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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 108/2005
of 24 January 2005
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 January 2005.

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

Done at Brussels, 24 January 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 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to Commission Regulation of 24 January 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	102,8
	204	84,6
	212	169,4
	248	157,0
	608	118,9
	624	221,4
	999	142,4
0707 00 05	052	148,4
	220	229,0
	999	188,7
0709 90 70	052	165,8
	204	169,4
	999	167,6
0805 10 20	052	53,0
	204	49,6
	212	51,8
	220	46,5
	448	34,2
	999	47,0
	0805 20 10	204
999		64,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	67,9
	204	88,7
	400	78,4
	464	142,4
	624	69,6
	999	89,4
0805 50 10	052	53,1
	999	53,1
0808 10 80	400	110,5
	404	91,2
	720	77,6
	999	93,1
0808 20 50	388	94,4
	400	85,6
	720	59,5
	999	79,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 109/2005

of 24 January 2005

on the definition of the economic territory of Member States for the purposes of Council Regulation (EC, Euratom) No 1287/2003 on the harmonisation of gross national income at market prices

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC, Euratom) 1287/2003 of 15 July 2003 on the harmonisation of gross national income at market prices (GNI Regulation)⁽¹⁾, and in particular Article 5(1) thereof,

Whereas:

- (1) Article 2(7) of Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the Communities' own resources⁽²⁾ lays down that gross national product at market prices (GNP) is to be considered equal to gross national income at market prices (GNI) as provided by the Commission in application of the European System of Accounts (ESA). The ESA of 1995 (ESA95), superseding two earlier systems of 1970 and 1979 respectively, was established by Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community⁽³⁾, and was set out in the Annex thereto. GNI, as used in ESA95, replaced GNP as a criterion for own resource purposes, with effect from budget year 2002.
- (2) Council Regulation (EC, Euratom) 1287/2003 lays down the procedures for the forwarding of GNI data by Member States and the procedures and checks on the calculation of GNI, and establishes the GNI Committee.
- (3) For the purpose of the definition of gross national income at market prices (GNI) pursuant to Article 1 of Regulation (EC, Euratom) No 1287/2003, it is necessary to clarify the ESA95 definition of economic territory.
- (4) For the purpose of implementation of Article 1 of Council Directive 89/130/EEC, Euratom on the harmonisation of the compilation of gross national product at market prices⁽⁴⁾, the economic territory of Member States is defined by Commission Decision 91/450/EEC, Euratom⁽⁵⁾. The equivalent definition should now be provided in respect of GNI.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the GNI Committee.

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of Regulation (EC, Euratom) 1287/2003 the term 'economic territory' shall have the meaning attributed to it in paragraphs 2.05 and 2.06 of Annex A to Regulation (EC) 2223/96, the term 'geographic territory' as used in those paragraphs being understood to comprise the Member States' territories as listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth 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, 24 January 2005.

For the Commission

Joaquín ALMUNIA

Member of the Commission

⁽¹⁾ OJ L 181, 19.7.2003, p. 1.

⁽²⁾ OJ L 253, 7.10.2000, p. 42.

⁽³⁾ OJ L 310, 30.11.1996, p. 1; Regulation as last amended by Regulation (EC) No 1267/2003 of the European Parliament and of the Council (OJ L 180, 18.7.2003, p. 1).

⁽⁴⁾ OJ L 49, 21.2.1989, p. 26; Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽⁵⁾ OJ L 240, 29.08.1991, p. 36; Decision as last amended by the 2003 Act of Accession.

ANNEX

Member States' territory:

- the territory of the Kingdom of Belgium,
 - the territory of the Czech Republic,
 - the territory of the Kingdom of Denmark, except for the Faroe Islands and Greenland,
 - the territory of the Federal Republic of Germany,
 - the territory of the Republic of Estonia,
 - the territory of the Hellenic Republic,
 - the territory of the Kingdom of Spain,
 - the territory of the French Republic, with the exception of the overseas countries and territories over which it exercises sovereignty, as defined in Annex II to the Treaty establishing the European Community,
 - the territory of Ireland,
 - the territory of the Italian Republic,
 - the territory of the Republic of Cyprus,
 - the territory of the Republic of Latvia,
 - the territory of the Republic of Lithuania,
 - the territory of the Grand Duchy of Luxembourg,
 - the territory of the Republic of Hungary,
 - the territory of the Republic of Malta,
 - the territory of the Kingdom of the Netherlands, with the exception of the overseas countries and territories over which it exercises sovereignty, as defined in Annex II to the Treaty establishing the European Community,
 - the territory of the Republic of Austria,
 - the territory of the Republic of Poland,
 - the territory of the Portuguese Republic,
 - the territory of the Republic of Slovenia,
 - the territory of the Slovak Republic,
 - the territory of the Republic of Finland,
 - the territory of the Kingdom of Sweden,
 - the territory of the United Kingdom of Great Britain and Northern Ireland.
-

COMMISSION REGULATION (EC) No 110/2005**of 24 January 2005****providing for compensation to producer organisations for tuna delivered to the processing industry
between 1 October and 31 December 2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

concerned and which have been used to calculate the average monthly selling price referred to in Article 4 of Commission Regulation (EC) No 2183/2001 ⁽³⁾.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the market in fishery and aquaculture products ⁽¹⁾, and in particular Article 27(6) thereof,

Whereas:

(1) The compensatory allowance provided for in Article 27 of Regulation (EC) No 104/2000 is to be granted under certain conditions to Community tuna producer organisations for quantities of tuna delivered to the processing industry during the calendar quarter for which prices were recorded, where both the average quarterly selling price recorded on the Community market and the import price plus any countervailing charge applied were lower than 87% of the Community producer price for the product concerned.

(2) An examination of the situation on the Community market has shown that between 1 October and 31 December 2003 both the average quarterly selling price and the import price as referred to in Article 27 of Regulation (EC) No 104/2000 for yellowfin tuna (*Thunnus albacares*) weighing more than 10 kg each were lower than 87% of the Community producer price in force, as laid down in Council Regulation (EC) No 2346/2002 ⁽²⁾.

(3) Entitlement to the compensatory allowance should be determined on the basis of sales which are covered by invoices bearing a date falling within the quarter

(4) The level of the compensation provided for in Article 27(2) of Regulation (EC) No 104/2000 may not in any case exceed either the difference between the triggering threshold and the average selling price of the product in question on the Community market or a flat-rate amount equivalent to 12% of that threshold.

(5) The quantities on which compensation as provided for in Article 27(1) of Regulation (EC) No 104/2000 is payable may under no circumstances exceed the limits laid down in paragraph 3 of that Article for the quarter concerned.

(6) The quantities of yellowfin tuna (*Thunnus albacares*) weighing more than 10 kg each sold and delivered to the processing industry established in the customs territory of the Community were higher during the quarter concerned than the quantities sold and delivered during the same quarter of the three previous fishing years. Since those quantities exceed the limit set in Article 27(3) of Regulation (EC) No 104/2000, the total quantities of those products on which compensation is payable should be limited.

(7) In accordance with the ceilings laid down in Article 27(4) of Regulation (EC) No 104/2000 for the purpose of calculating the allowance to be granted to each producer organisation, the quantities on which the allowance is payable should be allocated among the producer organisations concerned in proportion to the quantities produced by them in the same quarter of the 2000, 2001 and 2002 fishing years.

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

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 351, 28.12.2002, p. 3.

⁽³⁾ OJ L 293, 10.11.2001, p. 11.

HAS ADOPTED THIS REGULATION:

Article 1

The compensatory allowance provided for in Article 27 of Regulation (EC) No 104/2000 shall be granted for the period from 1 October to 31 December 2003 in respect of the following products:

Product	Maximum allowance (EUR/tonne)
Yellowfin tuna (<i>Thunnus albacares</i>) weighing more than 10 kg each	24

Article 2

1. The total quantities on which the allowance for this species is payable shall be:

— yellowfin tuna (*Thunnus albacares*) weighing more than 10 kg each: 11 433,536 tonnes.

2. The allocation of the total quantity among the producer organisations concerned shall be as set out in the Annex hereto.

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, 24 January 2005.

For the Commission

Joe BORG

Member of the Commission

ANNEX

Allocation among producer organisations of quantities of tuna on which the compensatory allowance is payable for the period from 1 October to 31 December 2003 in accordance with Article 27(4) of Regulation (EC) No 104/2000, broken down by compensation percentage band

(tonnes)

Yellowfin (<i>Thunnus albacares</i>) weighing more than 10 kg each	Quantity 100 % of which is eligible for compensation (first indent of Article 27(4))	Quantity 50 % of which is eligible for compensation (second indent of Article 27(4))	Total quantity on which compensation is payable (first and second indents of Article 27(4))
OPAGAC	1 880,530	0	1 880,530
OPTUC	3 837,843	445,778	4 283,621
OP 42 (CAN.)	0	0	0
ORTHONGEL	4 720,123	549,262	5 269,385
APASA	0	0	0
Madeira	0	0	0
EU — Total	10 438,496	995,040	11 433,536

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT**DECISION OF THE EUROPEAN PARLIAMENT****of 11 January 2005****appointing the European Ombudsman****(2005/46/EC, Euratom)**

THE EUROPEAN PARLIAMENT,

Having regard to the Treaty establishing the European Community, and in particular Articles 21, second paragraph, and 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 107d thereof,

Having regard to its decision of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties ⁽¹⁾, as amended by its decision of 14 March 2002 ⁽²⁾,

Having regard to Rule 194 of its Rules of Procedure,

Having regard to the call for applications ⁽³⁾,

Having regard to its vote of 11 January 2005,

HAS DECIDED AS FOLLOWS:

Mr Nikiforos DIAMANDOUROS has been appointed European Ombudsman.

Done at Strasbourg, 11 January 2005.

For the European Parliament

The President

Josep BORRELL FONTELLES

⁽¹⁾ OJ L 113, 4.5.1994, p. 15.

⁽²⁾ OJ L 92, 9.4.2002, p. 13.

⁽³⁾ OJ C 213, 25.8.2004, p. 9.

COUNCIL

COUNCIL DECISION

of 22 December 2004

amending Decision 2000/24/EC to take into account the enlargement of the European Union and the European Neighbourhood Policy

(2005/47/EC)

THE COUNCIL OF THE EUROPEAN UNION,

the Community guarantee and of the commercial risks borne by the EIB.

Having regard to the Treaty establishing the European Community, and in particular Article 181 A thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) The Accession Treaties signed on 16 April 2003 entered into force on 1 May 2004.

(2) The report ⁽¹⁾ prepared by the Commission in accordance with the third subparagraph of Article 1(1) of Council Decision 2000/24/EC of 22 December 1999 granting a Community guarantee to the European Investment Bank against losses under loans for projects outside the Community (Central and Eastern Europe, Mediterranean countries, Latin America and Asia and the Republic of South Africa) ⁽²⁾, concludes that some amendments to that Decision are appropriate, in particular in view of the enlargement of the European Union.

(3) The Copenhagen European Council of 12 and 13 December 2002 concluded that pre-accession support for Turkey will from 2004 be financed under the budget heading 'pre-accession expenditure'.

(4) Since the adoption of Decision 2000/24/EC, the experience of the EIB on the changing practices in the field of investment protection guarantees has shown the need to review the scope of the political risks covered by

(5) Under the risk-sharing scheme the budgetary guarantee should cover, in addition to political risks arising from currency non transfer, expropriation, war or civil disturbance, those arising from denial of justice upon breach of certain contracts by the third country government or other authorities.

(6) Under the risk-sharing scheme, the EIB should secure commercial risks by means of non-sovereign third-party guarantees or by means of any other security or collateral as well as relying on the financial strength of the debtor, in accordance with its usual criteria.

(7) The financial perspective for the period 2000 to 2006 according to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽³⁾, envisages a ceiling for the loan guarantee reserve in the Community budget of EUR 200 million (at 1999 prices) per annum.

(8) Close cooperation between the EIB and the Commission should ensure consistency and synergy with the European Union's geographical cooperation programmes and ensure that EIB loan operations complement and strengthen the European Union's policies for those regions.

(9) Decision 2000/24/EC should therefore be amended accordingly,

⁽¹⁾ COM(2003) 603.

⁽²⁾ OJ L 9, 13.1.2000, p. 24. Decision as last amended by Decision 2001/778/EC (OJ L 292, 9.11.2001, p. 43).

⁽³⁾ OJ C 172, 18.6.1999, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

Decision 2000/24/EC is amended as follows:

1. Article 1(1) is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the first subparagraph is replaced by the following:

‘The Community shall grant the European Investment Bank (EIB) a global guarantee in respect of all payments not received by it but due in respect of credits opened, in accordance with its usual criteria, and in support of the Community’s relevant external policy objectives, for investment projects carried out in the South-eastern Neighbours, the Mediterranean countries, Latin America and Asia and the Republic of South Africa.’

(ii) in the second subparagraph, the second sentence is replaced by the following:

‘The overall ceiling of the credits opened shall be equivalent to EUR 19 460 million, broken down as follows:

— South-eastern Neighbours:

EUR 9 185 million,

— Mediterranean countries:

EUR 6 520 million,

— Latin America and Asia:

EUR 2 480 million,

— Republic of South Africa:

EUR 825 million,

— Special action supporting the consolidation and intensification of the EC-Turkey Customs Union:

EUR 450 million;

and may be used by 31 January 2007 at the latest. The credits already signed shall be taken into account as a deduction from the regional ceilings.’

(b) Article 1(2) is amended as follows:

(i) the first indent is replaced by the following:

‘— South-eastern Neighbours: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Former Yugoslav Republic of Macedonia, Romania, Serbia and Montenegro, Turkey;’

(ii) in the second indent the words ‘Cyprus’, ‘Malta’ and ‘Turkey’, are deleted.

2. In Article 2, the following subparagraph is added:

‘The Commission shall report on the application of this Decision by 31 July 2006 at the latest.’

Article 2

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

Done at Brussels, 22 December 2004.

For the Council
The President
C. VEERMAN

COUNCIL DECISION

of 22 December 2004

granting a Community guarantee to the European Investment Bank against losses under loans for certain types of projects in Russia, Ukraine, Moldova and Belarus

(2005/48/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 181A thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) In support of the European Union's European Neighbourhood Policy, the Council wishes to make it possible for the European Investment Bank (EIB) to grant loans for certain types of projects in Russia and in the Western New Independent States ('WNIS'), namely Belarus, Moldova and Ukraine.
- (2) In support of the Northern Dimension initiative launched by the Helsinki Council of December 1999, Council Decision 2001/777/EC of 6 November 2001 granting a Community guarantee to the European Investment Bank against losses under a special lending action for selected environmental projects in the Baltic Sea basin of Russia under the Northern Dimension⁽²⁾, was adopted.
- (3) The EIB lending under Decision 2001/777/EC is now approaching its ceiling.
- (4) In its conclusions, the Ecofin Council of 25 November 2003 agreed to an additional allocation for lending to Russia and the WNIS by the EIB, as a further development of Decision 2001/777/EC for projects in areas in which the EIB has a comparative advantage and where there is unmet credit demand. The areas in which the EIB is considered to have a 'comparative advantage' are: environment as well as transport, telecommunications and energy infrastructure on priority Trans-European network ('TEN') axes having cross-border implications for a Member State.
- (5) The lending mandate should be subject, on the one hand, to appropriate conditionality consistent with EU high-level agreements on political and macro-economic aspects, and with other international financial institutions on sectoral and project aspects, and on the other, to appropriate work-sharing between the EIB and the European Bank for Reconstruction and Development (EBRD).

(6) EIB financing should be managed in accordance with the EIB's usual criteria and procedures, including appropriate control measures, as well as with the relevant rules and procedures concerning the Court of Auditors and OLAF, in such a way as to support Community policies. There should be regular consultation between the EIB and the Commission to ensure coordination of priorities and activities in the countries in question and to measure progress towards the fulfilment of the Community's relevant policy objectives.

(7) This decision will be taken into account in the framework of the full assessment in December 2006 of EIB's general lending mandate for projects outside the European Union,

HAS DECIDED AS FOLLOWS:

Article 1

Objective

The Community shall grant the European Investment Bank (hereinafter referred to as 'the EIB') a guarantee in respect of all payments not received by it but due in respect of credits opened, in accordance with its usual criteria and in support of the Community's relevant external policy objectives, for investment projects carried out in Russia and in the Western New Independent States, namely Belarus, Moldova and Ukraine.

Article 2

Eligible projects

Eligible projects of significant interest to the European Union shall be in the following sectors:

- environment;
- transport, telecommunications and energy infrastructure on priority Trans-European network (TEN) axes having cross-border implications for a Member State.

Article 3

Ceiling and conditions

1. The overall ceiling of the credits opened shall be EUR 500 million.
2. The EIB shall benefit from an exceptional Community guarantee of 100 %, which shall cover the total amount of the credits opened under this Decision and all related sums.

⁽¹⁾ Opinion delivered on 14 December 2004 (not yet published in the Official Journal).

⁽²⁾ OJ L 292, 9.11.2001, p. 41.

3. Projects financed by loans to be covered by the guarantee shall satisfy the following criteria:

- (a) eligibility in accordance with Article 2;
- (b) cooperation, and where appropriate co-financing, by the EIB with other international financial institutions in order to ensure reasonable risk-sharing and appropriate project conditionality.

The EIB shall share the work appropriately with the EBRD, according to mutually agreed modalities, and shall report accordingly in accordance with Article 5. In particular, the EIB shall take advantage of the experience of the EBRD in Russia and the WNIS.

Article 4

Eligibility of individual countries

Individual countries shall become eligible under the ceiling as and when they fulfil appropriate conditionality consistent with European Union high level agreements with the country in question on political and macro-economic aspects. The Commission shall determine when an individual country has fulfilled the appropriate conditionality and shall notify the EIB thereof.

Article 5

Reporting

The Commission shall inform the European Parliament and the Council each year of the loan operations carried out under this Decision and shall, at the same time, submit an assessment of the implementation of this Decision and of coordination

between the international financial institutions involved in the projects.

That information shall include an assessment of the contribution of the lending under this Decision to the fulfilment of the Community's relevant external policy objectives.

For the purposes of the first and second paragraphs, the EIB shall transmit to the Commission the appropriate information.

Article 6

Duration

The guarantee shall cover loans signed until 31 January 2007.

If, on expiry of this period, the loans granted by the EIB have not attained the overall ceiling referred to in Article 3(1), the period shall be automatically extended by six months.

Article 7

Final provisions

1. This Decision shall take effect on the date of its adoption.
2. The EIB and the Commission shall establish the terms on which the guarantee is to be given.

Done at Brussels, 22 December 2004.

For the Council
The President
C. VEERMAN

COUNCIL DECISION**of 18 January 2005****concerning the operating rules of the committee provided for in Article 3(3) of Annex I to the Protocol on the Statute of the Court of Justice**

(2005/49/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

Having regard to the Protocol on the Statute of the Court of Justice, as amended by Council Decision 2004/752/EC, Euratom, of 2 November 2004 establishing the European Union Civil Service Tribunal⁽¹⁾, and in particular Article 3(3) of Annex I thereto,

Having regard to the recommendation of the President of the Court of Justice of 2 December 2004,

Whereas:

- (1) Article 3(3) of Annex I to the Protocol on the Statute of the Court of Justice provides for the setting up of a committee comprising seven persons chosen from among former members of the Court of Justice and the Court of First Instance and lawyers of recognised competence.

- (2) Pursuant to the aforementioned Article 3(3), the operating rules of that committee shall be determined by the Council, acting by a qualified majority on the recommendation of the President of the Court of Justice. This provision should be applied,

HAS DECIDED AS FOLLOWS:

Article 1

The operating rules of the committee provided for in Article 3(3) of Annex I to the Protocol on the Statute of the Court of Justice are set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 18 January 2005.

For the Council
The President
J.-C. JUNCKER

⁽¹⁾ OJ L 333, 9.11.2004, p. 7.

ANNEX

Operating rules of the Committee provided for in Article 3(3) of Annex I to the Protocol on the Statute of the Court of Justice

1. The committee shall be composed of seven persons chosen from among former members of the Court of Justice and the Court of First Instance and lawyers of recognised competence.
2. Those persons shall be appointed for a period of four years. At the end of that period they may be reappointed.
3. The committee shall be presided over by one of its members, nominated for that purpose by the Council.
4. The General Secretariat of the Council shall be responsible for the committee's secretariat. It shall provide the administrative support necessary for the working of the committee, including the translation of documents.
5. Meetings of the committee shall be valid if at least five of its members are present.

The committee shall adopt decisions by simple majority. If votes are tied, the president's shall be the casting vote.

6. Members of the committee required to travel away from their place of residence in order to carry out their duties shall be entitled to reimbursement of their expenses and an allowance, on the conditions laid down in Article 6 of Regulations No 422/67/EEC and No 5/67/Euratom of the Council determining the emoluments of the President and Members of the Commission, the President, Judges, Advocates-General and Registrar of the Court of Justice and the President, Members and Registrar of the Court of First Instance.⁽¹⁾

The corresponding expenditure shall be borne by the Council.

⁽¹⁾ OJ 187, 8.8.1967, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1292/2004 (OJ L 243, 15.7.2004, p. 23).

COMMISSION

COMMISSION DECISION

of 17 January 2005

on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community

(notified under document number C(2005) 34)

(Text with EEA relevance)

(2005/50/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision)⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

(1) The Commission communication to the Council and the European Parliament of 2 June 2003 on 'European Road Safety Action Programme — Halving the number of road accident victims in the European Union by 2010: a shared responsibility'⁽²⁾ sets out a coherent approach to road safety in the European Union. Furthermore, in its communication to the Council and the European Parliament of 15 September 2003, entitled 'Information and communications technologies for safe and intelligent vehicles'⁽³⁾, the Commission announced its intention to improve road safety in Europe, to be known as the eSafety initiative, by using new information and communications technologies and intelligent road safety systems, such as automotive short-range radar equipment. On 5 December 2003 in its conclusions on road safety⁽⁴⁾ the Council also called for the improvement of vehicle safety by the promotion of new technologies such as electronic safety.

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ COM(2003) 311.

⁽³⁾ COM(2003) 542.

⁽⁴⁾ Conclusions of the Council of the European Union on road safety, 15058/03 TRANS 307.

(2) The rapid and coordinated development and deployment of automotive short-range radar within the Community require a harmonised radio frequency band to be available for this application in the Community without delay and on a stable basis, in order to provide the necessary confidence for industry to make the necessary investments.

(3) On 5 August 2003, with a view to such harmonisation, the Commission issued a mandate, pursuant to Article 4(2) of Decision No 676/2002/EC, to the European Conference of Postal and Telecommunications Administrations (CEPT), to harmonise the radio spectrum and to facilitate a coordinated introduction of automotive short-range radar.

(4) As a result of that mandate, the 79 GHz range band has been identified by CEPT as the most suitable band for long term development and deployment of automotive short-range radar, with the introduction of this measure by January 2005 at the latest. The Commission therefore adopted Decision 2004/545/EC of 8 July 2004 on the harmonisation of the radio spectrum in the 79 GHz range for the use of automotive short-range radar equipment in the Community⁽⁵⁾.

(5) However, automotive short-range radar technology in the 79 GHz range band is still under development and is not immediately available on a cost-effective basis, although it is understood that the industry will promote the development of such a technology in order to make it available at the earliest possible date.

⁽⁵⁾ OJ L 241, 13.7.2004, p. 66.

- (6) In its report of 9 July 2004 to the European Commission under the mandate of 5 August 2003, CEPT identified the 24 GHz range radio spectrum band as being a temporary solution which would enable the early introduction of automotive short-range radar in the Community to meet the objectives of the *e-Safety* initiative, since technology is considered sufficiently mature for operation in that band. Therefore, Member States should take the appropriate measures based on their particular national radio spectrum situation to make sufficient radio spectrum available on a harmonised basis in the 24 GHz range radio spectrum band (21,65 to 26,65 GHz), while protecting existing services operating in that band from harmful interference.
- (7) According to footnote 5.340 of the Radio Regulations of the ITU, all emissions are prohibited in the band 23,6 to 24,0 GHz, in order to protect the use on a primary basis of this band by the radio astronomy, earth exploration satellite and space research passive services. This prohibition is justified by the fact that harmful interference to these services by emissions in the band cannot be tolerated.
- (8) Footnote 5.340 is subject to national implementation and may be applied in conjunction with Article 4.4 of the Radio Regulations, pursuant to which no frequency may be assigned to a station in derogation of the Radio Regulations, except on the express condition that such a station, when using such a frequency assignment, shall not cause harmful interference to a station operating in accordance with the provision of the ITU rules. Therefore, in its report to the Commission, CEPT pointed out that footnote 5.340 does not strictly prevent administrations from using bands falling under the footnote, provided that they are neither impacting services of other administrations nor trying to have international recognition under the ITU of such use.
- (9) The 23,6 to 24,0 GHz frequency band is of primary interest for the scientific and meteorological communities to measure water vapour content essential for temperature measurements for the earth exploration satellite service. In particular, this frequency plays an important role in the Global Monitoring for Environment and Security initiative (GMES) aiming at an operational European warning system. The 22,21 to 24,00 GHz frequency range is also needed to measure spectral lines of ammonia and water as well as continuum observations for the radio astronomy service.
- (10) The bands 21,2 to 23,6 GHz and 24,5 to 26,5 GHz are allocated to the fixed service on a primary basis in the ITU Radio Regulations and are extensively used by fixed links to meet the infrastructure requirement for existing 2G and 3G mobile networks and to develop broadband fixed wireless networks.
- (11) Based on studies of compatibility between automotive short-range radar and fixed services, earth exploration satellite services and radio astronomy services, CEPT has concluded that an unlimited deployment of automotive short-range radar systems in the 24 GHz range radio spectrum band will create unacceptable harmful interference to existing radio applications operating in this band. Considering ITU Radio Regulations and the importance of these services, any introduction of automotive short-range radar at 24 GHz could be made only on condition that these services in the band are sufficiently protected. In this respect, while the signal emanating from automotive short-range radar equipment is extremely low in most of the 24 GHz frequency range, it is important to take into account the cumulative effect of the use of many devices, which individually might not cause harmful interference.
- (12) According to CEPT, existing applications operating in or around the 24 GHz band would increasingly suffer significant levels of harmful interference if a certain level of penetration of vehicles using the 24 GHz range radio spectrum band for automotive short-range radars were to be exceeded. CEPT concluded in particular that sharing between earth exploration satellite services and automotive short-range radar could only be feasible on a temporary basis if the percentage of vehicles equipped with 24 GHz automotive short-range radar was limited to 7,0% in each national market. While this percentage has been calculated on the basis of earth exploration satellite pixels, national markets are used as the reference against which to calculate the threshold, as this represents the most effective means of carrying out this monitoring.
- (13) Furthermore, the CEPT report concluded that to maintain the protection requirements of the fixed service, sharing with automotive short-range radar could only be feasible on a temporary basis if the percentage of vehicles equipped with automotive short-range radar within sight of a fixed service receiver was limited to less than 10%.
- (14) It is therefore presumed on the basis of the work carried out by CEPT that harmful interference should not be caused to other users of the band where the total number of vehicles registered, placed on the market or put into service equipped with 24 GHz automotive short-range radar does not exceed the level of 7% of the total number of vehicles in circulation in each Member State.
- (15) It is not presently anticipated that this threshold will be reached before the reference date of 30 June 2013.

- (16) Several Member States also use the 24 GHz range radio spectrum band for radar speed meter control which contributes to traffic safety. Following compatibility studies with automotive short-range radar of a number of these devices operating in Europe, CEPT has concluded that compatibility is possible under certain conditions, principally by decoupling the centre frequencies of the two systems by at least 25 MHz, and that the risk of harmful interference is low and will not create false speed measurements. Manufacturers of vehicles using automotive short-range radar systems have also committed themselves to continue taking appropriate steps to ensure that the risk of interference to radar speed meters is minimal. The reliability of radar speed meter equipment will therefore not be affected by the operation of automotive short-range radar to any significant extent.
- (17) Some Member States will in the future use the band 21,4 to 22,0 GHz for broadcast satellite services in the direction space-to-earth. Following compatibility studies, relevant national administrations have concluded that no compatibility problems exist if the emissions of automotive short-range radar are limited to no more than -61,3 dBm/MHz for frequencies below 22 GHz.
- (18) The above presumptions and precautions need to be kept under ongoing objective and proportionate review by the Commission assisted by the Member States, in order to assess on the basis of concrete evidence whether the threshold of 7% will be breached in any national market before the reference date, whether harmful interference has been or is likely to be caused within a short period of time to other users of the band by the breach of the threshold of 7% in any national market, or whether harmful interference has been caused to other users of the band even below the threshold.
- (19) Therefore, as a result of information that becomes available as part of the review process, modifications to the present Decision may turn out to be necessary, in particular to ensure that there is no harmful interference caused to other users of the band.
- (20) Accordingly, there can be no expectation that the band of 24 GHz will continue to be available for automotive short-range radar until the reference date, if any of the abovementioned presumptions prove not to be valid at any time.
- (21) In order to facilitate and render more effective the monitoring of the use of the 24 GHz band and the review process, Member States may decide to draw more directly upon manufacturers and importers for information required in relation to the review process.
- (22) As reported by CEPT, sharing between automotive short-range radar and the radio astronomy service within the 22,21 to 24,00 GHz band could lead to harmful interference for the latter if short-range radar-equipped vehicles were allowed to operate unhindered within a certain distance from each radio astronomy station. Therefore, and bearing in mind that Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity⁽¹⁾ requires that radio equipment must be constructed so as to avoid harmful interference, automotive short-range radar systems operating in bands used by radio astronomy in the 22,21 to 24,00 GHz range should be deactivated when moving within these areas. The relevant radio astronomy stations and their associated exclusion zones should be defined and justified by national administrations.
- (23) In order to be effective and reliable, such deactivation is best done automatically. However, to allow an early implementation of automotive short-range radar in 24 GHz, a limited amount of transmitters with manual deactivation can be allowed as, with such a limited deployment, the probability of causing harmful interference to the radio astronomy service is expected to remain low.
- (24) The temporary introduction of automotive short-range radar in the 24 GHz range radio spectrum band has an exceptional character and must not be considered as a precedent for the possible introduction of other applications in the bands where ITU Radio Regulations footnote 5.340 applies, be it for temporary or permanent use. Moreover, automotive short-range radar must not be considered as a safety-of-life service within the meaning of the ITU Radio Regulations and must operate on a non-interference and non-protected basis. Furthermore, automotive short-range radar should not constrain the future development in the use of the 24 GHz band of applications which are protected by footnote 5.340.
- (25) The placing on the market and operation of 24 GHz automotive short-range radar equipment in a stand-alone mode or retrofitted in vehicles already on the market would not be compatible with the objective of avoiding harmful interference to existing radio applications operating in this band, since it could lead to an uncontrolled proliferation of such equipment. In contrast, it should be easier to control the use of automotive short-range radar systems in the 24 GHz band solely as part of a complex integration of the electrical harness, automotive design and software package of a vehicle and originally installed in the new vehicle, or as replacement of original vehicle-mounted automotive short-range radar equipment.

⁽¹⁾ OJ L 91, 7.4.1999, p. 10. Directive as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

- (26) This Decision will apply taking into account and without prejudice to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers⁽¹⁾ and to Directive 1999/5/EC.
- (27) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

The purpose of this Decision is to harmonise the conditions for the availability and efficient use of the 24 GHz range radio spectrum band for automotive short-range radar equipment.

Article 2

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

1. '24 GHz range radio spectrum band' means the 24,15 +/- 2,50 GHz frequency band;
2. 'automotive short-range radar equipment' means equipment providing road vehicle-based radar functions for collision mitigation and traffic safety applications;
3. 'automotive short-range radar equipment put into service in the Community' means automotive short-range radar equipment originally installed or replacing one so installed in a vehicle which will be or which has been registered, placed on the market or put into service in the Community;
4. 'on non-interference and non-protected basis' means that no harmful interference may be caused to other users of the band and that no claim may be made for protection from harmful interference received from other systems or services operating in that band;
5. 'reference date' means 30 June 2013;
6. 'transition date' means 30 June 2007;
7. 'vehicle' means any vehicle as defined by Article 2 of Directive 70/156/EEC;
8. 'deactivation' means the termination of emissions by automotive short-range radar equipment;
9. 'exclusion zone' means the area around a radio astronomy station defined by a radius equivalent to a specific distance from the station;

10. 'duty cycle' means the ratio of time during any one-hour period when equipment is actively transmitting.

Article 3

The 24 GHz range radio spectrum band shall be designated and made available as soon as possible and no later than 1 July 2005, on a non-interference and non-protected basis, for automotive short-range radar equipment put into service in the Community which complies with the conditions laid down in Articles 4 and 6.

The 24 GHz range radio spectrum band shall remain so available until the reference date, subject to the provisions of Article 5.

After that date, the 24 GHz range radio spectrum band shall cease to be available for automotive short-range radar equipment mounted on any vehicle except where that equipment was originally installed, or is replacing equipment so installed, in a vehicle registered, placed on the market or put into service before that date in the Community.

Article 4

The 24 GHz range radio spectrum band shall be available for the ultra-wide band part of automotive short-range radar equipment with a maximum mean power density of -41,3 dBm/MHz effective isotropic radiated power (e.i.r.p.) and peak power density of 0 dBm/50MHz e.i.r.p., except for frequencies below 22 GHz, where the maximum mean power density shall be limited to -61,3 dBm/MHz e.i.r.p.

The 24,05 to 24,25 GHz radio spectrum band is designated for the narrow-band emission mode/component, which may consist of an unmodulated carrier, with a maximum peak power of 20 dBm e.i.r.p. and a duty cycle limited to 10% for peak emissions higher than -10 dBm e.i.r.p.

Emissions within the 23,6-24,0 GHz band that appear 30° or greater above the horizontal plane shall be attenuated by at least 25 dB for automotive short-range radar equipment placed on the market before 2010 and thereafter by at least 30 dB.

Article 5

1. The continued availability of the 24 GHz range radio spectrum band for automotive short-range radar applications shall be kept under active scrutiny to ensure that the main premise of opening this band to such systems remains valid, which is that no harmful interference is caused to other users of the band, in particular through the timely verification of:

⁽¹⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Commission Directive 2004/104/EC (OJ L 337, 13.11.2004, p. 13).

- (a) the total number of vehicles registered, placed on the market or put into service equipped with 24 GHz automotive short-range radar in each Member State, to verify that this number does not exceed the level of 7% of the total number of vehicles in circulation in each Member State;
- (b) whether adequate information has been made available by Member States or by manufacturers and importers regarding the number of 24 GHz short-range radar-equipped vehicles for the purpose of monitoring effectively the use of the 24 GHz band by automotive short-range radar equipment;
- (c) whether the individual or cumulative use of 24 GHz automotive short-range radar is causing or is likely to cause within a short period of time harmful interference to other users in the 24 GHz band or in adjacent bands in at least one Member State, whether or not the threshold referred to in (a) has been reached;
- (d) the continuing appropriateness of the reference date.

2. In addition to the review process in paragraph 1, a fundamental review shall be carried out by 31 December 2009 at the latest to verify the continuing relevance of the initial assumptions concerning the operation of automotive short-range radar in the 24 GHz range radio spectrum band, as well as to verify whether the development of automotive short-range radar technology in the 79 GHz range is progressing in such a way as to ensure that automotive short-range radar applications operating in this radio spectrum band will be readily available by 1 July 2013.

3. The fundamental review may be triggered by a reasoned request by a member of the Radio Spectrum Committee, or at the Commission's own initiative.

4. The Member States shall assist the Commission to carry out the reviews referred to in paragraphs 1 and 2 by ensuring that the necessary information is collected and provided to the Commission in a timely manner, in particular the information set out in the Annex.

Article 6

1. Automotive short-range radar equipment mounted on vehicles shall only operate when the vehicle is active.
2. Automotive short-range radar equipment put into service in the Community shall ensure protection of the radio astronomy stations operating in the radio spectrum band 22,21 to 24,00 GHz defined in Article 7 through automatic deactivation in a defined exclusion zone or via another method providing equivalent protection for these stations without driver intervention.
3. By way of derogation to paragraph 2, manual deactivation will be accepted for automotive short-range radar equipment put into service in the Community operating in the 24 GHz range radio spectrum band before the transition date.

Article 7

Each Member State shall determine the relevant national radio astronomy stations to be protected pursuant to Article 6(2) in its territory and the characteristics of the exclusion zones pertaining to each station. This information, supported by appropriate justification, shall be notified to the Commission within six months of adoption of this Decision, and published in the *Official Journal of the European Union*.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 17 January 2005.

For the Commission
Viviane REDING
Member of the Commission

ANNEX

Information required for monitoring the use of the 24 GHz range radio spectrum band by automotive short-range radar

This Annex establishes the data required to verify the penetration rate of automotive vehicles equipped with short-range radar in each Member State of the European Union in accordance with Article 5. This data shall be used to calculate the proportion of vehicles equipped with short-range radar using the 24 GHz range radio spectrum compared to the total number of vehicles in circulation in each Member State.

The following data shall be collected on a yearly basis:

- (1) the number of vehicles equipped with short-range radar using the 24 GHz range radio spectrum band produced and/or placed on the market and/or registered for the first time during the reference year in the Community;
- (2) the number of vehicles equipped with short-range radar using the 24 GHz range radio spectrum band imported from outside the Community during the reference year;
- (3) the total number of vehicles in circulation during the reference year.

All data shall be accompanied by an evaluation of the uncertainty related to the information.

In addition to the above data, any other relevant information which would assist the Commission in maintaining an adequate overview on the continued use of the 24 GHz range radio spectrum band by automotive short-range radar devices shall be made available in a timely fashion, including information on:

- current and future market trends, both within and outside the Community,
 - after-market sales and retrofitting of equipment,
 - the state of progress of alternative technologies and applications, notably automotive short-range radar operating in the 79 GHz range radio spectrum band according to Decision 2004/545/EC.
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COMMISSION DECISION

of 21 January 2005

authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of the importation of soil contaminated by pesticides or persistent organic pollutants for decontamination purposes

(notified under document number C(2005) 92)

(2005/51/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Council Regulation (EEC) No 259/93⁽²⁾ on the supervision and control of shipments of waste within, into and out of the European Community.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular Article 15(1) thereof,

(4) The Commission considers that there is no risk of spreading organisms harmful to plants or plant products when the soil is treated in dedicated hazardous waste incinerators, which comply with Directive 2000/76/EC of the European Parliament and of the Council⁽³⁾ on the incineration of waste, in such a way as to ensure that the pesticide or persistent organic pollutant content is destroyed or irreversibly transformed.

Whereas:

(1) Under Directive 2000/29/EC, soil originating in certain third countries may not, in principle, be introduced into the Community.

(5) Member States should therefore be authorised to provide for derogations, for a limited period and subject to specific conditions, to allow the import of such contaminated soil.

(2) The United Nations Food and Agriculture Organisation (FAO) manages a programme on prevention and disposal of obsolete and unwanted pesticides to assist developing countries in identifying and eliminating obsolete pesticide stockpiles and soil contaminated by these products due to leakage. Moreover, two international legally binding instruments address the production, use and releases of persistent organic pollutants and the safe management of waste containing these substances, with the aim of protecting human health and the environment from these substances. Because developing countries and countries with economies in transition do not always have adequate facilities for the safe destruction or reprocessing of these stockpiles and contaminated soil, international agreements and programmes foresee shipment of such soil to a treatment facility for processing or destruction.

(6) The authorisation to provide for derogations should be terminated if it is established that the specific conditions laid down in this Decision are not sufficient to prevent the introduction of harmful organisms into the Community or have not been complied with.

(3) Under the aforementioned programme, soil should be packaged and labelled in compliance with the International Maritime Dangerous Goods Code (IMDG Code), using only United Nations approved containers. Shipment should comply with the IMDG Code and

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

HAS ADOPTED THIS DECISION:

Article 1

Member States are hereby authorised to provide for derogations from Article 4(1) of Directive 2000/29/EC, with regard to the prohibitions referred to in point 14 of Annex III(A) to that Directive, and from Article 5(1) of Directive 2000/29/EC with regard to the special requirements referred to in point 34 of Annex IV(A)(I) to that Directive for soil originating in certain third countries.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2004/102/EC (OJ L 309, 6.10.2004, p. 9).

⁽²⁾ OJ L 30, 6.2.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2557/2001 (OJ L 349, 31.12.2001, p. 1).

⁽³⁾ OJ L 332, 28.12.2000, p. 91.

The authorisation to provide for derogations, as mentioned in paragraph 1 shall be subject to the specific conditions provided for in the Annex, and shall only apply to soil that is introduced into the Community between 1 March 2005 and 28 February 2007 and destined for treatment in dedicated hazardous waste incinerators.

The authorisation is without prejudice to any further authorisation or procedures which may be required under other legislation.

Article 2

Member States shall provide the Commission and the other Member States, before 31 December of each year of importation, with the information as required in point 7 of the Annex for each consignment of soil imported prior to that date pursuant to this Decision.

Article 3

Member States shall immediately notify the Commission and the other Member States of all consignments introduced into

their territory pursuant to this Decision which were subsequently found not to comply with this Decision.

Article 4

This Decision may be revoked if the conditions set out in the Annex are shown to be insufficient to prevent the introduction into the Community of organisms harmful to plants or plant products.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 21 January 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Specific conditions applying to soil originating in third countries benefiting from the derogation provided for in Article 1 of this Decision

1. The soil shall be:
 - (a) soil contaminated by pesticides covered by the FAO programme on prevention and disposal of obsolete and unwanted pesticides or similar multilateral programmes, or soil contaminated with persistent organic pollutants listed in the Stockholm Convention on persistent organic pollutants or in the Protocol to the 1979 Convention on long-range trans-boundary air pollution on persistent organic pollutants;
 - (b) packaged in sealed drums or bags in compliance with the IMDG Code, transported in sealed shipping containers from the packaging site in the country of origin to the treatment facility located in the Community in compliance with Regulation (EEC) No 259/93;
 - (c) intended to be treated in the Community in dedicated hazardous waste incinerators, which comply with Directive 2000/76/EC.
2. The soil shall be accompanied by a phytosanitary certificate issued in the country of origin in accordance with Article 13(1)(ii) of Directive 2000/29/EC. The certificate shall state under 'Additional declaration', the indication 'This consignment meets the conditions laid down in Decision 2005/51/EC'.
3. Prior to introduction into the Community, the importer shall be officially informed of the conditions laid down in points 1 to 7 of this Annex. The said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction, indicating:
 - (a) the quantity and the origin of the soil;
 - (b) the declared date of introduction and the confirmation of the point of entry in the Community;
 - (c) the names, addresses and the locations of the premises referred to in point 5 where the soil will be treated.

The importer shall inform the official bodies concerned of any changes to the above details as soon as they are known.
4. The soil shall be introduced through points of entry situated within the territory of a Member State and designated for the purpose of this derogation by that Member State; these points of entry and the name and address of the responsible official body referred to in Directive 2000/29/EC in charge of each point shall be notified sufficiently in advance by the Member States to the Commission and shall be held available on request to other Member States. Direct transport between the point of entry and the place of treatment must be assured. In those cases where the introduction into the Community takes place in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State of introduction shall inform and cooperate with the said responsible official bodies of the Member States making use of this derogation to ensure that the provisions of this Decision are complied with.
5. The soil shall be treated only at premises:
 - (a) for which the names, addresses and the locations have been notified in accordance with point 3 to the relevant responsible official bodies; and
 - (b) officially registered and approved for the purposes of this derogation by the relevant responsible official bodies.

In those cases where the premises are situated in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State making use of this derogation, at the moment of receipt of the aforementioned advance notification from the importer, shall inform the said responsible official bodies of the Member State in which the soil will be treated giving the names, addresses and the locations of the premises where the soil will be treated.

6. At the premises referred to in point 5:
 - (a) the soil shall be handled as hazardous waste with all the appropriate safeguards applied; and
 - (b) the soil shall be treated in dedicated hazardous waste incinerators, which comply with Directive 2000/76/EC.
 7. The Member State making use of this derogation shall convey the details referred to in point (3) for each introduction on a yearly basis to the Commission and the other Member States.
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DOCUMENTS ANNEXED TO THE GENERAL BUDGET FOR THE EUROPEAN UNION

Second amending budget of the European Medicines Agency (EMA) for 2004

(2005/52/EC, Euratom)

Pursuant to Article 26(2) of the Financial Regulation of the European Medicines Agency (EMA), adopted by the Management Board on 10 June 2004, 'the budget and amending budgets, as finally adopted, shall be published in the *Official Journal of the European Union*'.

The second amending budget of the EMA for 2004 was adopted by the Management Board on 16 December 2004 (MB/186896/2004).

ESTABLISHMENT PLAN

Category and grade	Temporary posts
	2004
A*16	—
A*15	1
A*14	5
A*13	—
A*12	34
A*11	40
A*10	42
A*9	—
A*8	37
A*7	—
A*6	—
A*5	—
Total	159
B*11	—
B*10	6
B*9	—
B*8	10
B*7	14
B*6	12
B*5	9
B*4	—
B*3	—
Total	51
C*7	—
C*6	19
C*5	24
C*4	48
C*3	6
C*2	—
C*1	—
Total	97
D*5	—
D*4	2
D*3	5
D*2	—
Total	7
Grand total	314