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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1958/2005
of 30 November 2005
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 December 2005.

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

Done at Brussels, 30 November 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 30 November 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	50,9
	204	30,1
	999	40,5
0707 00 05	052	138,0
	204	51,4
	999	94,7
0709 90 70	052	119,0
	204	79,5
	999	99,3
0805 20 10	204	57,3
	624	79,3
	999	68,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	72,0
	624	107,8
	999	89,9
0805 50 10	052	65,9
	220	47,3
	999	56,6
0808 10 80	388	68,7
	400	94,4
	404	89,9
	720	63,0
	999	79,0
0808 20 50	052	73,0
	400	92,7
	720	49,3
	999	71,7

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1959/2005**of 30 November 2005****fixing the import duties in the cereals sector applicable from 1 December 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.
- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 December 2005.

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

Done at Brussels, 30 November 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from
1 December 2005**

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	35,00
1005 10 90	Maize seed other than hybrid	56,16
1005 90 00	Maize other than seed ⁽²⁾	56,16
1007 00 90	Grain sorghum other than hybrids for sowing	35,00

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

period from 15.11.2005-29.11.2005

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	128,96 (***)	64,10	181,40	171,40	151,40	94,73
Gulf premium (EUR/t)	—	17,90	—			—
Great Lakes premium (EUR/t)	35,82	—	—			—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 20,29 EUR/t; Great Lakes–Rotterdam: 28,74 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 1960/2005
of 30 November 2005
determining the world market price for unginmed cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginmed cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 21,547 EUR/100 kg.

Article 2

This Regulation shall enter into force on 1 December 2005.

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

Done at Brussels, 30 November 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

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

COMMISSION REGULATION (EC) No 1961/2005**of 29 November 2005****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 ⁽²⁾ laying down provisions for the implementation of Regulation (EEC) No 2913/92, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 December 2005.

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

Done at Brussels, 29 November 2005.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 (OJ L 117, 4.5.2005, p. 13).

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

ANNEX

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.10	New potatoes 0701 90 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
1.30	Onions (other than seed) 0703 10 19	23,69	13,59	689,00	176,73	370,67	5 959,69
		81,80	16,49	10,17	92,76	5 674,47	911,00
		224,22	16,19				
1.40	Garlic 0703 20 00	154,28	88,48	4 487,06	1 150,93	2 413,95	38 812,09
		532,70	107,39	66,23	604,10	36 954,57	5 932,82
		1 460,21	105,43				
1.50	Leeks ex 0703 90 00	70,37	40,36	2 046,64	524,96	1 101,05	17 702,98
		242,97	48,98	30,21	275,54	16 855,73	2 706,08
		666,03	48,09				
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	56,64	32,48	1 647,32	422,53	886,22	14 248,92
		195,57	39,43	24,32	221,78	13 566,98	2 178,09
		536,08	38,71				
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—				
1.100	Chinese cabbage ex 0704 90 90	104,01	59,65	3 025,03	775,91	1 627,40	26 165,80
		359,13	72,40	44,65	407,26	24 913,52	3 999,70
		984,42	71,08				
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	30,30	17,38	881,25	226,04	474,09	7 622,57
		104,62	21,09	13,01	118,64	7 257,76	1 165,19
		286,78	20,71				
1.140	Radishes ex 0706 90 90	117,45	67,36	3 415,92	876,18	1 837,69	29 546,90
		405,53	81,76	50,42	459,89	28 132,80	4 516,54
		1 111,63	80,27				
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	464,53	266,41	13 510,30	3 465,37	7 268,27	116 861,01
		1 603,92	323,36	199,42	1 818,90	111 268,10	17 863,38
		4 396,61	317,46				

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EER SIT	HUF SKK
1.170	Beans:						
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	119,30 411,92 1 129,14	68,42 83,04 81,53	3 469,71 51,22	889,98 467,13	1 866,63 28 575,86	30 012,23 4 587,67
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 00	151,09 521,68 1 430,02	86,65 105,17 103,25	4 394,30 64,86	1 127,13 591,61	2 364,04 36 190,59	38 009,71 5 810,17
1.180	Broad beans ex 0708 90 00	—	—	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—	—	—
1.200	Asparagus:						
1.200.1	— green ex 0709 20 00	235,65 813,67 2 230,40	135,15 164,04 161,05	6 853,78 101,17	1 757,98 922,73	3 687,19 56 446,35	59 283,63 9 062,10
1.200.2	— other ex 0709 20 00	498,74 1 722,06 4 720,46	286,03 347,18 340,84	14 505,47 214,11	3 720,63 1 952,88	7 803,65 119 464,15	125 469,03 19 179,20
1.210	Aubergines (eggplants) 0709 30 00	106,53 367,83 1 008,27	61,09 74,16 72,80	3 098,32 45,73	794,71 417,13	1 666,83 25 517,13	26 799,75 4 096,61
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	138,52 478,28 1 311,05	79,44 96,42 94,66	4 028,72 59,47	1 033,36 542,39	2 167,37 33 179,70	34 847,48 5 326,79
1.230	Chantarelles 0709 59 10	334,34 1 154,41 3 164,43	191,74 232,73 228,49	9 723,94 143,53	2 494,18 1 309,14	5 231,28 80 084,46	84 109,91 12 857,04
1.240	Sweet peppers 0709 60 10	133,88 462,26 1 267,13	76,78 93,19 91,49	3 893,74 57,47	998,74 524,22	2 094,75 32 068,06	33 679,97 5 148,32
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	83,07 286,83 786,25	47,64 57,83 56,77	2 416,07 35,66	619,72 325,28	1 299,80 19 898,28	20 898,47 3 194,54
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	46,27 159,76 437,93	26,54 32,21 31,62	1 345,72 19,86	345,18 181,18	723,97 11 083,10	11 640,19 1 779,32

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.40	Avocados, fresh ex 0804 40 00	161,39	92,56	4 693,85	1 203,97	2 525,20	40 600,76
		557,25	112,34	69,28	631,94	38 657,63	6 206,23
		1 527,50	110,29				
2.50	Guavas and mangoes, fresh ex 0804 50	—	—	—	—	—	—
2.60	Sweet oranges, fresh:						
2.60.1	— Sanguines and semi-sanguines ex 0805 10 20	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins ex 0805 10 20	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.60.3	— Others ex 0805 10 20	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:						
2.70.1	— Clementines ex 0805 20 10	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.2	— Monreales and satsumas ex 0805 20 30	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.3	— Mandarines and wilkins ex 0805 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	107,37	61,58	3 122,81	801,00	1 680,01	27 011,60
		370,73	74,74	46,09	420,43	25 718,84	4 128,99
		1 016,24	73,38				
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	73,57	42,19	2 139,76	548,84	1 151,15	18 508,41
		254,03	51,21	31,58	288,08	17 622,61	2 829,20
		696,33	50,28				
2.90.2	— pink ex 0805 40 00	82,20	47,14	2 390,81	613,24	1 286,21	20 679,93
		283,83	57,22	35,29	321,88	19 690,20	3 161,14
		778,03	56,18				

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.100	Table grapes 0806 10 10	208,65	119,66	6 068,25	1 556,50	3 264,59	52 488,95
		720,41	145,24	89,57	816,97	49 976,86	8 023,46
		1 974,77	142,59				
2.110	Water melons 0807 11 00	40,20	23,05	1 169,18	299,89	628,99	10 113,11
		138,80	27,98	17,26	157,41	9 629,11	1 545,89
		380,48	27,47				
2.120	Melons (other than water melons):						
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	53,41	30,63	1 553,28	398,41	835,63	13 435,55
		184,40	37,18	22,93	209,12	12 792,53	2 053,76
		505,48	36,50				
2.120.2	— Other ex 0807 19 00	88,07	50,51	2 561,37	656,99	1 377,96	22 155,24
		304,08	61,30	37,81	344,84	21 094,90	3 386,65
		833,54	60,19				
2.140	Pears						
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.140.2	— Other ex 0808 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.150	Apricots 0809 10 00	359,79	206,34	10 464,00	2 684,00	5 629,42	90 511,19
		1 242,27	250,45	154,46	1 408,78	86 179,37	13 835,54
		3 405,26	245,88				
2.160	Cherries 0809 20 95 0809 20 05	882,30	506,00	25 660,81	6 581,96	13 805,00	221 960,21
		3 046,41	614,17	378,77	3 454,73	211 337,32	33 928,85
		8 350,70	602,96				
2.170	Peaches 0809 30 90	178,74	102,51	5 198,44	1 333,39	2 796,65	44 965,29
		617,15	124,42	76,73	699,87	42 813,28	6 873,40
		1 691,71	122,15				
2.180	Nectarines ex 0809 30 10	377,00	216,21	10 964,59	2 812,40	5 898,73	94 841,24
		1 301,70	262,43	161,84	1 476,17	90 302,19	14 497,44
		3 568,17	257,64				
2.190	Plums 0809 40 05	343,34	196,91	9 985,69	2 561,31	5 372,10	86 373,99
		1 185,48	239,00	147,40	1 344,38	82 240,18	13 203,13
		3 249,61	234,64				
2.200	Strawberries 0810 10 00	425,49	244,02	12 374,96	3 174,16	6 657,47	107 040,57
		1 469,13	296,18	182,66	1 666,05	101 917,67	16 362,23
		4 027,14	290,78				

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.205	Raspberries 0810 20 10	915,45	525,01	26 625,01	6 829,27	14 323,71	230 300,31
		3 160,87	637,25	393,00	3 584,54	219 278,27	35 203,71
		8 664,48	625,62				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 455,44	834,69	42 330,02	10 857,58	22 772,69	366 145,04
		5 025,34	1 013,13	624,82	5 698,92	348 621,54	55 968,95
		13 775,30	994,65				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	129,54	74,29	3 767,53	966,37	2 026,85	32 588,28
		447,27	90,17	55,61	507,23	31 028,62	4 981,45
		1 226,05	88,53				
2.230	Pomegranates ex 0810 90 95	189,30	108,56	5 505,51	1 412,16	2 961,85	47 621,45
		653,60	131,77	81,27	741,21	45 342,31	7 279,42
		1 791,64	129,37				
2.240	Khakis (including sharon fruit) ex 0810 90 95	183,70	105,35	5 342,71	1 370,40	2 874,27	46 213,21
		634,28	127,87	78,86	719,29	44 001,47	7 064,15
		1 738,66	125,54				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

**COMMISSION REGULATION (EC) No 1962/2005
of 30 November 2005**

**derogating from Regulation (EC) No 800/1999 as regards the determination of the refund rate for
milk and milk products in the case of supplies as referred to in Articles 36 and 44 of that
Regulation and carried out from 1 to 16 June 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(14) thereof,

Whereas:

- (1) As from 17 June 2005, Commission Regulation (EC) No 909/2005 of 16 June 2005 fixing the export refunds for milk and milk products ⁽²⁾ no longer provides for export refunds on supplies as referred to in Articles 36 and 44 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽³⁾.
- (2) In accordance with Article 37 of Regulation (EC) No 800/1999, Member States may authorise exporters to follow a procedure whereby the last day of the month is used to determine the rate of refund applicable to supplies as referred to in Articles 36 and 44 of that Regulation loaded each month. It is therefore not possible to determine the rate of refund applicable to supplies of milk and milk products carried out under that procedure from 1 to 16 June 2005.
- (3) Entitlement to the refund on supplies carried out under the procedure provided for in Article 37 of Regulation

(EC) No 800/1999, before the date of the entry into force of Regulation (EC) No 909/2005, should not be affected. In order to determine that refund, it is therefore necessary to set the date to be used for that purpose, by way of derogation from Article 37(2) of Regulation (EC) No 800/1999.

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 37(2) of Regulation (EC) No 800/1999, the date 16 June 2005 shall be used to determine the rate of refund applicable to milk and milk products in the case of supplies as referred to in Article 36(1)(a) and (c) and in Article 44(1)(a) and (b) of that Regulation and carried out from 1 to 16 June 2005 in accordance with the procedure provided for in Article 37 of that Regulation.

Article 2

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

It shall apply from 1 June 2005.

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

Done at Brussels, 30 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 154, 17.6.2005, p. 10.

⁽³⁾ OJ L 102, 17.4.1999, p. 11. Regulation last amended by Regulation (EC) No 671/2004 (OJ L 105, 14.4.2004, p. 5).

COMMISSION REGULATION (EC) No 1963/2005**of 30 November 2005****on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽²⁾,

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96 ⁽³⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1159/2003 stipulates how the delivery obligations at zero duty of products of CN code 1701, expressed in white sugar equivalent, are to be determined for imports originating in signatory countries to the ACP Protocol and the Agreement with India.
- (2) Article 16 of Regulation (EC) No 1159/2003 stipulates how the zero duty tariff quotas for products of CN code 1701 11 10, expressed in white sugar equivalent, are to be determined for imports originating in signatory

countries to the ACP Protocol and the Agreement with India.

- (3) Article 22 of Regulation (EC) No 1159/2003 opens tariff quotas at a duty of EUR 98 per tonne for products of CN code 1701 11 10 for imports originating in Brazil, Cuba and other third countries.
- (4) In the week of 21 to 25 November 2005 applications were presented to the competent authorities in line with Article 5(1) of Regulation (EC) No 1159/2003 for import licences for a total quantity exceeding a country's delivery obligation quantity of ACP-India preferential sugar determined pursuant to Article 9 of that Regulation.
- (5) In these circumstances the Commission must set reduction coefficients to be used so that licences are issued for quantities scaled down in proportion to the total available and must indicate that the limit in question has been reached,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of import licence applications presented from 21 to 25 November 2005 in line with Article 5(1) of Regulation (EC) No 1159/2003 licences shall be issued for the quantities indicated in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 December 2005.

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

Done at Brussels, 30 November 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 162, 1.7.2003, p. 25. Regulation as last amended by Regulation (EC) No 568/2005 (OJ L 97, 15.4.2005, p. 9).

ANNEX

ACP-INDIA preferential sugar
Title II of Regulation (EC) No 1159/2003
2005/06 marketing year

Country	Week of 21.-25.11.2005: percentage of requested quantity to be granted	Limit
Barbados	100	
Belize	100	
Congo	100	
Fiji	100	
Guyana	100	
India	100	
Côte d'Ivoire	100	
Jamaica	100	
Kenya	100	
Madagascar	100	
Malawi	100	
Mauritius	100	
Mozambique	0	reached
Saint Kitts and Nevis	100	
Swaziland	100	
Tanzania	100	
Trinidad and Tobago	100	
Zambia	100	
Zimbabwe	100	reached

Special preferential sugar
Title III of Regulation (EC) No 1159/2003
2005/06 marketing year

Country	Week of 21.-25.11.2005: percentage of requested quantity to be granted	Limit
India	100	
ACP	100	

CXL concessions sugar
Title IV of Regulation (EC) No 1159/2003
2005/06 marketing year

Country	Week of 21.-25.11.2005: percentage of requested quantity to be granted	Limit
Brazil	0	reached
Cuba	100	
Other third countries	0	reached

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 November 2005

on the application of Council Directive 72/166/EEC with regard to checks on insurance against civil liability in respect of the use of motor vehicles

(notified under document number C(2005) 4580)

(Text with EEA relevance)

(2005/849/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability⁽¹⁾, and in particular Article 7(3) thereof,

Whereas:

- (1) On 30 May 2002 a multilateral agreement, hereinafter 'the Agreement', was concluded between the national insurers' bureaux of the Member States of the European Economic Area and other associate States. The Agreement is attached to Commission Decision 2003/564/EC of 28 July 2003 on the application of Council Directive 72/166/EEC relating to checks on insurance against civil liability in respect of the use of motor vehicles⁽²⁾ by which the Commission fixed the date from which Member States would refrain from making checks on insurance against civil liability in respect of vehicles which are normally based in the

territory of one of the States having signed the Agreement and which are subject to the Agreement. The Agreement has subsequently been extended to further countries by the adoption of Addendum No 1.

- (2) On 26 May 2005 the national insurers' bureaux of the Member States and those of Andorra, Croatia, Iceland, Norway and Switzerland, signed Addendum No 2 to the Agreement by which the Agreement was extended to include the national insurers' bureau of Andorra. The Addendum provides for the practical arrangements to abolish insurance checks in respect of vehicles normally based in the territory of Andorra and which are subject to the Addendum.

- (3) Therefore all the conditions for the removal of checks on motor insurance against civil liability in accordance with Directive 72/166/EEC between the Member States and Andorra are fulfilled,

HAS ADOPTED THIS DECISION:

Article 1

As from 1 January 2006, Member States shall refrain from making checks on insurance against civil liability in respect of vehicles which are normally based in the territory of Andorra and which are subject to Addendum No 2 of 26 May 2005 to the Multilateral Agreement between the national insurers' bureaux of the Member States of the European Economic Area and other associate States.

⁽¹⁾ OJ L 103, 2.5.1972, p. 1. Directive as last amended by Directive 2005/14/EC of the European Parliament and of the Council (OJ L 149, 11.6.2005, p. 14).

⁽²⁾ OJ L 192, 31.7.2003, p. 23.

Article 2

Member States shall forthwith inform the Commission of measures taken to apply this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 November 2005.

For the Commission
Charlie McCREEVY
Member of the Commission

COMMISSION DECISION

of 25 November 2005

amending Decision 2003/61/EC authorising certain Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of seed potatoes originating in certain provinces of Canada

(notified under document number C(2005) 4526)

(Only the Spanish, Greek, Italian, Maltese and Portuguese texts are authentic)

(2005/850/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Decision 2003/61/EC is amended as follows:

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 ⁽¹⁾, and in particular Article 15(1) thereof,

1. in Article 1(1), the words 'Greece, Italy, Portugal and Spain' are replaced by 'Greece, Spain, Italy, Cyprus, Malta and Portugal';

Whereas:

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

(1) Pursuant to Directive 2000/29/EC, seeds potatoes originating in Canada may not be introduced into the Community. However, that Directive permits derogations from that rule, provided there is no risk of spreading harmful organisms.

'(c) for the potato-marketing seasons from 1 February 2003 to 31 March 2003, from 1 December 2003 to 31 March 2004, from 1 December 2004 to 31 March 2005, from 1 December 2005 to 31 March 2006, from 1 December 2006 to 31 March 2007 and from 1 December 2007 to 31 March 2008.;

(2) Commission Decision 2003/61/EC ⁽²⁾, provides for a derogation for the importation of seed potatoes originating in certain provinces of Canada into Greece, Italy, Portugal and Spain subject to specific conditions.

3. in Article 8 the following are added to the list of ports:

(3) Portugal has asked for an extension of that derogation.

'(k) Lemosos

(4) The situation justifying that derogation remains unchanged and the derogations should therefore continue to apply.

(l) Larnaca

(5) The derogation in Decision 2003/61/EC should be extended to new Member States with similar climatic conditions to those mentioned in the decision.

(m) Marsaxlokk

(6) Decision 2003/61/EC should therefore be amended accordingly.

(n) Valletta

(o) Sines';

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

4. in Article 10(3) the second sentence is replaced by the following:

'The responsible official bodies of a Member State making use of this derogation shall, by 15 April of each calendar year in which importation takes place, inform the Commission, with a view to organising that examination and the recording thereof.;

⁽¹⁾ 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).

⁽²⁾ OJ L 23, 28.1.2003, p. 31.

5. in Article 14, the second and third paragraphs are replaced by the following:

The Member State of importation shall provide the Commission and the other Member States, before 1 June of each calendar year in which importation takes place, with information on the amounts (lots of seed potatoes/consignments) imported pursuant to this Decision and with a detailed technical report on the official examination referred to in Article 10.

In those cases where Member States have made official examinations on the samples referred to in Article 10, the detailed technical reports of such examinations shall be submitted to the other Member States and the Commission before 1 June of each calendar year.;

6. in Article 15 '31 March 2005' is replaced by '31 March 2008'.

Article 2

This Decision is addressed to the Hellenic Republic, the Kingdom of Spain, the Italian Republic, the Republic of Cyprus, the Republic of Malta and the Portuguese Republic.

Done at Brussels, 25 November 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

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

COUNCIL DECISION 2005/851/CFSP

of 21 November 2005

concerning the conclusion of the Agreement between the European Union and Canada establishing a framework for the participation of Canada in the European Union crisis management operations

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (1) Conditions regarding the participation of third States in EU crisis management operations should be laid down in an Agreement establishing a framework for such possible future participation, rather than defining these conditions on a case-by-case basis for each operation concerned.
- (2) Following authorisation by the Council on 23 February 2004, the Presidency, assisted by the Secretary-General/High Representative, negotiated an Agreement between the European Union and Canada establishing a framework for the participation of Canada in the European Union crisis management operations.
- (3) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and Canada establishing a framework for the participation of Canada in the

European Union crisis management operations is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the European Union.

Article 3

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

Article 4

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

Done at Brussels, 21 November 2005.

For the Council

The President

J. STRAW

AGREEMENT**between the European Union and Canada establishing a framework for the participation of Canada in the European Union crisis management operations**

THE EUROPEAN UNION,

of the one part, and

CANADA,

of the other part,

hereinafter referred to as the 'Parties',

Whereas:

- (1) The European Union (EU) may decide to take action in the field of crisis management.
- (2) The European Council at Seville on 21 and 22 June 2002 has agreed the arrangements for consultation and cooperation between the European Union and Canada on crisis management.
- (3) The European Union will decide whether third states will be invited to participate in an EU crisis management operation. Canada may accept the invitation by the European Union and offer its contribution. In such case, the European Union will decide on the acceptance of the proposed contribution of Canada.
- (4) If the European Union decides to undertake a military crisis management operation with recourse to NATO assets and capabilities, Canada may express its intention in principle of taking part in the operation.
- (5) General conditions regarding the participation of Canada in EU crisis management operations should be laid down in an Agreement establishing a framework for such possible future participation, rather than defining these conditions on a case-by-case basis for each operation concerned.
- (6) Such an Agreement should be without prejudice to the decision-making autonomy of the European Union, and should not prejudice the case-by-case nature of the decisions of Canada to participate in an EU crisis management operation,

HAVE AGREED AS FOLLOWS:

SECTION I**GENERAL PROVISIONS***Article 1***Decisions relating to participation**

1. Following the decision of the European Union to invite Canada to participate in an EU crisis management operation, and once Canada has decided in principle to participate, Canada shall provide information on its proposed contribution to the European Union.

2. Where the European Union has decided to undertake a military crisis management operation with recourse to NATO assets and capabilities, Canada shall inform the European Union of any intention to participate in the operation, and subsequently provide information on its intended contribution.

3. The assessment by the European Union of Canada's contribution shall be conducted in consultation with Canada.

4. The European Union shall communicate in a timely fashion the outcome of the assessment to Canada by letter with a view to securing the participation of Canada in accordance with the provisions of this Agreement.

*Article 2***Framework**

1. Canada shall associate itself with the Joint Action by which the Council of the European Union decides that the EU will conduct the crisis management operation, and with any Joint Action or Decision by which the Council of the European Union decides to amend or extend the mandate of the EU crisis management operation, in accordance with the provisions of this Agreement and any required implementing arrangements.

2. The participation of Canada in an EU crisis management operation is without prejudice to the decision-making autonomy of the European Union.

Article 3

Status of personnel and forces

1. The status of personnel seconded to an EU civilian crisis management operation and/or of the forces contributed to an EU military crisis management operation by Canada shall be governed by the agreement on the status of mission/forces, if available, concluded between the European Union and the State(s) in which the operation is conducted.

2. The status of personnel contributed to headquarters or command elements located outside the State(s) in which the EU crisis management operation takes place, shall be governed by arrangements between the competent authorities regarding the headquarters and command elements concerned and the competent authorities of Canada.

3. Without prejudice to the agreement on the status of mission/forces referred to in paragraph 1 of this Article, Canada shall exercise jurisdiction over its personnel participating in the EU crisis management operation.

4. Without prejudice to the agreement on the status of mission/forces referred to in paragraph 1 of this Article, Canada shall be responsible for answering any claims linked to its participation in an EU crisis management operation, from or concerning any of its personnel.

5. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, Canada shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on status of mission/forces, if available, as referred to in paragraph 1 of this Article.

6. Canada undertakes to make a declaration as regards the waiver of claims against any State participating in an EU crisis management operation in which Canada participates, and to do so when signing this Agreement. A model for such a declaration is set out in the Annex to this Agreement.

7. The European Union undertakes to ensure that Member States make a declaration as regards the waiver of claims against Canada, when it is participating in an EU crisis management operation, and to do so when signing this Agreement. A model for such a declaration is set out in the Annex to this Agreement.

Article 4

Classified information

1. Canada shall ensure that, when EU classified information is handled by Canadian personnel in the context of an EU-led crisis management operation, Canadian personnel respect the basic principles and minimum standards of the Council of the European Union's security regulations, contained in Council Decision 2001/264/EC⁽¹⁾. Canada shall also ensure that Canadian personnel respect further guidance concerning EU classified information issued to them by competent authorities, including by the EU Operation Commander in the context of an EU military crisis management operation or by the EU Head of Mission in the context of an EU civilian crisis management operation, without prejudice to Articles 6(2) and 10(2).

2. If the EU receives classified information from Canada, that information shall be given protection appropriate to its classification and equivalent to the standards established in the regulations for EU classified information.

3. Where the EU and Canada have concluded an Agreement on security procedures for the exchange of classified information, the provisions of that Agreement shall apply in the context of an EU crisis management operation.

SECTION II

PROVISIONS ON PARTICIPATION IN CIVILIAN CRISIS MANAGEMENT OPERATIONS

Article 5

Personnel seconded to an EU civilian crisis management operation

1. Canada shall ensure that its personnel seconded to the EU civilian crisis management operation undertake their mission in conformity with:

- (a) the Joint Action and subsequent amendments as referred to in Article 2(1) of this Agreement;
- (b) the operation plan;
- (c) implementing measures.

2. Canada shall inform in due time the EU civilian crisis management operation Head of Mission and the General Secretariat of the Council of the European Union of any change to its contribution to the EU civilian crisis management operation.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as amended by Decision 2004/194/EC (OJ L 63, 28.2.2004, p. 48).

3. Personnel seconded to the EU civilian crisis management operation shall undergo a medical examination, vaccination as may be deemed necessary by the competent Canadian authority, and be certified medically fit for duty by a competent authority from Canada. Personnel seconded to the EU civilian crisis management operation shall produce a copy of this certification.

Article 6

Chain of command

1. Personnel seconded by Canada shall carry out their duties and conduct themselves solely with the interests of the EU civilian crisis management operation in mind, without prejudice to paragraph 2.

2. All personnel shall remain under the full command of their national authorities.

3. National authorities shall transfer operational control to the EU civilian crisis management operation Head of Mission, who shall exercise that authority through a hierarchical structure of command and control.

4. The Head of Mission shall lead the EU civilian crisis management operation and assume its day-to-day management.

5. Canada shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member States taking part in the operation, in accordance with the legal instruments referred to in Article 2(1) of this Agreement.

6. The EU civilian crisis management operation Head of Mission shall be responsible for disciplinary control over EU civilian crisis management operation personnel. Where required, disciplinary action shall be taken by the national authority concerned.

7. A National Contingent Point of Contact (NPC) shall be appointed by Canada to represent its national contingent in the operation. The NPC shall report to the EU civilian crisis management operation Head of Mission on national matters affecting the operation and shall be responsible for day-to-day contingent discipline.

8. The decision to end the operation shall be taken by the European Union, following consultation with Canada, provided

that Canada is still participating in the EU civilian crisis management operation at the date of the adoption of the decision on termination of the operation.

Article 7

Financial aspects

Canada shall assume all the costs associated with its participation in the operation apart from the costs, which are subject to common funding, as set out in the operational budget of the operation. This shall be without prejudice to Article 8.

Article 8

Contribution to operational budget

1. Canada shall contribute to the financing of the operational budget of the EU civilian crisis management operation, subject to paragraph 3.

2. Any financial contribution of Canada to the operational budget shall be the lower amount of the following two alternatives:

- (a) that share of the reference amount which is in proportion to the ratio of its GNI to the total of the GNIs of all States contributing to the operational budget of the operation; or
- (b) that share of the reference amount for the operational budget which is in proportion to the ratio of the number of its personnel participating in the operation to the total number of personnel of all States participating in the operation.

3. The European Union shall, in principle, exempt Canada from financial contributions to a particular EU civilian crisis management operation when the European Union decides that Canada's participation in the operation provides a significant contribution which is essential for this operation.

4. Where appropriate, an arrangement on the practical modalities of the payment shall be concluded between the EU civilian crisis management operation Head of Mission and the relevant administrative services of Canada on the contributions of Canada to the operational budget of the EU civilian crisis management operation. This arrangement shall, *inter alia*, include the following provisions:

- (a) the amount concerned;
- (b) the arrangements for payment of the financial contribution;
- (c) the auditing procedure.

5. Notwithstanding paragraphs 1 and 2, Canada shall not make any contribution towards the financing of per diem allowances paid to personnel of the European Union Member States.

SECTION III

PROVISIONS ON PARTICIPATION IN MILITARY CRISIS MANAGEMENT OPERATIONS

Article 9

Participation in the EU military crisis management operation

1. Canada shall ensure that its forces and personnel participating in the EU military crisis management operation undertake their mission in conformity with:

- (a) the Joint Action and subsequent amendments as referred to in Article 2(1) of this Agreement;
- (b) the operation plan;
- (c) implementing measures.

2. Canada shall inform the EU Operation Commander in due time of any change to its participation in the operation.

Article 10

Chain of command

1. Personnel seconded by Canada shall carry out their duties and conduct themselves solely with the interest of the EU military crisis management operation in mind, without prejudice to paragraph 2.

2. All forces and personnel participating in the EU military crisis management operation shall remain under the full command of their national authorities.

3. National authorities shall transfer the Operational and Tactical command and/or control of their forces and personnel to the EU Operation Commander. The EU Operation Commander is entitled to delegate his/her authority.

4. Canada shall have the same rights and obligations in terms of the day-to-day management, of the operation as participating European Union Member States, in accordance with the legal instruments referred to in Article 2(1) of this Agreement.

5. The EU Operation Commander may, following consultations with Canada, at any time request the withdrawal of Canada's contribution.

6. A Senior Military Representative (SMR) shall be appointed by Canada to represent its national contingent in the EU military crisis management operation. The SMR shall consult with the EU Force Commander on all matters affecting the operation and shall be responsible for day-to-day contingent discipline.

Article 11

Financial aspects

Without prejudice to Article 12, Canada shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 2(1) of this Agreement, as well as in Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications ⁽¹⁾.

Article 12

Contribution to the common costs

1. Canada shall contribute to the financing of the common costs of the EU military crisis management operation, subject to paragraph 3.

2. Any financial contribution of Canada to the common costs shall be the lower amount of the following two alternatives:

- (a) that share of the reference amount for the common costs which is in proportion to the ratio of its GNI to the total of the GNIs of all States contributing to the common costs of the operation; or
- (b) that share of the reference amount for the common costs which is in proportion to the ratio of the number of its personnel participating in the operation to the total number of personnel of all States participating in the operation.

In calculating 2(b), where Canada contributes personnel only to the Operation or Force Headquarters, the ratio used shall be that of its personnel to that of the total number of the respective headquarters personnel. Otherwise, the ratio shall be that of all personnel contributed by Canada to that of the total personnel of the operation.

3. The European Union shall, in principle, exempt Canada from financial contributions to the common costs of a particular EU military crisis management operation when the European Union decides that Canada's participation in the operation provides a significant contribution to assets and/or capabilities which are essential for this operation.

⁽¹⁾ OJ L 63, 28.2.2004, p. 68. Decision as last amended by Decision 2005/68/CFSP (OJ L 27, 29.1.2005, p. 59).

4. Where appropriate, an arrangement shall be concluded between the Administrator provided for in Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications, and the competent administrative authorities of Canada. This arrangement shall include, *inter alia*, provisions on:

- (a) the amount concerned;
- (b) the arrangements for payment of the financial contribution;
- (c) the auditing procedure.

SECTION IV

FINAL PROVISIONS

Article 13

Arrangements to implement this Agreement

Without prejudice to the provisions of Articles 8(4) and 12(4), any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the Secretary General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, and the appropriate authorities of Canada.

Article 14

Non compliance

Should one of the Parties fail to comply with its obligations laid down in this Agreement, the other Party shall have the right to terminate this Agreement by serving a notice of one month.

Article 15

Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 16

Entry into force

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.
2. This Agreement shall be subject to review not later than 1 June 2008, and subsequently at least every three years.
3. This Agreement may be amended on the basis of mutual written agreement between the Parties.
4. This Agreement may be denounced by one Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party.

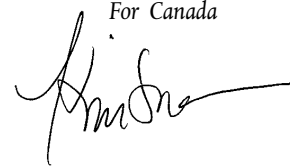
IN WITNESS WHEREOF, the undersigned, duly authorised to that effect, have signed this Agreement.

Done in duplicate at Brussels, on the twenty-fourth day of November in the year two thousand and five, in the English and French languages, each version being equally authentic.

For the European Union



For Canada



ANNEX

TEXT OF DECLARATIONS**Declaration by the EU Member States**

The EU Member States applying an EU Joint Action on an EU crisis management operation in which Canada participates will endeavour, insofar as their internal legal systems so permit, to waive on a reciprocal basis, as far as possible, claims against Canada for injury, death of their personnel, or damage to, or loss of, any assets owned by themselves and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel from Canada in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
- arose from the use of any assets owned by Canada, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel from Canada using those assets.

Declaration by Canada

Canada associating itself with an EU Joint Action on an EU crisis management operation will endeavour, insofar as its internal legal system so permits, to waive on a reciprocal basis, as far as possible, claims against any other State participating in the EU crisis management operation for injury, death of its personnel, or damage to, or loss of, any assets owned by itself and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
 - arose from the use of any assets owned by States participating in the EU crisis management operation, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel using those assets.
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COUNCIL DECISION 2005/852/CFSP**of 29 November 2005****for the destruction of small arms and light weapons (SALW) and their ammunition in Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Joint Action 2002/589/CFSP of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons⁽¹⁾, and in particular Article 4 thereof, in conjunction with Article 23(2) of the Treaty on European Union,

Whereas:

- (1) In the past Ukraine had a large military industrial complex, held in the third largest nuclear weapons arsenal in the world, and served as a base for the USSR's strategic reserves of arms and ammunition.
- (2) Some estimates suggest that Ukraine holds as much as 7 million Small Arms and Light Weapons (SALW) and 2 million tonnes of ammunition, much of which dates from the previous world wars. These large quantities of SALW and ammunition not only represent a huge surplus in terms of Ukraine's current armed forces levels but also include large numbers of unserviceable and hazardous items of ammunition.
- (3) The EU-Ukraine Action Plan was adopted by the EU-Ukraine Cooperation Council on 21 February 2005 and calls upon both parties to jointly address threats for security, public health and environment, posed by Ukrainian stockpiles of old ammunition, *inter alia*, anti-personnel land mines.
- (4) The NATO Maintenance and Supply Agency (NAMSA), under the terms of the Partnership for Peace (PfP) Trust Fund, is managing a twelve year project aimed at the destruction of 1,5 million surplus SALW and 133 000 tonnes of conventional ammunition to be executed in four phases.
- (5) The European Union considers that a financial contribution to the first phase of this project would help Ukraine to reduce the risks related to the accumulation of large quantities of SALW and ammunition and accommodate the level of SALW and ammunition to its current armed forces levels.
- (6) On 18 May 2005 the Parliament of Ukraine ratified the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction, (Ottawa Convention).
- (7) The European Union therefore intends to offer financial support to Ukraine in accordance with Title II of Joint Action 2002/589/CFSP. Adequate visibility of this financial support, including by appropriate measures taken by NAMSA will be assured,

HAS DECIDED AS FOLLOWS:

Article 1

1. The European Union shall support the destruction of small arms and light weapons (SALW) and their ammunition in Ukraine.
2. To this end, the European Union shall provide financial support to the NATO Maintenance and Supply Agency (NAMSA) during the first phase of its twelve year project aiming at the demilitarisation of 400 000 SALW, 15 000 tonnes of conventional munitions and 1 000 MANPADs.
3. The European Union contribution shall finance:
 - purchase and installation of the pollution abatement system for the explosive waste incinerator,
 - demilitarisation of weapons,
 - purchase of two furnaces for melting weapons,
 - purchase and installation of remotely controlled band saws for cutting explosive ordnance,
 - purchase of a hydraulic press,
 - up to 7 % of the direct costs of the project.
4. NAMSA shall procure the supply, installation and commissioning of the necessary demilitarisation and other equipment from commercial or government entities based in NATO countries or from those that qualify under the Partnership for Peace (PfP) Trust Fund policy, in addition to similar entities from EU Member States and Ukraine. Where appropriate, equipment supply contracts shall include provision for training to be given to the Ukrainian operators of the equipment, either in Ukraine or in the country from which the equipment is procured.

⁽¹⁾ OJ L 191, 19.7.2002, p. 1.

Article 2

1. The financial reference amount for the implementation of the actions referred to in Article 1(3) shall be EUR 1 000 000, to be funded from the 2006 general budget of the European Union.
2. For the purpose of implementing the actions referred to in Article 1(3), the Commission shall conclude a financing agreement with NAMSA on the conditions for use of the European Union contribution, which shall take the form of a grant. The specific financing agreement to be concluded shall stipulate that NAMSA shall ensure visibility of the European Union contribution, appropriate to its size.
3. The Commission shall supervise the proper implementation of the EU financial contribution referred to in this Article. To this end the Commission shall be entrusted with the task of controlling and evaluating the financial aspects of the implementation of this Decision as referred to in this Article.
4. The management of the expenditure financed by the general budget of the European Union specified in paragraph 1 shall be subject to the procedures and rules of the Community applying to budget matters, with the exception that any pre-financing shall not remain the property of the Community.

Article 3

The Presidency, assisted by the Secretary-General of the Council/High Representative for the CFSP, shall be responsible for the implementation of this Decision and shall report to the Council on its implementation. The Commission shall be fully associated in these tasks and in particular it will provide information on the implementation of the financial aspects. This will be based on regular reports to be provided by NAMSA under its contractual relationship with the Commission, as stipulated in Article 2(2).

Article 4

This Decision shall take effect on the day of its adoption. It shall expire twelve months after the financing agreement between the Commission and NAMSA has been concluded.

Article 5

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

Done at Brussels, 29 November 2005.

For the Council
The President
A. JOHNSON
