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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2114/2005

of 13 December 2005

concerning the implementation of the Agreement in the form of Exchange of Letters between the European Community and the Republic of Korea pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

By Council Decision 2005/929/EC of 13 December 2005 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Korea pursuant to Article XXIV:6 and Article XXVIII of the GATT 1994 ([1]), the Council approved, on behalf of the Community, the said Agreement with a view to closing negotiations initiated pursuant to Article XXIV:6 of the GATT 1994,

HAS ADOPTED THIS REGULATION:

Article 1

The duty rates shown in the Annex to this Regulation shall apply for the period indicated.

Article 2

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

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

Done at Brussels, 13 December 2005.

For the Council
The President
J. GRANT

([1]) See page 61 of this Official Journal.

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the concessions being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current regulation. Where ex CN codes are indicated, the concessions are to be determined by application of the CN code and corresponding description taken together.

Part Two

Schedule of customs duties

CN code	Description	Duty rate
3903 19 00	Polystyrene, in primary forms (other than expansible).	An applied rate of 4,0 % (1)
8521 10 30	Magnetic tape-type video recording or reproducing apparatus, whether or not incorporating a video tuner, using tape of a width not exceeding 1,3 cm and allowing recording or reproduction at a tape speed not exceeding 50 mm per second, other than those for use in civil aircraft.	An applied rate of 13,0 % (1)
8525 40 99	Other video camera recorders, other than those which are only able to record sound and images taken by the television camera.	An applied rate of 12,5 % (2)
8527 31 91	Other radio-broadcast receivers, including apparatus capable of receiving also radio-telephony or radio-telegraphy, combined with sound recording or reproducing apparatus, with laser optical reading system, other than those having within the housing one or more loudspeaker.	An applied rate of 11,4 % (1)

(1) The lower applied rates indicated above are to be applied for three years or until the implementation of the results of the Doha Development Agenda Round reaches the tariff level above, whichever comes first.

(2) The lower applied rate indicated above is to be applied for four years or until the implementation of the results of the Doha Development Agenda Round reaches the tariff level above, whichever comes first.

COUNCIL REGULATION (EC) No 2115/2005

of 20 December 2005

establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament [1],

Whereas:

(1) Under Council Regulation (EEC) No 3179/78 of 28 December 1978 concerning the conclusion by the European Economic Community of the Convention on Future Multilateral Cooperation in the Northwest Atlantic fisheries [2], that Convention ('the NAFO Convention'), was approved by the Community.

(2) The NAFO Convention provides an appropriate framework for multilateral cooperation on the rational conservation and management of fishery resources in the area defined by it.

(3) At its June 2003 meeting, the Scientific Council of the NAFO advised that the Greenland halibut stock was declining rapidly and recommended a sharp reduction of the Total Allowable Catch (TAC) level.

(4) At its 25th Annual Meeting of 15 to 19 September 2003, the Northwest Atlantic Fisheries Organisation ('NAFO') adopted a 15-year rebuilding plan for Greenland halibut in NAFO Sub-area 2 and Divisions 3KLMNO ('the NAFO rebuilding plan'). The NAFO rebuilding plan pursues the same objectives as the recovery plans provided for in Article 5 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy [3].

(5) In order to rebuild the stock, the NAFO rebuilding plan provides for a reduction of the TAC level until 2007 as well as control measures to ensure the effectiveness of that plan.

(6) The NAFO rebuilding plan was implemented on a provisional basis in Regulations (EC) No 2287/2003 [4] and (EC) No 27/2005 [5] respectively fixing for 2004 and 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in the Community waters and, for Community vessels, in waters where catch limitations are required, pending the adoption of a Council Regulation implementing multi-annual measures to rebuild the Greenland halibut stock.

(7) It is therefore necessary to implement the NAFO rebuilding plan on a permanent basis by means of a recovery plan as provided for in Article 5 of Regulation (EC) No 2371/2002. To that end a procedure should be determined for the transmission of the list of vessels to which a special fishing permit has been issued in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits [6].

(8) To comply with the control measures of the NAFO rebuilding plan, reporting obligations should be imposed on masters of Community vessels, as well as an obligation for Member States to allocate its quota among its authorised vessels.

(9) Additional control measures are required to ensure an effective implementation at Community level and to ensure coherence with recovery plans adopted by the Council in other areas. Such measures should include an obligation for prior notification of entry into port designated by Member States and to limit margins of tolerance,

HAS ADOPTED THIS REGULATION:

Article 1

Subject-matter

This Regulation lays down the general rules and conditions for the application by the Community of a recovery plan for the Greenland halibut stock in NAFO Sub-area 2 and Divisions 3KLMNO.

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[1] Opinion delivered on 23 June 2005 (not yet published in the Official Journal).
[2] OJ L 378, 30.12.1978, p. 1. Regulation as amended by Regulation (EEC) No 653/80 (OJ L 74, 20.3.1980, p. 1).
[3] OJ L 358, 31.12.2002, p. 59.
[4] OJ L 344, 31.12.2003, p. 1.
[5] OJ L 12, 14.1.2005, p. 1.
[6] OJ L 171, 6.7.1994, p. 7.

The objective of that recovery plan shall be to attain a level of exploitable biomass of five years and older of 140 000 tonnes on average allowing a stable yield over the long term in the Greenland halibut fishery.

Article 2

Definitions

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

1. 'NAFO Sub-area 2' means the geographic area defined in Annex III 3(a) of the NAFO Convention;

2. 'Divisions 3KLMNO' means the geographic area defined in Annex III 4(b) of the NAFO Convention.

Article 3

Total Allowable Catches (TACs)

The TACs for the Greenland halibut stock in NAFO Sub-area 2 and Divisions 3KLMNO shall be the following:

— 18 500 tonnes in 2006,

— 16 000 tonnes in 2007.

However, where in the framework of NAFO new TAC levels are agreed, the Council, acting by a qualified majority on a proposal from the Commission, shall adjust the TACs provided for in the first subparagraph accordingly.

Article 4

Prohibition concerning Greenland halibut

It shall be prohibited for Community fishing vessels to fish Greenland halibut in NAFO Sub-area 2 and Divisions 3KLMNO and to retain on board, trans-ship or land Greenland halibut fished in that zone if they do not carry a special fishing permit issued by the flag Member State.

Article 5

Special fishing permits for Greenland halibut stock

1. Member State shall ensure that vessels to which a special fishing permit referred to in Article 4 has been issued are included in a list containing their name and Community fleet register number (CFR) as defined in Annex I to Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register [1]. Member States shall issue the special fishing permit only when a vessel has been entered into the NAFO vessel register.

2. Each Member State shall send to the Commission the list referred to in paragraph 1 and all subsequent amendments in a computer readable form.

3. Amendments to the list referred to in paragraph 1 shall be transmitted to the Commission at least five days prior to the date that the vessel newly inserted in that list enters NAFO Sub-area 2 and Divisions 3KLMNO. The Commission shall promptly forward amendments to the NAFO Secretariat.

4. Each Member State shall allocate its quota for Greenland halibut among its vessels included in the list referred to in paragraph 1. Member States shall inform the Commission of the allocation of quotas not later than 15 January each year.

Article 6

Reports

1. Masters of fishing vessels referred to in Article 5(1) shall transmit the following reports to the flag Member State:

(a) the quantities of Greenland halibut retained on board when the Community vessel enters NAFO Sub-area 2 and Divisions 3KLMNO. This report shall be transmitted not earlier than 12 hours and not later than 6 hours in advance of each entry of the vessel to that zone;

(b) weekly quantities of Greenland halibut. This report shall be transmitted for the first time no later than the end of the seventh day following the date of the entry of the vessel into NAFO Sub-area 2 and Divisions 3KLMNO, or, when the fishing trips take more than seven days, at the latest on Monday for catches that have been taken in the NAFO Sub-area 2 and Divisions 3KLMNO during the preceding week ending at midnight on Sunday;

(c) the quantities of Greenland halibut retained on board when the Community vessel exits NAFO Sub-area 2 and Divisions 3KLMNO. That report shall be transmitted not earlier than 12 hours and not later than 6 hours in advance of each departure of the vessel from that zone and shall include the number of fishing days and the total catches in that zone;

(d) the quantities loaded and unloaded for each trans-shipment of Greenland halibut during the vessel's stay in NAFO Sub-area 2 and Divisions 3KLMNO. Those reports shall be transmitted no later than 24 hours after the completion of the trans-shipment.

[1] OJ L 5, 9.1.2004, p. 25.

2. Member States shall, upon receipt, transmit the reports provided for in point (a), (c) and (d) of paragraph 1 to the Commission.

3. When catches of Greenland halibut notified in accordance with paragraph 2 are deemed to have exhausted 70 % of the Member States' quota allocation, masters shall transmit the reports referred to in point (b) of paragraph 1 on a three-day basis.

Article 7

Margin of tolerance in the estimation of quantities reported in the logbook

By way of derogation from Article 5(2) of Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish [1] and Article 9(2) of Commission Regulation (EEC) No 2868/88 of 16 September 1988 laying down detailed rules for the application of the Scheme of Joint International Inspection adopted by the Northwest Atlantic Fisheries Organisation [2], the permitted margin of tolerance in estimates of the quantities of Greenland halibut fished in NAFO Sub-area 2 and Divisions 3KLMNO in kilograms shall be 8 %.

Article 8

Designated ports

1. It shall be prohibited to land from vessels referred to in Article 5(1) any quantities of Greenland halibut fished in NAFO Sub-area 2 and Divisions 3KLMNO at any place other than ports designated by NAFO Contracting Parties. Landings of Greenland halibut in ports of non-Contracting Parties shall be prohibited.

2. Member States shall designate ports in which landings of Greenland halibut may take place and shall determine the associated inspection and surveillance procedures, including the terms and conditions for recording and reporting the quantities of Greenland halibut within each landing.

3. Member States shall transmit to the Commission not later than 15 January each year a list of designated ports and, by 31 January, the associated inspection and surveillance procedures referred to in paragraph 2. The Commission shall promptly forward that information to the NAFO Secretariat.

4. The Commission shall promptly transmit a list of the designated ports referred to in paragraph 2 and the ports designated by other NAFO Contracting Parties to all Member States.

Article 9

Prior notification

Masters of fishing vessels referred to in Article 5(1) or their representatives, prior to any entry into a designated port shall provide the competent authorities of the Member States whose ports they wish to use with the following information at least 72 hours before the estimated time of arrival at the port:

1. the time of arrival at the designated port;

2. a copy of the special fishing permit referred to in Article 4;

3. the quantities in kilograms live weight of Greenland halibut retained on board;

4. the zone or zones in the NAFO Area where the catch was made.

Article 10

Inspection in port

1. Member States shall ensure that all vessels referred to in Article 5(1) entering a designated port to land and/or tranship Greenland halibut caught within NAFO Sub-area 2 and Divisions 3KLMNO are submitted to an inspection in port in accordance with the port inspection scheme of NAFO.

2. It shall be prohibited to discharge and/or tranship catches from such vessels referred to in paragraph 1 until the inspectors are present.

3. All quantities discharged shall be weighted by species before being transported to a cold store or another destination.

4. Member States shall transmit the corresponding port inspection report to the NAFO Secretariat, with a copy to the Commission, within 14 working days from the date on which the inspection was completed.

Article 11

Prohibition of landings and transhipments for non-Contracting Party vessels

Landings and transhipments of Greenland halibut from or to non-Contracting Party vessels which have been engaged in fishing activities in the NAFO Regulatory Area shall be prohibited.

[1] OJ L 276, 10.10.1983, p. 1. Regulation as last amended by Regulation (EC) No 1804/2005 (OJ L 290, 4.11.2005, p. 10).
[2] OJ L 257, 17.9.1988, p. 20. Regulation as amended by Regulation (EC) No 494/1997 (OJ L 77, 19.3.1997, p. 5).

Article 12

Entry into force

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

It shall apply from 1 January 2006.

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

Done at Brussels, 20 December 2005.

For the Council
The President
M. BECKETT

COUNCIL REGULATION (EC) No 2116/2005

of 20 December 2005

amending Regulation (EC) No 1480/2003 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain electronic microcircuits known as DRAMs (dynamic random access memories) originating in the Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community [1] (the basic Regulation), and in particular Article 24(3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Existing measures

(1) By Regulation (EC) No 1480/2003 [2] (the original Regulation), the Council imposed a definitive countervailing duty of 34,8 % (the countervailing duty) on imports of certain electronic microcircuits known as dynamic random access memories (DRAMs) originating in the Republic of Korea and manufactured by all companies other than Samsung Electronics Co., Ltd (Samsung), for which a 0 % duty rate was established.

(2) Two exporting producers located in the Republic of Korea cooperated in the investigation which lead to the imposition of the existing measures (the original investigation), Samsung and Hynix Semiconductor Inc., which also owns a production facility in the United States. The Community industry in the original investigation consisted of two producers which accounted for the major proportion of the total Community production of DRAMs, Infineon Technologies AG, Munich, Germany, and Micron Europe Ltd, Crowthorne, United Kingdom.

2. Grounds for the current investigation

(3) In the context of the monitoring of trade defence measures, the Commission was informed that the countervailing duty in force on imports of DRAMs originating in the Republic of Korea was possibly not being levied on certain imports of said DRAMs.

3. Opening of an investigation

(4) On 22 March 2005, by a notice (the notice) published in the *Official Journal of the European Union* [3], the Commission announced the opening of an investigation with a view to determining to what extent special provisions may need to be adopted in accordance with Article 24(3) of the basic Regulation in order to ensure that the countervailing duty is correctly levied on imports of DRAMs originating in the Republic of Korea.

4. Submissions

(5) The Commission officially advised the authorities of the exporting country and all the parties known to be concerned of the opening of this investigation. Copies of the notice and of the non-confidential documents on the basis of which the notice was published were sent to the two exporting producers in the Republic of Korea, as well as to importers, users and to the two producers in the Community, named in the original investigation or otherwise known to the Commission. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time-limit set in the notice.

(6) Submissions were received from the two exporting producers in the Republic of Korea and from the two producers and one user in the Community. Given the availability of all necessary information and data needed, it was not considered necessary to carry out verification visits at the premises of the companies that made the above submissions.

[1] OJ L 288, 21.10.1997, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).
[2] OJ L 212, 22.8.2003, p. 1.
[3] OJ C 70, 22.3.2005, p. 2.

B. **PRODUCT CONCERNED**

(7) The product concerned by this investigation is the same as that covered by the original investigation, i.e. certain electronic microcircuits known as Dynamic Random Access Memories (DRAMs), of all types, densities and variations, whether assembled, in processed wafer or chips (dies), manufactured using variations of metal oxide-semiconductors (MOS) process technology, including complementary MOS types (CMOS), of all densities (including future densities), irrespective of access speed, configuration, package or frame etc., originating in the Republic of Korea. The product concerned also includes DRAMs presented in (non-customised) memory modules or (non-customised) memory boards, or in some other kind of aggregate form, provided the main purpose of which is to provide memory.

(8) The product concerned is currently classifiable within CN codes 8542 21 11, 8542 21 13, 8542 21 15, 8542 21 17, ex 8542 21 01, ex 8542 21 05, ex 8548 90 10, ex 8473 30 10 and ex 8473 50 10.

C. **RESULTS OF THE INVESTIGATION**

(9) In order to determine to what extent special provisions may need to be adopted to ensure that the countervailing duty is correctly levied, the investigation focused on the following elements: 1. the description of the product concerned and its transposition into the Combined Nomenclature (CN)/TARIC nomenclature, and 2. the anomalies resulting from the analysis of the trade flows of the product concerned imported into the Community.

1. **Description of the product concerned and transposition into the CN/TARIC nomenclature**

(10) Article 1(1) of the original Regulation establishes that the product concerned subject to the countervailing duty is certain electronic microcircuits known as DRAMs of all types originating in the Republic of Korea. The product concerned is such regardless of the density, access speed, configuration, package or frame, etc. In addition, the manufacturing process is also mentioned (variations of metal oxide-semiconductors — MOS-process technology, including complementary MOS types — CMOS).

(11) On the one hand, Article 1(1) of the original Regulation identifies the CN/TARIC codes under which the product concerned is classifiable. The following types of DRAMs are covered by these CN/TARIC codes: wafers, chips (dies), memories (chips mounted, i.e. with their terminals or leads, whether or not encased in ceramic, metal, plastics or other materials, hereafter referred to as 'mounted DRAMs' and known commercially as DRAM components) and DRAM modules, memory boards and some other kind of aggregate form (hereafter referred to as multi-combinational forms of DRAMs).

(12) With regard to mounted DRAMs, this type of DRAM results from the so-called 'back-end process', that is chips which underwent an assembly (connection of the memory cell on the chip with a wire to the connectors on the outside of the capsule), testing (to check whether the encapsulated chips are functioning) and marking process.

(13) On the other hand, the types of the product concerned explicitly mentioned in Article 1(1) of the original Regulation are wafers, chips (dies), assembled DRAMs (meaning mounted DRAMs and multi-combinational forms of DRAMs) and DRAMs presented in (non-customised) memory modules or memory boards or in some other kind of aggregate form (hereafter referred to as DRAM chips and/or mounted DRAMs incorporated in multi-combinational forms of DRAMs).

(14) The above elements show that the description of the product concerned and the CN/TARIC codes are not fully in line. On the one hand, mounted DRAMs, although clearly falling within the definition of product concerned — which includes all types of DRAMs — and specifically mentioned in the description of the CN/TARIC codes indicated in Article 1(1) of the original Regulation, were referred to in the description of the product concerned with the ambiguous wording 'assembled', which also refers to multi-combinational forms of DRAMs. On the other hand, DRAM chips and/or mounted DRAMs incorporated in multi-combinational forms of DRAMs, although explicitly mentioned in the description of the product concerned, were not specifically mentioned in the description of any of the CN/TARIC codes indicated in Article 1(1) of the original Regulation. Indeed, the latter either specifically mention DRAMs in multi-combinational forms or the chips and mounted DRAMs imported as such — and, as a consequence, the countervailing duty has not been levied so far on this type of DRAMs.

(15) With regard to mounted DRAMs, these are distinct both from DRAM chips and from multi-combinational forms of DRAMs. Consequently, for the sake of coherence and legal certainty, it appears appropriate that the product description makes explicit reference thereto.

(16) With respect to DRAM chips and/or mounted DRAMs incorporated in multi-combinational forms of DRAMs, the fact that these are not specifically mentioned by any of the CN/TARIC codes becomes relevant in situations where multi-combinational forms of DRAMs are not originating in the Republic of Korea and are therefore not subject to the countervailing duty when imported into the Community, despite the fact that they incorporate DRAM chips and/or mounted DRAMs of Korean origin.

(17) Indeed, in line with the constant practice within the EU Member States to use the EC negotiating position in the WTO Harmonisation Working Programme as the basis for the interpretation of Article 24 of the Community Customs Code [1], the non-preferential rules of origin applicable in the Community to multi-combinational forms of DRAMs, falling within CN codes ex 8473 30 10, ex 8473 50 10, and ex 8548 90 10, establish that the country of origin shall be the last country of manufacture where the increase in value acquired as a result of working and processing, and if applicable, the incorporation of parts originating in that country, represent at least 45 % of the ex-works price of the multi-combinational form of DRAMs. In case this rule is not satisfied, DRAMs are considered to be originating in the country in which the major portion of the materials used originated.

(18) The documents and pieces of evidence submitted during the investigation enabled to conclude that multi-combinational forms of DRAMs of non-Korean origin could incorporate DRAM chips and/or mounted DRAMs of Korean origin. Three types of evidences allowed to draw the above conclusion. First of all, *prima facie* evidence was submitted showing that some multi-combinational forms of DRAMs declared as originating in countries other than the Republic of Korea incorporated mounted DRAMs originating in the Republic of Korea and manufactured by companies subject to the countervailing duty. Secondly, Binding Origin Information issued in 2003 concerned multi-combinational forms of DRAMs falling within CN code ex 8548 90 10 (TARIC code 8548 90 10*10), which were manufactured partly in the United States of America and partly in the Republic of Korea. Finally, two press articles were submitted, in which reference was made to the fact that non-preferential rules of origin applicable in the Community allowed Korean companies to export to the Community DRAM chips or mounted DRAMs manufactured by Korean companies subject to the countervailing duty, by incorporating them in DRAM modules which were declared with origin other than the Republic of Korea.

(19) In the light of the above, it is considered that special provisions are needed in order to ensure that the countervailing duty is levied on DRAM chips or mounted DRAMs manufactured by companies subject to the countervailing duty and incorporated in multi-combinational forms of DRAMs originating in countries other than the Republic of Korea.

(20) One of the companies subject to the countervailing duty argued that once DRAM chips or mounted DRAMs are incorporated in multi-combinational forms of DRAMs, they can no longer be considered as a product potentially subject to the countervailing duty. In this respect, it is considered that DRAM chips or mounted DRAMs once incorporated in multi-combinational forms of DRAMs still maintain their properties and functions. The fact of being incorporated in multi-combinational forms of DRAMs does not alter their basic physical and technical characteristics. Moreover, the function performed by the multi-combinational forms of DRAMs, which is to provide memory, is exactly, although on a larger scale, the same as the one of DRAM chips or mounted DRAMs when considered individually. Therefore, it is concluded that the incorporation of DRAM chips or mounted DRAMs in multi-combinational forms of DRAMs does not change their nature and cannot be considered as a reason to exclude them from the application of the countervailing duty. For these reasons, the claim was rejected.

(21) The same party and the Government of the Republic of Korea argued that DRAM chips and mounted DRAMs presented in multi-combinational forms of DRAMs are not referred to in Article 1(1) of the original Regulation since they would not have been covered by the original investigation. As already mentioned in recital 13, Article 1(1) of the original Regulation clearly specifies that the countervailing duty is also imposed on DRAM chips and mounted DRAMs presented in multi-combinational forms. As to the claim that mounted DRAMs presented in multi-combinational forms of DRAMs would not have been investigated in the original investigation, no evidence was provided which could show that this was the case. On the contrary, given the nature of the subsidies received, all the sales of the investigated companies were taken into account to assess the level of subsidisation in the original investigation. For these reasons, the claim was rejected.

[1] Council Regulation (EEC) No 2913/92 (OJ L 302, 19.10.1992, p. 1). Regulation as last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).

2. **Anomalies resulting from the analysis of the trade flows**

(22) In the light of the non-preferential rules of origin applicable in the Community to DRAMs, import flows were analysed in relation to two main categories of the product concerned: on the one hand DRAM wafers, chips and mounted DRAMs, which originate in the country where the operation of diffusion takes place ([1]) and, on the other hand, multi-combinational forms of DRAMs, which originate in the country that meets the criteria indicated in recital (17). The analysis covered the period running from May 2003 to May 2005 and was based on Comext statistics at TARIC code level.

(23) With regard to the first category of the product concerned, it was established on the basis of information submitted by the Community industry that the operation of diffusion is currently taking place exclusively in the following countries outside the Community (in decreasing order of manufacturing capacity): the Republic of Korea, Taiwan, the United States of America, Japan, Singapore and the People's Republic of China. It therefore results that imports declared as originating in countries other than these ones are wrongly declared. This fact appears to be particularly evident for imports declared as originating in Malaysia, Hong Kong and, to a certain extent, the People's Republic of China which has only limited diffusion capacities. In addition to these latter countries, imports of DRAMs were also reported in Comext from other countries.

(24) Given the fact that the applicable non-preferential rules of origin are sufficiently clear and that any wrong indication of origin in the customs declaration can be addressed by customs authorities in line with the applicable legislation, it is considered that the most appropriate way to solve this problem is to regularly inform customs authorities of countries where the operation of diffusion takes place so that appropriate controls can be made.

(25) With regard to the second category of the product concerned, it was found that they represent the bulk of imports into the Community (73 %) out of all types of DRAMs. In particular, imports declared as originating in Malaysia represent 78 % out of all types imported from this country, 95 % for Hong Kong and 93 % for the People's Republic of China.

([1]) Annex 11 to Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1).

(26) As explained above, no or limited diffusion operations take place in the countries mentioned in recital 25. In this regard, evidence was provided showing that the maximum amount of value that could be added in these countries was likely to be insufficient to meet the 45 % value required by existing rules of origin and furthermore was even more unlikely to constitute the major portion of the overall manufacturing process.

(27) In the light of the above, it is considered that special provisions are needed in order to ensure that the origin of multi-combinational forms of DRAMs is correctly declared and customs authorities are enabled to perform the appropriate checks.

D. **PROPOSED SPECIAL PROVISIONS**

(28) In the light of the above findings, it is concluded that special provisions are needed for the purpose of:

(a) clarifying the description of the product concerned;

(b) ensuring that the origin of multi-combinational forms of DRAMs is correctly declared and customs authorities are enabled to perform the appropriate checks;

(c) ensuring the levy of the countervailing duty on import of multi-combinational forms of DRAMs originating in countries other than the Republic of Korea and incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea;

(d) ensuring the levy of the countervailing duty in case of lack of information or lack of cooperation by the declarant.

(29) The special provision referred to under point (a) of recital 28 should consist in a clearer description of the product concerned, singling out all different forms of DRAMs and mentioning explicitly mounted DRAMs.

(30) The special provisions referred to under points (b) and (c) of recital (28) should take the form of a reference number to be indicated by the declarant in box 44 of the Single Administrative Document (SAD) at the moment of the customs declaration for release into free circulation of the imported DRAM. Such a number should correspond to the description of the multi-combinational form of DRAM which takes into consideration 1. its form, 2. its origin ('Republic of Korea' or 'countries other than the Republic of Korea'), 3. the Korean company ('Samsung' or 'all companies other than Samsung'), if applicable, involved in the manufacturing process, and 4. in case of multi-combinational forms of DRAMs originating in countries other than the Republic of Korea incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung, the value represented by the DRAM chips and/or mounted DRAMs out of the overall value of the multi-combinational form of DRAM. The following reference numbers corresponding to the below product/origin descriptions should apply:

No	Product/origin description	Reference number
1.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in countries other than the Republic of Korea or originating in the Republic of Korea and manufactured by Samsung	D010
2.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung and representing less than 10 % of the net free-at-Community-frontier price of the multi-combinational form of DRAM	D011
3.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung and representing 10 % or more but less than 20 % of the net free-at-Community-frontier price of the multi-combinational form of DRAM	D012
4.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung and representing 20 % or more but less than 30 % of the net free-at-Community-frontier price of the multi-combinational form of DRAM	D013
5.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung and representing 30 % or more but less than 40 % of the net free-at-Community-frontier price of the multi-combinational form of DRAM	D014
6.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung and representing 40 % or more but less than 50 % of the net free-at-Community-frontier price of the multi-combinational form of DRAM	D015
7.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung and representing 50 % or more of the net free-at-Community-frontier price of the multi-combinational form of DRAM	D016

(31) The product/origin description falling under number 1 should not be accompanied by any additional supporting evidence. Indeed, the indication of a reference number, as such, is considered as sufficient to raise the attention of the declarant to the need to check carefully the origin and the location of all manufacturers involved. Moreover, any additional document would put an undue burden on the declarant in case of imports of DRAMs in the manufacture of which no company subject to the countervailing duty has intervened.

(32) The product/origin descriptions falling under numbers 2 to 7 should, on the contrary, be accompanied by a statement issued by the last manufacturer of the DRAM and submitted by the declarant together with the SAD at the moment of the customs declaration for release into free circulation, in conformity with the text provided in the Annex. Such a statement should mention, *inter alia*, the value of the manufacturing process carried out by the companies subject to the countervailing duty out of the overall value of the imported DRAMs.

(33) With regard to the countervailing duty rate applicable to multi-combinational forms of DRAMs falling under numbers 2 to 7, this should be calculated in proportion to the value represented by the incorporated DRAM chip and/or mounted DRAM originating in the Republic of Korea out of the overall value of the multi-combinational form of DRAM. With a view to simplifying the customs procedure and the application of the appropriate duty rates corresponding to that value, the following six levels of duty rates should be established, each corresponding to the following numbers of product/origin descriptions:

— No 2: a duty rate of 0 % should apply;

— No 3: a duty rate of 3,4 % should apply;

— No 4: a duty rate of 6,9 % should apply;

— No 5: a duty rate of 10,4 % should apply;

— No 6: a duty rate of 13,9 % should apply;

— No 7: a duty rate of 17,4 % should apply.

(34) Each level of duty rate established in recital (33) corresponds to the lowest percentage (foreseen for the relevant range of multi-combinational forms of DRAMs) applied to the countervailing duty (for example, 10 % of 34,8 % for multi-combinational forms of DRAMs falling under No 3, i.e. 3,4 %), to ensure a balanced application of the provision and to avoid any disproportionate burden to the economic operators importing and selling the product concerned in the Community.

(35) Finally, with regard to the special provision referred to under point (d) of recital 28, it is considered that the lack of both the indication of a reference number in box 44 of the SAD, as foreseen in recital 30, and of a statement, in the cases mentioned in recital (32), should trigger the application of the countervailing duty rate of 34,8 % since it should be assumed — unless the contrary is proved — that the multi-combinational form of DRAM is originating in the Republic of Korea and has been manufactured by companies subject to the countervailing duty.

(36) In addition, in the cases mentioned in recital 32, should some of the DRAM chips and/or mounted DRAMs incorporated in multi-combinational forms of DRAMs not be clearly marked and their manufacturers not be clearly identifiable from the required statement, it should be assumed — unless the contrary is proved — that such DRAM chips and/or mounted DRAMs are originating in the Republic of Korea and have been manufactured by companies subject to the countervailing duty. This should trigger the application of the countervailing duty rate of 34,8 % in those cases where, as a consequence of the above, the multi-combinational form of DRAMs originate in the Republic of Korea. In all other cases, the applicable countervailing duty should be the rate foreseen in recital 33, corresponding to the ranges of values established in recital 30.

(37) With regard to the special provision and the circumstances referred to in recitals 35 and 36, it was found that DRAM suppliers have contractual obligations vis-à-vis their clients to maintain certain specifications defined by industry standards, including the reference to the name of the companies where diffusion and assembly took place. Hence, it is considered that the information and the evidence to be provided are not putting any undue burden on the declarant,

HAS ADOPTED THIS REGULATION:

Article 1

Council Regulation (EC) No 1480/2003 is hereby amended as follows:

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

‘1. A definitive countervailing duty is hereby imposed on imports of certain electronic integrated circuits known as Dynamic Random Access Memories (DRAMs) manufactured using variations of metal oxide-semiconductors (MOS) process technology, including complementary MOS types (CMOS), of all types, densities, variations, access speed, configuration, package or frame, etc., originating in the Republic of Korea.

DRAMs defined in the preceding paragraph take the following forms:

— DRAM wafers falling within CN code ex 8542 21 01 (TARIC code 8542 21 01 10),

— DRAM chips (dies) falling within CN code ex 8542 21 05 (TARIC code 8542 21 05 10),

— mounted DRAMs falling within CN codes 8542 21 11, 8542 21 13, 8542 21 15 and 8542 21 17,

— multi-combinational forms of DRAMs (memory modules, memory boards or other aggregate forms) falling within CN codes ex 8473 30 10 (TARIC code 8473 30 10 10), ex 8473 50 10 (TARIC code 8473 50 10 10) and ex 8548 90 10 (TARIC code 8548 90 10 10),

— chips and/or mounted DRAMs incorporated in multi-combinational forms of DRAMs provided the multi-combinational form of DRAM is originating in countries other than the Republic of Korea, falling within CN codes ex 8473 30 10 (TARIC code 8473 30 10 10), ex 8473 50 10 (TARIC code 8473 50 10 10) and ex 8548 90 10 (TARIC code 8548 90 10 10).';

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

'2. The rate of the definitive countervailing duty applicable to the net free-at-Community-frontier price, before duty, shall be as follows:

Korean producers	Rate of duty (%)	TARIC additional code
Samsung Electronics Co., Ltd (Samsung) 24th Fl., Samsung Main Bldg 250, 2-Ga, Taepyeong-Ro Jung-Gu, Seoul	0 %	A437
Hynix Semiconductor Inc. 891, Daechidong Kangnamgu, Seoul	34,8 %	A693
All other companies	34,8 %	A999'

3. Article 1(3) shall be renumbered Article 1(7).

4. a new Article 1(3) shall be inserted as follows:

'3. Upon presentation to the Member State's customs authorities of the customs declaration for release into free circulation of multi-combinational forms of DRAMs, the declarant shall indicate in box 44 of the Single Administrative Document ("SAD") the reference number corresponding to the below product/origin descriptions indicated in the following table. The rate of the definitive countervailing duty applicable to the net-free-at-Community-frontier price, before duty, shall be as follows:

No	Product/origin description	Reference number	Rate of duty (%)
1.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in countries other than the Republic of Korea or originating in the Republic of Korea and manufactured by Samsung	D010	0 %
2.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung and representing less than 10 % of the net free-at-Community-frontier price of the multi-combinational form of DRAM	D011	0 %
3.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung and representing 10 % or more but less than 20 % of the net free-at-Community-frontier price of the multi-combinational form of DRAM	D012	3,4 %

No	Product/origin description	Reference number	Rate of duty (%)
4.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung and representing 20 % or more but less than 30 % of the net free-at-Community-frontier price of the multi-combinational form of DRAM	D013	6,9 %
5.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung and representing 30 % or more but less than 40 % of the net free-at-Community-frontier price of the multi-combinational form of DRAM	D014	10,4 %
6.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung and representing 40 % or more but less than 50 % of the net free-at-Community-frontier price of the multi-combinational form of DRAM	D015	13,9 %
7.	Multi-combinational forms of DRAMs originating in countries other than the Republic of Korea, incorporating DRAM chips and/or mounted DRAMs originating in the Republic of Korea and manufactured by all companies other than Samsung and representing 50 % or more of the net free-at-Community-frontier price of the multi-combinational form of DRAM	D016	17,4 %'

5. a new Article 1(4) shall be inserted as follows:

'4. With reference to paragraph 3, the indication in box 44 of the SAD of the reference number in case of the product/origin description falling under number 1 shall, as such, be considered as sufficient supporting evidence. For all remaining product/origin descriptions, the declarant shall submit a statement issued by the last manufacturer certifying the origin, the manufacturers and the value of all components of the multi-combinational form of DRAM, in conformity with the requirements set in the Annex. This statement shall be made on company-headed paper and be validated by a stamp of the company.';

6. a new Article 1(5) shall be inserted as follows:

'5. In case of no indication of any reference number in the SAD, as foreseen in paragraph 3, or if the customs declaration is not accompanied by any statement in the cases required in paragraph 4, the multi-combinational form of DRAM shall — unless the contrary is proved — be considered as originating in the Republic of Korea and manufactured by all companies other than Samsung, and the countervailing duty rate of 34,8 % shall apply.

In cases where some of the DRAM chips and/or mounted DRAMs incorporated in multi-combinational forms of DRAMs are not clearly marked and their manufacturers are not clearly identifiable from the statement required in paragraph 4, it should be assumed — unless the contrary is proved — that such DRAM chips and/or mounted DRAMs are originating in the Republic of Korea and have been manufactured by companies subject to the countervailing duty. In such cases, the countervailing duty rate applicable to multi-combinational forms of DRAMs shall be calculated on the basis of the percentage represented by the net free-at-Community-frontier price of the DRAM chips and/or mounted DRAMs originating in the Republic of Korea out of the net free-at-Community-frontier price of the multi-combinational forms of DRAM, as established in the table contained in paragraph 3, numbers 2 to 7. Should, however, the value of the aforementioned DRAM chips and/or mounted DRAMs be such to determine that the multi-combinational forms of DRAMs in which they are incorporated becomes of Korean origin, the countervailing duty rate of 34,8 % shall apply to the multi-combinational forms of DRAMs.'

7. A new Article 1(6) shall be inserted as follows:

'6. For the purpose of data verifications by Member State's customs authorities, Article 28(1), 28(3), 28(4) and 28(6) of Council Regulation (EC) No 2026/97 shall apply *mutatis mutandis*.'

Article 2

This Regulation shall enter into force on the 15th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 20 December 2005.

For the Council
The President
M. BECKETT

ANNEX

Statement accompanying the Single Administrative Document, and referring to imports of multi-combinational forms of DRAMs

NB: This declaration shall be issued by the last manufacturer of the multi-combinational form of DRAMs, made on company-headed paper and be validated by a stamp of the company.

1. Reference number: (number foreseen in Article 1(4))

2. Name of all manufacturers involved in the production of the DRAM chips and/or mounted DRAMs incorporated in the multi-combinational forms of DRAMs: (insert full name, address and manufacturing process performed)

3. Number and date of commercial invoice:

4. General information:

Multi-combinational form of DRAMs			Price of the DRAM chips and/or mounted DRAMs manufactured by all companies other than Samsung and incorporated in the multi-combinational form of DRAMs	
Quantity	Price (Total net-free-at-Community frontier)	Origin	Price as a % of the total net free-at-Community frontier price of the multi-combinational form of DRAMs	TARIC additional code of the Korean manufacturer

COUNCIL REGULATION (EC) No 2117/2005

of 21 December 2005

amending Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

(1) By Regulation (EC) No 384/96 [1] the Council adopted common rules for protection against dumped imports from countries which are not members of the European Community.

(2) In view of the very significant progress made by Ukraine towards the establishment of market economy conditions, as recognised by the conclusions of the Ukraine-European Union Summit on 1 December 2005, it is appropriate to allow normal value for Ukrainian exporters and producers to be established in accordance with the provisions of Article 2(1) to (6) of Regulation (EC) No 384/96,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EC) No 384/96, in the first sentence of Article 2(7)(b), the term 'the Ukraine' shall be deleted.

Article 2

This Regulation shall apply to all investigations initiated pursuant to Regulation (EC) No 384/96 after the date of entry into force of this Regulation, either on the basis of an application for initiation lodged after such date, or at the initiative of the Commission.

Article 3

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

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

Done at Brussels, 21 December 2005.

For the Council
The President
B. BRADSHAW

[1] OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

COMMISSION REGULATION (EC) No 2118/2005

of 22 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 [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 23 December 2005.

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

Done at Brussels, 22 December 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 22 December 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	052	78,8
	204	50,2
	212	90,9
	999	73,3
0707 00 05	052	121,7
	204	60,0
	220	196,3
	628	155,5
	999	133,4
0709 90 70	052	157,8
	204	110,9
	999	134,4
0805 10 20	052	69,0
	204	52,2
	220	65,0
	388	22,5
	624	59,8
	999	53,7
0805 20 10	052	67,9
	204	59,3
	999	63,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	77,3
	220	36,7
	400	86,5
	464	143,9
	624	82,4
	999	85,4
0805 50 10	052	58,5
	999	58,5
0808 10 80	096	18,3
	400	79,3
	404	88,1
	528	48,0
	720	74,3
	999	61,6
0808 20 50	052	125,5
	400	82,4
	720	51,2
	999	86,4

(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 2119/2005

of 22 December 2005

amending Regulation (EC) No 3175/94 laying down detailed rules of application for the specific arrangements for the supply of cereal products and dried fodder to the smaller Aegean islands and establishing the forecast supply balance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products [1], and in particular Article 3a(2) thereof,

Whereas:

(1) Commission Regulation (EEC) No 2958/93 [2] laid down common detailed rules for implementing Regulation (EEC) No 2019/93 as regards the specific arrangements for the supply of certain agricultural products to the smaller Aegean islands and, pursuant to Article 3 of Regulation (EEC) No 2019/93, the amount of aid for this supply.

(2) Pursuant to Article 2 of Regulation (EEC) No 2019/93, Commission Regulation (EC) No 3175/94 [3] establishes the forecast supply balance for cereal products and dried fodder.

(3) The forecast supply balance should be established for 2006.

(4) Regulation (EC) No 3175/94 should be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Joint Committee of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of Regulation (EC) No 3175/94 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2006.

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 184, 27.7.1993, p. 1. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).
[2] OJ L 267, 28.10.1993, p. 4. Regulation as last amended by Regulation (EC) No 1820/2002 (OJ L 276, 12.10.2002, p. 22).
[3] OJ L 335, 23.12.1994, p. 54. Regulation as last amended by Regulation (EC) No 53/2005 (OJ L 13, 15.1.2005, p. 3).

ANNEX

'ANNEX

Forecast supply balance for the smaller Aegean islands for cereal products and dried fodder for 2006

(in tonnes)

Quantity		2006	
Cereal products and dried fodder originating in the European Community	CN codes	Islands belonging to group A	Islands belonging to group B
Grain cereals	1001, 1002, 1003, 1004 and 1005	9 500	74 000
Barley originating on Limnos	1003	3 000	
Wheat flour	1101 and 1102	10 000	31 000
Food industry residues and waste	2302 to 2308	9 000	55 000
Preparations of a kind used in animal feeding	2309 20	2 000	19 500
Lucerne and dehydrated fodder for artificial drying, by heat or other means	1214 10 00 1214 90 91 1214 90 99	3 000	8 000
Cotton seed	1207 20 90	500	500
	Group total	34 000	188 000
	Total	225 000	

Groups A and B are defined in Annexes I and II to Regulation (EEC) No 2958/93.'

COMMISSION REGULATION (EC) No 2120/2005

of 22 December 2005

amending Regulation (EC) No 638/2003 laying down detailed rules for applying Council Regulation (EC) No 2286/2002 and Council Decision 2001/822/EC as regards the arrangements applicable to imports of rice originating in the African, Caribbean and Pacific States (ACP States) and the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Union,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice [1], and in particular Article 13(1) thereof,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) [2], and in particular Article 5 thereof,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community (Overseas Association Decision) [3], and in particular the seventh subparagraph of Article 6(5) of Annex III thereto,

Whereas:

(1) Regulation (EC) No 2286/2002 implements the arrangements for imports from the ACP States made as a result of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000.

(2) Decision 2001/822/EC lays down that the cumulation of ACP/OCT origin within the meaning of Article 6(1) and (5) of Annex III to that Decision is allowed within a total annual quantity of 160 000 tonnes of rice, expressed as husked-rice equivalent, for the products falling within CN code 1006.

(3) Commission Regulation (EC) No 638/2003 [4] provides for the issue of import licences at intervals designed to ensure balanced market management. This aim has not been fully achieved under current market management conditions in view of the harvest periods in the ACP States and overseas countries and territories concerned. In order to solve this problem and to bring the issue of licences more closely into line with the harvest period in the ACP States and overseas countries and territories concerned, the tranche currently fixed for the month of January should be put back a month and Regulation (EC) No 638/2003 should be amended accordingly.

(4) To allow optimal management of the tariff quotas concerned, this Regulation should apply from 1 January 2006.

(5) 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

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

(a) in Article 3(1) 'January' is replaced by 'February';

(b) in Article 5(1) 'January' is replaced by 'February';

(c) Article 10(1) is amended as follows:

(i) in point (a), 'January' is replaced by 'February';

(ii) in point (b) 'January' is replaced by 'February'.

Article 2

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

It shall apply from 1 January 2006.

[1] OJ L 270, 21.10.2003, p. 96.
[2] OJ L 348, 21.12.2002, p. 5.
[3] OJ L 314, 30.11.2001, p. 1.
[4] OJ L 93, 10.4.2003, p. 3. Regulation as amended by Regulation (EC) No 1950/2005 (OJ L 312, 29.11.2005, p. 18).

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 2121/2005

of 22 December 2005

amending Regulation (EC) No 2255/2004 as regards its period of application

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector [1], and in particular the second sentence of the second indent of the first subparagraph of Article 27(11) thereof,

Whereas:

(1) Where the export refund for sugar is differentiated, Commission Regulation (EC) No 2255/2004 of 27 December 2004 on proof of completion of customs formalities for the import of sugar into third countries as provided for in Article 16 of Regulation (EC) No 800/1999 [2] provides for relaxation of the rules on proof of completion of customs formalities until 31 December 2005.

(2) Given that the administrative difficulties that prompted this derogation and their impact on the market persist, application of that Regulation should be prolonged for one year.

(3) Regulation (EC) No 2255/2004 should be amended accordingly.

(4) 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

In the second paragraph of Article 2 of Regulation (EC) No 2255/2004 '31 December 2005' is replaced by '31 December 2006'.

Article 2

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

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).
[2] OJ L 385, 29.12.2004, p. 22.

COMMISSION REGULATION (EC) No 2122/2005

of 22 December 2005

fixing the additional amount to be paid for citrus fruits in Cyprus under Regulation (EC) No 634/2004

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,

Having regard to Commission Regulation (EC) No 634/2004 of 5 April 2004 laying down transitional measures for the application of Council Regulation (EC) No 2202/96 and Regulation (EC) No 2111/2003 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union [1], and in particular Article 2 thereof,

Whereas:

(1) The quantities of lemons, grapefruit, pomelos and oranges covered by aid applications for the 2004/05 marketing year as notified by Member States under Article 39(1)(c) of Commission Regulation (EC) No 2111/2003 of 1 December 2003 laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits [2], do not exceed the Community threshold. An additional amount should therefore be paid to Cyprus after the 2004/05 marketing year.

(2) The Member States have communicated the quantities of small citrus fruits processed under the aid scheme in accordance with Article 39(1)(c) of Regulation (EC) No 2111/2003. Based on this information, it has been established that the Community processing threshold has been overrun by 49 220 tonnes. Within that overrun, Cyprus has overrun its threshold. The amounts of aid for mandarins, clementines and satsumas indicated in Annex I to Regulation (EC) No 2202/96 for the 2004/05 marketing year should therefore be reduced by 17,83 % in Cyprus.

(3) Producers in the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia did not submit aid applications for citrus fruits for processing in respect of the 2004/05 marketing year. No additional amount for that marketing year should therefore be paid in those Member States,

HAS ADOPTED THIS REGULATION:

Article 1

Where Cyprus is concerned, and for the 2004/05 marketing year, the additional amounts of aid to be granted under Regulation (EC) No 2202/96 for lemons, grapefruit, pomelos, oranges and small citrus fruits delivered for processing shall be as indicated in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 100, 6.4.2004, p. 19. Regulation amended by Regulation (EC) No 2112/2004 (OJ L 366, 11.12.2004, p. 8).
[2] OJ L 317, 2.12.2003, p. 5.

ANNEX

(EUR/100 kg)

		Multiannual contracts	Contracts covering a single marketing year	Individual producers
Cyprus	Lemons	2,62	2,28	2,05
	Grapefruit and pomelos	2,62	2,28	2,05
	Oranges	2,82	2,45	2,21
	Mandarins	0,75	0,66	0,59
	Clementines	0,75	0,66	0,59
	Satsumas	0,75	0,66	0,59

COMMISSION REGULATION (EC) No 2123/2005

of 22 December 2005

amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on pears, lemons, apples and courgettes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables [1], and in particular Article 33(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables [2] provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code [3].

(2) For the purposes of Article 5(4) of the Agreement on Agriculture [4] concluded during the Uruguay Round of multilateral trade negotiations and in the light of the latest data available for 2002, 2003 and 2004, the trigger levels for additional duties on pears, lemons, apples and courgettes should be adjusted.

(3) As a result, Regulation (EC) No 1555/96 should be amended.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1555/96 is hereby replaced by the Annex hereto.

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 January 2006.

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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[1] OJ L 297, 21.11.1996, p. 1. Regulation last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).
[2] OJ L 193, 3.8.1996, p. 1. Regulation last amended by Regulation (EC) No 1796/2005 (OJ L 288, 29.10.2005, p. 42).
[3] OJ L 253, 11.10.1993, p. 1. Regulation last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).
[4] OJ L 336, 23.12.1994, p. 22.

ANNEX

'ANNEX

Without prejudice to the rules governing the interpretation of the combined nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where "ex" appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and by the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 May	810 159
78.0020			— 1 June to 30 September	883 976
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	10 637
78.0075			— 1 November to 30 April	10 318
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	90 600
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	68 401
78.0110	ex 0805 10 20	Oranges	— 1 December to 31 May	271 073
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	150 169
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	94 492
78.0155	ex 0805 50 10	Lemons	— 1 June to 31 December	265 745
78.0160			— 1 January to 31 May	82 467
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	222 307
78.0175	ex 0808 10 80	Apples	— 1 January to 31 August	805 913
78.0180			— 1 September to 31 December	80 454
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	239 893
78.0235			— 1 July to 31 December	105 438
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	127 403
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	54 213
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	982 366
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	54 605'

COMMISSION REGULATION (EC) No 2124/2005

of 22 December 2005

laying down derogations from Regulation (EC) No 800/1999 as regards products in the form of goods not covered by Annex I to the Treaty exported to third countries other than Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products [1], and in particular Article 8(3) thereof,

Whereas:

(1) Article 4 of Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds [2] provides that 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] shall apply as regards exports of products in the form of goods not covered by Annex I to the Treaty.

(2) Article 3 of Regulation (EC) No 800/1999, provides that entitlement to the export refund is acquired on importation into a specific third country when a differentiated refund applies for that third country. Articles 14, 15 and 16 of that Regulation lay down the conditions for the payment of the differentiated refund, in particular the documents to be supplied as proof of the goods' arrival at destination.

(3) In the case of a differentiated refund, Article 18(1) and (2) of Regulation (EC) No 800/1999 provides that part of the refund, calculated using the lowest refund rate, is paid on application by the exporter once proof is furnished that the product has left the customs territory of the Community.

(4) EU-Romania Association Council Decision No 3/2005 of 5 July 2005 concerning the improvement of the trade arrangements for processed agricultural products provided in Protocol 3 of the Europe Agreement [4] provides for the abolition of refunds on processed agricultural products not listed in Annex I to the Treaty when exported to Romania, from 1 December 2005.

(5) Romania has undertaken to grant the preferential import arrangements to goods imported into its territory only if the goods concerned are accompanied by documents stating that they are not eligible for payment of export refunds.

(6) In the light of those arrangements, as a transitory measure in view of the possible accession of Romania to the European Union and in order to avoid the imposition of unnecessary costs on operators in their commercial trade with other third countries, it is appropriate to derogate from Regulation (EC) No 800/1999 in so far as it requires proof of import in the case of differentiated refunds. It is also appropriate, where no export refunds have been fixed for the particular countries of destination in question, not to take account of that fact when the lowest rate of refund is determined.

(7) Since the measures laid down in EU-Romania Association Council Decision No 3/2005 will apply as from 1 December 2005 this Regulation should enter into force on the day following that of its publication.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 16 of Regulation (EC) No 800/1999, where the differentiation of the refund is the result solely of a refund not having been fixed for Romania proof that the customs import formalities have been completed shall not be a condition for payment of the refund in respect of all goods listed in Annex II to Regulation (EC) No 1043/2005, which are covered by EU-Romania Association Council Decision No 3/2005.

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[1] OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

[2] OJ L 172, 5.7.2005, p. 24.

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

[4] OJ L 324, 10.12.2005, p. 26.

Article 2

The fact that no export refund has been fixed in respect of the export to Romania of the goods listed in Annex II to Regulation (EC) No 1043/2005, which are covered by EU-Romania Association Council Decision No 3/2005, shall not be taken into account in determining the lowest rate of refund within the meaning of Article 18(2) of Regulation (EC) No 800/1999.

Article 3

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 December 2005.

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

Done at Brussels, 22 December 2005.

For the Commission
Günter VERHEUGEN
Vice-President

COMMISSION REGULATION (EC) No 2125/2005

of 22 December 2005

laying down transitory measures arising from the adoption of improved trade arrangements concerning the export of certain processed agricultural products to Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products [1], and in particular Article 8(3) thereof,

Whereas:

(1) The Community has recently concluded a trade agreement for processed agricultural products with Romania in preparation for its accession to the Community. This agreement provides for concessions involving on the Community side the abolition of export refunds on certain processed agricultural products.

(2) EU-Romania Association Council Decision No 3/2005 of 5 July 2005 concerning the improvement of the trade arrangements for processed agricultural products provided in Protocol 3 of the Europe Agreement [2] provides for the abolition of refunds on processed agricultural products not listed in Annex I to the Treaty when exported to Romania, from 1 December 2005.

(3) In return for the abolition of export refunds as set out in EU-Romania Association Council Decision No 3/2005, the Romanian authorities have undertaken to grant reciprocal preferential import arrangements to goods imported into their territory if the goods concerned are accompanied by a copy of the export declaration containing a special mention indicating that they are not eligible for payment of export refunds. The full rate of duty applies in the absence of such documentation.

(4) With the entry into force of EU-Romania Association Council Decision No 3/2005, goods for which operators have applied for refund certificates in accordance with Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds [3] will no longer be eligible for refund when they are exported to Romania.

(5) Reduction of refund certificates and *pro rata* release of the corresponding security should be allowed where operators can demonstrate to the satisfaction of the national competent authority that their claims for refunds have been affected by the entry into force of EU-Romania Association Council Decision No 3/2005. When assessing requests for reduction of the amount of the refund certificate and proportional release of the relevant security, the national competent authority should, in cases of doubt, have regard in particular to the documents referred to in Article 1(2) of Council Regulation (EEC) No 4045/89 of 21 December 1989 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund and repealing Directive 77/435/EEC [4] without prejudice to the application of the other provisions of that Regulation. For administrative reasons it is appropriate to provide that requests for reduction of the amount of the refund certificate and release of the security are to be made within a short period and that the amounts for which reductions have been accepted are to be notified to the Commission in time for their inclusion in the determination of the amount for which refund certificates for use from 1 February 2006 shall be issued, pursuant to Regulation (EC) No 1043/2005.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Goods in respect of which export refunds have been abolished by EU-Romania Association Council Decision No 3/2005 shall be imported free of customs duties, free of customs duties within quotas, or at reduced rates of customs duties into Romania if the goods concerned are accompanied by a duly completed copy of the export declaration with the following entry in Box 44:

'Export Refund: 0 EUR/EU-Romania Association Council Decision No 3/2005'.

[1] OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).
[2] OJ L 324, 10.12.2005, p. 26.
[3] OJ L 172, 5.7.2005, p. 24.
[4] OJ L 388, 30.12.1989, p. 18. Regulation as last amended by Regulation (EC) No 2154/2002 (OJ L 328, 5.12.2002, p. 4).

Article 2

1. Refund certificates issued in accordance with Regulation (EC) No 1043/2005 in respect of exports of the goods for which export refunds have been abolished by EU-Romania Association Council Decision No 3/2005 may, at request of the interested party, be reduced under the conditions provided for in paragraph 2.

2. To be eligible for reduction of the amount of the refund certificate, the certificates referred to in paragraph 1 must have been applied for before the date of entry into force of EU-Romania Association Council Decision No 3/2005 and their validity period must expire after 30 November 2005.

3. The certificate shall be reduced by the amount for which the interested party is unable to claim export refunds following the entry into force of EU-Romania Association Council Decision No 3/2005, as demonstrated to the satisfaction of the national competent authority.

In making their appraisal the competent authorities shall, in cases of doubt, have regard in particular to the commercial documents referred to in Article 1(2) of Regulation (EEC) No 4045/89.

4. The relevant security shall be released in proportion to the reduction concerned.

Article 3

1. To be eligible for consideration under Article 2, the national competent authority must receive the requests by 7 January 2006, at the latest.

2. Member States shall notify the Commission not later than 14 January 2006 of the amounts for which reductions have been accepted in accordance with Article 2(3) of this Regulation. The notified amounts shall be taken into account for the determination of the amount for which refund certificates for use from 1 February 2006 shall be issued, pursuant to point (c) of Article 33 of Regulation (EC) No 1043/2005.

Article 4

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

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

Done at Brussels, 22 December 2005.

For the Commission
Günter VERHEUGEN
Vice-President

COMMISSION REGULATION (EC) No 2126/2005

of 22 December 2005

amending Regulation (EEC) No 350/93 concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], and in particular Article 9(1)(a) thereof,

Whereas:

(1) Commission Regulation (EEC) No 350/93 of 17 February 1993 concerning the classification of certain goods in the Combined Nomenclature [2] lays down measures concerning the classification in the Combined Nomenclature of a pair of shorts described in point 8 of the Annex to that Regulation (photo 509).

(2) It is necessary to specify the description of the pockets of the garment in question and to align the second paragraph of the reasons accordingly, in order to avoid divergent classification. Up to now, the fact that the pockets have no closing system was merely illustrated in photo 509.

(3) Moreover, in the reasons given for the classification of the garment in question reference is made to Note 8 of Chapter 62 of the Combined Nomenclature without mentioning which paragraph of that Note has been applied, which might lead to divergent classifications.

(4) In order to ensure uniform application of the Combined Nomenclature it should be made clear that the classification laid down in Regulation (EEC) No 350/93 was not based on the first paragraph of Note 8 and was therefore not determined by the reason that the garment in question has a cut which clearly indicates that it is designed for women.

(5) Provision should be made that the second paragraph of Note 8 to Chapter 62 was applied and that the garment in question was classified within CN code 6204 63 90 because the cut of the garment in question does not give ample indications as to whether it was intended for men or women and therefore cannot be identified as either men's or boy's garment or as women's or girls' garment.

(6) Regulation (EEC) No 350/93 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Point 8 of the Annex to Regulation (EEC) No 350/93 is amended as follows:

1. in column 1 (Description) the last sentence is replaced by the following:

   'The garment has an open inside pocket on each side and a knitted inside brief (65 % polyester, 35 % cotton), sewn at the waist (as for shorts) (see photograph No 509) (*).';

2. in column 3 (Reason) the text is replaced by the following:

   'Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, by the second paragraph of Note 8 to Chapter 62, as well as by the texts of CN codes 6204, 6204 63 and 6204 63 90.

   Classification as swimwear is excluded because this garment, by virtue of its cut, general appearance and the presence of side pockets without a firm fastening system cannot be deemed as intended to be worn solely or mainly as swimwear.'

Article 2

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

[1] OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1719/2005 (OJ L 286, 28.10.2005, p. 1).
[2] OJ L 41, 18.2.1993, p. 7.

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

Done at Brussels, 22 December 2005.

For the Commission
László KOVÁCS
Member of the Commission

COMMISSION REGULATION (EC) No 2127/2005

of 22 December 2005

concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], and in particular Article 9(1)(a) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.

(2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.

(3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [2].

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 22 December 2005.

For the Commission
László KOVÁCS
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1719/2005 (OJ L 286, 28.10.2005, p. 1).

[2] OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
An incomplete and unassembled new four-wheeled vehicle, of the 'pick-up' type with a diesel engine of a cylinder-capacity of 2 500 cm^3, a gross vehicle weight of 2 650 kg and a total cargo-capacity of 1 000 kg. The vehicle has one row of seats for two persons (including the driver) and an open cargo area with a length of 2,28 m. All parts are presented and declared to customs at the same place and time. The radiator, windows, tyres, battery, shock absorbers, seat and door upholstery are not present.	8704 21 91	Classification is determined by General Rules 1, 2 (a) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8704, 8704 21 and 8704 21 91. The vehicle is classified under heading 8704 because, as presented, it has the essential character of a complete or finished vehicle (General Rule 2 (a), first sentence). See also the HS Explanatory Notes to Chapter 87, General. The fact that the vehicle is presented unassembled does not affect the classification as a complete or finished product (General Rule 2 (a), second sentence).

COMMISSION REGULATION (EC) No 2128/2005

of 22 December 2005

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in the sugar sector [1], and in particular Article 27(5)(a) and (15) thereof,

Whereas:

(1) Article 27(1) and (2) of Regulation (EC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex V to that Regulation.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds, and the criteria for fixing the amount of such refunds [2], specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001.

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

(4) Article 27(3) of Regulation (EC) No 1260/2001 lays down that the export refund for a product contained in goods may not exceed the refund applicable to that product when exported without further processing.

(5) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.

(6) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 December 2005.

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

Done at Brussels, 22 December 2005.

For the Commission
Günter VERHEUGEN
Vice-President

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[1] OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 987/2005 (OJ L 167, 29.6.2005, p. 12).
[2] OJ L 172, 5.7.2005, p. 24.

ANNEX

Rates of refunds applicable from 23 December 2005 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty [1]

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	35,00	35,00

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

COMMISSION REGULATION (EC) No 2129/2005

of 22 December 2005

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds [3], specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.

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

(4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC [4], it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.

(6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 [5], for the basic product in question, used during the assumed period of manufacture of the goods.

(7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.

(8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 December 2005.

[1] OJ L 270, 21.10.2003, p. 78.
[2] OJ L 270, 21.10.2003, p. 96.
[3] OJ L 172, 5.7.2005, p. 24.
[4] OJ L 275, 29.9.1987, p. 36.
[5] OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 22 December 2005.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 23 December 2005 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

(EUR/100 kg)

CN code	Description of products (1)	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	—	—
	– – where goods falling within subheading 2208 (3) are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 (3) are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	2,687	2,687
	– – where goods falling within subheading 2208 (3) are exported	1,714	1,714
	– – in other cases	3,499	3,499
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (4):		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	1,812	1,812
	– – where goods falling within subheading 2208 (3) are exported	1,286	1,286
	– – in other cases	2,624	2,624
	– where goods falling within subheading 2208 (3) are exported	1,714	1,714
	– other (including unprocessed)	3,499	3,499
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	2,133	2,133
	– where goods falling within subheading 2208 (3) are exported	1,714	1,714
	– in other cases	3,499	3,499

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

(EUR/100 kg)

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

(1) As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.
(2) The goods concerned fall under CN code 3505 10 50.
(3) Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).
(4) For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

COMMISSION REGULATION (EC) No 2130/2005

of 22 December 2005

fixing the representative prices and the additional import duties for molasses in the sugar sector applicable from 23 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 [1], and in particular Article 24(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 [2], stipulates that the cif import price for molasses established in accordance with Commission Regulation (EEC) No 785/68 [3], is to be considered the representative price. That price is fixed for the standard quality defined in Article 1 of Regulation (EEC) No 785/68.

(2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 3 of Regulation (EEC) No 785/68, except in the cases provided for in Article 4 of that Regulation and those prices should be fixed, where appropriate, in accordance with the method provided for in Article 7 of that Regulation.

(3) Prices not referring to the standard quality should be adjusted upwards or downwards, according to the quality of the molasses offered, in accordance with Article 6 of Regulation (EEC) No 785/68.

(4) Where there is a difference between the trigger price for the product concerned and the representative price, additional import duties should be fixed under the terms laid down in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.

(5) The representative prices and additional import duties for the products concerned should be fixed in accordance with Articles 1(2) and 3(1) of Regulation (EC) No 1422/95.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 December 2005.

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

Done at Brussels, 22 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

Director-General for Agriculture and Rural Development

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

[2] OJ L 141, 24.6.1995, p. 12. Regulation as amended by Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

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

ANNEX

Representative prices and additional duties for imports of molasses in the sugar sector applicable from 23 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 (1)
1703 10 00 (2)	11,16	—	0
1703 90 00 (2)	11,79	—	0

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

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

COMMISSION REGULATION (EC) No 2131/2005

of 22 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 [1], and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

(1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.

(3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector [2]. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

(4) In special cases, the amount of the refund may be fixed by other legal instruments.

(5) The refund must be fixed every two weeks. It may be altered in the intervening period.

(6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.

(7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.

(8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.

(9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 December 2005.

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

Done at Brussels, 22 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

[2] OJ L 214, 8.9.1995, p. 16.

ANNEX

REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 23 DECEMBER 2005 [a]

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	32,19 [1]
1701 11 90 9910	S00	EUR/100 kg	32,19 [1]
1701 12 90 9100	S00	EUR/100 kg	32,19 [1]
1701 12 90 9910	S00	EUR/100 kg	32,19 [1]
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3500
1701 99 10 9100	S00	EUR/100 kg	35,00
1701 99 10 9910	S00	EUR/100 kg	35,00
1701 99 10 9950	S00	EUR/100 kg	35,00
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3500

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

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

The other destinations are:

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

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

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

COMMISSION REGULATION (EC) No 2132/2005

of 22 December 2005

fixing the export refunds on syrups and certain other sugar products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector [2], provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.

(3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry [3], to the products listed in the Annex to the last mentioned Regulation.

(4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said Regulation exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward-processing arrangements.

(5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.

(6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article (1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.

(7) The abovementioned refunds must be fixed every month; they may be altered in the intervening period.

(8) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.

(9) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial in nature.

[1] OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 6).
[2] OJ L 214, 8.9.1995, p. 16.
[3] OJ L 178, 30.6.2001, p. 63.

(10) In order to prevent any abuses associated with the reimportation into the Community of sugar sector products that have qualified for export refunds, refunds for the products covered by this Regulation should not be fixed for all the countries of the western Balkans.

(11) In view of the above, refunds for the products in question should be fixed at the appropriate amounts.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 December 2005.

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 23 DECEMBER 2005 [a]

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	35,00 [1]
1702 60 10 9000	S00	EUR/100 kg dry matter	35,00 [1]
1702 60 80 9100	S00	EUR/100 kg dry matter	66,50 [2]
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3500 [3]
1702 90 30 9000	S00	EUR/100 kg dry matter	35,00 [1]
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3500 [3]
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3500 [3]
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,3500 [3] [4]
2106 90 30 9000	S00	EUR/100 kg dry matter	35,00 [1]
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3500 [3]

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

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

The other destinations are defined as follows:

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 2133/2005

of 22 December 2005

fixing the maximum export refund for white sugar to certain third countries for the 15th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1138/2005

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(2) Pursuant to Article 9(1) of Regulation (EC) No 1138/2005 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 15th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1138/2005 the maximum amount of the export refund shall be 37,750 EUR/100 kg.

Article 2

This Regulation shall enter into force on 23 December 2005.

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).
[2] OJ L 185, 16.7.2005, p. 3.

COMMISSION REGULATION (EC) No 2134/2005

of 22 December 2005

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 14 of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 14 of Regulation (EC) No 1785/2003 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 [3] on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) 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.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 December 2005.

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

[2] OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 1549/2004 (OJ L 280, 31.8.2004, p. 13).

[3] OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

to Commission Regulation of 22 December 2005 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 (1)	C10	EUR/t	48,99
1102 20 10 9400 (1)	C10	EUR/t	41,99
1102 20 90 9200 (1)	C10	EUR/t	41,99
1102 90 10 9100	C11	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00
1103 19 40 9100	C10	EUR/t	0,00
1103 13 10 9100 (1)	C10	EUR/t	62,98
1103 13 10 9300 (1)	C10	EUR/t	48,99
1103 13 10 9500 (1)	C10	EUR/t	41,99
1103 13 90 9100 (1)	C10	EUR/t	41,99
1103 19 10 9000	C10	EUR/t	0,00
1103 19 30 9100	C10	EUR/t	0,00
1103 20 60 9000	C12	EUR/t	0,00
1103 20 20 9000	C11	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00
1104 19 10 9000	C10	EUR/t	0,00
1104 19 50 9110	C10	EUR/t	55,98
1104 19 50 9130	C10	EUR/t	45,49
1104 29 01 9100	C10	EUR/t	0,00
1104 29 03 9100	C10	EUR/t	0,00
1104 29 05 9100	C10	EUR/t	0,00
1104 29 05 9300	C10	EUR/t	0,00
1104 22 20 9100	C10	EUR/t	0,00
1104 22 30 9100	C10	EUR/t	0,00
1104 23 10 9100	C10	EUR/t	52,49
1104 23 10 9300	C10	EUR/t	40,24
1104 29 11 9000	C10	EUR/t	0,00
1104 29 51 9000	C10	EUR/t	0,00
1104 29 55 9000	C10	EUR/t	0,00
1104 30 10 9000	C10	EUR/t	0,00
1104 30 90 9000	C10	EUR/t	8,75
1107 10 11 9000	C13	EUR/t	0,00
1107 10 91 9000	C13	EUR/t	0,00
1108 11 00 9200	C10	EUR/t	0,00
1108 11 00 9300	C10	EUR/t	0,00
1108 12 00 9200	C10	EUR/t	55,98
1108 12 00 9300	C10	EUR/t	55,98
1108 13 00 9200	C10	EUR/t	55,98
1108 13 00 9300	C10	EUR/t	55,98
1108 19 10 9200	C10	EUR/t	0,00
1108 19 10 9300	C10	EUR/t	0,00
1109 00 00 9100	C10	EUR/t	0,00
1702 30 51 9000 (2)	C10	EUR/t	54,85
1702 30 59 9000 (2)	C10	EUR/t	41,99
1702 30 91 9000	C10	EUR/t	54,85
1702 30 99 9000	C10	EUR/t	41,99
1702 40 90 9000	C10	EUR/t	41,99
1702 90 50 9100	C10	EUR/t	54,85
1702 90 50 9900	C10	EUR/t	41,99
1702 90 75 9000	C10	EUR/t	57,47
1702 90 79 9000	C10	EUR/t	39,89
2106 90 55 9000	C10	EUR/t	41,99

(1) No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

(2) Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended. The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are as follows:

C10: All destinations

C11: All destinations except for Bulgaria

C12: All destinations except for Romania

C13: All destinations except for Bulgaria and Romania

C14: All destinations except for Switzerland and Liechtenstein.

COMMISSION REGULATION (EC) No 2135/2005

of 22 December 2005

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ([2]) in Article 2 lays down general rules for fixing the amount of such refunds.

(3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

(4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.

(5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.

(6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 December 2005.

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

([1]) OJ L 270, 21.10.2003, p. 78.
([2]) OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 22 December 2005 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

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

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

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

C10: All destinations.

COMMISSION REGULATION (EC) No 2136/2005

of 22 December 2005

fixing production refunds on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003, on the common organisation of the market in cereals [1], and in particular Article 8(2) thereof,

Whereas:

(1) Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively [2] lays down the conditions for granting production refunds. The basis for calculating the refund is laid down in Article 3 of that Regulation. The refund thus calculated, differentiated where necessary for potato starch, must be fixed once a month and may be amended if the price of maize and/or wheat changes significantly.

(2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.

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

HAS ADOPTED THIS REGULATION:

Article 1

The refund per tonne of starch referred to in Article 3(2) of Regulation (EEC) No 1722/93, is hereby fixed at:

(a) EUR/tonne 10,08 for starch from maize, wheat, barley and oats;

(b) EUR/tonne 19,42 for potato starch.

Article 2

This Regulation shall enter into force on 23 December 2005.

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

[2] OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

COMMISSION REGULATION (EC) No 2137/2005

of 22 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 [1], and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1058/2005 [2].

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals [3], the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

(4) The 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 16 to 22 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 23 December 2005.

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 270, 21.10.2003, p. 78.
[2] OJ L 174, 7.7.2005, p. 12.
[3] OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 2138/2005

of 22 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 [1], and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of 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 [2], and in particular Article 7 thereof,

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

Whereas:

(1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland and Sweden to all third countries, with the exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1438/2005.

(2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 16 to 22 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 23 December 2005.

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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[1] OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).
[2] OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).
[3] OJ L 228, 3.9.2005, p. 5.

COMMISSION REGULATION (EC) No 2139/2005

of 22 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 [1], and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 1059/2005 [2].

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals [3], the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

(4) The 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 16 to 22 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 8,00 EUR/t.

Article 2

This Regulation shall enter into force on 23 December 2005.

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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[1] OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).
[2] OJ L 174, 7.7.2005, p. 15.
[3] OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 2140/2005

of 22 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 [1], and in particular Article 12(1) thereof,

Whereas:

(1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 1809/2005 [2].

(2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95 [3], the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 16 to 22 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 22,72 EUR/t and be valid for a total maximum quantity of 1 500 t.

Article 2

This Regulation shall enter into force on 23 December 2005.

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

Done at Brussels, 22 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

[1] OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).
[2] OJ L 291, 5.11.2005, p. 4.
[3] OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 2235/2005 (OJ L 256, 10.10.2005, p. 13).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 13 December 2005

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Korea pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994

(2005/929/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) On 22 March 2004 the Council authorised the Commission to open negotiations with certain other Members of the World Trade Organisation under Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994, in the course of the accessions to the European Union of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

(2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.

(3) The Commission has finalised negotiations for an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Korea pursuant to Article XXIV:6 and Article XXVIII of the GATT 1994. The said Agreement should therefore be approved, in the form of an Exchange of Letters,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Republic of Korea pursuant to Article XXIV:6 and Article XXVIII of GATT 1994 with respect to the withdrawal of specific concessions in relation to the withdrawal of the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters 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 Community [1].

Done at Brussels, 13 December 2005.

For the Council
The President
J. GRANT

[1] The date of entry into force of the Agreement will be published in the *Official Journal of the European Union*.

AGREEMENT

in the form of an Exchange of Letters between the European Community and the Republic of Korea pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994

A. *Letter from the European Community*

Brussels, 13 December 2005

Sir,

Following the initiation of negotiations between the European Communities (EC) and the Republic of Korea under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the EC, the following is agreed between the EC and the Republic of Korea in order to close the negotiations opened following the EC's notification of 19 January 2004 to the WTO pursuant to Article XXIV:6 of GATT 1994.

The EC agrees to incorporate in its schedule for the customs territory of EC-25, the concessions that were included in its previous schedule.

The EC agrees that it will introduce the following lower applied rates:

8525 40 99: a lower applied rate of 12,5 %

3903 19 00: a lower applied rate of 4 %

8521 10 30: a lower applied rate of 13,0 %

8527 31 91: a lower applied rate of 11,4 %

The lower applied rates indicated above are to be applied for three years or until the implementation of results of the Doha Development Agenda reaches the tariff level above, whichever comes first. The lower applied rate on 8525 40 99 shall however be applied for four years or until the implementation of results of the Doha Development Agenda reaches the tariff level above, whichever comes first. The periods indicated above will begin at the date of the implementation.

This Agreement shall enter into force on the date on which the EC receives from the Republic of Korea a duly executed letter of agreement, following consideration by the parties in accordance with their own procedures. The EC undertakes to use its best endeavours to ensure that the appropriate implementing measures enter into force no later than 1 January 2006.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the European Community

B. *Letter from the Republic of Korea*

Brussels, 13 December 2005

Sir,

Reference is made to your letter stating:

'Following the initiation of negotiations between the European Communities (EC) and the Republic of Korea under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the EC, the following is agreed between the EC and the Republic of Korea in order to close the negotiations opened following the EC's notification of 19 January 2004 to the WTO pursuant to Article XXIV:6 of GATT 1994.

The EC agrees to incorporate in its schedule for the customs territory of EC 25, the concessions that were included in its previous schedule.

The EC agrees that it will introduce the following lower applied rates:

8525 40 99: a lower applied rate of 12,5 %

3903 19 00: a lower applied rate of 4 %

8521 10 30: a lower applied rate of 13,0 %

8527 31 91: a lower applied rate of 11,4 %

The lower applied rates indicated above are to be applied for three years or until the implementation of results of the Doha Development Agenda reaches the tariff level above, whichever comes first. The lower applied rate on 8525 40 99 shall however be applied for four years or until the implementation of results of the Doha Development Agenda reaches the tariff level above, whichever comes first. The periods indicated above will begin at the date of the implementation.

This Agreement shall enter into force on the date on which the EC receives from the Republic of Korea a duly executed letter of agreement, following consideration by the parties in accordance with their own procedures. The EC undertakes to use its best endeavours to ensure that the appropriate implementing measures enter into force no later than 1 January 2006.'

I hereby have the honour to express my Government's agreement.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Republic of Korea

COUNCIL DECISION

of 21 December 2005

implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2005/848/EC

(2005/930/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism [1], and in particular Article 2(3) thereof,

Whereas:

(1) On 29 November 2005 the Council adopted Decision 2005/848/EC implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2005/722/EC [2].

(2) It has been decided to adopt an updated list of the persons, groups and entities to which Regulation (EC) No 2580/2001 applies,

HAS DECIDED AS FOLLOWS:

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 shall be replaced by the following:

'1. **Persons**

1. ABOU, Rabah Naami (a.k.a. Naami Hamza; a.k.a. Mihoubi Faycal; a.k.a. Fellah Ahmed; a.k.a. Dafri Rèmi Lahdi), born 1.2.1966 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane), born 17.10.1964 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

3. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim), born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen of Saudi Arabia

4. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen of Saudi Arabia

5. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen of Saudi Arabia

6. ARIOUA, Azzedine, born 20.11.1960 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)

7. ARIOUA, Kamel (a.k.a. Lamine Kamel), born 18.8.1969 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)

8. ASLI, Mohamed (a.k.a. Dahmane Mohamed), born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)

9. ASLI, Rabah, born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)

10. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen of Lebanon

11. DARIB, Noureddine (a.k.a. Carreto; a.k.a. Zitoun Mourad), born 1.2.1972 in Algeria (Member of al-Takfir and al-Hijra)

12. DJABALI, Abderrahmane (a.k.a. Touil), born 1.6.1970 in Algeria (Member of al-Takfir and al-Hijra)

13. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a EL-HOURI, Ali Saed Bin Ali), born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen of Saudi Arabia

14. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

15. IZZ-AL-DIN, Hasan (a.k.a GARBAYA, Ahmed; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon

16. LASSASSI, Saber (a.k.a. Mimiche), born 30.11.1970 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)

[1] OJ L 344, 28.12.2001, p. 70. Regulation as last amended by Commission Regulation (EC) No 1957/2005 (OJ L 314, 30.11.2005, p. 16).
[2] OJ L 314, 30.11.2005, p. 46.

17. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Adbul), born 14.4.1965 alt. 1.3.1964 in Pakistan, passport No 488555

18. MOKTARI, Fateh (a.k.a. Ferdi Omar), born 26.12.1974 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)

19. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)

20. NOUARA, Farid, born 25.11.1973 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

21. RESSOUS, Hoari (a.k.a. Hallasa Farid), born 11.9.1968 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

22. SEDKAOUI, Noureddine (a.k.a. Nounou), born 23.6.1963 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

23. SELMANI, Abdelghani (a.k.a. Gano), born 14.6.1974 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

24. SENOUCI, Sofiane, born 15.4.1971 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)

25. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of the Communist Party of the Philippines including NPA) born 8.2.1939 in Cabugao, Philippines

26. TINGUALI, Mohammed (a.k.a. Mouh di Kouba), born 21.4.1964 in Blida (Algeria) (Member of al-Takfir and al-Hijra)

2. **Groups and entities**

1. Abu Nidal Organisation (ANO), (a.k.a. Fatah Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organisation of Socialist Muslims)

2. Al-Aqsa Martyrs' Brigade

3. Al-Aqsa e.V.

4. Al-Takfir and Al-Hijra

5. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)

6. Babbar Khalsa

7. Communist Party of the Philippines, including New Peoples Army (NPA), Philippines, linked to Sison Jose Maria C. (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of the Communist Party of the Philippines, including NPA)

8. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)

9. Great Islamic Eastern Warriors Front (IBDA-C)

10. Hamas (including Hamas-Izz al-Din al-Qassem)

11. Hizbul Mujahideen (HM)

12. Holy Land Foundation for Relief and Development

13. International Sikh Youth Federation (ISYF)

14. Kahane Chai (Kach)

15. Khalistan Zindabad Force (KZF)

16. Kurdistan Workers' Party (PKK), (a.k.a. KADEK; a.k.a. KONGRA-GEL)

17. Mujahedin-e Khalq Organisation (MEK or MKO) [minus the "National Council of Resistance of Iran" (NCRI)] (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Students' Society)

18. National Liberation Army (Ejército de Liberación Nacional)

19. Palestine Liberation Front (PLF)

20. Palestinian Islamic Jihad (PIJ)

21. Popular Front for the Liberation of Palestine (PFLP)

22. Popular Front for the Liberation of Palestine — General Command (a.k.a PFLP — General Command)

23. Revolutionary Armed Forces of Colombia (FARC)

24. Revolutionary People's Liberation Army/Front/Party (DHKP/C) (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)

25. Shining Path (SL) (Sendero Luminoso)

26. Stichting Al Aqsa (a.k.a. Stichting Al Aqsa Nederland, a.k.a. Al Aqsa Nederland)

27. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia).'

Article 2

Decision 2005/848/EC is hereby repealed.

Article 3

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

It shall take effect on the day of its publication.

Done at Brussels, 21 December 2005.

For the Council
The President
B. BRADSHAW

COMMISSION

COMMISSION DECISION

of 21 December 2005

releasing Finland and Sweden from the obligation to apply to Council Directive 68/193/EEC on the marketing of material for the vegetative propagation of the vine

(notified under document number C(2005) 5469)

(Only the Finnish and Swedish texts are authentic)

(2005/931/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine [1], and in particular Article 18a thereof,

Having regard to the requests submitted by Finland and Sweden,

Whereas:

(1) Directive 68/193/EEC sets out certain provisions for the marketing of material for the propagation of the vine. This Directive also provides that, subject to certain conditions, Member States may be wholly or partly released from the obligation to apply this Directive.

(2) Material for the propagation of the vine is not normally reproduced or marketed in Finland and Sweden. In addition the growing of vine is of minimal economic importance in the abovementioned countries.

(3) As long as those conditions remain, the relevant Member States should be released from the obligation to apply the provision of Directive 68/193/EEC to the material in question.

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

HAS ADOPTED THIS DECISION:

Article 1

Finland and Sweden are hereby released from the obligation to apply Directive 68/193/EEC, with the exception of Article 12(1) and Article 12a.

Article 2

This Decision is addressed to the Republic of Finland and the Kingdom of Sweden.

Done at Brussels, 21 December 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

[1] OJ L 93, 17.4.1968, p. 15. Directive as last amended by Commission Directive 2005/43/EC (OJ L 164, 24.6.2005, p. 37).

COMMISSION DECISION

of 21 December 2005

amending Annex E to Council Directive 91/68/EEC as regards the updating of the model health certificates relating to ovine and caprine animals

(notified under document number C(2005) 5506)

(Text with EEA relevance)

(2005/932/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals [1], and in particular Article 14(2) thereof,

Whereas:

(1) The model health certificates for intra-Community trade in ovine and caprine animals for slaughter, fattening and breeding are set out in Annex E to Directive 91/68/EEC as models I, II and III respectively.

(2) Certification problems have been encountered by Member States where the official veterinarian has not been able to certify the residence and standstill requirements, which information is known only by the farmer.

(3) Health certificates should stress that certification concerning residence and standstill requirements is based on a declaration by the farmer or an examination of records kept in accordance with Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC [2].

(4) Directive 91/68/EEC should therefore be amended accordingly.

(5) 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:

Article 1

Annex E to Directive 91/68/EEC is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 15 February 2006.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 December 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

[1] OJ L 46, 19.2.1991, p. 19. Directive as last amended by Commission Decision 2004/554/EC (OJ L 248, 22.7.2004, p. 1).

[2] OJ L 5, 9.1.2004, p. 8.

ANNEX

Annex E to Directive 91/68/EEC is amended as follows:

1. In Model I, the following point is inserted before point 12.4.1:

'12.4. Based on the written declaration made by the keeper or an examination of the holding register and movement documents kept in accordance with Council Regulation (EC) No 21/2004, in particular in Sections B and C of the Annex of that Regulation,'

2. In Models II and III, point 12.4 is replaced by the following:

'12.4. Based on the written declaration made by the keeper or an examination of the holding register and movement documents kept in accordance with Council Regulation (EC) No 21/2004, in particular in Sections B and C of the Annex of that Regulation, they have remained on a single holding of origin for a period of at least 30 days prior to loading, or on the holding of origin since birth where the animals are less than 30 days old, and no animal of the ovine and caprine species has been introduced into the holding of origin during the last 21 days prior to loading and no biungulate animal imported from a third country has been introduced into the holding of origin during the 30 days prior to dispatch from the holding of origin, unless those animals were introduced in accordance with Article 4a(2) of Directive 91/68/EEC;'.

COMMISSION DECISION

of 21 December 2005

amending for the second time Decision 2005/693/EC concerning certain protection measures in relation to avian influenza in Russia

(notified under document number C(2005) 5563)

(Text with EEA relevance)

(2005/933/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC [1], and in particular Article 18(7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries [2], and in particular Article 22 (6) thereof,

Whereas:

(1) Avian influenza is an infectious viral disease in poultry and birds, causing mortality and disturbances which can quickly take epizootic proportions liable to present a serious threat to animal and public health and to reduce sharply the profitability of poultry farming.

(2) Commission Decision 2005/693/EC of 6 October 2005 concerning certain protection measures in relation to avian influenza in Russia [3] was adopted following outbreaks of avian influenza in Russia. That Decision suspends the importation of birds, other than poultry, from Russia and of unprocessed feathers and unprocessed parts of feathers from those regions of Russia listed in Annex I to that Decision.

(3) Outbreaks of avian influenza continue to occur in certain parts of Russia and it is therefore necessary to prolong the measures provided for in Decision 2005/693/EC. The Decision can however be reviewed before this date depending on information supplied by the competent veterinary authorities of Russia.

(4) The outbreaks in the European part of Russia have all occurred in the central area and no outbreaks have occurred in the northern regions. It is therefore no longer necessary to continue the suspension of imports of unprocessed feathers and parts of feathers from the latter.

(5) Decision 2005/693/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/693/EC is amended as follows:

1. in Article 3 '31 December 2005' is replaced by '31 March 2006'.

2. Annex I is replaced by the Annex to this Decision.

[1] OJ L 268, 24.9.1991, p. 56. Directive as last amended by the 2003 Act of Accession.

[2] OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1).

[3] OJ L 263, 8.10.2005, p. 22. Decision as amended by Decision 2005/740/EC (OJ L 276, 21.10.2005, p. 68).

Article 2

Member States shall immediately take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 December 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX I

Federal Districts of Russia referred to in Article 1(2) and (3)

1. *Far Eastern Federal District*

   Includes the following Subjects of the Russian Federation: Amur Oblast, Chukotka Autonomous District, Jewish Autonomous Oblast, Kamchatka Oblast, Khabarovsk Krai, Koryakia Autonomous District, Magadan Oblast, Primorsky Krai, Sakha (Yakutia) Republic, Sakhalin Oblast.

2. *Siberian Federal District*

   Includes the following Subjects of the Russian Federation: Aga Buryatia Autonomous District, Altai Republic, Altai Krai, Buryatia Republic, Chita Oblast, Evenkia Autonomous District, Irkutsk Oblast, Kemerovo Oblast, Khakassia Republic, Krasnoyarsk Krai, Novosibirsk Oblast, Omsk Oblast, Taymyria Autonomous District, Tomsk Oblast, Tuva Republic, Ust-Orda Buryatia Autonomous District.

3. *Urals Federal District*

   Includes the following Subjects of the Russian Federation: Chelyabinsk Oblast, Khantia-Mansia Autonomous District, Kurgan Oblast, Sverdlovsk Oblast, Tyumen Oblast, Yamalia Autonomous District.

4. *Central Federal District*

   Includes the following Subjects of the Russian Federation: Belgorod Oblast, Bryansk Oblast, Ivanovo Oblast, Kaluga Oblast, Kursk Oblast, Lipetsk Oblast, Moscow (federal city), Moscow Oblast, Oryol Oblast, Ryazan Oblast, Tambov Oblast, Tula Oblast, Vladimir Oblast, Voronezh Oblast.

5. *Southern Federal District*

   Includes the following Subjects of the Russian Federation: Adygeya Republic, Astrakhan Oblast, Chechnya Republic, Dagestan Republic, Ingushetia Republic, Kabardino-Balkaria Republic, Kalmykia Republic, Karachay-Cherkessia Republic, Krasnodar Krai, North Ossetia-Alania Republic, Stavropol Krai, Rostov Oblast, Volgograd Oblast.

6. *Privolzhsky (Volga) Federal District*

   Includes the following Subjects of the Russian Federation: Bashkortostan Republic, Chuvashia Republic, Kirov Oblast, Mari El Republic, Mordovia Republic, Nizhny Novgorod Oblast, Orenburg Oblast, Penza Oblast, Perm Oblast, Permyakia Autonomous District, Samara Oblast, Saratov Oblast, Tatarstan Republic, Udmurtia Republic, Ulyanovsk Oblast.'

COMMISSION DECISION

of 21 December 2005

amending Decisions 2004/696/EC and 2004/863/EC as regards the reallocation of the Community's financial contribution to the TSE eradication and monitoring programmes of the Member States for 2005

(notified under document number C(2005) 5564)

(2005/934/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 [1], and in particular Article 24(5) and (6) thereof,

Whereas:

(1) Commission Decision 2004/696/EC of 14 October 2004 on the list of programmes for the eradication and the monitoring of certain TSEs qualifying for a financial contribution from the Community in 2005 [2], lists the programmes submitted to the Commission by the Member States for the eradication and monitoring of transmissible spongiform encephalopathies (TSE) qualifying for a Community financial contribution in 2005. That Decision also sets out the proposed rate and maximum amount of the contribution for each programme.

(2) Commission Decision 2004/863/EC of 30 November 2004 approving the TSE eradication and monitoring programmes of certain Member States for 2005 and fixing the level of the Community's financial contribution [3], approves the programmes which are listed in Decision 2004/696/EC and lays down the maximum amounts of the Community's financial contribution.

(3) Decision 2004/863/EC also provides for reports on the progress of the TSE monitoring programmes and the costs paid, to be forwarded by the Member States to the Commission every month. An analysis of those reports indicates that certain Member States will not utilise their full allocation for 2005, while others will spend in excess of the allocated amount.

(4) The Community's financial contribution to certain of those programmes therefore needs to be adjusted. It is appropriate to reallocate funding from programmes of Member States which are not using their full allocation to those that are exceeding it. The reallocation should be based on the most recent information on the expenditure actually incurred by the concerned Member States.

(5) Decisions 2004/696/EC and 2004/863/EC should therefore be amended accordingly.

(6) 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:

Article 1

The Annexes to Decision 2004/696/EC are amended in accordance with the Annex to this Decision.

Article 2

Decision 2004/863/EC is amended as follows:

1. In Article 7(2), 'EUR 8 846 000' is replaced by 'EUR 8 536 000';

2. In Article 10(2), 'EUR 8 677 000' is replaced by 'EUR 8 397 000';

3. In Article 11(2), 'EUR 353 000' is replaced by 'EUR 503 000';

4. In Article 16(2), 'EUR 4 510 000' is replaced by 'EUR 4 840 000';

5. In Article 18(2), 'EUR 1 480 000' is replaced by 'EUR 1 540 000';

6. In Article 21(2), 'EUR 313 000' is replaced by 'EUR 363 000';

[1] OJ L 224, 18.8.1990, p. 19. Decision as last amended by Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31).
[2] OJ L 316, 15.10.2004, p. 91. Decision as amended by Decision 2005/413/EC (OJ L 141, 4.6.2005, p. 24).
[3] OJ L 370, 17.12.2004, p. 82. Decision as amended by Decision 2005/413/EC.

7. In Article 24(2), 'EUR 250 000' is replaced by 'EUR 100 000';

8. In Article 25(2), 'EUR 2 500 000' is replaced by 'EUR 3 350 000';

9. In Article 26(2), 'EUR 200 000' is replaced by 'EUR 80 000';

10. In Article 28(2), 'EUR 25 000' is replaced by 'EUR 20 000';

11. In Article 29(2), 'EUR 150 000' is replaced by 'EUR 20 000';

12. In Article 31(2), 'EUR 500 000' is replaced by 'EUR 310 000';

13. In Article 35(2), 'EUR 150 000' is replaced by 'EUR 30 000';

14. In Article 36(2), 'EUR 450 000' is replaced by 'EUR 460 000';

15. In Article 37(2), 'EUR 10 000' is replaced by 'EUR 25 000';

16. In Article 38(2), 'EUR 975 000' is replaced by 'EUR 845 000';

17. In Article 39(2), 'EUR 25 000' is replaced by 'EUR 10 000';

18. In Article 41(2), 'EUR 25 000' is replaced by 'EUR 10 000';

19. In Article 45(2), 'EUR 20 000' is replaced by 'EUR 120 000';

20. In Article 49(2), 'EUR 1 555 000' is replaced by 'EUR 865 000';

21. In Article 50(2), 'EUR 9 525 000' is replaced by 'EUR 9 035 000';

22. In Article 51(2), 'EUR 1 300 000' is replaced by 'EUR 2 400 000';

23. In Article 54(2), 'EUR 5 565 000' is replaced by 'EUR 5 075 000';

24. In Article 58(2), 'EUR 5 000' is replaced by 'EUR 55 000';

25. In Article 59(2), 'EUR 575 000' is replaced by 'EUR 755 000';

26. In Article 61(2), 'EUR 695 000' is replaced by 'EUR 915 000';

27. In Article 64(2), 'EUR 5 000' is replaced by 'EUR 25 000'.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 December 2005

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Annexes I, II and III to Decision 2004/696/EC are replaced by the following:

'*ANNEX I*

List of programmes for the monitoring of TSEs

Rate and maximum amount of the Community financial contribution

(in EUR)

Disease	Member State	Rate tests performed [1]	Maximum amount
TSEs	Austria	100 %	2 076 000
	Belgium	100 %	3 586 000
	Cyprus	100 %	503 000
	Czech Republic	100 %	1 736 000
	Denmark	100 %	2 426 000
	Estonia	100 %	294 000
	Finland	100 %	1 170 000
	France	100 %	29 755 000
	Germany	100 %	15 170 000
	Greece	100 %	1 487 000
	Hungary	100 %	1 184 000
	Ireland	100 %	6 172 000
	Italy	100 %	8 397 000
	Lithuania	100 %	836 000
	Luxembourg	100 %	155 000
	Malta	100 %	36 000
	Netherlands	100 %	4 840 000
	Portugal	100 %	1 540 000
	Slovenia	100 %	444 000
	Spain	100 %	8 536 000
	Sweden	100 %	363 000
	United Kingdom	100 %	5 690 000
		Total	96 396 000

[1] Rapid tests and primary molecular tests.

ANNEX II

List of programmes for the eradication of BSE

Maximum amount of the Community financial contribution

(in EUR)

Disease	Member State	Rate	Maximum amount
BSE	Austria	50 % culling	25 000
	Belgium	50 % culling	100 000
	Cyprus	50 % culling	25 000
	Czech Republic	50 % culling	3 350 000
	Denmark	50 % culling	80 000
	Estonia	50 % culling	20 000
	Finland	50 % culling	10 000
	France	50 % culling	310 000
	Germany	50 % culling	875 000
	Greece	50 % culling	20 000
	Ireland	50 % culling	4 000 000
	Italy	50 % culling	205 000
	Luxembourg	50 % culling	30 000
	Netherlands	50 % culling	460 000
	Portugal	50 % culling	845 000
	Slovak Republic	50 % culling	25 000
	Slovenia	50 % culling	10 000
	Spain	50 % culling	1 320 000
	United Kingdom	50 % culling	4 235 000
		Total	15 945 000

ANNEX III

List of programmes for the eradication of scrapie

Maximum amount of the Community financial contribution

(in EUR)

Disease	Member State	Rate	Maximum amount
Scrapie	Austria	50 % culling; 100 % genotyping	10 000
	Belgium	50 % culling; 100 % genotyping	105 000
	Cyprus	50 % culling; 100 % genotyping	5 075 000
	Czech Republic	50 % culling; 100 % genotyping	120 000
	Denmark	50 % culling; 100 % genotyping	5 000
	Estonia	50 % culling; 100% genotyping	10 000
	Finland	50 % culling; 100% genotyping	25 000
	France	50 % culling; 100 % genotyping	2 400 000
	Germany	50 % culling; 100 % genotyping	2 275 000
	Greece	50 % culling; 100 % genotyping	865 000
	Hungary	50 % culling; 100 % genotyping	55 000
	Ireland	50 % culling; 100 % genotyping	800 000
	Italy	50 % culling; 100 % genotyping	2 485 000
	Latvia	50 % culling; 100 % genotyping	5 000
	Lithuania	50 % culling; 100 % genotyping	5 000
	Luxembourg	50 % culling; 100 % genotyping	35 000
	Netherlands	50 % culling; 100 % genotyping	755 000
	Portugal	50 % culling; 100 % genotyping	915 000
	Slovak Republic	50 % culling; 100 % genotyping	340 000
	Slovenia	50 % culling; 100 % genotyping	65 000
	Spain	50 % culling; 100 % genotyping	9 035 000
	Sweden	50 % culling; 100 % genotyping	10 000
	United Kingdom	50 % culling; 100 % genotyping	7 380 000
		Total	32 775 000’

COMMISSION DECISION

of 22 December 2005

amending Decision 2005/237/EC as regards the financial aid from the Community for the operation of the avian influenza Community reference laboratory in 2005

(notified under document number C(2005) 5617)

(Only the English text is authentic)

(2005/935/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 [1], and in particular Article 28 (2) thereof,

Whereas:

(1) Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza [2] defines the Community control measures to be applied in the event of an outbreak of avian influenza in poultry. It also provides for the designation of national avian influenza laboratories and a Community reference laboratory for avian influenza.

(2) Commission Decision 2005/237/EC of 15 March 2005 on financial aid from the Community for the operation of certain Community reference laboratories in the field of animal health and live animals in 2005 [3] granted Community financial aid to the Community reference laboratory for avian influenza designated in Directive 92/40/EEC.

(3) Recent developments in the animal health situation concerning avian influenza in the Community and third countries have lead to a substantial increase in the amount of work to be carried out by the Community reference laboratory for avian influenza in relation to that disease. The increase is mainly due to the characterisation of viruses submitted to the laboratory and the production and updating of the current panel of reagents and their distribution.

(4) In addition, the Community reference laboratory for avian influenza plays a key role in supporting the diagnostic units in the national reference avian influenza laboratories, including visits to those laboratories.

(5) The enlargement of the arsenal of available diagnostic, such as the validation of new molecular diagnostic techniques and methodology, issuing of standards and running the inter-laboratory tests that has been added to the functions and duties of the approved work programme for 2005 has incremented the activity carried out in the Community reference laboratory for avian influenza.

(6) The Commission has analysed the recent information provided by the Community reference laboratory for avian influenza on the expenditure required for 2005. Taking into account that information, the Community's financial contribution to that laboratory needs to be adjusted and it is therefore appropriate to allocate additional funding for 2005.

(7) Decision 2005/237/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

In Article 3 of Decision 2005/237/EC, 'EUR 135 000' is replaced by 'EUR 285 000'.

[1] OJ L 224, 18.8.1990, p. 19. Decision as last amended by Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31).
[2] OJ L 167, 22.6.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).
[3] OJ L 72, 18.3.2005, p. 47.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 22 December 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

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

COUNCIL COMMON POSITION 2005/936/CFSP

of 21 December 2005

updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2005/847/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:

(1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism ([1]).

(2) On 29 November 2005, the Council adopted Common Position 2005/847/CFSP updating Common Position 2001/931/CFSP ([2]).

(3) Common Position 2001/931/CFSP provides for a review at regular intervals.

(4) It has been decided to update the Annex to Common Position 2001/931/CFSP and to repeal Common Position 2005/847/CFSP.

(5) A list has been elaborated in compliance with the criteria laid down in Article 1(4) of Common Position 2001/931/CFSP,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The list of persons, groups and entities to which Common Position 2001/931/CFSP applies is contained in the Annex hereto.

Article 2

Common Position 2005/847/CFSP is hereby repealed.

Article 3

This Common Position shall take effect on the date of its adoption.

Article 4

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

Done at Brussels, 21 December 2005.

For the Council
The President
B. BRADSHAW

([1]) OJ L 344, 28.12.2001, p. 93.
([2]) OJ L 314, 30.11.2005, p. 41.

ANNEX

List of persons, groups and entities referred to in Article 1 [1]

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza; a.k.a. Mihoubi Faycal; a.k.a. Fellah Ahmed; a.k.a. Dafri Rèmi Lahdi) born 1.2.1966 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane) born 17.10.1964 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

3. * ALBERDI URANGA, Itziar (E.T.A. Activist) born 7.10.1963 in Durango (Biscay), identity card No 78.865.693

4. * ALBISU IRIARTE, Miguel (E.T.A. Activist; Member of Gestoras Pro-amnistía) born 7.6.1961 in San Sebastián (Guipúzcoa), identity card No 15.954.596

5. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim) born 26.6.1967 in Qatif Bab al Shamal, Saudi Arabia; citizen of Saudi Arabia

6. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen of Saudi Arabia

7. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen of Saudi Arabia

8. * APAOLAZA SANCHO, Iván (E.T.A. Activist; Member of K. Madrid) born 10.11.1971 in Beasain (Guipúzcoa), identity card No 44.129.178

9. ARIOUA, Azzedine born 20.11.1960 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)

10. ARIOUA, Kamel (a.k.a. Lamine Kamel) born 18.8.1969 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)

11. ASLI, Mohamed (a.k.a. Dahmane Mohamed) born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)

12. ASLI, Rabah born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)

13. * ARZALLUS TAPIA, Eusebio (E.T.A. Activist) born 8.11.1957 in Regil (Guipúzcoa), identity card No 15.927.207

14. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen of Lebanon

15. DARIB, Noureddine (a.k.a. Carreto; a.k.a. Zitoun Mourad) born 1.2.1972 in Algeria (Member of al-Takfir and al-Hijra)

16. DJABALI, Abderrahmane (a.k.a. Touil) born 1.6.1970 in Algeria (Member of al-Takfir and al-Hijra)

17. * ECHEBERRIA SIMARRO, Leire (E.T.A. Activist) born 20.12.1977 in Basauri (Bizcay), identity card No 45.625.646

18. * ECHEGARAY ACHIRICA, Alfonso (E.T.A. Activist) born 10.1.1958 in Plencia (Bizcay), identity card No 16.027.051

19. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali) born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen of Saudi Arabia

20. FAHAS, Sofiane Yacine born 10.9.1971 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

21. * GOGEASCOECHEA ARRONATEGUI, Eneko (E.T.A. Activist), born 29.4.1967 in Guernica (Biscay), identity card No 44.556.097

22. * IPARRAGUIRRE GUENECHEA, Ma Soledad (E.T.A. Activist) born 25.4.1961 in Escoriaza (Navarra), identity card No 16.255.819

[1] Persons, groups and entities marked with an * shall be the subject of Article 4 of Common Position 2001/931/CFSP only.

23. * IZTUETA BARANDICA, Enrique (E.T.A. Activist) born 30.7.1955 in Santurce (Biscay), identity card No 14.929.950

24. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon

25. LASSASSI, Saber (a.k.a. Mimiche) born 30.11.1970 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)

26. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Adbul) born 14.4.1965 alt. 1.3.1964 in Pakistan, passport No 488555

27. MOKTARI, Fateh (a.k.a. Ferdi Omar) born 26.12.1974 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)

28. * MORCILLO TORRES, Gracia (E.T.A. Activist; Member of Kas/Ekin) born 15.3.1967 in San Sebastián (Guipúzcoa), identity card No 72.439.052

29. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)

30. * NARVÁEZ GOÑI, Juan Jesús (E.T.A. Activist) born 23.2.1961 in Pamplona (Navarra), identity card No 15.841.101

31. NOUARA, Farid born 25.11.1973 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

32. * ORBE SEVILLANO, Zigor (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.9.1975 in Basauri (Biscay), identity card No 45.622.851

33. * PALACIOS ALDAY, Gorka (E.T.A. Activist; Member of K. Madrid), born 17.10.1974 in Baracaldo (Biscay), identity card No 30.654.356

34. * PEREZ ARAMBURU, Jon Iñaki (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 18.9.1964 in San Sebastián (Guipúzcoa), identity card No 15.976.521

35. * QUINTANA ZORROZUA, Asier (E.T.A. Activist; Member of K. Madrid), born 27.2.1968 in Bilbao (Biscay), identity card No 30.609.430

36. RESSOUS, Hoari (a.k.a. Hallasa Farid) born 11.9.1968 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

37. * RUBENACH ROIG, Juan Luis (E.T.A. Activist; Member of K. Madrid), born 18.9.1963 in Bilbao (Biscay), identity card No 18.197.545

38. SEDKAOUI, Noureddine (a.k.a. Nounou) born 23.6.1963 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

39. SELMANI, Abdelghani (a.k.a. Gano) born 14.6.1974 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

40. SENOUCI, Sofiane born 15.4.1971 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)

41. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of the Communist Party of the Philippines including NPA) born 8.2.1939 in Cabugao, Philippines

42. TINGUALI, Mohammed (a.k.a. Mouh di Kouba) born 21.4.1964 in Blida (Algeria) (Member of al-Takfir and al-Hijra)

43. * URANGA ARTOLA, Kemen (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna) born 25.5.1969 in Ondarroa (Biscay), identity card No 30.627.290

44. * VALLEJO FRANCO, Iñigo (E.T.A. Activist) born 21.5.1976 in Bilbao (Biscay), identity card No 29.036.694

45. * VILA MICHELENA, Fermín (E.T.A. Activist; Member of Kas/Ekin) born 12.3.1970 in Irún (Guipúzcoa), identity card No 15.254.214

2. GROUPS AND ENTITIES

1. Abu Nidal Organisation (ANO), (a.k.a. Fatah Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organisation of Socialist Muslims)

2. Al-Aqsa Martyr's Brigade

3. Al-Aqsa e.V.

4. Al-Takfir and Al-Hijra

5. * Nuclei Territoriali Antimperialisti (Anti-Imperialist Territorial Units)

6. * Cooperativa Artigiana Fuoco ed Affini — Occasionalmente Spettacolare (Artisans' Cooperative Fire and Similar — Occasionally Spectacular)

7. * Nuclei Armati per il Comunismo (Armed Units for Communism)

8. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)

9. Babbar Khalsa

10. * CCCCC — Cellula Contro Capitale, Carcere i suoi Carcerieri e le sue Celle (Cell Against Capital, Prison, Prison Warders and Prison Cells)

11. Communist Party of the Philippines, including New Peoples Army (NPA), Philippines, linked to Sison Jose Maria C. (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of the Communist Party of the Philippines, including NPA)

12. * Continuity Irish Republican Army (CIRA)

13. * Euskadi Ta Askatasuna/Tierra Vasca y Libertad/Basque Fatherland and Liberty (E.T.A.) (The following organisations are part of the terrorist group E.T.A.: K.a.s., Xaki, Ekin, Jarrai-Haika-Segi, Gestoras pro-amnistía, Askatasuna, Batasuna (a.k.a. Herri Batasuna, a.k.a. Euskal Herritarrok)

14. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)

15. Great Islamic Eastern Warriors Front (IBDA-C)

16. * Grupos de Resistencia Antifascista Primero de Octubre/Antifascist Resistance Groups First of October (G.R.A.P.O.)

17. Hamas (including Hamas-Izz al Din al-Qassem)

18. Hizbul Mujahideen (HM)

19. Holy Land Foundation for Relief and Development

20. International Sikh Youth Federation (ISYF)

21. * Solidarietà Internazionale (International Solidarity)

22. Kahane Chai (Kach)

23. Khalistan Zindabad Force (KZF)

24. Kurdistan Workers' Party (PKK), (a.k.a. KADEK; a.k.a. KONGRA-GEL)

25. * Loyalist Volunteer Force (LVF)

26. Mujahedin-e Khalq Organisation (MEK or MKO) [minus the 'National Council of Resistance of Iran' (NCRI)] (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Student's Society)

27. National Liberation Army (Ejército de Liberación Nacional)

28. * Orange Volunteers (OV)

29. Palestine Liberation Front (PLF)

30. Palestinian Islamic Jihad (PIJ)

31. Popular Front for the Liberation of Palestine (PFLP)

32. Popular Front for the Liberation of Palestine-General Command, (a.k.a. PFLP-General Command)

33. * Real IRA

34. * Brigate Rosse per la Costruzione del Partito Comunista Combattente (Red Brigades for the Construction of the Fighting Communist Party)

35. * Red Hand Defenders (RHD)

36. Revolutionary Armed Forces of Colombia (FARC)

37. * Revolutionary Nuclei/Epanastatiki Pirines

38. * Revolutionary Organisation 17 November/Dekati Evdomi Noemvri

39. Revolutionary People's Liberation Army/Front/Party (DHKP/C), (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)

40. * Revolutionary Popular Struggle/Epanastatikos Laikos Agonas (ELA)

41. Shining Path (SL) (Sendero Luminoso)

42. Stichting Al Aqsa (a.k.a. Stichting Al Aqsa Nederland, a.k.a. Al Aqsa Nederland)

43. * Brigata XX Luglio (Twentieth of July Brigade)

44. * Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF)

45. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia)

46. * Nucleo di Iniziativa Proletaria Rivoluzionaria (Unit for Revolutionary Proletarian Initiative)

47. * Nuclei di Iniziativa Proletaria (Units for Proletarian Initiative)

48. * F.A.I. — Federazione Anarchica Informale (Unofficial Anarchist Federation)