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

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2001/2005**  
**of 8 December 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 9 December 2005.

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

Done at Brussels, 8 December 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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<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 8 December 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	58,7
	204	47,4
	212	90,9
	999	65,7
0707 00 05	052	114,6
	204	44,7
	220	147,3
	999	102,2
0709 90 70	052	136,3
	204	102,4
	999	119,4
0805 10 20	052	72,7
	204	65,0
	382	31,4
	388	22,0
	508	13,2
	524	38,5
	999	40,5
0805 20 10	052	73,9
	204	69,7
	999	71,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	71,2
	400	81,1
	624	100,9
	999	84,4
0805 50 10	052	55,8
	999	55,8
0808 10 80	400	105,2
	404	96,0
	720	81,7
	999	94,3
0808 20 50	052	104,1
	400	86,0
	404	53,2
	720	63,1
	999	76,6

<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 2002/2005****of 8 December 2005****correcting Regulations (EC) No 1735/2005, (EC) No 1740/2005 and (EC) No 1750/2005 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) Regulations (EC) No 1735/2005 <sup>(2)</sup>, (EC) No 1740/2005 <sup>(3)</sup> and (EC) No 1750/2005 <sup>(4)</sup> establish the standard import values for determining the entry price of certain fruit and vegetables.
- (2) A check has revealed an error in the Annex to those Regulations. They should therefore be corrected.
- (3) Article 4(3) of Regulation (EC) No 3223/94 specifies that, where no standard import value is in force for a product for a given origin, the average of standard import values in force for that product shall apply. That average should therefore be recalculated if one of its component standard import values is corrected.

- (4) Application of the corrected standard import value must be requested by the party concerned so that they are not placed retroactively at a disadvantage,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values applicable to certain products listed in the Annex to Regulations (EC) No 1735/2005, (EC) No 1740/2005 and 1750/2005 are hereby replaced by the standard import values listed in the table in the Annex hereto.

*Article 2*

At the request of the party concerned, the customs office where the import was recorded shall refund part of the customs duties for the products originating in the third countries concerned and released for free circulation during the period of application of the corrected Regulations. Refund applications must be lodged no later than the last day of the third month following that in which this Regulation enters into force and must be accompanied by the declaration of release for free circulation for the import concerned.

*Article 3*

This Regulation shall enter into force on 9 December 2005.

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

Done at Brussels, 8 December 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 Commission Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3.)

<sup>(2)</sup> OJ L 279, 22.10.2005, p. 3.

<sup>(3)</sup> OJ L 280, 25.10.2005, p. 1.

<sup>(4)</sup> OJ L 282, 26.10.2005, p. 1.

## ANNEX

*(EUR/100 kg)*

Regulation	CN Code	Third country code	Standard import value
(EC) No 1735/2005	0702 00 00	052	49,2
		096	30,0
		204	43,1
		999	40,8
(EC) No 1740/2005	0702 00 00	052	48,8
		096	21,8
		204	41,0
		999	37,2
(EC) No 1750/2005	0702 00 00	052	46,7
		096	24,7
		204	39,7
		999	37,0

## COMMISSION REGULATION (EC) No 2003/2005

of 8 December 2005

amending Regulation (EC) No 447/2004 as regards *ex-post* evaluation of the Sapard programme

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 Articles 32(5) and 33(5) thereof,

Whereas:

(1) In accordance with the provisions of Article 12 of Commission Regulation (EC) No 2759/1999 of 22 December 1999 laying down rules for the application of Council Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period <sup>(1)</sup>, *ex-post* evaluation of the Sapard programme must be carried out not later than three years after the end of the programming period.

(2) It has to be ensured that these evaluations may still be carried out and financed after 2006, beyond the period of eligibility under Sapard in accordance with Council Regulation (EC) No 1268/1999 <sup>(2)</sup>.

(3) Article 3 of Commission Regulation (EC) No 447/2004 of 10 March 2004 laying down rules to facilitate the

transition from support under Regulation (EC) No 1268/1999 to that provided for by Regulation (EC) Nos 1257/1999 and 1260/1999 for the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia <sup>(3)</sup> should, therefore, be amended to cover *ex-post* evaluations of the Sapard programme.

(4) Regulation (EC) No 447/2004 should be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 3(2) of Regulation (EC) No 447/2004 is hereby replaced by the following:

'2. The *ex-post* evaluations of the relevant Sapard programmes provided for in Article 12 of Commission Regulation (EC) No 2759/1999 <sup>(\*)</sup>, as well as payments for projects for which appropriations under Regulation (EC) No 1268/1999 are exhausted or insufficient, may be included in rural development programming for the period 2004 to 2006 under Regulation (EC) No 1257/1999 and financed by the EAGGF Guarantee Section.

<sup>(\*)</sup> OJ L 331, 23.12.1999, p. 51.'

*Article 2*

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

<sup>(3)</sup> OJ L 72, 11.3.2004, p. 64.

<sup>(1)</sup> OJ L 331, 23.12.1999, p. 51. Regulation last amended by Regulation (EC) No 2278/2004 (OJ L 396, 31.12.2004, p. 36).

<sup>(2)</sup> OJ L 161, 26.6.1999, p. 87. Regulation last amended by Regulation (EC) No 2257/2004 (OJ L 389, 30.12.2004, p. 1).

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

Done at Brussels, 8 December 2005.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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## COMMISSION REGULATION (EC) No 2004/2005

of 8 December 2005

fixing the representative prices and the additional import duties for molasses in the sugar sector  
applicable from 9 December 2005

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar <sup>(1)</sup>, and in particular Article 24(4) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 9 December 2005.

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

Done at Brussels, 8 December 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. 12. Regulation as amended by Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

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

## ANNEX

**Representative prices and additional duties for imports of molasses in the sugar sector applicable from 9 December 2005**

(EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 <sup>(1)</sup>
1703 10 00 <sup>(2)</sup>	11,30	—	0
1703 90 00 <sup>(2)</sup>	11,90	—	0

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

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

**COMMISSION REGULATION (EC) No 2005/2005****of 8 December 2005****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 9 December 2005.

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

Done at Brussels, 8 December 2005.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

<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 214, 8.9.1995, p. 16.

## ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING  
APPLICABLE FROM 9 DECEMBER 2005 <sup>(e)</sup>**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	31,39 <sup>(f)</sup>
1701 11 90 9910	S00	EUR/100 kg	30,99 <sup>(f)</sup>
1701 12 90 9100	S00	EUR/100 kg	31,39 <sup>(f)</sup>
1701 12 90 9910	S00	EUR/100 kg	30,99 <sup>(f)</sup>
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3412
1701 99 10 9100	S00	EUR/100 kg	34,12
1701 99 10 9910	S00	EUR/100 kg	33,69
1701 99 10 9950	S00	EUR/100 kg	33,69
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3412

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

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

The other destinations are:

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

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

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

**COMMISSION REGULATION (EC) No 2006/2005****of 8 December 2005****fixing the maximum export refund for white sugar to certain third countries for the 14th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1138/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup> and in particular the second indent of Article 27(5) thereof,

Whereas:

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 14th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1138/2005 the maximum amount of the export refund shall be 37,360 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 9 December 2005.

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

Done at Brussels, 8 December 2005.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

<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 185, 16.7.2005, p. 3.

**COMMISSION REGULATION (EC) No 2007/2005****of 8 December 2005****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat <sup>(2)</sup>,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal meeting the definition laid down therein which may

be imported on special terms for the period 1 July 2005 to 30 June 2006 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. All applications for import licences from 1 to 5 December 2005 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of January 2006 for 5 902,013 t.

*Article 2*

This Regulation shall enter into force on 11 December 2005.

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

Done at Brussels, 8 December 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 137, 28.5.1997, p. 10. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

**COMMISSION REGULATION (EC) No 2008/2005****of 8 December 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 1809/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 2 to 8 December 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1809/2005, the maximum reduction in the duty on maize imported shall be 21,56 EUR/t and be valid for a total maximum quantity of 1 000 t.

*Article 2*

This Regulation shall enter into force on 9 December 2005.

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

Done at Brussels, 8 December 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 291, 5.11.2005, p. 4.

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

**COMMISSION REGULATION (EC) No 2009/2005****of 8 December 2005****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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<sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(2)</sup>.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 9 December 2005.

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

Done at Brussels, 8 December 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).



## ANNEX

**to the Commission Regulation of 8 December 2005 fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	8,96
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	8,26
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	7,63
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	C01	EUR/t	7,14
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	9,59				

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

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

**COMMISSION REGULATION (EC) No 2010/2005  
of 8 December 2005**

**fixing the maximum export refund on barley in connection with the invitation to tender issued in  
Regulation (EC) No 1058/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1058/2005 <sup>(2)</sup>.
- (2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

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

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified on 2 to 8 December 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1058/2005, the maximum refund on exportation of barley shall be 2,97 EUR/t.

*Article 2*

This Regulation shall enter into force on 9 December 2005.

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

Done at Brussels, 8 December 2005.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 174, 7.7.2005, p. 12.

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

**COMMISSION REGULATION (EC) No 2011/2005****of 8 December 2005****concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1438/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(2)</sup>, and in particular Article 7 thereof,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 2 to 8 December 2005 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1438/2005.

*Article 2*

This Regulation shall enter into force on 9 December 2005.

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

Done at Brussels, 8 December 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

<sup>(3)</sup> OJ L 228, 3.9.2005, p. 5.

**COMMISSION REGULATION (EC) No 2012/2005  
of 8 December 2005**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 2 to 8 December 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1059/2005, the maximum refund on exportation of common wheat shall be 7,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 9 December 2005.

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

Done at Brussels, 8 December 2005.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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

<sup>(2)</sup> OJ L 174, 7.7.2005, p. 15.

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

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 21 November 2005

**authorising the Czech Republic to use certain approximate estimates for the calculation of the VAT own resources base***(notified under document number C(2005) 4421)***(Only the Czech text is authentic)***(2005/872/EC, Euratom)*

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 Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax <sup>(1)</sup>, and in particular Article 13 thereof,

Whereas:

- (1) Pursuant to Article 28(3) of sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment <sup>(2)</sup>, hereinafter called 'the sixth Directive', the Member States may continue to exempt or tax certain transactions; these transactions must be taken into account for the determination of the VAT resources base.
- (2) For the application of the provisions in Article 28(3) of the sixth Directive, title 5, paragraph 1 of Annex V (Taxation) to the Act of Accession of the Czech

Republic to the European Communities <sup>(3)</sup> authorises the Czech Republic to exempt certain transactions listed in Annex F to the sixth Directive.

- (3) The Czech Republic is unable to make a precise calculation of the VAT own resources base for transactions listed in Annex F, point 17, to the sixth Directive; such calculation is likely to involve an unjustified administrative burden in relation to the effect of these transactions on the Czech Republic's total VAT resources base; the Czech Republic is able to make a calculation using approximate estimates for this category of transaction listed in Annex F to the sixth Directive; the Czech Republic should therefore be authorised to calculate the VAT base using approximate estimates in accordance with the second indent of Article 6(3) of Regulation (EEC, Euratom) No 1553/89.
- (4) The Advisory Committee on Own Resources has approved the report recording the opinions of its members on this Decision,

HAS ADOPTED THIS DECISION:

*Article 1*

For the purpose of calculating the VAT own resources base from 1 May 2004, the Czech Republic is authorised to use approximate estimates in respect of the following category of transactions referred to in Annex F to the sixth Directive:

1. Passenger transport (Annex F, point 17).

<sup>(1)</sup> OJ L 155, 7.6.1989, p. 9. Regulation as amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).<sup>(2)</sup> OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).<sup>(3)</sup> OJ L 236, 23.9.2003, p. 803.

*Article 2*

This Decision is addressed to the Czech Republic.

Done at Brussels, 21 November 2005.

*For the Commission*  
Dalia GRYBAUSKAITĖ  
*Member of the Commission*

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## COMMISSION DECISION

of 30 November 2005

## approving programmes for the eradication and monitoring of animal diseases, of certain TSEs, and for the prevention of zoonoses presented by the Member States for the year 2006

(notified under document number C(2005) 4621)

(Text with EEA relevance)

(2005/873/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>(1)</sup>, and in particular Article 24(6) and Articles 29 and 32 thereof,

Whereas:

- (1) Decision 90/424/EEC provides for the possibility of a financial contribution by the Community in the eradication and monitoring of animal diseases and for checks aimed at the prevention of zoonoses.
- (2) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(2)</sup>, provides for annual programmes for the eradication and monitoring of transmissible spongiform encephalopathies (TSEs) in bovine, ovine and caprine animals.
- (3) The Member States have submitted programmes for the eradication and monitoring of certain animal diseases, for the prevention of zoonoses and for the eradication and monitoring of TSEs in their territories.
- (4) After examination of those programmes they were found to comply with relevant Community veterinary legislation and in particular with the Community criteria relating to the eradication of those diseases, in accordance with Council Decision 90/638/EEC of 27 November 1990 laying down Community criteria for the eradication and monitoring of certain animal diseases <sup>(3)</sup>.
- (5) Those programmes appear on the list of programmes established by Commission Decision 2005/723/EC of 14 October 2005 on programmes for the eradication and monitoring of animal diseases, of certain TSEs, and

for the prevention of zoonoses, which qualify for a Community financial contribution in 2006 <sup>(4)</sup>.

- (6) In the light of the importance of those programmes for the achievement of Community objectives in the field of animal and public health, as well as the obligatory application in all Member States in the case of the TSE programmes, it is appropriate to fix the appropriate rate of financial contribution of the Community to reimburse the costs to be incurred by the Member States concerned for the measures referred to in this Decision up to a maximum amount for each programme. For the sake of better management, more efficient use of Community funds and improved transparency it is necessary to fix also maximum amounts to be reimbursed to the Member States for the different tests, vaccines and compensation to owners for their losses due to the slaughter or culling of animals for each programme, where appropriate.
- (7) Pursuant to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy <sup>(5)</sup>, programmes for the monitoring and eradication of animal diseases are to be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund; for financial control purposes, Articles 8 and 9 of Regulation (EC) No 1258/1999 apply.
- (8) The financial contribution from the Community should be granted subject to the condition that the actions planned are efficiently carried out and that the competent authorities supply all the necessary information within the time limits laid down in this Decision.
- (9) There is a need to clarify the rate to be used for the conversion of the payment applications submitted in national currency as defined in Article 1(d) of Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(6)</sup>.
- (10) The approval of some of the programmes should not prejudice a decision of the Commission on rules for eradication of those diseases based on scientific advice.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1292/2005 (OJ L 205, 6.8.2005, p. 3).

<sup>(3)</sup> OJ L 347, 12.12.1990, p. 27. Decision as amended by Directive 92/65/EEC (OJ L 268, 14.9.1992, p. 54).

<sup>(4)</sup> OJ L 272, 18.10.2005, p. 18.

<sup>(5)</sup> OJ L 160, 26.6.1999, p. 103.

<sup>(6)</sup> OJ L 349, 24.12.1998, p. 1.

(11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

#### CHAPTER I

##### **RABIES**

###### *Article 1*

1. The programmes for the eradication of rabies presented by the Czech Republic, Germany, Estonia, France, Latvia, Lithuania, Austria, Poland, Slovenia, Slovakia and Finland are hereby approved for the period from 1 January 2006 to 31 December 2006.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the purchase and distribution of vaccine plus baits for the programmes and shall not exceed:

- (a) EUR 390 000 for the Czech Republic;
- (b) EUR 750 000 for Germany;
- (c) EUR 990 000 for Estonia;
- (d) EUR 105 000 for France;
- (e) EUR 650 000 for Latvia;
- (f) EUR 600 000 for Lithuania;
- (g) EUR 180 000 for Austria;
- (h) EUR 3 750 000 for Poland;
- (i) EUR 300 000 for Slovenia;
- (j) EUR 400 000 for Slovakia;
- (k) EUR 100 000 for Finland.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for the purchase of one vaccine dose EUR 0,5 per dose for the programmes referred to in paragraph 2(c) and (d); and
- (b) for the purchase of one vaccine dose EUR 0,3 per dose for the other programmes referred to in paragraph 2.

#### CHAPTER II

##### **BOVINE BRUCELLOSIS**

###### *Article 2*

1. The programmes for the eradication of bovine brucellosis presented by Greece, Spain, Ireland, Italy, Cyprus, Poland,

Portugal and the United Kingdom are hereby approved for the period from 1 January 2006 to 31 December 2006.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of laboratory tests, the compensation to owners for their losses due to the slaughter of animals subject to those programmes and the purchase of vaccine doses and shall not exceed:

- (a) EUR 300 000 for Greece;
- (b) EUR 6 000 000 for Spain;
- (c) EUR 1 750 000 for Ireland;
- (d) EUR 2 600 000 for Italy;
- (e) EUR 300 000 for Cyprus;
- (f) EUR 260 000 for Poland;
- (g) EUR 1 800 000 for Portugal;
- (h) EUR 1 900 000 for the United Kingdom.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for a rose bengal test EUR 0,2 per test;
- (b) for a complement fixation test EUR 0,4 per test;
- (c) for an ELISA test EUR 1 per test;
- (d) for the purchase of one vaccine dose EUR 0,5 per dose.

#### CHAPTER III

##### **BOVINE TUBERCULOSIS**

###### *Article 3*

1. The programmes for the eradication of bovine tuberculosis presented by Estonia, Spain, Italy, Poland and Portugal are hereby approved for the period from 1 January 2006 to 31 December 2006.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the costs of tuberculin testing, the cost of laboratory tests and the compensation to owners for their losses due to the slaughter of animals subject to those programmes and shall not exceed:

- (a) EUR 65 000 for Estonia;
- (b) EUR 5 000 000 for Spain;



- (c) EUR 1 800 000 for Italy;
- (d) EUR 800 000 for Poland;
- (e) EUR 240 000 for Portugal.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for a tuberculin test EUR 0,8 per test;
- (b) for a gamma-interferon test EUR 5 per test.

#### CHAPTER IV

##### ENZOOTIC BOVINE LEUCOSIS

###### Article 4

1. The programmes for the eradication of enzootic bovine leucosis presented by Estonia, Italy, Latvia, Lithuania and Portugal are hereby approved for the period from 1 January 2006 to 31 December 2006.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of laboratory tests and compensation to owners for their losses due to the slaughter of animals subject to those programmes and shall not exceed:

- (a) EUR 5 000 for Estonia;
- (b) EUR 200 000 for Italy;
- (c) EUR 50 000 for Latvia;
- (d) EUR 10 000 for Lithuania;
- (e) EUR 100 000 for Portugal.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for an ELISA test EUR 0,5 per test;
- (b) for an agar gel immune diffusion test EUR 0,5 per test.

#### CHAPTER V

##### OVINE AND CAPRINE BRUCELLOSIS

###### Article 5

1. The programmes for the eradication of ovine and caprine brucellosis presented by Greece, Spain, France, Italy, Cyprus and Portugal are hereby approved for the period from 1 January 2006 to 31 December 2006.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member

State referred to in paragraph 1 for the purchase of vaccines, the cost of laboratory tests, the compensation to owners for their losses due to the slaughter of animals subject to those programmes and as regards the programme presented by Greece also the salaries of contractual veterinarians specially recruited for that programme and shall not exceed:

- (a) EUR 600 000 for Greece;
- (b) EUR 6 500 000 for Spain;
- (c) EUR 150 000 for France;
- (d) EUR 3 200 000 for Italy;
- (e) EUR 310 000 for Cyprus;
- (f) EUR 1 000 000 for Portugal.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for a rose bengal test EUR 0,2 per test;
- (b) for a complement fixation test EUR 0,4 per test;
- (c) for the purchase of one vaccine dose EUR 0,1 per dose.

#### CHAPTER VI

##### BLUETONGUE

###### Article 6

1. The programmes for the eradication and monitoring of bluetongue presented by Spain, France, Italy and Portugal are hereby approved for the period from 1 January 2006 to 31 December 2006.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of the laboratory tests for virological, serological and entomological surveillance, the purchase of traps and vaccines and shall not exceed:

- (a) EUR 2 200 000 for Spain;
- (b) EUR 150 000 for France;
- (c) EUR 1 000 000 for Italy;
- (d) EUR 1 250 000 for Portugal.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for an ELISA test EUR 2,5 per test;
- (b) for the purchase of one vaccine dose EUR 0,5 per dose.

## CHAPTER VII

**CERTAIN ZONOTIC SALMONELLA IN BREEDING POULTRY***Article 7*

1. The programmes for the control of salmonella in breeding poultry presented by Belgium, Denmark, Germany, France, Ireland, Italy, Cyprus, Latvia, the Netherlands, Austria, Portugal and Slovakia are hereby approved for the period from 1 January 2006 to 31 December 2006. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the implementation of those programmes and shall not exceed:

- (a) EUR 650 000 for Belgium;
- (b) EUR 155 000 for Denmark;
- (c) EUR 900 000 for Germany;
- (d) EUR 315 000 for France;
- (e) EUR 75 000 for Ireland;
- (f) EUR 675 000 for Italy;
- (g) EUR 69 000 for Cyprus;
- (h) EUR 73 000 for Latvia;
- (i) EUR 759 000 for the Netherlands;
- (j) EUR 72 000 for Austria;
- (k) EUR 488 000 for Portugal;
- (l) EUR 232 000 for Slovakia.

2. The financial contribution by the Community of the programmes referred to in paragraph 1 shall be for:

- (a) either the destruction of breeding poultry or the difference between the estimated value of breeding poultry and the income from the sale of the heat-treated meat obtained from such poultry;
- (b) the destruction of incubated hatching eggs;
- (c) either the destruction of non-incubated hatching eggs or the difference between the estimated value of non-incubated hatching eggs and the income from the sale of the heat-treated egg products obtained from such eggs;
- (d) the purchase of vaccines in so far as they do not interfere with the implementation of the programme;
- (e) the costs of bacteriological tests performed in the framework of official sampling as laid down in Annex III,

section I to Council Directive 92/117/EEC <sup>(1)</sup>, up to a maximum amount of EUR 5 per test to be reimbursed to the Member State.

## CHAPTER VIII

**CLASSICAL SWINE FEVER AND AFRICAN SWINE FEVER***Article 8*

1. The programmes for the control and monitoring of:

- (a) classical swine fever presented by the Czech Republic, Germany, France, Luxembourg, Slovenia and Slovakia are hereby approved for the period from 1 January 2006 to 31 December 2006;
- (b) classical swine fever and African swine fever presented by Italy (Sardinia) are hereby approved for the period from 1 January 2006 to 31 December 2006.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of virological and serological tests of domestic pigs and wild boar and for the programmes of Germany, France and Slovakia also for the purchase and distribution of vaccines plus baits and shall not exceed:

- (a) EUR 35 000 for the Czech Republic;
- (b) EUR 600 000 for Germany;
- (c) EUR 400 000 for France;
- (d) EUR 50 000 for Italy;
- (e) EUR 15 000 for Luxembourg;
- (f) EUR 25 000 for Slovenia;
- (g) EUR 400 000 for Slovakia.

3. The maximum amounts of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed:

- (a) for an ELISA test EUR 2,5 per test;
- (b) for the purchase of one vaccine dose EUR 0,5 per dose.

## CHAPTER IX

**AUJESZKY'S DISEASE***Article 9*

1. The programmes for the eradication of Aujeszky's disease presented by Belgium and Spain are hereby approved for the period from 1 January 2006 to 31 December 2006.

<sup>(1)</sup> OJ L 62, 15.3.1993, p. 38.

2. The financial contribution by the Community shall be at the rate of 50 % of the cost of laboratory tests and shall not exceed:

(a) EUR 160 000 for Belgium;

(b) EUR 100 000 for Spain.

3. The maximum amount of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall not exceed for an ELISA test EUR 1 per test.

#### CHAPTER X

##### HEARTWATER, BABESIOSIS, AND ANAPLASMOSIS

###### Article 10

1. The programmes for the eradication of heartwater, babesiosis and anaplasmosis transmitted by vector insects in the French overseas departments of Martinique and Réunion presented by France are hereby approved for the period from 1 January 2006 to 31 December 2006.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by France for the implementation of the programmes referred to in paragraph 1 and shall not exceed EUR 100 000.

#### CHAPTER XI

##### MONITORING OF TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES

###### Article 11

1. The programmes for the monitoring of transmissible spongiform encephalopathies (TSEs) presented by Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom are hereby approved for the period from 1 January 2006 to 31 December 2006.

2. The financial contribution by the Community shall be at the rate of 100 % of the costs to be incurred by each Member State referred to in paragraph 1 for the implementation of those programmes and shall not exceed:

(a) EUR 3 155 000 for Belgium;

(b) EUR 1 485 000 for the Czech Republic;

(c) EUR 2 115 000 for Denmark;

(d) EUR 13 940 000 for Germany;

(e) EUR 225 000 for Estonia;

(f) EUR 545 000 for Greece;

(g) EUR 8 305 000 for Spain;

(h) EUR 24 395 000 for France;

(i) EUR 5 035 000 for Ireland;

(j) EUR 7 345 000 for Italy;

(k) EUR 280 000 for Cyprus;

(l) EUR 340 000 for Latvia;

(m) EUR 700 000 for Lithuania;

(n) EUR 135 000 for Luxembourg;

(o) EUR 915 000 for Hungary;

(p) EUR 25 000 for Malta;

(q) EUR 4 375 000 for the Netherlands;

(r) EUR 1 755 000 for Austria;

(s) EUR 3 430 000 for Poland;

(t) EUR 1 605 000 for Portugal;

(u) EUR 390 000 for Slovenia;

(v) EUR 665 000 for Slovakia;

(w) EUR 935 000 for Finland;

(x) EUR 285 000 for Sweden;

(y) EUR 5 925 000 for the United Kingdom.

3. The financial contribution by the Community of the programmes referred to in paragraph 1 shall be for the tests performed and the maximum amount shall not exceed:

(a) EUR 7 per test, for tests carried out in bovine and ovine animals referred to in Annex III to Regulation (EC) No 999/2001;

(b) EUR 30 per test, for tests carried out in caprine animals referred to in Annex III to Regulation (EC) No 999/2001;

(c) EUR 145 per test, for primary molecular discriminatory tests carried out as referred to in Annex X, Chapter C, point 3.2(c)(i) to Regulation (EC) No 999/2001.

## CHAPTER XII

**ERADICATION OF BOVINE SPONGIFORM ENCEPHALOPATHY***Article 12*

1. The programmes for the eradication of bovine spongiform encephalopathy presented by Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Luxembourg, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland and the United Kingdom are hereby approved for the period from 1 January 2006 to 31 December 2006.

2. The financial contribution by the Community of the programmes referred to in paragraph 1 shall be at the rate of 50 % of the cost paid by the concerned Member States for compensation to owners for the value of their animals culled and destroyed in accordance with their eradication programme, up to a maximum of EUR 500 per animal and shall not exceed:

- (a) EUR 150 000 for Belgium;
- (b) EUR 750 000 for the Czech Republic;
- (c) EUR 100 000 for Denmark;
- (d) EUR 875 000 for Germany;
- (e) EUR 15 000 for Estonia;
- (f) EUR 15 000 for Greece;
- (g) EUR 1 000 000 for Spain;
- (h) EUR 300 000 for France;
- (i) EUR 2 800 000 for Ireland;
- (j) EUR 200 000 for Italy;
- (k) EUR 15 000 for Cyprus;
- (l) EUR 100 000 for Luxembourg;
- (m) EUR 60 000 for the Netherlands;
- (n) EUR 15 000 for Austria;
- (o) EUR 985 000 for Poland;
- (p) EUR 685 000 for Portugal;
- (q) EUR 25 000 for Slovenia;
- (r) EUR 65 000 for Slovakia;
- (s) EUR 25 000 for Finland;
- (t) EUR 530 000 for the United Kingdom.

## CHAPTER XIII

**ERADICATION OF SCRAPIE***Article 13*

1. The programmes for the eradication of scrapie presented by Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, the Netherlands, Austria, Portugal, Slovenia, Slovakia, Finland, Sweden and the United Kingdom are hereby approved for the period from 1 January 2006 to 31 December 2006.

2. The financial contribution by the Community of the programmes referred to in paragraph 1 shall be at the rate of 50 % of the cost paid by the concerned Member States for compensation to owners for the value of their animals culled and destroyed in accordance with their eradication programme, up to a maximum of EUR 50 per animal and at a rate of 100 % of the cost of the analysis of samples for genotyping, up to a maximum of EUR 10 per genotyping test and shall not exceed:

- (a) EUR 100 000 for Belgium;
- (b) EUR 105 000 for the Czech Republic;
- (c) EUR 5 000 for Denmark;
- (d) EUR 1 105 000 for Germany;
- (e) EUR 6 000 for Estonia;
- (f) EUR 1 060 000 for Greece;
- (g) EUR 12 790 000 for Spain;
- (h) EUR 4 690 000 for France;
- (i) EUR 705 000 for Ireland;
- (j) EUR 530 000 for Italy;
- (k) EUR 5 215 000 for Cyprus;
- (l) EUR 10 000 for Latvia;
- (m) EUR 5 000 for Lithuania;
- (n) EUR 35 000 for Luxembourg;
- (o) EUR 50 000 for Hungary;
- (p) EUR 685 000 for the Netherlands;
- (q) EUR 15 000 for Austria;
- (r) EUR 865 000 for Portugal;
- (s) EUR 160 000 for Slovenia;
- (t) EUR 250 000 for Slovakia;
- (u) EUR 6 000 for Finland;

- (v) EUR 6 000 for Sweden;
- (w) EUR 5 740 000 for the United Kingdom.

## CHAPTER XIV

## GENERAL AND FINAL PROVISIONS

## Article 14

1. For the programmes referred to in Articles 2 to 5, the eligible costs for the compensation for the losses due to the slaughtering of animals shall be limited as provided for in paragraphs 2 and 3.

2. The average compensation to be reimbursed to the Member States shall be calculated on the basis of the number of animals slaughtered in the Member State and:

- (a) for bovine animals, up to a maximum of EUR 300 per animal;
- (b) for sheep and goats, up to a maximum of EUR 35 per animal.

3. The maximum amount of compensation to be reimbursed to the Member States per single animal shall not exceed EUR 1 000 per bovine animal and EUR 100 per sheep or goat.

## Article 15

The expenditure presented by the Member State for a financial contribution by the Community shall exclude value added tax and other taxes.

## Article 16

The conversion rate for applications submitted in national currency in month 'n' shall be that of the tenth day of month 'n + 1' or for the first preceding day for which a rate is quoted.

## Article 17

1. The financial contribution by the Community for the programmes referred to in Articles 1 to 13 shall be granted provided that the Member States implement the programmes in accordance with the relevant provisions of Community law, including rules on competition and on the award of public contracts, and subject to the conditions provided for in points (a) to (h):

- (a) bringing into force by 1 January 2006 the laws, regulations and administrative provisions by the Member State concerned for implementing the programme;

(b) forwarding by 1 June 2006 at the latest, the preliminary technical and financial evaluation of the programme, in accordance with Article 24(7) of Decision 90/424/EEC;

(c) for the programmes referred to in Articles 1 to 10, forwarding an intermediate report, covering the first six months of the programme, at the latest four weeks after the end of the implementation period covered by the report;

(d) for the programmes referred to in Articles 11 to 13, forwarding a report to the Commission every month on the progress of the TSE monitoring programme and the costs paid by the Member State; that report must be forwarded within a period of four weeks following the end of the month covered by the report;

(e) forwarding a final report by 1 June 2007 at the latest, on the technical execution of the programme accompanied by justifying evidence as to the costs paid by the Member State and the results attained during the period from 1 January 2006 to 31 December 2006;

(f) details of the costs paid by the Member State as referred to in point (d) must be provided in computerised form in accordance with the table set out in the Annex;

(g) implementing the programme efficiently;

(h) no other Community contribution has been or will be asked for these measures.

2. Where a Member State does not comply with paragraph 1, the Commission shall reduce the financial contribution by the Community having regard to the nature and gravity of the infringement, and to the financial loss for the Community.

## Article 18

This Decision shall apply from 1 January 2006.

## Article 19

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2005.

For the Commission  
Markos KYPRIANOU  
Member of the Commission

## ANNEX

**Model of computerised form giving details of costs paid by the Member States as referred to in point (f) of Article 17(1)**

<b>TSE Monitoring</b>			
Member State:	Month:	Year:	
<b>Tests on bovine animals</b>			
	Number of tests	Unit cost	Total cost
Tests on animals referred to in Annex III, Chapter A, Part I, points 2.1, 3 and 4.1 to Regulation (EC) No 999/2001			
Tests on animals referred to in Annex III, Chapter A, Part I, points 2.2, 4.2 and 4.3 to Regulation (EC) No 999/2001			
Total			
<b>Tests on ovine animals</b>			
	Number of tests	Unit cost	Total cost
Tests on animals referred to in Annex III, Chapter A, Part II, point 2(a) to Regulation (EC) No 999/2001			
Tests on animals referred to in Annex III, Chapter A, Part II, point 3 Regulation (EC) No 999/2001			
Tests on animals referred to in Annex III, Chapter A, Part II, point 5 to Regulation (EC) No 999/2001			
Total			
<b>Tests on caprine animals</b>			
	Number of tests	Unit cost	Total cost
Tests on animals referred to in Annex III, Chapter A, Part II, point 2(b) to Regulation (EC) No 999/2001			
Tests on animals referred to in Annex III, Chapter A, Part II, point 3 to Regulation (EC) No 999/2001			
Tests on animals referred to in Annex III, Chapter A, Part II, point 5 to Regulation (EC) No 999/2001			
Total			
<b>Primary molecular testing with a discriminatory immuno-blotting</b>			
	Number of tests	Unit cost	Total cost
Tests on animals referred to in Annex X, Chapter C, point 3.2(c)(i)			

**DECISION No 3/2005****of 25 October 2005****of the Committee established under the Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to the listing of conformity assessment bodies under the sectoral chapter on pressure vessels**

(2005/874/EC)

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment, and in particular Article 10(4)(a) and 11 thereof,

Whereas the Committee is to take a decision to list a conformity assessment body or bodies under a sectoral chapter of Annex 1 to the Agreement,

HAS DECIDED AS FOLLOWS:

1. The conformity assessment bodies in the Annex are added to the list of Swiss conformity assessment bodies under the sectoral chapter for pressure vessels in Annex 1 to the Agreement.
2. The specific scope of listing, in terms of products and conformity assessment procedures, of the conformity assessment bodies indicated in the Annex has been agreed by the Parties and will be maintained by them.

This Decision, done in duplicate, shall be signed by representatives of the Committee who are authorised to act on behalf of the Parties for the purposes of amending the Agreement. This Decision shall be effective from the date of the later of these signatures.

Done at Bern, 25 October 2005.  
*On behalf of the Swiss Confederation*  
Heinz HERTIG

Done at Brussels, 21 October 2005.  
*On behalf of the European Community*  
Andra KOKE

## ANNEX

**Swiss Conformity assessment bodies added to the list of conformity assessment bodies under the sectoral chapter for pressure vessels in Annex 1 to the Agreement**

Atest  
Contrôles et essais métallurgiques SA  
Route de Vevey 55A  
CH-1618 Châtel-St-Denis  
Tel. (41) (0) 21 948 24 40  
Fax (41) (0) 21 948 24 48  
E-mail: admin@atest.ch

Schweizerische Gesellschaft für Zerstörungsfreie Prüfung (SGZP)  
c/o EMPA  
Überlandstrasse 129  
CH-8600 Dübendorf  
Tel. (41) (0) 61 317 84 21  
Fax (41) (0) 61 317 84 80  
E-mail: blumhofer.pw@svsxass.ch



**DECISION No 4/2005****of 25 October 2005****of the Committee established under the Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to the listing of a conformity assessment body under the sectoral chapter on motor vehicles**

(2005/875/EC)

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment, and in particular Article 10(4)(a) and 11 thereof,

Whereas the Committee is to take a decision to list a conformity assessment body or bodies under a sectoral chapter of Annex 1 to the Agreement,

HAS DECIDED AS FOLLOWS:

1. The conformity assessment body in the Annex is added to the list of Swiss conformity assessment bodies under the sectoral chapter for motor vehicles in Annex 1 to the Agreement.
2. The specific scope of listing, in terms of products and conformity assessment procedures, of the conformity assessment body indicated in the Annex has been agreed by the Parties and will be maintained by them.

This Decision, done in duplicate, shall be signed by representatives of the Committee who are authorized to act on behalf of the Parties for the purposes of amending the Agreement. This Decision shall be effective from the date of the later of these signatures.

Done at Bern, 25 October 2005.  
*On behalf of the Swiss Confederation*  
Heinz HERTIG

Done at Brussels, 25 October 2005.  
*On behalf of the European Community*  
Andra KOKE

## ANNEX

**Swiss conformity assessment body added to the list of conformity assessment bodies under the sectoral chapter for motor vehicles in Annex 1 to the Agreement**

Montena emc sa  
Route de Montena 75  
CH-1728 Rossens  
Tel. (41) 26 411 93 33  
Fax +(41) 26 411 93 30  
Contact person: Mr Jacques Ding  
E-mail: jacques.ding@montena.com

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

**COUNCIL DECISION 2005/876/JHA**  
**of 21 November 2005**  
**on the exchange of information extracted from the criminal record**

THE COUNCIL OF THE EUROPEAN UNION,

Parties, but they are too slow to meet the demands of judicial cooperation in an area such as that of the European Union.

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

- (4) The Final Report on the first evaluation exercise — mutual legal assistance in criminal matters <sup>(5)</sup>, called on Member States to simplify the procedures for transferring documents between States, using, if necessary, standard forms to facilitate mutual judicial assistance.

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

- (5) On 25 March 2004, the European Council instructed the Council to examine measures on the exchange of information on convictions for terrorist offences and the possibility of a European register on convictions and disqualifications, and the Commission in its communication on measures to be taken to combat terrorism and other forms of serious crime, in particular to improve exchanges of information, stressed the importance of an effective mechanism for transmission of information on convictions and disqualifications.

Whereas:

- (1) According to Article 29 of the Treaty on European Union, the European Union has set itself the objective to provide citizens with a high level of safety within an area of freedom, security and justice. This objective presupposes the exchange of information concerning criminal convictions of persons who reside in the territory of the Member States between the competent authorities of the Member States.

- (6) This Decision respects the principle of subsidiarity referred to in Article 2 of the Treaty on European Union and Article 5 of the Treaty establishing the European Community, since the improvement of systems for the transmission of information on convictions between Member States cannot be carried out adequately by the Member States unilaterally and requires coordinated action in the European Union. In accordance with the principle of proportionality, as set out in the said Article 5, this Decision does not go beyond what is necessary in order to achieve that objective.

- (2) On 29 November 2000, the Council, in accordance with the conclusions of the Tampere European Council of 15 and 16 October 1999, adopted a programme of measures to implement the principle of mutual recognition in criminal matters <sup>(3)</sup>. This Decision contributes to achieving the goals provided for by Measure 3 of the programme, which calls for the establishment of a standard form like that drawn up for the Schengen bodies, translated into all the official Union languages, for criminal records applications.

- (7) The improvement of systems for the transmission of information on convictions implies that convictions pronounced in a Member State against nationals of another Member State are known about by the latter Member State as soon as possible and that each Member State may obtain information which it needs from criminal records from other Member States within a very short time.

- (3) Articles 13 and 22 of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 <sup>(4)</sup> provide for systems for the transmission of information on convictions between the Contracting

<sup>(1)</sup> OJ C 322, 29.12.2004, p. 9.

<sup>(2)</sup> Not yet published in the Official Journal.

<sup>(3)</sup> OJ C 12, 15.1.2001, p. 10.

<sup>(4)</sup> Council of Europe, European Treaties Series, No 30.

<sup>(5)</sup> OJ C 216, 1.8.2001, p. 14.

- (8) This Decision supplements and facilitates the existing mechanisms for the transmission of information on convictions based on existing conventions. In particular, the provisions concerning requests for information extracted from the criminal record do not replace the possibility available to the judicial authorities of transmitting information concerning criminal records direct to each other under Article 6(1) of the Convention on mutual assistance in criminal matters between the Member States of the European Union established by Council Act of 29 May 2000 <sup>(1)</sup>. It provides, however, for a specific right for the central authority of a Member State to send a request for information extracted from the criminal record to the central authority of another Member State, in the circumstances determined by national law.
- (9) The personal data processed under this Decision will be protected in accordance with the principles enacted in the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data.
- (10) Under Council of Europe Recommendation No R (84) 10 on the criminal record and rehabilitation of convicted persons, the main aim of establishment of the criminal record is to inform the authorities responsible for the criminal justice system of the background of a person subject to legal proceedings with a view to adapting the decision to be taken to the individual situation. Since all other use of the criminal record that might compromise the chances of social rehabilitation of the convicted person must be as limited as possible, the use of information transmitted under this Decision for use otherwise than in the course of criminal proceedings can be limited in accordance with the national legislation of the requested State and the requesting State.
- (11) This Decision respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and restated by the Charter of Fundamental Rights of the European Union.
- (12) This Decision does not have the effect of obliging Member States to register convictions or information in criminal matters in their criminal record other than those which they are obliged to register according to national law.
- (13) This Decision does not apply to the transmission of rulings or copies thereof,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### **Central authority**

1. For the purposes of Articles 2 and 3, each Member State shall designate a central authority. However, for sending information under Article 2 and replying to requests under Article 3 Member States may designate one or more central authorities.
2. Each Member State shall inform the General Secretariat of the Council and the Commission of the authority designated in accordance with paragraph 1. The General Secretariat of the Council shall notify the Member States and Eurojust of this information.

#### *Article 2*

##### **Own-initiative information on convictions**

Each central authority shall, without delay, inform the central authorities of the other Member States of criminal convictions and subsequent measures in respect of nationals of those Member States entered in the criminal record. Where the person concerned is a national of two or more other Member States, the information shall be given to each of these Member States, unless the person is a national of the Member State in the territory of which he has been convicted.

#### *Article 3*

##### **Request for information on convictions**

1. Where information from the criminal records of a Member State is requested, the central authority may, in accordance with national law, send a request for extracts from, and information relating to, criminal records to the central authority of another Member State. All information requests shall be sent on the basis of the request form set out in the Annex hereto.

When a person requests information on his or her criminal record, the central authority of the Member State where this request is made, may in accordance with national law send a request for extracts from, and information relating to, criminal records to the central authority of another Member State if the person concerned is or has been a resident or a national of the requesting or the requested Member State.

2. The reply shall be sent immediately and, in any event within a period not exceeding 10 working days from the receipt of the request, under the conditions provided for by national law, regulations or practice by the central authority of the requested Member State, to the central authority of the requesting Member State on the basis of the form set out in the Annex hereto. It shall include the information received in accordance with Article 2 and registered in the criminal record of the requested Member State.

<sup>(1)</sup> OJ C 197, 12.7.2000, p. 1.

If the request is made for the person concerned in accordance with paragraph 1, second subparagraph, the period referred to in the first subparagraph of this paragraph shall not exceed 20 working days from the receipt of the request.

3. Where the requested Member State needs further information to identify the person to whom the request refers, it shall immediately consult with the requesting Member State with a view to providing a reply within 10 working days of receipt of the additional information sought.

4. The reply shall be accompanied by a statement of convictions, under the conditions provided for by national law.

5. Requests, replies and other relevant information may be transmitted by any means capable of producing a written record under conditions allowing the receiving Member State to establish authenticity.

#### Article 4

##### Conditions for the use of personal data

1. Personal data communicated under Article 3 for the purpose of criminal proceedings may be used by the requesting Member State only for the purpose of the criminal proceedings for which it has been requested as specified in the form set out in the Annex hereto.

2. Personal data communicated under Article 3 for purposes other than criminal proceedings, may be used by the requesting Member State in accordance with its national law only for the purpose for which it has been requested and within the limits specified by the requested Member State in the form.

3. This Article does not apply to personal data obtained by a Member State under this Decision and originating from that Member State.

#### Article 5

##### Languages

The form shall be sent by the requesting Member State in the official language, or one of the official languages of the requested Member State. The requested Member State shall reply either in one of its official languages or in another language agreeable to both Member States. Any Member State may, at the time of the adoption of this Decision or at a later date, indicate, in a statement to the General Secretariat of the Council, which are the official languages of the institutions of

the European Communities that it accepts. The General Secretariat of the Council shall notify the Member States of this information.

#### Article 6

##### Relationship to other legal instruments

1. With respect to the Member States, this Decision supplements and facilitates the implementation of Articles 13 and 22 of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, its additional Protocols of 17 March 1978 <sup>(1)</sup> and 8 November 2001 <sup>(2)</sup>, the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 <sup>(3)</sup> and its Protocol of 16 October 2001 <sup>(4)</sup>.

2. For the purpose of this Decision, Member States shall waive the right to rely among themselves on their reservations to Article 13 of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959. This Decision shall not affect reservations made with respect to Article 22 of that Convention. Such reservations may be invoked with respect to Article 2 of this Decision.

3. This Decision shall not affect the application of more favourable provisions in bilateral or multilateral agreements between Member States.

#### Article 7

##### Implementation

Member States shall implement this Decision as soon as possible and in any event no later than 21 May 2006.

#### Article 8

##### Application

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

Done at Brussels, 21 November 2005.

For the Council  
The President  
J. STRAW

<sup>(1)</sup> Council of Europe, European Treaty Series, No 99.

<sup>(2)</sup> Council of Europe, European Treaty Series, No 182.

<sup>(3)</sup> OJ C 197, 12.7.2000, p. 3.

<sup>(4)</sup> OJ C 326, 21.11.2001, p. 1.

## ANNEX

**Form referred to in Articles 3, 4 and 5 of Council Decision 2005/876/JHA of 21 November 2005 on the exchange of information extracted from the criminal record**

**Request for information extracted from the criminal record**

<p><i>To be able to fill in this form correctly, Member States should take note of the Manual of Procedure.</i></p>
<p>(a) Information relating to the requesting State:</p> <p>Member State:</p> <p>Central authority:</p> <p>Contact person:</p> <p>Telephone (with STD code):</p> <p>Fax (with STD code):</p> <p>E-mail:</p> <p>Postal address:</p> <p>File reference where available:</p>
<p>(b) Information relating to the identity of the person concerned by the request:</p> <p>Name:</p> <p>First name(s):</p> <p>Birth name if appropriate:</p> <p>Aliases where applicable:</p> <p>Sex: M <input type="checkbox"/> F <input type="checkbox"/></p> <p>Nationality:</p> <p>Date of birth (in figures: dd/mm/yyyy):</p> <p>Place of birth (town and State):</p> <p>Father's name: (*)</p> <p>Mother's name: (*)</p> <p>Residence or known address (optional):</p> <p>Fingerprints where available (optional):</p> <p>Other identification data where available (e.g. national register number, social security number, etc.) (optional)</p> <p>(*) <i>To be filled in, in accordance with the Manual of Procedure, otherwise, where available.</i></p>
<p>(c) Purpose of the request:</p> <p><i>Please tick the appropriate box</i></p> <p>1. <input type="checkbox"/> criminal proceedings</p> <p>2. <input type="checkbox"/> request from a judicial authority outside the context of criminal proceedings  <input type="checkbox"/> request from a competent administrative authority</p> <p>3. <input type="checkbox"/> request from the person concerned</p> <p><i>Purpose for which the information is requested to be filled in, in accordance with the Manual of Procedure, otherwise, where available.</i></p> <p>Requesting authority:</p> <p><input type="checkbox"/> The person concerned has given his/her consent for obtaining the information (where this consent is required by the law of the requested Member State).</p>
<p>Please note that the request shall be complied with in accordance with the conditions provided for by the law, regulations or practice of the requested Member State.</p>
<p>Contact person if additional information is needed:</p> <p>Name:</p> <p>Telephone:</p> <p>E-mail:</p> <p>Other information (e.g. urgency of the request, etc.)</p>

**Reply to the request**

<i>Information relating to the abovementioned person</i>
Please tick the appropriate box
<p>The undersigned authority confirms that:</p> <p><input type="checkbox"/> there are no convictions registered in the criminal record of the abovementioned person</p> <p><input type="checkbox"/> there are convictions recorded in the criminal record of the abovementioned person. A statement of convictions is annexed hereto</p> <p><input type="checkbox"/> the request is made for purposes other than criminal proceedings and cannot be complied with under the law, regulations or practice of the requested Member State.</p>
<p>Contact person if additional information is needed:</p> <p>Name:</p> <p>Telephone:</p> <p>E-mail:</p> <p>Other information (e.g. limits specified according to Article 4(2))</p>
<b>The transmitted data may only be used for the purpose for which it has been requested</b>
<p>Done at,</p> <p>On</p> <p>Signature and official stamp (if available):</p> <p>Name and position:</p>

If applicable, please attach statement of convictions and return to requesting Member State. Form and statement of convictions do not have to be translated in the language of the requesting Member State.

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**CORRIGENDA****Corrigendum to Commission Regulation (EC) No 1997/2005 of 7 December 2005 fixing the export refunds on pigmeat**

*(Official Journal of the European Union L 320 of 8 December 2005)*

On page 41, in the Annex, in the second column 'Destination', for all products:

for: 'P06',

read: 'P08'.

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**Corrigendum to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas**

*(Official Journal of the European Communities L 341 of 22 December 2001)*

On page 48, in Annex I.E, seventh column 'six-monthly', with regard to CN code 0406 90 78:

for: '3 375',

read: '3 250'.

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