever in relation to such service and that carries on other activities;’.

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 19 December 2006 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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

<sup>(1)</sup> OJ L 195, 29.7.1980, p. 35. Directive as last amended by Directive 2000/52/EC (OJ L 193, 29.7.2000, p. 75).

<sup>(2)</sup> Case C-280/00 *Altmark Trans GmbH and Regierungspräsidium Magdeburg v Nahverkehrsgesellschaft Altmark GmbH* [2003] ECR I-7747.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 28 November 2005.

*For the Commission*  
Neelie KROES  
*Member of the Commission*

---

## II

(Acts whose publication is not obligatory)

## EUROPEAN PARLIAMENT

## COUNCIL

## COMMISSION

**DECISION OF THE EUROPEAN PARLIAMENT, OF THE COUNCIL AND OF THE COMMISSION  
of 4 November 2005**

**appointing the members of the Supervisory Committee of the European Anti-Fraud Office (OLAF)  
(2005/833/EC, Euratom)**

THE EUROPEAN PARLIAMENT,

THE COUNCIL OF THE EUROPEAN UNION,

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to the Commission Decision 1999/352/EC, ECSC, Euratom of 28 April 1999 establishing the European Anti-Fraud Office (OLAF) <sup>(1)</sup>, and in particular Article 4 thereof,

Having regard to Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 <sup>(2)</sup> and Council Regulation (Euratom) No 1074/1999 of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) <sup>(3)</sup>, and in particular Article 11(2) of each of those Regulations.

Whereas:

- (1) Articles 11(2) of Regulations (EC) No 1073/1999 and (Euratom) No 1074/1999 provide that the Supervisory Committee of the European Anti-Fraud Office (OLAF) is to be composed of five independent outside persons who possess the qualifications required for appointment in their respective countries to senior posts relating to the Office's areas of activity.
- (2) The members of the Supervisory Committee appointed with effect from 1 August 1999 have reached their maximum term of office. New members should therefore be appointed as soon as possible.
- (3) Articles 11(2) of the said Regulations provide that the members of the Supervisory Committee are to be appointed by common accord of the European Parliament, the Council and the Commission,

<sup>(1)</sup> OJ L 136, 31.5.1999, p. 20.

<sup>(2)</sup> OJ L 136, 31.5.1999, p. 1.

<sup>(3)</sup> OJ L 136, 31.5.1999, p. 8.

HAVE DECIDED AS FOLLOWS:

*Article 1*

1. The following persons are hereby appointed as members of the Supervisory Committee of the European Anti-Fraud Office (OLAF) as from 30 November 2005:

- Mr Peter STRÖMBERG,
- Mr Kálmán GYÖRGYI,
- Ms Rosalind WRIGHT,
- Mr Luis LÓPEZ SANZ-ARANGUEZ,
- Ms Diemut R. TEATO.

2. Should any of the above persons resign from the Supervisory Committee, die or become permanently incapacitated, they shall immediately be replaced by the first named person on the following list who has not yet been appointed to the Supervisory Committee:

- Mr Eugeniusz RUŚKOWSKI,
- Mr Albertus Hendrikus KORTHALS,
- Mr Jaroslav FENYK,
- Mr Stefano DAMBRUOSO.

*Article 2*

In carrying out their duties, the Members of the Supervisory Committee shall neither seek nor take instructions from any government or any institution, body, office or agency.

They shall not deal with a matter in which, directly or indirectly, they have any personal interest such as to impair their independence, and, in particular, family and financial interests.

They shall treat the files submitted to them and their deliberations concerning them in strict secrecy.

*Article 3*

Members of the Supervisory Committee shall be reimbursed for expenses they may incur in the course of their duties, and shall receive a daily payment for each day spent on those duties. The amount of that payment and the procedure for reimbursement shall be determined by the Commission.

*Article 4*

The Commission shall inform the above persons of this Decision, and shall immediately inform any person subsequently appointed to the Supervisory Committee pursuant to Article 1(2).

This appointment is made pursuant to Articles 11(2) and (3) of Regulations (EC) No 1073/99 and (Euratom) No 1074/1999. It is without prejudice to any future amendments to these provisions which may be adopted by the European Parliament and the Council.

*Article 5*

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

Done at Brussels and Luxembourg, 4 November 2005.

*For the European Parliament*  
*The President*  
J. BORRELL FONTELLES

*For the Council*  
*The President*  
Ben BRADSHAW

*For the Commission*  
Siim KALLAS  
*Vice-President*

# COUNCIL

## COUNCIL DECISION

of 8 November 2005

### on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries and amending Decision 2003/17/EC

(2005/834/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed <sup>(5)</sup>, and in particular Article 37(1)(b) thereof,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants <sup>(6)</sup>, and in particular Article 20(1) thereof,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed <sup>(1)</sup>, and in particular Article 16(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed <sup>(2)</sup>, and in particular Article 16(1) thereof,

(1) By Decision 97/788/EC <sup>(7)</sup>, the Council determined that the official checks on practices for the maintenance of varieties carried out in certain third countries afforded the same guarantees as those carried out by the Member States.

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species <sup>(3)</sup>, and in particular Article 22(1)(b) thereof,

(2) It appears that these checks continue to afford the same guarantees as those carried out by the Member States. Those checks should therefore continue to be considered as equivalent.

Having regard to Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed <sup>(4)</sup>, and in particular Article 23(1) thereof,

(3) The Decision 97/788/EC expired on 30 June 2005. In order to avoid disruption of trade with these third countries, it is necessary that this Decision takes effect from 1 July 2005.

<sup>(1)</sup> OJ L 125, 11.7.1966, p. 2298/66. Directive as last amended by Directive 2004/117/EC (OJ L 14, 18.1.2005, p. 18).

<sup>(2)</sup> OJ L 125, 11.7.1966, p. 2309/66. Directive as last amended by Directive 2004/117/EC.

<sup>(3)</sup> OJ L 193, 20.7.2002, p. 1. Directive as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 1).

<sup>(4)</sup> OJ L 193, 20.7.2002, p. 12. Directive as last amended by Directive 2004/117/EC.

<sup>(5)</sup> OJ L 193, 20.7.2002, p. 33. Directive as last amended by Directive 2004/117/EC.

<sup>(6)</sup> OJ L 193, 20.7.2002, p. 74. Directive as last amended by Directive 2004/117/EC.

<sup>(7)</sup> OJ L 322, 25.11.1997, p. 39. Decision as last amended by Commission Decision 2004/120/EC (OJ L 36, 7.2.2004, p. 57).

- (4) This Decision should not prevent Community findings on equivalence from being revoked or the extension of their period of validity from being refused when the conditions on which they are based are not, or cease to be, satisfied.
- (5) The measures necessary for implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.
- (6) Directive 2004/117/EC <sup>(2)</sup> extended the scope of Community seed equivalence regime to all categories of seeds including seed of generations prior to basic seed. Accordingly, it is appropriate to amend Decision 2003/17/EC <sup>(3)</sup>, in order to align the provisions of that Decision with the modified provisions of the seeds marketing Directives,

HAS ADOPTED THIS DECISION:

*Article 1*

The official checks on practices for the maintenance of varieties carried out in the third countries and by the authorities, listed in the Annex, for the species covered by the Directives referred to for each of those countries shall afford the same guarantees as those carried out by the Member States.

*Article 2*

Amendments to the Annex, with the exception of those concerning the first column of the table, shall be adopted in accordance with the procedure referred to in Article 3(2).

*Article 3*

1. The Commission shall be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry set up by Article 1 of Decision 66/399/EEC <sup>(4)</sup>, hereinafter referred to as 'the Committee'.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

*Article 4*

In Decision 2003/17/EC Articles 1 and 2 shall be replaced by the following:

*'Article 1*

Field inspections concerning the seed-producing crops of the species specified in Annex I carried out in the third countries listed in that Annex shall be considered equivalent to field inspections carried out in accordance with Directives 66/401/EEC, 66/402/EEC, 2002/54/EC and 2002/57/EC provided that they:

- (a) are carried out officially by the authorities listed in Annex I, or under the official supervision of those authorities;
- (b) satisfy the conditions laid down in point A of Annex II.

*Article 2*

Seed of the species specified in Annex I, produced in the third countries listed in that Annex and officially certified by the authorities listed in that Annex shall be considered equivalent to seed complying with Directives 66/401/EEC, 66/402/EEC, 2002/54/EC and 2002/57/EC, if it satisfies the conditions laid down in point B of Annex II.'

*Article 5*

This Decision shall apply from 1 July 2005.

However, Article 4 shall apply as from 1 October 2005.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 8 November 2005.

*For the Council*  
*The President*  
 G. BROWN

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(2)</sup> OJ L 14, 18.1.2005, p. 18.

<sup>(3)</sup> OJ L 8, 14.1.2003, p. 10. Decision as last amended by Regulation (EC) No 885/2004 (OJ L 168, 1.5.2004, p. 1).

<sup>(4)</sup> OJ 125, 11.7.1966, p. 2289/66.

## ANNEX

Country (*)	Authority responsible for carrying out checks	Directives
AR	Secretaría de Agricultura, Ganadería, PESCA y Alimentación, Buenos Aires	66/401/EEC 66/402/EEC 2002/54/EC 2002/57/EC
AU	Australian Seeds Authority, Victoria	66/401/EEC 2002/55/EC 2002/57/EC
BG	Ministry of Agriculture and Forestry, Sofia	66/401/EEC 66/402/EEC 2002/54/EC 2002/55/EC 2002/57/EC
CA	Canadian Food Inspection Agency, Ottawa	66/401/EEC 66/402/EEC 2002/54/EC 2002/57/EC
CH	Eidgenössische Forschungsanstalt für Agrarökologie und Landbau (FAL) Zürich Station Fédérale de Recherches en Production Végétale de Changins (RAC), Nyon	2002/55/EC
CL	Servicio Agrícola y Ganadero, Santiago	66/401/EEC 66/402/EEC 2002/54/EC 2002/57/EC
CS	National Laboratory for Seed Testing, Novi Sad	66/401/EEC 66/402/EEC 2002/54/EC 2002/57/EC
HR	Institute for Seed and Seedlings, Osijek	66/401/EEC 66/402/EEC 2002/54/EC 2002/57/EC
IL	Ministry of Agriculture Bet-Dagan	66/401/EEC 66/402/EEC 2002/54/EC 2002/55/EC 2002/57/EC
JP	Ministry of Agriculture, Forestry and Fisheries, 1-2-1 Kumigaseki, Chiyodaku, Tokyo	2002/55/EC
KR	Ministry of Agriculture, Forestry and Fisheries, Vegetables Division, Seoul	2002/55/EC
MA	Ministère de l'agriculture et de la mise en valeur agricole, Rabat	66/401/EEC 66/402/EEC 2002/55/EC 2002/57/EC
NZ	Ministry of Agriculture and Fisheries, Wellington	66/401/EEC
RO	Ministry of Agriculture and Food, Bucharest	2002/57/EC
TW	Council of Agriculture, Food and Agriculture Department, Taipei	2002/55/EC
US	United States Department of Agriculture, Beltsville, Maryland	66/401/EEC 66/402/EEC 2002/54/EC 2002/55/EC 2002/57/EC

Country (*)	Authority responsible for carrying out checks	Directives
UY	Ministerio de Ganadería, Agricultura y PESCA, Montevideo	66/401/EEC 66/402/EEC 2002/54/EC 2002/57/EC
ZA	Department of Agriculture, Pretoria (Tshwane)	66/401/EEC 66/402/EEC 2002/57/EC

(\*) AR — Argentina, AU — Australia, BG — Bulgaria, CA — Canada, CH — Switzerland, CL — Chile, CS — Serbia and Montenegro, HR — Croatia, IL — Israel, JP — Japan, KR — Republic of Korea, MA — Morocco, NZ — New Zealand, RO — Romania, TW — Taiwan, US — United States of America, UY — Uruguay, ZA — South Africa.

## COUNCIL RECOMMENDATION

of 14 November 2005

**on priority actions to increase cooperation in the field of archives in Europe**

(2005/835/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 151(5) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) As a result of the Resolution of the Council and the Ministers of Culture meeting within the Council of 14 November 1991 on arrangements concerning archives <sup>(1)</sup>, and the Council Conclusions of 17 June 1994 concerning greater cooperation in the field of archives <sup>(2)</sup>, initial progress has been made towards greater cooperation between the Member States in the field of archives.
- (2) The Council Resolution of 6 May 2003 on archives in the Member States <sup>(3)</sup> stressed the importance of archives for the understanding of the history and culture of Europe and for the democratic functioning of society within the framework of the enlargement of the Union on 1 May 2004.
- (3) Multidisciplinary forums have been held within a Community framework on the problems involved in the management, storage, preservation and retrieval of machine-readable data, with the participation of public administrations and national archives services, as well as representatives of industry and research.
- (4) The Council Resolution of 6 May 2003 stressed the need for further development of information and communications technologies applications and solutions in the field of archives.
- (5) The Commission highlights the work done by the institutions of the Union in the specific field of film archives in Europe, including the Council Resolution of 24 November 2003 <sup>(4)</sup> on the deposit of cinematographic works in the European Union and the Recommendation of the European Parliament and of the Council on film heritage and the competitiveness of related industrial activities which will be adopted before the end of 2005.

<sup>(1)</sup> OJ C 314, 5.12.1991, p. 2.

<sup>(2)</sup> OJ C 235, 23.8.1994, p. 3.

<sup>(3)</sup> OJ C 113, 13.5.2003, p. 2.

<sup>(4)</sup> OJ C 295, 5.12.2003, p. 5.

- (6) In its Resolution of 6 May 2003 the Council also invited the Commission to submit a report on the current situation and future development of archives in the enlarged Union. The 'Report on archives in the enlarged European Union', which was drawn up by a group of experts from the Member States and adopted in February 2005 <sup>(5)</sup>, is a sound basis for the further development of archives in Europe. It includes, at the Council's request, proposals for practical actions and guidelines with a view to increasing cooperation at European level in the field of archives,

HEREBY RECOMMENDS:

- A. A European Archives Group, comprising experts designated by the Member States and the institutions of the Union, should ensure cooperation and coordination on general matters relating to archives and follow-up of the work referred to in the 'Report on archives in the enlarged European Union' of February 2005, and in particular the priority measures referred to in point B of this Recommendation. Where and when appropriate, the European Archives Group should also cooperate with other relevant European networks such as the National Representatives Group on Digitisation and the European Bureau of Library, Information and Documentation (EBLIDA).
- B. The following measures in the field of archives:
  1. preservation of and prevention of damage to archives in Europe:
    - development of a model action plan by the European Archives Group to promote damage prevention measures for documents and archives in the context of natural catastrophes and other harmful incidents,
    - promotion by the European Archives Group of Community-wide actions for the preservation and restoration of damaged documents and archives,
    - establishment and promotion, by the national archives services of the Member States and the archives services of the institutions of the Union, of standards and specifications for the construction of new purpose built premises for archives;

<sup>(5)</sup> COM(2005) 52 final.

2. reinforcement of European interdisciplinary cooperation on electronic documents and archives to be further developed, including within the framework of the Council Work Plan for Culture, in particular regarding the coordination of digitalisation <sup>(1)</sup>:
- increase in cooperation on safeguarding the authenticity, long-term preservation and availability of electronic documents and archives, in particular by updating and extending the current requirements for setting up electronic document and archive management systems such as MoReq (Model requirements for electronic documents and archives management systems), which promote better public administration, and by continuing to organise DLM <sup>(2)</sup> forums on electronic documents and archives;
3. establishment and maintenance of an Internet portal for documents and archives in Europe as a priority:
- provision, through the national archives services of the Member States and the archives services of the institutions of the Union, of an Internet portal which would give easier and cross-border access to documents and archives of the Member States and institutions of the Union. That Internet portal could be hosted either on one of the European Union computer servers or by the national archives service of a Member State;
4. promotion of best practice with regard to national and European law on the management of, and access to, documents and archives; the national archives services of the Member States and the archives services of the institutions of the Union should:
- monitor new draft legislation in that field to be enacted in any of the Member States, with the aim of identifying best practices especially with regard to requirements for the management of and access to documents and archives,
  - link data on archival legislation and other related laws at national and Community level and facilitate consultation thereof by setting up a database in order to encourage dissemination of that legislation. That database could be hosted either on one of the European Union computer servers or by the national archives service of a Member State. It is advisable to
- take into account the work undertaken within the framework of the European legal data project, promoted by the European branch of the International Archives Council, EURBICA, as indicated in the 'Report on Archives in the enlarged European Union' (priority action 4.2);
5. adoption of measures to prevent the theft of archival documents:
- development of an action plan and common guidelines by the national archives services of the Member States that will allow for the exchange of information and best practices in order to combat the theft of archival documents and to facilitate the recovery of stolen documents.
- C. The Member States and the institutions of the Union should jointly promote the implementation of the priority measures identified in the 'Report on archives in the enlarged European Union' of February 2005 and referred to in point B of this Recommendation. The implementation of priority measures will take account of the work of the groups set up within the framework of the EBNA (European Board of National Archivists), notably with respect to cooperation in the fields of security and conservation of archives and putting into place a European information access portal. The adoption of this Recommendation and the implementation of these measures do not in themselves imply a commitment of new budgetary resources by either the European Union or the Member States. Where possible and in accordance with the relevant procedures, the European Union will endeavour, under existing programmes, to support projects aimed at the implementation of those measures.
- D. At the latest three years after the date of publication of this Recommendation, the European Archives Group should present a progress report on implementation of the priority measures referred to in point B.

Done at Brussels, 14 November 2005.

*For the Council*  
*The President*  
T. JOWELL

---

<sup>(1)</sup> Council conclusions on the Work Plan for Culture 2005-2006 (doc. 13839/04).

<sup>(2)</sup> DLM = Document lifecycle management.

**POLITICAL AND SECURITY COMMITTEE DECISION EUPOL COPPS/1/2005****of 16 November 2005****concerning the appointment of the Head of Mission/Police Commissioner of the European Union  
Police Mission for the Palestinian Territories (EUPOL COPPS)**

(2005/836/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

HAS DECIDED AS FOLLOWS:

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

Having regard to Council Joint Action 2005/797/CFSP of 14 November 2005 on the European Union Police Mission for the Palestinian Territories <sup>(1)</sup> and in particular Article 11(2) thereof,

Whereas:

(1) Article 11(2) of Joint Action 2005/797/CFSP provides that the Council authorises the Political and Security Committee to take the relevant decisions in accordance with Article 25 of the Treaty, including the decision to appoint, upon a proposal by the Secretary-General/High Representative, a Head of Mission/Police Commissioner.

(2) The Secretary-General/High Representative has proposed the appointment of Mr Jonathan Mclvor,

*Article 1*

Mr Jonathan Mclvor is hereby appointed Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) from the day the mission is launched. Until that date, he shall act as head of the planning team.

*Article 2*

This Decision shall take effect on the day of its adoption.

It shall apply until 31 December 2006.

Done at Brussels, 16 November 2005.

*For the Political and Security Committee*

*The President*

J. KING

---

<sup>(1)</sup> OJ L 300, 17.11.2005, p. 65.

**COUNCIL DECISION**  
**of 21 November 2005**  
**appointing a member of the Economic and Social Committee**  
(2005/837/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to the Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 <sup>(1)</sup>,

Whereas a member's seat on the above Committee has fallen vacant following the resignation of Ms Sheila RITCHIE,

Having regard to the nomination submitted by the United Kingdom Government,

Having obtained the opinion of the European Commission,

*Article 1*

Mr Kenneth FRASER is hereby appointed a member of the Economic and Social Committee in place of Ms Sheila RITCHIE for the remainder of her term of office, namely until 20 September 2006.

*Article 2*

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

It shall take effect on the date of its adoption.

Done at Brussels, 21 November 2005.

*For the Council*  
*The President*  
J. STRAW

---

<sup>(1)</sup> OJ L 253, 21.9.2002, p. 9.

**COUNCIL DECISION**  
**of 24 November 2005**  
**appointing a French member of the Economic and Social Committee**  
(2005/838/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

*Article 1*

Mr Jean-François PONS is hereby appointed a member of the European Economic and Social Committee in place of Mr Pierre SIMON for the remainder of the latter's term of office, namely until 20 September 2006.

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

*Article 2*

Having regard to Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 <sup>(1)</sup>,

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

Having regard to the nomination submitted by the French government,

It shall take effect on the date of its adoption.

Having regard to the opinion of the Commission,

Done at Brussels, 24 November 2005.

Whereas:

a member's seat on the European Economic and Social Committee has fallen vacant following the resignation of Mr Pierre SIMON,

*For the Council*

*The President*

I. LEWIS

---

<sup>(1)</sup> OJ L 253, 21.9.2002, p. 9.

# COMMISSION

## COMMISSION DECISION

of 13 July 2005

### declaring a concentration compatible with the common market and the functioning of the EEA Agreement — Case No COMP/M.3625 — Blackstone/Acetex

(notified under document number C(2005) 2672)

(Only the English text is authentic)

(2005/839/EC)

On 13 July 2005 the Commission adopted a Decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings <sup>(1)</sup>, and in particular Article 8(1) of that Regulation. A non-confidential version of the full Decision can be found in the authentic language of the case and in the working languages of the Commission on the website of the Directorate-General for Competition, at the following address: [http://europa.eu.int/comm/competition/index\\_en.html](http://europa.eu.int/comm/competition/index_en.html)

- (1) On 20 January 2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Regulation (EC) No 139/2004 by which the undertaking Celanese Corporation ('Celanese', US) controlled by Blackstone Crystal Holdings Capital Partners ('Blackstone', Cayman Islands) acquires within the meaning of Article 3(1)(b) of that Regulation the whole of the undertaking Acetex Corporation ('Acetex', Canada) by way of purchase of shares.
- (2) Blackstone is a private merchant-banking company based in the U.S., active mainly in financial advisory services, private equity investment and property investment. As described below, one of the companies controlled by Blackstone, 'Celanese', is active on the same product markets as Acetex.
- (3) Celanese is a chemicals company active globally in four main sectors: chemical products, acetate products, technical polymers and food ingredients. In the chemical products sector, Celanese manufactures basic chemicals such as acetic acid, acetic anhydride and vinyl acetate monomer ('VAM'); performance chemicals such as polyvinyl alcohol ('PVOH') and emulsions; and specialty chemicals including carboxylic acids, alcohols, amines and esters.
- (4) Acetex is active in the acetyls and plastic business. The principal products of Acetex's acetyls business are acetic acid and VAM, which together represented more than 70 % of Acetex's acetyls sales of 2003. Acetex's acetyls products also include the following acetic acid derivatives: acetic anhydride, PVOH and polyvinyl acetate ('PVAc').
- (5) The Advisory Committee on Concentrations, at its 132nd meeting on 22 June 2005, delivered a favourable opinion on a draft Decision granting clearance submitted to it by the Commission <sup>(2)</sup>.
- (6) The Hearing Officer, in a report dated 29 June 2005, took the view that the right of the parties to be heard had been respected <sup>(2)</sup>.

#### I. THE RELEVANT MARKETS

##### Relevant product markets

- (7) The Commission's investigation showed that the relevant product markets were the following: acetic acid, VAM, acetic anhydride and PVOH.
- (8) Acetic acid is an intermediate chemical product used in the production of various other chemicals including VAM, PVOH, acetic anhydride, acetate esters and monochloroacetic acid. The Commission's investigation showed that acetic acid constitutes a separate product market as there are no substitutable products available on the market.

<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

<sup>(2)</sup> OJ C 297, 29.11.2005.

- (9) VAM is a commodity chemical derived from acetic acid. VAM can be produced in several ways: (i) by adding acetic acid to acetylene; (ii) by adding acetic acid to ethylene; (iii) by reaction of acetic anhydride with acetaldehyde. The Commission's investigation showed that VAM constitutes a separate product market that does not need to be further fragmented.
- (10) Acetic anhydride is a basic chemical used primarily (approximately 75 %) for the production of cellulose acetate flake, which in turn is used as raw material for acetate tow (used to make cigarette filters, yarn and some engineering plastics). Other uses of acetic anhydride include the manufacture of pharmaceuticals and detergents. The Commission's investigation showed that acetic anhydride should be considered as a separate product market given the fact that there are no substitutes for acetic anhydride.
- (11) PVOH is a water-soluble synthetic polymer belonging to a broader group of High Barrier Polymers. PVOH is obtained from polymerized VAM. The Commission's investigation has shown that there are no substitutable products available. Therefore, for the purpose of this decision, PVOH constitutes a separate relevant product market.

#### Relevant geographic markets

- (12) The key issue in this case was to define the relevant geographic scope for acetic acid, VAM and acetic anhydride. The parties submitted that the geographic markets were global and based their view on five main points:

— Imports satisfy more than 20 % of Western European demand.

— Neither transport costs, nor import duties nor national regulations inhibit the worldwide trade of the products concerned.

— Major global producers supply Western Europe solely through imports.

— The global trade flows seem to shift freely among Asia, Eastern Europe, Western Europe and North America in response to changes in local supply and demand.

— Prices appear to be highly correlated across geographic regions worldwide.

- (13) During the market investigation, the parties' arguments were verified and generally confirmed. In particular, the Commission analysed the trade flows of acetic acid, VAM and acetic anhydride between the different world regions, the average price charged in the different regions, the structure of the price, and the importance of production and transaction (transport, storage and duties) costs as well as capacity developments. Furthermore, the majority of respondents to the investigation indicated that they considered the relevant geographic markets to be global for all three products.
- (14) To support their claims concerning the definition of the geographic markets for acetic acid and VAM, the parties also submitted a number of econometric studies (price correlation analysis and analysis of the impact of unexpected plant outages on trade flows), which in their view point towards global markets. The Commission carefully reviewed and replicated these studies. It furthermore conducted its own study with more accurate data. According to its results, the geographic market of both acetic acid and VAM includes at least the EEA and North America wide but might also be global.
- (15) For the reasons set above, the decision concludes that for the purpose of this case, the relevant geographic markets for acetic acid, VAM and acetic anhydride are global.
- (16) In a past decision <sup>(1)</sup>, the Commission considered that the relevant geographic market for all types of High Barrier Polymers, including PVOH, was worldwide. This has broadly been confirmed by the Commission's market investigation. Therefore, the decision concludes that the relevant geographic market for PVOH is global.

#### II. ASSESSMENT

- (17) In the global market for acetic acid, the market shares of the new entity will amount to [20-30] (\*) % (Celanese, [20-30] %; Acetex, [0-5] %) in terms of capacity and [20-30] % (Celanese, [15-25] %; Acetex, [5-10] %) in terms of merchant sales. The combined entity will face competition from the current largest player on the market, BP (capacity [20-30] %; merchant sales [25-35] %) and other strong players such as Millennium (capacity [1-10] %; merchant sales [1-10] %) and Daicel (capacity [1-10] %; merchant sales [1-10] %).

<sup>(1)</sup> Commission Decision of 2 June 1999 declaring a concentration to be compatible with the common market (Case No IV/M.1469 — Solvay/BASF) according to Council Regulation (EEC) No 4069/89 (OJ C 197, 14.7.1999, p. 2).

(\*) Parts of this text have been edited to ensure that confidential information is not disclosed; those parts are enclosed in square brackets.

- (18) The Commission has analysed whether competitors have enough capacity to restrain an anti-competitive price increase and whether customers can easily switch suppliers in the event of a price increase. Given the level of concentration in the market, it was also necessary to examine the possibility that the proposed operation could give rise to coordinated effects.
- (19) The decision concludes that unilateral effects are unlikely because the capacity will increase faster than projected demand and there will therefore be sufficient capacity to defeat a potential price increase. Furthermore, it appears to be easy for customers to change their suppliers, particularly as a large majority of the customers obtain their supplies from multiple sources. With regards to coordinated effects, the decision also concludes that such effects are unlikely, having carefully examined the market structure, the market transparency, the credible retaliation mechanisms, and the reaction of customers and current and potential competitors.
- (20) In the global market for VAM, the market shares of the new entity will amount to [25-35] % (Celanese [20-30] %; Acetex [0-5] %) in terms of capacity and [35-45] % (Celanese [30-40] %; Acetex [5-10] %) in terms of merchant sales. The parties will face competition from several large players such as Dow (capacity [5-15] %; merchant, [5-15] %), Millennium (capacity [5-15] %; merchant [10-20] %), DuPont (capacity [10-20] %), Dairen (capacity [1-10] %; merchant [1-10] %) and BP (capacity [1-10] %; merchant [5-15] %).
- (21) For similar reasons as those set out for the acid acetic market, and after a careful examination of the characteristics of the VAM market, the decision concludes that unilateral effects are unlikely. The decision also concludes that coordinated anticompetitive effects are unlikely on the VAM market mainly because of the substantial gap between the parties' merchant market shares and those of the largest competitor. In addition, the different levels of integration and the use of different technologies give rise to different cost structures and incentives for the various producers, which further reduce the likelihood of successful co-ordination.
- (22) In the global market for acetic anhydride, the market shares of the new entity will amount to [15-25] % (Celanese [15-25] %; Acetex [0-5] %) in terms of capacity and [30-40] % (Celanese [25-35] %; Acetex [5-10] %) in terms of merchant sales. The parties will face competition from BP, Eastman, Jilin and Daicel with market shares on the merchant sales market of [15-25] %, [10-20] %, [5-15] % and [1-10] % respectively. Considering the strong competition that the combined entity will face from these competitors, which currently produce at competitive cost, the decision concludes that the notified operation will not significantly impede effective competition on the global market for acetic anhydride. The likelihood of coordinated effects is also examined in the decision, which concludes that such effects are excluded.
- (23) In the global market for PVOH, the market shares of the new entity will amount to [5-15] % (Celanese [5-10] %; Acetex [0-5] %) in terms of capacity and [5-15] % (Celanese [5-10] %; Acetex [0-5] %) in terms of merchant sales. This combined market share would not allow the parties to exercise market power; therefore the decision concludes that the operation will not significantly impede effective competition on the global PVOH market.
- (24) Finally, the Commission has assessed the potential effects of the transaction on vertically related markets. Both Celanese and Acetex are downstream vertically integrated companies in the sense that they use acetic acid to produce both acetic anhydride and VAM, and VAM to produce PVOH. Celanese is active on the downstream markets for emulsions and emulsion powders, cellulose acetate and acetate esters. Acetex is a consumer of ethylene vinyl acetate resin copolymers and PVAc resins. However, given the low market shares of the parties and the relatively small increment brought about by the transaction on the relevant markets, the decision concludes that the transaction is unlikely to affect the vertically related markets.

### III. CONCLUSION

- (25) For the reasons set out above, the Commission concluded that the proposed concentration does not significantly impede effective competition in the common market or a substantial part of it, in particular as a result of the creation or strengthening of a dominant position. The concentration is therefore to be declared compatible with the common market and the EEA Agreement, in accordance with Article 8(1) of the Merger Regulation and Article 57 of the EEA Agreement.

## COMMISSION DECISION

of 25 November 2005

**amending Decision 2004/4/EC authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt**

(notified under document number C(2005) 4525)

(2005/840/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, and in particular Article 16(3) thereof,

Whereas:

(1) Under Commission Decision 2004/4/EC <sup>(2)</sup>, tubers of *Solanum tuberosum* L. originating in Egypt must not in principle be introduced into the Community. However, for the 2004/2005 import season, the entry into the Community of such tubers is permitted from 'pest-free areas' and subject to specific conditions.

(2) During the 2004/2005 import season, a number of interceptions of *Pseudomonas solanacearum* (Smith) Smith were recorded resulting in a prohibition on all exports of Egyptian potatoes to the Community as of 6 April 2005.

(3) Egypt has submitted a report into the causes of these interceptions. The main finding is that stricter measures need to be taken as regards producers, inspectors, exporters and packing stations failing to follow their instructions regarding the export of potatoes destined for the Community. Certain measures have already been taken in Egypt.

(4) It is appropriate to lay down at Community level requirements to ensure the effectiveness of inspections and controls carried out in Egypt on potatoes at the packing station and the port of dispatch prior to export to the Community.

(5) In the light of the information provided by Egypt, the Commission has established that there is no risk of spreading *Pseudomonas solanacearum* (Smith) Smith with the entry into the Community of tubers of *Solanum tuberosum* L. from pest-free areas of Egypt, provided that certain conditions are satisfied.

(6) The entry into the Community of tubers of *Solanum tuberosum* L. originating in pest-free areas of Egypt should therefore be permitted for the 2005/2006 import season subject to specified conditions.

(7) Decision 2004/4/EC should therefore be amended accordingly.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2004/4/EC is amended as follows:

1. Article 2 is amended as follows:

(a) in paragraph 1, '2004/2005' is replaced by '2005/2006';

(b) in paragraph 2, '2004/2005' is replaced by '2005/2006';

2. in Article 3, '2004/2005' is replaced by '2005/2006';

3. in Article 4, '30 August 2005' is replaced by '30 August 2006';

4. in Article 7, '30 September 2005' is replaced by '30 September 2006';

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2005/16/EC (OJ L 57, 3.3.2005, p. 19).

<sup>(2)</sup> OJ L 2, 6.1.2004, p. 50. Decision as amended by Decision 2004/836/EC (OJ L 360, 7.12.2004, p. 30).

5. the Annex is amended as follows:

(a) in point 1(b)(iii), '2004/2005' is replaced by '2005/2006';

(b) in point 1(b)(iii), second indent, '1 January 2005' is replaced by '1 January 2006';

(c) in point 1(b)(iii), the following third indent is added:

— officially monitored from the time of their arrival at the packing station until they are put into bags sealed in accordance with point 1(b)(x).';

(d) in point 1(b), point (v) is replaced by:

'(v) immediately prior to export to the Community, officially inspected at the port of dispatch by cutting 400 tubers

from each pest-free area in a consignment drawn from at least ten bags per pest-free area;'

(e) in point 1(b)(xii), '1 January 2005' is replaced by '1 January 2006';

(f) in point 5, second subparagraph, '2004/2005' is replaced by '2005/2006'.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 25 November 2005.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

---

## COMMISSION DECISION

of 28 November 2005

providing for the temporary marketing of certain seed of the species *Triticum durum*, not satisfying the requirements of Council Directive 66/402/EEC

(notified under document number C(2005) 4527)

(Text with EEA relevance)

(2005/841/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed <sup>(1)</sup>, and in particular Article 17 thereof,

Whereas:

- (1) In Austria the quantity of available seed of winter varieties of durum wheat (*Triticum durum*) suitable for the national climatic conditions and which satisfies the germination capacity requirements of Directive 66/402/EEC is insufficient and is therefore not adequate to meet the needs of the Member State.
- (2) It is not possible to meet the demand for seed of that species satisfactorily with seed from other Member States or from third countries, which satisfies all the requirements laid down in Directive 66/402/EEC.
- (3) Accordingly, Austria should be authorised to permit the marketing of seed of that species subject to less stringent requirements for a period expiring on 15 November 2005.
- (4) In addition, other Member States irrespective of whether the seed was harvested in a Member State or in a third country covered by Council Decision 2003/17/EC of 16 December 2002 on the equivalence of field inspections carried out in third countries on seed-producing crops and the equivalence of seed produced in third countries <sup>(2)</sup> which are in a position to supply Austria with seed of that species, should be authorised to permit the marketing of such seed.

(5) It is appropriate that Austria act as coordinator in order to ensure that the total amount of seed authorised pursuant to this Decision does not exceed the maximum quantity covered by this Decision.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

The marketing in the Community of seed of winter durum wheat which does not satisfy the minimum germination capacity requirements laid down in Directive 66/402/EEC shall be permitted, for a period expiring on 15 November 2005, in accordance with the terms set out in the Annex to this Decision and subject to the following conditions:

- (a) the germination capacity is at least 75 % of pure seed,
- (b) the official label states the germination ascertained in the official examination or the examination carried out under official supervision pursuant to Article 2(1)(F)(d) and 2(1)(G)(d) of Directive 66/402/EEC,
- (c) the seed must have been first placed on the market in accordance with Article 2 of this Decision.

*Article 2*

Any seed supplier wishing to place on the market the seed referred to in Article 1 shall apply to the Member State in which he is established.

<sup>(1)</sup> OJ L 25, 11.7.1966, p. 2309/66. Directive as last amended by Directive 2004/117/EC (OJ L 14, 18.1.2005, p. 18).

<sup>(2)</sup> OJ L 8, 14.1.2003, p. 10. Decision as last amended by Regulation (EC) No 885/2004 (OJ L 168, 1.5.2004, p. 1).

The Member State concerned shall authorise the supplier to place that seed on the market, unless:

- (a) there is sufficient evidence to doubt as to whether the supplier is able to place on the market the amount of seed for which he has applied for authorisation; or
- (b) the total quantity authorised to be marketed pursuant to the derogation concerned would exceed the maximum quantity specified in the Annex.

*Article 3*

The Member States shall assist each other administratively in the application of this Decision.

Austria shall act as coordinating Member State in order to ensure that the total amount authorised does not exceed the maximum quantity specified in the Annex.

Any Member State receiving an application under Article 2 shall immediately notify the coordinating Member State of the amount covered by the application. The co-ordinating

Member State shall immediately inform the notifying Member State as to whether authorisation would result in the maximum quantity being exceeded.

*Article 4*

Member States shall immediately notify the Commission and the other Member States of the quantities in respect of which they have granted marketing authorisation pursuant to this Decision.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 28 November 2005.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

ANNEX

Species	Type of variety	Maximum quantity (tonnes)
<i>Triticum durum</i>	Auradur, Heradur, Inverdur, Prowidur, Superdur, Windur	500

## COMMISSION DECISION

of 28 November 2005

**on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest**

(notified under document number C(2005) 2673)

(2005/842/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 86(3) thereof,

confers responsibility for the execution of a certain task to an undertaking. Secondly, the entrustment must relate to a service of general economic interest. Thirdly, the exception has to be necessary for the performance of the tasks assigned and proportional to that end (hereinafter the necessity requirement). Finally, the development of trade must not be affected to such an extent as would be contrary to the interests of the Community.

Whereas:

(1) Article 16 of the Treaty requires the Community, without prejudice to Articles 73, 86 and 87, to use its powers in such a way as to make sure that services of general economic interest operate on the basis of principles and conditions which enable them to fulfil their missions.

(2) For certain services of general economic interest to operate on the basis of principles and under conditions that enable them to fulfil their missions, financial support from the State intended to cover some or all of the specific costs resulting from the public service obligations may prove necessary. In accordance with Article 295 of the Treaty, as interpreted by the case-law of the Court of Justice and Court of First Instance of the European Communities, it is irrelevant from the viewpoint of Community law whether such services of general economic interest are operated by public or private undertakings.

(3) Article 86(2) of the Treaty states in this respect that undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly are subject to the rules contained in the Treaty, in particular to the rules on competition. However, Article 86(2) allows an exception from the rules contained in the Treaty, provided that a number of criteria are met. Firstly, there must be an act of entrustment, whereby the State

(4) In its judgment in the case of *Altmark Trans GmbH and Regierungspräsidium Magdeburg v Nahverkehrsgesellschaft Altmark GmbH* <sup>(1)</sup> (Altmark), the Court of Justice held that public service compensation does not constitute State aid within the meaning of Article 87 of the Treaty provided that four cumulative criteria are met. First, the recipient undertaking must actually have public service obligations to discharge, and the obligations must be clearly defined. Second, the parameters on the basis of which the compensation is calculated must be established in advance in an objective and transparent manner. Third, the compensation cannot exceed what is necessary to cover all or part of the costs incurred in the discharge of the public service obligations, taking into account the relevant receipts and a reasonable profit. Finally, where the undertaking which is to discharge public service obligations, in a specific case, is not chosen pursuant to a public procurement procedure which would allow for the selection of the tenderer capable of providing those services at the least cost to the community, the level of compensation needed must be determined on the basis of an analysis of the costs which a typical undertaking, well run and adequately provided with means of transport, would have incurred.

(5) Where those four criteria are met, public service compensation does not constitute State aid, and Articles 87 and 88 of the Treaty do not apply. If the Member States do not respect those criteria and if the general criteria for the applicability of Article 87(1) of the Treaty are met, public service compensation constitutes State aid that is subject to Articles 73, 86, 87 and 88 of the Treaty. This Decision should therefore only apply to public service compensation in so far as it constitutes State aid.

<sup>(1)</sup> [2003] ECR I-7747.

- (6) Article 86(3) of the Treaty allows the Commission to specify the meaning and extent of the exception under Article 86(2) of the Treaty, and to set out rules intended to enable effective monitoring of the fulfilment of the criteria set out in Article 86(2), where necessary. The conditions under which certain systems of compensation are compatible with Article 86(2) and are not subject to the prior notification requirement of Article 88(3) of the Treaty should therefore be specified.
- (7) Such aid may be declared compatible only if it is granted in order to ensure the provision of services that are services of general economic interest as referred to in Article 86(2) of the Treaty. It is clear from the case-law that, with the exception of the sectors in which there are Community rules governing the matter, Member States have a wide margin of discretion in the definition of services that could be classified as being services of general economic interest. Thus, with the exception of the sectors in which there are Community rules governing the matter, the Commission's task is to ensure that there is no manifest error as regards the definition of services of general economic interest.
- (8) In order for Article 86(2) of the Treaty to apply, the undertaking beneficiary of the aid must have been specifically entrusted by the Member State with the operation of a particular service of general economic interest. According to the case-law on the interpretation of Article 86(2) of the Treaty, such act or acts of entrustment must specify, at least, the precise nature, scope and duration of the public service obligations imposed and the identity of the undertakings concerned.
- (9) In order to ensure that the criteria set out in Article 86(2) of the Treaty are met, it is necessary to lay down more precise conditions which must be fulfilled in respect of the entrustment of the operation of services of general economic interest. Indeed the amount of compensation can be properly calculated and checked only if the public service obligations incumbent on the undertakings and any obligations incumbent on the State are clearly set out in a formal act of the competent public authorities within the Member State concerned. The form of the instrument may vary from one Member State to another but it should specify, at least, the precise nature, scope and duration of the public service obligations imposed and the identity of undertakings concerned, and the costs to be borne by the undertaking concerned.
- (10) When defining public service obligations and in assessing whether those obligations are met by the undertakings concerned, the Member States are invited to consult widely, with particular emphasis on users.
- (11) Moreover, in order to avoid unjustified distortions of competition, Article 86(2) of the Treaty requires that compensation does not exceed what is necessary to cover the costs incurred by the undertaking in discharging the public service obligations, account being taken of the relevant receipts and a reasonable profit. This should be understood as referring to the actual costs incurred by the undertaking concerned.
- (12) Compensation in excess of what is necessary to cover the costs incurred by the undertaking concerned is not necessary for the operation of the service of general economic interest, and consequently constitutes incompatible State aid that should be repaid to the State. Compensation granted for the operation of a service of general economic interest but actually used by the undertaking concerned to operate on another market is also not necessary for the operation of the service of general economic interest, and consequently also constitutes incompatible State aid that should be repaid.
- (13) In order to ensure compliance with the necessity requirement set out in Article 86(2) of the Treaty it is necessary to lay down provisions relating to the calculation and monitoring of the amount of compensation granted. Member States should check regularly that the compensation granted does not lead to overcompensation. Nevertheless, in order to allow a minimum of flexibility for undertakings and Member States, where the amount of overcompensation does not exceed 10 % of the amount of annual compensation, it should be possible for such overcompensation to be carried forward to the next period and be deducted from the amount of compensation which would otherwise have been payable. The revenue of undertakings entrusted with the operation of services of general economic interest in the field of social housing may vary dramatically, in particular due to the risk of insolvency of leaseholders. Consequently, where such undertakings only operate services of general economic interest, it should be possible for any overcompensation during one period to be carried forward to the next period, up to 20 % of the annual compensation.

- (14) To the extent that compensation is granted to undertakings entrusted with the operation of services of general economic interest, the amount of the compensation does not go beyond the costs of the services, and the thresholds laid down in this Decision are respected, the Commission considers that the development of trade is not affected to such an extent as would be contrary to the interests of the Community. In such circumstances, the Commission considers that the compensation should be deemed to constitute State aid compatible with Article 86(2) of the Treaty.
- (15) Small amounts of compensation granted to undertakings providing services of general economic interest whose turnover is limited do not affect the development of trade and competition to such an extent as would be contrary to the interests of the Community. When the conditions set out in this Decision are fulfilled, prior notification should therefore not be required. For the purpose of defining the scope of the exemption from notification, the turnover of undertakings receiving public service compensation and the level of such compensation should be taken into consideration.
- (16) Hospitals and undertakings in charge of social housing which are entrusted with tasks involving services of general economic interest have specific characteristics that need to be taken into consideration. In particular, account should be taken of the fact that at the current stage of development of the internal market, the intensity of distortion of competition in those sectors is not necessarily proportionate to the level of turnover and compensation. Accordingly, hospitals providing medical care, including, where applicable, emergency services and ancillary services directly related to the main activities, notably in the field of research, and undertakings in charge of social housing providing housing for disadvantaged citizens or socially less advantaged groups, which due to solvability constraints are unable to obtain housing at market conditions, should benefit from the exemption from notification provided for in this Decision, even if the amount of compensation they receive exceeds the thresholds laid down in this Decision, if the services performed are qualified as services of general economic interest by the Member States.
- (17) Article 73 of the Treaty constitutes a *lex specialis* with regard to Article 86(2). It lays down the rules applicable to public service compensation in the land transport sector. That Article has been developed by Council Regulation (EEC) No 1191/69 of 26 June 1969 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway<sup>(1)</sup>, which lays down general conditions for public service obligations in the land transport sector and imposes methods for calculating compensation. Regulation (EEC) No 1191/69 exempts all compensation in the land transport sector that fulfils the conditions of notification under Article 88(3) of the Treaty. It also allows Member States to derogate from its provisions in the case of undertakings providing exclusively urban, suburban or regional transport. Where that derogation is applied, any compensation for public service obligations is, in so far as it constitutes State aid, governed by Council Regulation (EEC) No 1107/70 of 4 June 1970 on the granting of aids for transport by rail, road and inland waterway<sup>(2)</sup>. According to the judgment in *Altmark*, compensation which does not respect the provisions of Article 73 cannot be declared compatible with the Treaty on the basis of Article 86(2), or on the basis of any other Treaty provision. Consequently, such compensation should not be covered by this Decision.
- (18) Unlike land transport, the maritime and air transport sectors are subject to Article 86(2) of the Treaty. Certain rules applicable to public service compensation in the air and maritime transport sectors are to be found in Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes<sup>(3)</sup> and Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage)<sup>(4)</sup>. However, contrary to Regulation (EEC) No 1191/69, these Regulations do not refer to the compatibility of the possible State aid elements nor contain an exemption from the obligation to notify under Article 88(2) of the Treaty. It is therefore appropriate to apply this Decision to public service compensation in the air and maritime transport sectors provided that, in addition to fulfilling the conditions set out in this Decision, such compensation also respects the sectoral rules contained in Regulation (EEC) No 2408/92 and Regulation (EEC) No 3577/92 when applicable.
- (19) The thresholds applicable to public service compensation in the air and maritime transport sectors should normally be the same as those applicable in general. However, in the specific cases of public service compensation for air or maritime links to islands and for airports and ports which constitute services of general economic interest as

<sup>(1)</sup> OJ L 156, 28.6.1969, p. 1. Regulation as last amended by Regulation (EEC) No 1893/91 (OJ L 169, 29.6.1991, p. 1).

<sup>(2)</sup> OJ L 130, 15.6.1970, p. 1. Regulation as last amended by Regulation (EC) No 543/97 (OJ L 84, 26.3.1997, p. 6).

<sup>(3)</sup> OJ L 240, 24.8.1992, p. 8. Regulation as last amended by 2003 Act of Accession.

<sup>(4)</sup> OJ L 364, 12.12.1992, p. 7.

referred to in Article 86(2) of the Treaty it is more appropriate to also provide alternative thresholds based on average annual number of passengers as this more accurately reflects the economic reality of these activities.

- (20) This Decision is to a large extent a specification of the meaning and extent of the exception under Article 86(2) of the Treaty as it has been consistently applied in the past by the Court of Justice and the Court of First Instance and by the Commission. To the extent that it does not modify the material law applicable in this area it should apply immediately. However, certain provisions of this Decision go beyond the status quo by setting out additional requirements aimed at enabling effective monitoring of the criteria set out in Article 86(2). In order to allow Member States to take the necessary measures in this respect, it is appropriate to foresee a period of one year prior to the application of those specific provisions.
- (21) Exemption from the requirement of prior notification for certain services of general economic interest does not rule out the possibility for Member States to notify a specific aid project. Such notification will be assessed in accordance with the principles of the Community framework for State aid in the form of public service compensation <sup>(1)</sup>.
- (22) This Decision applies without prejudice to the provisions of Commission Directive 80/723/EEC of 25 June 1980 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings <sup>(2)</sup>.
- (23) This Decision applies without prejudice to the Community provisions in force in the fields of public procurement and of competition, in particular Articles 81 and 82 of the Treaty.
- (24) This Decision applies without prejudice to stricter specific provisions relating to public service obligations that are contained in sectoral Community legislation,

HAS ADOPTED THIS DECISION:

#### *Article 1*

##### **Subject matter**

This Decision sets out the conditions under which State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest is to be regarded as compatible with the common market and exempt from the requirement of notification laid down in Article 88(3) of the Treaty.

#### *Article 2*

##### **Scope**

1. This Decision applies to State aid in the form of public service compensation granted to undertakings in connection with services of general economic interest as referred to in Article 86(2) of the Treaty which falls within one of the following categories:

- (a) public service compensation granted to undertakings with an average annual turnover before tax, all activities included, of less than EUR 100 million during the two financial years preceding that in which the service of general economic interest was assigned, which receive annual compensation for the service in question of less than EUR 30 million;
- (b) public service compensation granted to hospitals and social housing undertakings carrying out activities qualified as services of general economic interest by the Member State concerned;
- (c) public service compensation for air or maritime links to islands on which average annual traffic during the two financial years preceding that in which the service of general economic interest was assigned does not exceed 300 000 passengers;
- (d) public service compensation for airports and ports for which average annual traffic during the two financial years preceding that in which the service of general economic interest was assigned does not exceed 1 000 000 passengers, in the case of airports, and 300 000 passengers, in the case of ports.

<sup>(1)</sup> OJ C 297, 29.11.2005.

<sup>(2)</sup> OJ L 195, 29.7.1980, p. 35. Directive as last amended by Directive 2000/52/EC (OJ L 193, 29.7.2000, p. 75).

The threshold of EUR 30 million in point (a) of the first subparagraph may be determined by taking an annual average representing the value of compensation granted during the contract period or over a period of five years. For credit institutions, the threshold of EUR 100 million of turnover shall be replaced by a threshold of EUR 800 million in terms of balance sheet total.

2. In the field of air and maritime transport, this Decision shall only apply to State aid in the form of public service compensation granted to undertakings in connection with services of general economic interest as referred to in Article 86(2) of the Treaty which complies with Regulation (EEC) No 2408/92 and Regulation (EEC) No 3577/92, when applicable.

This Decision shall not apply to State aid in the form of public service compensation granted to undertakings in the field of land transport.

#### Article 3

##### **Compatibility and exemption from notification**

State aid in the form of public service compensation that meets the conditions laid down in this Decision shall be compatible with the common market and shall be exempt from the obligation of prior notification provided for in Article 88(3) of the Treaty, without prejudice to the application of stricter provisions relating to public service obligations contained in sectoral Community legislation.

#### Article 4

##### **Entrustment**

In order for this Decision to apply, responsibility for operation of the service of general economic interest shall be entrusted to the undertaking concerned by way of one or more official acts, the form of which may be determined by each Member State. The act or acts shall specify, in particular:

- (a) the nature and the duration of the public service obligations;
- (b) the undertaking and territory concerned;
- (c) the nature of any exclusive or special rights assigned to the undertaking;
- (d) the parameters for calculating, controlling and reviewing the compensation;

- (e) the arrangements for avoiding and repaying any overcompensation.

#### Article 5

##### **Compensation**

1. The amount of compensation shall not exceed what is necessary to cover the costs incurred in discharging the public service obligations, taking into account the relevant receipts and a reasonable profit on any own capital necessary for discharging those obligations. The compensation must be actually used for the operation of the service of general economic interest concerned, without prejudice to the undertaking's ability to enjoy a reasonable profit.

The amount of compensation shall include all the advantages granted by the State or through State resources in any form whatsoever. The reasonable profit shall take account of all or some of the productivity gains achieved by the undertakings concerned during an agreed limited period without reducing the level of quality of the services entrusted to the undertaking by the State.

2. The costs to be taken into consideration shall comprise all the costs incurred in the operation of the service of general economic interest. They shall be calculated, on the basis of generally accepted cost accounting principles, as follows:

- (a) where the activities of the undertaking in question are confined to the service of general economic interest, all its costs may be taken into consideration;
- (b) where the undertaking also carries out activities falling outside the scope of the service of general economic interest, only the costs associated with the service of general economic interest shall be taken into consideration;
- (c) the costs allocated to the service of general economic interest may cover all the variable costs incurred in providing the service of general economic interest, a proportionate contribution to fixed costs common to both service of general economic interest and other activities and a reasonable profit;
- (d) the costs linked with investments, notably concerning infrastructure, may be taken into account when necessary for the operation of the service of general economic interest.

3. The revenue to be taken into account shall include at least the entire revenue earned from the service of general economic interest. If the undertaking in question holds special or exclusive rights linked to another service of general economic interest that generates profit in excess of the reasonable profit, or benefits from other advantages granted by the State, these shall be included in its revenue, irrespective of their classification for the purposes of Article 87. The Member State concerned may decide that the profits accruing from other activities outside the scope of the service of general economic interest are to be assigned in whole or in part to the financing of the service of general economic interest.

4. For the purposes of this Decision 'reasonable profit' means a rate of return on own capital that takes account of the risk, or absence of risk, incurred by the undertaking by virtue of the intervention by the Member State, particularly if the latter grants exclusive or special rights. This rate shall not normally exceed the average rate for the sector concerned in recent years. In sectors where there is no undertaking comparable to the undertaking entrusted with the operation of the service of general economic interest, a comparison may be made with undertakings situated in other Member States, or if necessary, in other sectors, provided that the particular characteristics of each sector are taken into account. In determining what constitutes a reasonable profit, the Member States may introduce incentive criteria relating, in particular, to the quality of service provided and gains in productive efficiency.

5. When a company carries out activities falling both inside and outside the scope of services of general economic interest, the internal accounts shall show separately the costs and receipts associated with the service of general economic interest and those of other services, as well as the parameters for allocating costs and revenues.

The costs linked to any activities outside the scope of the service of general economic interest shall cover all the variable costs, an appropriate contribution to common fixed costs and an adequate return on capital. No compensation shall be granted in respect of those costs.

#### *Article 6*

##### **Control of overcompensation**

Member States shall carry out regular checks, or ensure that such checks are carried out, to ensure that undertakings are not receiving compensation in excess of the amount determined in accordance with Article 5.

Member States shall require the undertaking concerned to repay any overcompensation paid, and the parameters for the calcu-

lation of the compensation shall be updated for the future. Where the amount of overcompensation does not exceed 10 % of the amount of the annual compensation, such overcompensation may be carried forward to the next annual period and deducted from the amount of compensation payable in respect of that period.

In the sector of social housing, Member States shall carry out regular checks, or ensure that such checks are carried out, at the level of each undertaking, to ensure that the undertaking concerned is not receiving compensation in excess of the amount determined in accordance with Article 5. Any overcompensation may be carried forward to the next period up to 20 % of the annual compensation, provided that the undertaking concerned only operates services of general economic interest.

#### *Article 7*

##### **Availability of information**

The Member States shall keep available for a period of at least 10 years, all the elements necessary to determine whether the compensation granted is compatible with this Decision.

Upon a written request from the Commission, Member States shall provide the Commission with all the information that the latter considers necessary to determine whether the systems of compensation in force are compatible with this Decision.

#### *Article 8*

##### **Reports**

Periodic reports on the implementation of this Decision, comprising a detailed description of the conditions of application in all sectors, including the social housing and the hospital sectors, shall be submitted to the Commission by each Member State every three years.

The first report shall be submitted by 19 December 2008.

#### *Article 9*

##### **Evaluation**

By 19 December 2009 at the latest, the Commission will undertake an impact assessment based on factual information and the results of wide consultations conducted by the Commission on the basis, notably, of data provided by the Member States in accordance with Article 8.

The results of the impact assessment will be made available to the European Parliament, the Committee of Regions, the European Economic and Social Committee and the Member States.

*Article 10*

**Entry into force**

This Decision shall enter into force on 19 December 2005.

Points (c), (d) and (e) of Article 4, and Article 6 shall apply from 29 November 2006.

*Article 11*

**Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 28 November 2005.

*For the Commission*

Neelie KROES

*Member of the Commission*

---