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Legislation

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 114/2005
of 26 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 27 January 2005.

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

Done at Brussels, 26 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 26 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	101,1
	204	77,1
	212	157,6
	608	118,9
	624	163,5
	999	123,6
0707 00 05	052	140,5
	999	140,5
0709 90 70	052	182,8
	204	169,7
	999	176,3
0805 10 20	052	43,6
	204	39,2
	212	53,5
	220	42,9
	421	38,1
	448	38,3
	624	71,7
	999	46,8
0805 20 10	204	56,8
	999	56,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	67,9
	204	86,8
	400	78,5
	464	55,5
	624	69,1
	662	40,0
	999	66,3
0805 50 10	052	63,6
	999	63,6
0808 10 80	400	103,2
	404	83,2
	720	72,1
	999	86,2
0808 20 50	388	68,3
	400	88,1
	720	39,5
	999	65,3

⁽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 115/2005**of 26 January 2005****opening an invitation to tender for the refund on common wheat exports to certain third countries**

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 the first subparagraph of Article 13(3) thereof,

Whereas:

- (1) Given the present market situation for cereals, an invitation to tender for the export refund on common wheat should be opened in accordance with Article 4 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⁽²⁾.
- (2) The tendering procedure rules to be followed for establishing export refunds are laid down in Regulation (EC) No 1501/95. The requirements under that procedure include an obligation to submit an application for an export licence and lodge a security. The rate of that security should be established.
- (3) A specific period of validity must be set for the licences issued under this invitation to tender. That validity period should be commensurate with world market requirements for the 2004/2005 marketing year.
- (4) To ensure that all parties are treated equally, all licences issued should have the same period of validity.
- (5) To forestall reimportation refunds should be awarded only for exportation to certain third countries.
- (6) The satisfactory operation of tendering procedures for exports requires that a minimum quantity be set, and that the time limit and means of transmission for tenders lodged with the competent authority be established.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Under Article 4 of Regulation (EC) No 1501/95, an invitation to tender for the export refund is hereby opened.
2. The invitation to tender covers common wheat for exportation to third countries with the exception of Albania, Bulgaria, Croatia, Bosnia and Herzegovina, Serbia and Montenegro⁽³⁾, Liechtenstein, Romania and Switzerland.
3. The invitation to tender shall be open until 23 June 2005. During that period, weekly awards shall be made. The quantities and dates for submitting tenders shall be set out in the notice of invitation to tender.

By way of derogation from Article 4(4) of Regulation (EC) No 1501/95, the time limit for submitting tenders for the first partial invitation to tender shall be 3 February 2005.

Article 2

Tenders shall be valid only if they cover a quantity of at least 1 000 tonnes.

Article 3

The security referred to in Article 5(3)(a) of Regulation (EC) No 1501/95 shall be EUR 12 per tonne.

Article 4

1. By way of derogation from Article 23(1) of Commission Regulation (EC) No 1291/2000⁽⁴⁾, export licences issued in accordance with Article 8(1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ 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).

⁽³⁾ Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1.

2. Export licences issued under the invitation to tender provided for in this Regulation shall be valid from their date of issue within the meaning of paragraph 1 until the end of the fourth month thereafter.

Article 5

Member States shall send the Commission the tenders submitted within one-and-a-half hours of the expiry of the weekly time limit for lodging tenders, as laid down in the notice of invitation to tender, using the form set out in the Annex.

If no tenders are lodged, Member States shall inform the Commission within the time limit referred to in the first paragraph.

The times set for the submission of tenders shall correspond to Belgian time.

Article 6

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, 26 January 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Form (*)

AWARD OF THE REFUND ON COMMON WHEAT EXPORTS TO CERTAIN THIRD COUNTRIES**(Regulation (EC) No 115/2005)***(Time limit for submission of tenders)*

1	2	3
Numbering of tenderers	Quantity (tonnes)	Export refund rate (EUR/tonne)
1		
2		
3		
etc.		

E-mail address for sending the information: agri-c1-revente-marche-eu@cec.eu.int

(*) Please send to DG AGRI-C.1.

**COMMISSION REGULATION (EC, Euratom) No 116/2005
of 26 January 2005**

on the treatment of repayments of VAT to non-taxable persons and to taxable persons for their exempt activities, 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) No 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) No 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) ESA95 does not explicitly specify the treatment of repayments of VAT to non-taxable persons, and to taxable persons for their exempt activities.
- (4) 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 treatment of repayments of VAT to non-taxable persons, and to taxable persons for their exempt activities.
- (5) The Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment⁽⁴⁾, defines the notions of taxable person, of non-taxable person and of exempt activities.
- (6) For the purpose of implementing Council Directive 89/130/EEC, Euratom of 13 February 1989 on the harmonisation of the compilation of gross national product at market prices⁽⁵⁾, Commission Decision 1999/622/EC, Euratom of 8 September 1999⁽⁶⁾ clarifies the treatment of repayments of VAT to non-taxable units and to taxable units for their exempt activities. The equivalent clarification should now be provided in respect of GNI.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the GNI Committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. In compiling national accounts aggregates for the purpose of Regulation (EC, Euratom) No 1287/2003, repayments of VAT incurred on purchases, made to non-taxable persons or to taxable persons for their exempt activities, shall be treated in ESA95 as other current transfers (D7) or capital transfers (D9), and not as if they were deductible VAT.

⁽¹⁾ OJ L 181, 19.07.2003, 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 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

⁽⁵⁾ OJ L 49, 21.02.1989, p. 26. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽⁶⁾ OJ L 245, 17.09.1999, p. 51.

2. For the purposes of paragraph 1, the term 'taxable person' shall have the meaning given to it by Article 4 of the Sixth Directive 77/388/EEC, Euratom, and the notion of exempt activities shall be understood as being the activities listed in Article 13 of that Directive.

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, 26 January 2005.

For the Commission
Joaquín ALMUNIA
Member of the Commission

COMMISSION REGULATION (EC) No 117/2005**of 26 January 2005****introducing Community surveillance of imports of certain footwear products originating in certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports and repealing Regulation (EC) No 518/94⁽¹⁾, and in particular Article 11(2) thereof,

Whereas:

- (1) The quota system on footwear products set out in Council Regulation (EC) No 427/2003 of 3 March 2003 on a transitional product-specific safeguard mechanism for imports originating in the People's Republic of China and amending Regulation (EC) No 519/94 on common rules for imports from certain third countries⁽²⁾ expired on 1 January 2005.
- (2) On 7 December 2004, the Commission was informed by some Member States that it would be appropriate to impose surveillance measures on footwear products pursuant to Regulation (EC) No 3285/94.
- (3) The Community footwear industry is largely composed of small and medium-sized enterprises, most of which are located in regions with few other sources of employment. It is therefore vulnerable to competition from low-priced imports originating in particular in the People's Republic of China.
- (4) In response to this import competition, the Community footwear industry has, in recent years, undergone an extensive restructuring by concentrating its output on more up-market products which are also the products that have been under quota. These products represent approximately 85% of production in the Community footwear industry. This restructuring has entailed a

marked reduction of capacity and workforce. Despite these efforts, the Community footwear industry continues to lose production and market share owing to cheap foreign imports.

- (5) Over the period 2000 to 2003, imports of footwear products originating in the People's Republic of China not subject to quotas increased sharply both in absolute terms as well as in terms of share of the Community market, with prices that were substantially lower than the prices of equivalent products manufactured in the Community. The average increase in imports was 59% between 2000 and 2003 and the average difference in prices was 21%.
- (6) Given that prevailing market conditions for all footwear products are the same, it is expected that the recent liberalisation will lead to a similar substantial increase of imports. On the basis of recent trends in imports of footwear, the result of the 2005 removal of quotas could lead to a doubling in imports in the short term, with a likely consequent loss in market share for the Community industry of 6% and a loss of 17 000 jobs. A threat of injury to Community producers for the purposes of Article 11 of Regulation (EC) No 3285/94 can therefore be deemed to exist.
- (7) This likely impact is so significant that the interests of the Community require that imports of certain footwear products of Chinese origin should be subject to prior Community surveillance in order to provide statistical information permitting rapid analysis of import trends. The footwear concerned, mainly medium to high quality footwear, is that for which significant production still remains in the Community and can be considered sensitive for that reason. Prior surveillance by means of an automatic import licensing regime applicable until 31 January 2006 would provide the fastest means of obtaining a clear picture of the early effects of the removal of these quotas as any retrospective system takes time to provide meaningful data.
- (8) It is also appropriate, in order to obtain an overall view of the trends in imports of footwear, to establish a retrospective customs-based surveillance system for imports of all footwear from all sources. This includes footwear requiring to be made subject to prior surveillance. When the retrospective system of surveillance is fully operational the prior surveillance can be terminated, at the latest by 31 January 2006.

⁽¹⁾ OJ L 349, 31.12.1994, p. 53. Regulation as last amended by Regulation (EC) No 2474/2000 (OJ L 286, 11.11.2000, p. 1).

⁽²⁾ OJ L 65, 8.3.2003, p. 1. Regulation as amended by Regulation (EC) No 1985/2003 (OJ L 295, 13.11.2003, p. 43).

(9) The completion of the internal market requires that the formalities to be accomplished by Community importers be identical wherever the goods may be cleared.

(10) In order to facilitate the collection of data, the release for free circulation of the products covered by prior surveillance should be made subject to presentation of a surveillance document meeting uniform criteria. That document should, on simple application by the importer, be endorsed by the authorities of the Member States within a certain period but without the importer thereby acquiring any right to import. The document should therefore be valid only as long as the import rules remain unchanged; it should be valid throughout the Community.

(11) In order to ensure transparency the Member States and the Commission should exchange the information resulting from Community surveillance as fully as possible.

(12) The issue of surveillance documents, while subject to standard conditions at Community level, should be the responsibility of the national authorities.

(13) It is desirable for this Regulation to enter into force on the day of its publication in order to collect the data as soon as possible,

HAS ADOPTED THIS REGULATION:

CHAPTER 1

PRIOR SURVEILLANCE

Article 1

The release for free circulation in the Community of certain footwear products originating in the People's Republic of China listed in Annex I shall be subject to prior Community surveillance in accordance with Regulation (EC) No 3285/94.

Article 2

1. The release for free circulation in the Community of the products referred to in Article 1 shall be subject to presentation of a surveillance document issued by the relevant authorities of a Member State.

2. The surveillance document referred to in paragraph 1 shall be issued automatically by the competent authorities in the Member States, without charge and for any quantities requested, within five working days of presentation of an application by any Community importer, wherever it may be established in the Community. This application shall be deemed to have been received by the competent national authority no later

than three working days after submission, unless it is proven otherwise.

3. A surveillance document issued by one of the authorities listed in Annex II shall be valid throughout the Community.

4. The surveillance document shall be made out on a form corresponding to the model set out in Annex I to Regulation (EC) No 3285/94.

The importer's application shall include the following elements:

(a) the name and full address of the applicant (including telephone and fax numbers, and possible identification number used by the competent national authorities) and VAT registration number, if subject to VAT;

(b) if applicable, the name and full address of the declarant or representative of the applicant (including telephone and fax numbers);

(c) the full name and address of the exporter;

(d) the exact description of the goods, including:

(i) their trade name;

(ii) the TARIC code(s);

(iii) the country of origin (namely the People's Republic of China);

(iv) the country of consignment;

(e) the quantity of goods expressed in pairs;

(f) the cif value of the goods in euro at the Community frontier by combined nomenclature heading;

(g) the proposed period and place of customs clearance;

(h) whether the application is a repeat of a previous application concerning the same contract;

(i) the following declaration, dated and signed by the applicant with the transcription of his name in capital letters: 'I, the undersigned, certify that the information provided in this application is true and given in good faith, and that I am established in the Community'. The importer shall also submit a copy of the contract of sale or purchase and of the pro forma invoice. If so requested, and in particular in cases where the goods are not directly purchased in China, the importer shall present a certificate of production issued by the producer.

5. The period of validity of the surveillance documents is hereby fixed at six months. Unused or partly used surveillance documents may be renewed for the same period.

6. The importer shall return surveillance documents to the issuing authority at the end of their period of validity.

7. The competent authorities may allow the submission of declarations or requests to be transmitted or printed by electronic means, under the conditions fixed by them. However, all documents and evidence shall be available to the competent authorities.

8. The surveillance document may be issued by electronic means, on condition that the customs offices involved have access to the document via a computer network.

Article 3

1. A finding that the unit price at which the transaction is effected varies from that indicated in the surveillance document by less than 5 % in either direction or that the total quantity of the products presented for import exceeds the quantity given in the surveillance document by less than 5 % shall not preclude the release for free circulation of the products in question.

2. Applications for surveillance documents and the documents themselves shall be confidential. Access to the information in those applications and documents shall be restricted to the competent authorities and the applicant.

Article 4

1. The Member States shall communicate the following information to the Commission:

(a) on as regular and up-to-date a basis as possible and at least by the last day of each month, details of the quantities and

values, calculated in euro, for which surveillance documents have been issued;

(b) within six weeks of the end of each month, details of imports during that month, in accordance with Article 32 of Commission Regulation No (EC) 1917/2000 ⁽¹⁾.

The information provided by Member States shall be broken down by product and combined nomenclature ('CN') code.

2. The Member States shall give notification of any anomalies or cases of fraud which they discover and, where relevant, the basis on which they have refused to grant a surveillance document.

CHAPTER 2

RETROSPECTIVE SURVEILLANCE

Article 5

1. Footwear products listed in Annex III shall be subject to a system of retrospective statistical surveillance.

2. After the release for free circulation of the products, the competent authorities of the Member States shall notify the Commission, if possible on a weekly basis but no less frequently than at the end of each month, of the total quantities imported (in pairs) and their value (value of the goods in euro at the Community frontier), indicating the combined nomenclature code and and using the units and, where appropriate, supplementary units used in that code. Imports shall be broken down in accordance with the statistical procedures in force.

CHAPTER 3

GENERAL PROVISIONS

Article 6

Any notices to be given under this Regulation shall be given to the Commission and shall be communicated electronically via the integrated network set up for this purpose, unless for imperative technical reasons it is necessary to use other means of communication temporarily.

Article 7

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

The provisions of Chapter 1 shall apply from the 1 February 2005 until 31 January 2006, at the latest.

⁽¹⁾ OJ L 229, 9.9.2000, p. 4. Regulation as amended by Regulation (EC) No 1669/2001 (OJ L 224, 21.8.2001, p. 3).

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

Done at Brussels, 26 January 2005.

For the Commission
Peter MANDELSON
Member of the Commission

ANNEX I

LIST OF PRODUCTS SUBJECT TO PRIOR SURVEILLANCE (2005)

6402 99

6403 51

6403 59

6403 91

6403 99

6404 19 10

with the exception of

6402 99 10 10

6402 99 91 10

6402 99 93 10

6402 99 96 10

6402 99 98 11

6403 91 11 10

6403 91 13 10

6403 91 16 10

6403 91 18 10

6403 91 91 10

6403 91 93 10

6403 91 96 10

6403 91 98 10

6403 99 91 10

6403 99 93 11 + 19

6403 99 96 11 + 19

6403 99 98 11 + 19

ANNEX II

LIST OF THE COMPETENT NATIONAL AUTHORITIES

BELGIQUE/BELGIË

Service public fédéral de l'économie, des PME, des classes moyennes et de l'énergie
Administration du potentiel économique
Politiques d'accès aux marchés, Services «Licences»
Rue Général Leman 60
B-1040 Bruxelles
Télécopieur (32-2) 230 83 22

Federale Overheidsdienst Economie, KMO, Middenstand & Energie
Bestuur Economisch Potentieel
Markttoegangsbeleid, Dienst Vergunningen
Generaal Lemanstraat 60
B-1040 Brussel
Fax: (32-2) 230 83 22

ČESKÁ REPUBLIKA

Ministerstvo průmyslu a obchodu
Licenční správa
Na Františku 32
CZ-110 15 Praha 1
Fax: +420 224 21 21 33

DANMARK

Erhvervs- og Boligstyrelsen
Økonomi- og Erhvervsministeriet
Vejlsovej 29
DK-8600 Silkeborg
Fax (45) 35 46 64 01

DEUTSCHLAND

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29—35
D-65760 Eschborn 1
Fax: +49-61-969 42 26

EESTI

Majandus- ja Kommunikatsiooniministeerium
Harju 11
EE-15072 Tallinn
Fax: +372-631 3660

ΕΛΛΑΔΑ

Υπουργείο Οικονομίας και Οικονομικών
Διεύθυνση Διεθνών Οικονομικών Ροών
Κορνάρου 1
GR-105 63 Αθήνα
Φαξ: (30-210) 32 86 094

ESPAÑA

Ministerio de Economía
Secretaría General de Comercio Exterior
Subdirección General de Productos Industriales
Paseo de la Castellana 162
E-28046 Madrid
Fax: (34) 913 49 38 31

FRANCE

Ministère de l'économie, des finances et de l'industrie
DIGITIP
Sous-direction «Textile — Habillement — Cuir»
Bureau «Textile-Importations»
Le Bervil
12, rue Villiot
F-75572 Paris Cedex 12
Télécopieur (33-1) 53 44 91 81

IRELAND

Department of Enterprise, Trade and Employment
Import/Export Licensing, Block C
Earlsfort Centre
Hatch Street
Dublin 2
Ireland
Fax: (353-1) 631 25 62

ITALIA

Ministero delle Attività produttive
Direzione generale per la Politica commerciale e per la gestione del regime degli scambi
Viale America 341
I-00144 Roma
Fax (39-06) 59 93 22 35/59 93 26 36

ΚΥΠΡΟΣ

Υπουργείο Εμπορίου, Βιομηχανίας και Τουρισμού
Υπηρεσία Εμπορίου
Μονάδα Έκδοσης Αδειών Εισαγωγής/Εξαγωγής
Οδός Ανδρέα Αραούζου 6
CY-1421 Λευκωσία
Φαξ: (357-22) 37 51 20

LATVIJA

Latvijas Republikas Ekonomikas ministrija
Brīvības iela 55
LV-1519 Rīga
Fax: +371-728 08 82

LIETUVA

Lietuvos Respublikos ūkio ministerija
Prekybos departamentas
Gedimino pr. 38/2
LT-01104 Vilnius
Fax: (370-5) 26 23 974

LUXEMBOURG

Ministère des affaires étrangères
Office des licences
BP 113
L-2011 Luxembourg
Télécopieur (352) 46 61 38

MAGYARORSZÁG

Magyar Kereskedelmi Engedélyezési Hivatal
Margit krt. 85.
H-1024 Budapest
Fax: (36-1) 336 73 02

MALTA

Diviżjoni għall-Kummerċ
Servizzi Kummerċjali
Lascaris
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Fax: +356 2569 0299

NEDERLAND

Belastingdienst/Douane centrale dienst voor in- en uitvoer
Postbus 30003, Engelse Kamp 2
9700 RD Groningen
Nederland
Fax: (31-50) 523 23 41

ÖSTERREICH

Bundesministerium für Wirtschaft und Arbeit
Außenwirtschaftsadministration
Abteilung C2/2
Stubenring 1
A-1011 Wien
Fax: +43-1-711 00/83 86

POLSKA

Ministerstwo Gospodarki, Pracy i Polityki Społecznej
pl. Trzech Krzyży 3/5
PL-00-507 Warszawa
Fax: (48-22) 693 40 21/693 40 22

PORTUGAL

Ministério das Finanças
Direcção-Geral das Alfândegas e dos Impostos
Especiais sobre o Consumo
Rua Terreiro do Trigo
Edifício da Alfândega de Lisboa

P-1140-060 Lisboa
Fax: (351-21) 881 42 61

SLOVENIJA

Ministrstvo za gospodarstvo
Področje za ekonomske odnose s tujino
Kotnikova 5
SI-1000 Ljubljana
Fax: (386-1) 478 36 11

SLOVENSKÁ REPUBLIKA

Ministerstvo hospodárstva SR
Odbor licencií
Mierová 19
SK-827 15 Bratislava 212
Fax: (421-2) 43 42 39 19

SUOMI/FINLAND

Tullihallitus
PL 512
FI-00101 Helsinki
Fax: (358-20) 492 28 52

Tullstyrelsen
PB 512
FI-00101 Helsingfors
Fax: (358-20) 492 28 52

SVERIGE

Kommerskollegium
Box 6803
S-113 86 Stockholm
Fax: (46-8) 30 67 59

UNITED KINGDOM

Department of Trade and Industry
Import Licensing Branch
Queensway House — West Precinct
Billingham TS23 2NF
United Kingdom
Fax: (44-1642) 36 42 69

ANNEX III

LIST OF PRODUCTS SUBJECT TO RETROSPECTIVE SURVEILLANCE

6401 91
6401 92
6401 99
6402 19
6402 20
6402 91
6402 99
6403 12
6403 19
6403 20
6403 30
6403 40
6403 51
6403 59
6403 91
6403 99
6404 11
6404 19
6404 20
6405 10
6405 20
6405 90

6404 19 10

6402 99 10 10
6402 99 91 10
6402 99 93 10
6402 99 96 10
6402 99 98 11
6403 91 11 10
6403 91 13 10
6403 91 16 10
6403 91 18 10
6403 91 91 10
6403 91 93 10
6403 91 96 10
6403 91 98 10
6403 99 91 10
6403 99 93 11 + 19
6403 99 96 11 + 19
6403 99 98 11 + 19

COMMISSION REGULATION (EC) No 118/2005

of 26 January 2005

modifying Annex VIII to Council Regulation (EC) No 1782/2003 and establishing budgetary ceilings for partial or optional implementation of the Single Payment Scheme and annual financial envelopes for Single Area Payment Scheme provided for in that Regulation

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) N 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽¹⁾, and in particular Articles 64(2), 70(2), 71(2), 143b(3) and 145(i) thereof,

Whereas:

(1) For the Member States making use of the option provided for in Article 62 of Regulation (EC) No 1782/2003, and in function of the information communicated as referred to in Article 145(i) of that Regulation, the amounts of Annex VIII to that Regulation should be revised.

(2) For Member States implementing the single payment scheme provided for in Title III of Regulation (EC) No 1782/2003 in 2005, the budgetary ceilings for each of the payments referred to in Articles 66 to 69 of that Regulation should be fixed for 2005.

(3) For the Member States making use, in 2005, of the option provided for in Article 70 of Regulation (EC) No 1782/2003, the budgetary ceilings applying to the direct payments excluded from the single payment scheme should be fixed for 2005.

(4) For the Member States making use of the transitional period provided for in Article 71 of Regulation (EC) No 1782/2003, the budgetary ceilings applying to the direct payments listed in Annexe VI to that Regulation should be fixed for 2005.

(5) For the sake of clarity, it is appropriate to publish the budgetary ceilings for 2005 of the single payment scheme after deduction, from the revised ceilings of Annex VIII to Regulation (EC) No 1782/2003, of the ceilings established for the payments referred to in Articles 66 to 70 of that Regulation.

(6) For those of the Member States which acceded to the Community in 2004 and will implement the Single Area Payment Scheme provided for in Title IVa of Regulation (EC) No 1782/2003 in 2005, the annual financial envelopes for that year should be fixed in accordance with Article 143b (3) of that Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex VIII to Regulation (EC) No 1782/2003 is replaced by the text set out in Annex I to this Regulation.

Article 2

1. The budgetary ceilings for 2005 referred to in Article 64(2) of Regulation (EC) No 1782/2003 shall be as set out in Annexes II and III to this Regulation.

2. The budgetary ceilings for 2005 referred to in Article 71(2) of Regulation (EC) No 1782/2003 shall be as set out in Annex IV to this Regulation.

3. The budgetary ceilings for the single payment scheme in 2005 shall be as set out in Annex V to this Regulation.

⁽¹⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 2217/2004 (OJ L 375, 23.12.2004, p. 1).

4. The annual financial envelopes for 2005 referred to in Article 143b(3) of Regulation (EC) No 1782/2003 shall be as set out in Annex VI to this Regulation.

Article 3

The Member States choosing the regional implementation provided for in Article 58 of Regulation (EC) No 1782/2003 shall communicate to the Commission the regional ceilings

established by 31 December of the first year of implementation of the single payment scheme by 1st March of the following year.

Article 4

This Regulation shall enter into force on the seventh 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, 26 January 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

ANNEX VIII

NATIONAL CEILINGS REFERRED TO IN ARTICLE 41

(EUR 1 000)

	2005	2006	2007, 2008 and 2009	2010 and subsequent
Belgium	411 053	530 573	530 053	530 053
Denmark	943 369	996 165	996 000	996 000
Germany	5 148 003	5 492 201	5 492 000	5 496 000
Greece	838 289	1 701 289	1 723 289	1 761 289
Spain	3 266 092	4 065 063	4 263 063	4 275 063
France	7 199 000	7 231 000	8 091 000	8 099 000
Ireland	1 260 142	1 322 305	1 322 080	1 322 080
Italy	2 539 000	3 464 517	3 464 000	3 497 000
Luxembourg	33 414	36 602	37 051	37 051
Netherlands	386 586	386 586	779 586	779 586
Austria	613 000	614 000	712 000	712 000
Portugal	452 000	493 000	559 000	561 000
Finland	467 000	467 000	552 000	552 000
Sweden	637 388	650 108	729 000	729 000
United Kingdom	3 697 528	3 870 420	3 870 473	3 870 473

ANNEX II

BUDGETARY CEILINGS FOR DIRECT PAYMENTS TO BE GRANTED UNDER ARTICLES 65 TO 69 OF
REGULATION (EC) No 1782/2003

Calendar year 2005

(EUR 1 000)

	Belgium		Denmark	Germany	Italy	Austria	Portugal	Sweden	United Kingdom
		Flanders							Scotland
Suckler cow premium	77 565					70 578	79 031		
Add. suckler cow premium	19 389					99	9 503		
Special beef premium			33 085					37 446	
Slaughter premium, adults						17 348	8 657		
Slaughter premium, calves		6 384				5 085	946		
Sheep and goat premium			855				21 892		
Sheep and goat suppl. premium							7 184		
Hops				2 277		27			
Article 69								2 869	
Article 69, arable crops					142 491		1 885		
Article 69, Rice							150		
Article 69, Beef and veal					28 674		1 684		29 800
Article 69, Sheep and goat					8 665		616		

ANNEX III

BUDGETARY CEILINGS FOR DIRECT PAYMENTS TO BE GRANTED UNDER ARTICLE 70 OF REGULATION
(EC) No 1782/2003

Calendar year 2005

(EUR 1 000)

	Belgium	Italy	Portugal
Article 70(1)(a)			
Production aid for seeds	1 397 (*)	13 321	272
Article 70(1)(b)			
Arable crops payments			1 871

(*) Aid for *Triticum spelta* L. (100%) and aid for *Linum usitatissimum* L. (fibre flax) (100%) excluded from single payment scheme.

ANNEX IV

**BUDGETARY CEILINGS FOR DIRECT PAYMENTS TO BE GRANTED UNDER ARTICLE 71 OF REGULATION
(EC) No 1782/2003**

Calendar year 2005

(EUR 1 000)

	Greece	Finland	France (*)	Malta	Netherlands	Slovenia	Spain (*)
Arable crops area payments 63 EUR/t	297 389	278 100	5 075 810	174	174 186	12 467	1 621 440
Arable crops area payments 63 EUR/t, POSEI							23
Specific regional aid for arable crops 24 EUR/t		80 700					
Durum wheat supplementary payment (291 EUR/ha) and special aid for non traditional zones (46 EUR/ha)	179 500		62 828				171 822
Grain legumes aid	2 100		1 370				60 518
Grain legumes aid, POSEI							1
Seed aid	1 400	2 900	15 826	29	10 400	35	10 347
Suckler cow premium	25 700	9 300	734 908	26	10 900	5 183	279 830
Additional suckler cow premium	3 100	600	1 137	3		626	28 937
Special beef premium	29 900	40 700	379 025	201	20 400	5 813	147 721
Slaughter premium, adults	8 000	27 600	233 620	144	62 200	3 867	142 954
Slaughter premium, calves		100	69 748		40 300	538	602
Beef extensification payment	17 600	16 780	277 228		900	5 360	153 486
Additional payments to beef producers	3 800	6 100	90 586	19	23 900	889	31 699
Sheep and goat premium	180 300	1 200	133 716	53	13 800	520	366 997
Sheep and goat supplementary premium	63 200	400	40 208	18	300	178	111 589
Additional payments to sheep and goat producers	8 800	100	7 083	3	700	26	18 655
Payments to starch potato producers (EUR 44,216/t)		2 400	11 157		21 800		
Area aid for rice (EUR 102/t)	15 400		10 770				67 991
Area aid for rice (EUR 102/t), French Overseas Departments			3 053				
Dried fodder income payments	1 100	20	41 224		6 800		44 075
Add. beef and sheep premiums in Aegean Islands	1 000						
Hops area aid			398			298	375

(*) Aids corresponding to premiums paid in animal sectors during the reference years 2000-2002 in the outermost regions have been deducted

ANNEX V

BUDGETARY CEILINGS FOR SINGLE PAYMENT SCHEME IN MEMBER STATES OR REGIONS

Calendar year 2005

(EUR 1 000)

Member State and/or region	
BELGIUM ⁽³⁾ Flanders Wallonia	306 318
DENMARK	909 429
GERMANY ⁽³⁾ Baden-Wurtemberg Bayern Brandenburg and Berlin Hessen Niedersachsen and Bremen Mecklenburg-Vorpommern Nordrhein-Westfalen Rheinland-Pfalz Saarland Sachsen Sachsen-Anhalt Schleswig-Holstein and Hamburg Thuringen	5 145 726
IRELAND	1 260 142
ITALY	2 345 849
LUXEMBOURG	33 414
AUSTRIA	519 863
PORTUGAL ⁽¹⁾ ⁽²⁾	302 562
SWEDEN ⁽³⁾ Region 1 Region 2 Region 3 Region 4 Region 5	597 073
UNITED KINGDOM ⁽³⁾ England 1 England 2 England 3 Scotland Wales Northern Ireland	3 667 728

⁽¹⁾ Aid corresponding to premiums paid in animal sectors during the reference years 2000-2002 in the outermost regions has been deducted.

⁽²⁾ Transfer of 10 000 suckler cow and additional suckler cow premiums to Azores as provided for in Article 147(3)(b) of Regulation (EC) No 1782/2003 deducted.

⁽³⁾ To be replaced by regional ceilings communicated according to Article 3 of this Regulation

ANNEX VI
ANNUAL FINANCIAL ENVELOPES FOR THE SINGLE AREA PAYMENT SCHEME
Calendar year 2005

(EUR 1 000)

Member State	
Czech Republic	249 296
Estonia	27 908
Hungary	375 431
Latvia	38 995
Lithuania	104 346
Poland	823 166
Slovak Republic	106 959
Cyprus	14 274

COMMISSION REGULATION (EC) No 119/2005
of 26 January 2005
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72⁽²⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate,

to take account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats 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(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 January 2005.

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

Done at Brussels, 26 January 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

⁽²⁾ OJ L 78, 31.3.1972, p. 1. Regulation as last amended by Regulation (EEC) No 2962/77 (OJ L 348, 30.12.1977, p. 53).

ANNEX

to the Commission Regulation of 26 January 2005 fixing the export refunds on olive oil

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	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.

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

COMMISSION REGULATION (EC) No 120/2005**of 26 January 2005****determining the extent to which the applications for import licences submitted in January 2005 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 2535/2001 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾,Having regard to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas⁽²⁾, and in particular Article 16(2) thereof,

Whereas:

Applications lodged from 1 to 10 January 2005 for certain quotas referred to in Annex I to Regulation (EC) No 2535/2001 concern quantities greater than those

available; therefore, the allocation factors should be fixed for the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

The allocation coefficients set out in the Annex to this Regulation shall be applied to the quantities for which import licences have been sought for the period from 1 to 10 January 2005 in respect of products falling within the quotas referred to in parts I.A, I.B, points 5 and 6, and parts I.C, I.D, I.E, I.F, I.G and I.H, of Annex I to Regulation (EC) No 2535/2001.

Article 2

This Regulation shall enter into force on 27 January 2005.

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

Done at Brussels, 26 January 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 341, 22.12.2001, p. 29. Regulation as last amended by Regulation (EC) No 748/2004 (OJ L 118, 23.4.2004, p. 3).

ANNEX I.A

Quota number	Allocation coefficient
09.4590	1,0000
09.4599	1,0000
09.4591	—
09.4592	—
09.4593	—
09.4594	1,0000
09.4595	0,0080
09.4596	1,0000

ANNEX I.B

5. Products originating in Roumania

Quota number	Allocation coefficient
09.4758	0,2690

6. Products originating in Bulgaria

Quota number	Allocation coefficient
09.4660	0,8697
09.4675	—

ANNEX I.C

Products originating in ACP countries

Quota number	Allocation coefficient
09.4026	—
09.4027	—

ANNEX I.D

Products originating in Turkey

Quota number	Allocation coefficient
09.4101	—

ANNEX I.E

Products originating from South Africa

Quota number	Allocation coefficient
09.4151	—

ANNEX I.F

Products originating from Switzerland

Quota number	Allocation coefficient
09.4155	0,4280
09.4156	1,0000

ANNEX I.G

Products originating in Jordan

Quota number	Allocation coefficient
09.4159	—

ANNEX I.H

Products originating in Norway

Quota number	Allocation coefficient
09.4781	1,0000
09.4782	0,8883

COMMISSION REGULATION (EC) No 121/2005**of 25 January 2005****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 January 2005.

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

Done at Brussels, 25 January 2005.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 (OJ L 311, 12.12.2000, p. 17).

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

ANNEX

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.10	New potatoes 0701 90 50	39,44	22,96	1 197,96	293,51	617,13	9 727,48
		136,18	27,46	17,02	160,78	9 456,91	1 524,81
		357,22	27,42				
1.30	Onions (other than seed) 0703 10 19	112,40	65,42	3 413,85	836,43	1 758,64	27 720,60
		388,09	78,25	48,49	458,17	26 949,55	4 345,29
		1 017,98	78,15				
1.40	Garlic 0703 20 00	104,82	61,01	3 183,83	780,07	1 640,14	25 852,82
		361,94	72,98	45,22	427,30	25 133,72	4 052,51
		949,39	72,88				
1.50	Leeks ex 0703 90 00	59,06	34,37	1 793,78	439,49	924,06	14 565,55
		203,92	41,12	25,48	240,74	14 160,41	2 283,19
		534,89	41,06				
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	48,40	28,17	1 470,05	360,18	757,30	11 936,89
		167,12	33,70	20,88	197,29	11 604,87	1 871,14
		438,36	33,65				
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	61,43	35,67	1 861,51	457,03	961,17	15 270,27
		212,11	42,80	26,59	251,32	14 729,07	2 371,69
		554,70	43,17				
1.100	Chinese cabbage ex 0704 90 90	81,72	47,56	2 482,08	608,14	1 278,64	20 154,60
		282,16	56,89	35,25	333,12	19 594,00	3 159,30
		740,14	56,82				
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	26,74	15,56	812,17	198,99	418,39	6 594,89
		92,33	18,62	11,54	109,00	6 411,45	1 033,77
		242,18	18,59				
1.140	Radishes ex 0706 90 90	65,19	37,94	1 979,94	485,11	1 019,96	16 077,19
		225,08	45,38	28,12	265,72	15 630,01	2 520,15
		590,40	45,32				
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	290,43	169,03	8 821,12	2 161,27	4 544,18	71 627,84
		1 002,78	202,19	125,29	1 183,86	69 635,51	11 227,88
		2 630,39	201,93				

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EER SIT	HUF SKK
1.170	Beans:						
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	189,88 655,62 1 719,74	110,51 132,19 132,02	5 767,20 81,91	1 413,02 774,00	2 970,97 45 527,36	46 829,93 7 340,73
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 00	414,36 1 430,70 3 752,86	241,16 288,48 288,10	12 585,36 178,75	3 083,54 1 689,06	6 483,33 99 351,10	102 193,61 16 019,16
1.180	Broad beans ex 0708 90 00	—	—	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—	—	—
1.200	Asparagus:						
1.200.1	— green ex 0709 20 00	247,19 853,48 2 238,76	143,86 172,09 171,87	7 507,77 106,64	1 839,48 1 007,60	3 867,62 59 267,72	60 963,41 9 556,20
1.200.2	— other ex 0709 20 00	337,07 1 163,84 3 052,87	196,18 234,67 234,37	10 237,91 145,41	2 508,39 1 374,01	5 274,04 80 819,95	83 132,26 13 031,23
1.210	Aubergines (eggplants) 0709 30 00	148,47 512,63 1 344,68	86,41 103,36 103,23	4 509,44 64,05	1 104,86 605,20	2 323,03 35 598,32	36 616,81 5 739,80
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	96,51 333,23 874,10	56,17 67,19 67,10	2 931,32 41,63	718,20 393,41	1 510,06 23 140,37	23 802,43 3 731,10
1.230	Chantarelles 0709 59 10	926,44 3 198,81 8 390,77	539,19 644,99 644,15	28 138,76 399,67	6 894,29 3 776,45	14 495,64 222 132,52	228 487,90 35 816,17
1.240	Sweet peppers 0709 60 10	149,31 515,53 1 352,28	86,90 103,95 103,81	4 534,93 64,41	1 111,11 608,62	2 336,16 35 799,58	36 823,83 5 772,25
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	99,03 341,93 896,92	57,64 68,95 68,86	3 007,87 42,72	736,96 403,68	1 549,50 23 744,69	24 424,04 3 828,54
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	82,05 283,32 743,17	47,76 57,13 57,05	2 492,24 35,40	610,62 334,48	1 283,87 19 674,18	20 237,08 3 172,22

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.40	Avocados, fresh ex 0804 40 00	106,24	61,83	3 226,85	790,61	1 662,31	26 202,19
		366,83	73,96	45,83	433,07	25 473,38	4 107,27
		962,22	73,87				
2.50	Guavas and mangoes, fresh ex 0804 50	—	—	—	—	—	—
2.60	Sweet oranges, fresh:						
2.60.1	— Sanguines and semi-sanguines 0805 10 10	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.60.3	— Others 0805 10 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:						
2.70.1	— Clementines ex 0805 20 10	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.2	— Monreales and satsumas ex 0805 20 30	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.3	— Mandarines and wilkins ex 0805 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	94,25	54,86	2 862,77	701,41	1 474,75	23 245,84
		325,44	65,62	40,66	384,21	22 599,26	3 643,86
		853,66	65,53				
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	52,12	30,33	1 583,08	387,87	815,52	12 854,65
		179,96	36,29	22,49	212,46	12 497,10	2 015,01
		472,06	36,24				
2.90.2	— pink ex 0805 40 00	79,32	46,16	2 409,07	590,25	1 241,03	19 561,73
		273,86	55,22	34,22	323,32	19 017,62	3 066,36
		718,37	55,15				

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.100	Table grapes 0806 10 10	193,59	112,67	5 879,80	1 440,61	3 028,97	47 744,21
		668,42	134,77	83,51	789,12	46 416,21	7 484,05
		1 753,31	134,60				
2.110	Water melons 0807 11 00	45,85	26,68	1 392,60	341,20	717,40	11 307,99
		158,31	31,92	19,78	186,90	10 993,45	1 772,56
		415,26	31,88				
2.120	Melons (other than water melons):						
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	53,13	30,92	1 613,68	395,37	831,29	13 103,18
		183,44	36,99	22,92	216,57	12 738,72	2 053,96
		481,19	36,94				
2.120.2	— Other ex 0807 19 00	97,41	56,69	2 958,59	724,88	1 524,11	24 023,86
		336,33	67,82	42,02	397,07	23 355,64	3 765,81
		882,23	67,73				
2.140	Pears						
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.140.2	— Other ex 0808 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.150	Apricots 0809 10 00	129,37	75,29	3 929,33	962,73	2 024,19	31 906,35
		446,69	90,07	55,81	527,35	31 018,88	5 001,42
		1 171,70	89,95				
2.160	Cherries 0809 20 95 0809 20 05	433,09	252,06	13 154,14	3 222,90	6 776,33	106 812,15
		1 495,36	301,51	186,83	1 765,39	103 841,17	16 743,13
		3 922,47	301,13				
2.170	Peaches 0809 30 90	146,12	85,04	4 438,23	1 087,41	2 286,35	36 038,64
		504,54	101,73	63,04	595,65	35 036,22	5 649,17
		1 323,45	101,60				
2.180	Nectarines ex 0809 30 10	98,67	57,43	2 996,99	734,29	1 543,89	24 335,65
		340,70	68,70	42,57	402,22	23 658,75	3 814,69
		893,68	68,61				
2.190	Plums 0809 40 05	123,71	72,00	3 757,53	920,63	1 935,68	30 511,29
		427,16	86,13	53,37	504,29	29 662,62	4 782,74
		1 120,47	86,02				
2.200	Strawberries 0810 10 00	281,66	163,92	8 554,79	2 096,01	4 406,99	69 465,24
		972,51	196,09	121,51	1 148,12	67 533,07	10 888,89
		2 550,97	195,84				

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.205	Raspberries 0810 20 10	304,95	177,48	9 262,25	2 269,35	4 771,43	75 209,82
		1 052,93	212,31	131,56	1 243,07	73 117,86	11 789,37
		2 761,93	212,03				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 224,69	712,77	37 197,51	9 113,78	19 162,23	302 045,29
		4 228,61	852,63	528,33	4 992,20	293 643,92	47 346,52
		11 092,02	851,53				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	149,96	87,28	4 554,74	1 115,96	2 346,36	36 984,63
		517,78	104,40	64,69	611,28	35 955,91	5 797,45
		1 358,19	104,27				
2.230	Pomegranates ex 0810 90 95	165,58	96,37	5 029,16	1 232,20	2 590,76	40 837,00
		571,71	115,28	71,43	674,95	39 701,12	6 401,32
		1 499,66	115,13				
2.240	Khakis (including sharon fruit) ex 0810 90 95	99,09	57,67	3 009,68	737,40	1 550,43	24 438,69
		342,14	68,99	42,75	403,92	23 758,93	3 830,84
		897,46	68,90				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

COMMISSION DIRECTIVE 2005/6/EC

of 26 January 2005

amending Directive 71/250/EEC as regards reporting and interpretation of analytical results required under Directive 2002/32/EC

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Directive 70/373/EEC of 20 July 1970 on the introduction of Community methods of sampling and analysis for the official control of feeding-stuffs⁽¹⁾, and in particular Article 2 thereof,

Whereas:

- (1) Commission Directive 71/250/EEC of 15 June 1971 establishing Community methods of analysis for the official control of feeding-stuffs⁽²⁾ includes provisions concerning the expression of results.
- (2) To ensure a harmonised implementation approach to Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed⁽³⁾ in all Member States, it is of major importance that analytical results are reported and interpreted in a uniform way.
- (3) Directive 71/250/EEC should therefore be amended accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 71/250/EEC is amended as follows:

1. In Article 1 the following paragraph is added after the second paragraph:

'As regards undesirable substances within the meaning of Directive 2002/32/EC of the European Parliament and of

the Council (*) including dioxins and dioxin-like PCBs, point C(3) of Part 1 of the Annex to this Directive shall apply.

(*) OJ L 140, 30.5.2002, p. 10.'

2. The Annex is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive twelve months after the entry into force. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 26 January 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 170, 3.8.1970, p. 2. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽²⁾ OJ L 155, 12.7.1971, p. 13. Directive as last amended by Commission Directive 1999/27/EC (OJ L 118, 6.5.1999, p. 36).

⁽³⁾ OJ L 140, 30.5.2002, p. 10. Directive as last amended by Commission Directive 2003/100/EC (OJ L 285, 1.11.2003, p. 33).

ANNEX

In point C, application of methods of analysis and expression of results, of Part 1, general provisions on methods of analysis for feedingstuffs, of the Annex to Directive 71/250/EEC the following point 3 is added:

'3. As regards undesirable substances within the meaning of Directive 2002/32/EC, including dioxins and dioxin-like PCBs, a product intended for animal feed shall be considered as non compliant with the established maximum content, if the analytical result is deemed to exceed the maximum content taking into account expanded measurement uncertainty and correction for recovery. The analysed concentration corrected for recovery and the expanded measurement uncertainty subtracted from the analytical result is used to assess compliance. This procedure is only applicable in cases where the method of analysis enables the estimation of measurement uncertainty and correction for recovery (eg. Not possible in case of microscopic analysis)

The analytical result shall be reported as follows (in so far the used method of analysis enables to estimate the measurement uncertainty and recovery rate):

- (a) corrected or uncorrected for recovery, the manner of reporting and the level of recovery being indicated;
 - (b) as "x +/- U", whereby x is the analytical result and U is the expanded measurement uncertainty, using a coverage factor of 2 which gives a level of confidence of approximately 95 %.'
-

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 January 2005

setting up the Education, Audiovisual and Culture Executive Agency for the management of Community action in the fields of education, audiovisual and culture in application of Council Regulation (EC) No 58/2003

(Only the German, French and English texts are authentic)

(2005/56/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

which do not entail political decision-making and requires a high level of technical and financial expertise throughout the project cycle.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes⁽¹⁾, and in particular Article 3(1) thereof,

- (4) The delegation, to an executive agency, of tasks related to programme implementation is possible with a clear separation between, on the one hand, the project programming stages and the adoption of funding decisions, which should be carried out by the Commission, and, on the other hand, project implementation, which should be entrusted to the executive agency.

Whereas:

(1) Regulation (EC) No 58/2003 empowers the Commission to set up executive agencies in accordance with the general statute laid down by that Regulation and to entrust them with certain management tasks relating to one or more Community programmes; this decision does not affect the scope of that Regulation.

- (5) The setting up of the executive agency affects neither the delegation by the Council to the Commission of the management of certain phases of action under the different programmes nor the delegation of management tasks to national agencies regarding certain programmes.

(2) The purpose of empowering the Commission to set up executive agencies is to allow it to focus on core activities and functions which cannot be outsourced, without relinquishing control over, or ultimate responsibility for, activities managed by the said executive agencies.

(3) Management of certain centralised strands of a number of programmes in the fields of education, audiovisual and culture involves implementation of technical projects

- (6) A cost-benefit analysis carried out for that purpose has shown that using an executive agency to manage certain centralised strands of programmes in the fields of education, audiovisual and culture is the most advantageous of the options available, both in financial and in non-financial terms.

⁽¹⁾ OJ L 11, 16.1.2003, p. 1.

- (7) The measures provided for by this Decision are in accordance with the opinion of the Committee for Executive Agencies.
- (8) Commission Regulation (EC) No 1653/2004 of 21 September 2004 establishes a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes ⁽¹⁾,
- (a) the second phase of the Community action programme in the field of education 'Socrates' approved by Decision No 253/2000/EC of the European Parliament and of the Council ⁽²⁾;
- (b) the second phase of the Community vocational training action programme 'Leonardo da Vinci' approved by Council Decision 1999/382/EC ⁽³⁾;

HAS DECIDED AS FOLLOWS:

Article 1

Establishment of the Agency

1. An executive agency (hereinafter referred to as the Agency) for the management of Community action in the fields of education, audiovisual and culture, the statute and main operating rules of which are laid down in Regulation (EC) No 58/2003, is hereby established.

2. The name of the Agency shall be the Education, Audiovisual and Culture Executive Agency.

Article 2

Location

The Agency shall be located in Brussels.

Article 3

Term

1. The Agency is established for a period beginning on 1 January 2005 and ending on 31 December 2008.

2. An evaluation of the operation of the Agency, including a cost-benefit analysis as referred to in Article 3(1) of Regulation (EC) No 58/2003, shall be drawn up by the Commission in 2006, with a view to the possible revision or extension of the tasks of the Agency in the framework of the new generation of programmes in the fields of education, audiovisual and culture.

Article 4

Objectives and tasks

1. The Agency shall be responsible for the management of certain strands of the following Community programmes:

- (c) the 'Youth' Community action programme approved by Decision No 1031/2000/EC of the European Parliament and of the Council ⁽⁴⁾;
- (d) the 'Culture 2000' programme approved by Decision No 508/2000/EC of the European Parliament and of the Council ⁽⁵⁾;
- (e) the programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus — Development, Distribution and Promotion) (2001 to 2005) approved by Council Decision 2000/821/EC ⁽⁶⁾;
- (f) the training programme for professionals of the European audiovisual programme industry (MEDIA-Training) (2001 to 2005) approved by Decision No 163/2001/EC of the European Parliament and of the Council ⁽⁷⁾;
- (g) the programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) approved by Decision No 2317/2003/EC of the European Parliament and of the Council ⁽⁸⁾;

⁽²⁾ OJ L 28, 3.2.2000, p. 1. Decision as last amended by Council Regulation (EC) No 885/2004 (OJ L 168, 1.5.2004, p. 1).

⁽³⁾ OJ L 146, 11.6.1999, p. 33. Decision 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).

⁽⁴⁾ OJ L 117, 18.5.2000, p. 1. Decision as last amended by Council Regulation (EC) No 885/2004.

⁽⁵⁾ OJ L 63, 10.3.2000, p. 1. Decision as last amended by Council Regulation (EC) No 885/2004.

⁽⁶⁾ OJ L 336, 30.12.2000, p. 82. Decision as last amended by Council Regulation (EC) No 885/2004.

⁽⁷⁾ OJ L 26, 27.1.2001, p. 1. Decision as last amended by Council Regulation (EC) No 885/2004.

⁽⁸⁾ OJ L 345, 31.12.2003, p. 1.

⁽¹⁾ OJ L 297, 22.9.2004, p. 6.

- (h) the multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (e-Learning) approved by Decision No 2318/2003/EC of the European Parliament and of the Council⁽¹⁾;
- (i) the Community action programme to promote active European citizenship (civic participation), approved by Council Decision 2004/100/EC⁽²⁾;
- (j) the Community action programme to promote bodies active at European level in the field of youth, approved by Decision No 790/2004/EC of the European Parliament and the Council⁽³⁾;
- (k) the Community action programme to promote bodies active at European level and support specific activities in the field of education and training, approved by Decision No 791/2004/EC of the European Parliament and of the Council⁽⁴⁾;
- (l) the Community action programme to promote bodies active at European level in the field of culture, approved by Decision No 792/2004/EC of the European Parliament and of the Council⁽⁵⁾;
- (m) projects in the field of higher education which could be funded under the provisions on aid for economic co-operation with the developing countries in Asia, approved under Council Regulation (EEC) No 443/92⁽⁶⁾.

2. The Agency shall be responsible for the following tasks for the management of the Community programme strands referred to in paragraph 1:

- (a) managing, throughout their duration, the projects entrusted to it in the context of implementation of Community programmes, on the basis of the annual work programme which serves as a funding decision with regard to grants and

contracts in the fields of education, audiovisual and culture and is adopted by the Commission, or on the basis of specific funding decisions adopted by the Commission, and the necessary checks to that end, by adopting the relevant decisions where the Commission has empowered it to do so;

- (b) adopting the instruments of budget implementation for revenue and expenditure and carrying out, where the Commission has empowered it to do so, some or all of the operations necessary for the management of the Community programmes and, in particular, those linked to the award of grants and contracts;
- (c) gathering, analysing and passing on to the Commission all the information needed to guide the implementation of the Community programmes.

3. The Agency may be empowered by the Commission, after receiving the opinion of the Committee for Executive Agencies established under Article 24 of Regulation (EC) No 58/2003, to carry out tasks of the same type under Community programmes in the fields of education, audiovisual and culture, within the meaning of Article 2 of Regulation (EC) No 58/2003, other than those referred to in paragraph 1.

4. The Commission decision delegating authority to the Agency shall set out in detail all the tasks entrusted to it and shall be amended should any additional tasks be entrusted to the Agency. It shall be forwarded, for information purposes, to the Committee for Executive Agencies.

Article 5

Organisational structure

1. The Agency shall be managed by a Steering Committee and a Director appointed by the Commission.
2. The members of the Steering Committee shall be appointed for two years.
3. The Director of the Agency shall be appointed for four years.

⁽¹⁾ OJ L 345, 31.12.2003, p. 9.

⁽²⁾ OJ L 30, 4.2.2004, p. 6.

⁽³⁾ OJ L 138, 30.4.2004, p. 24.

⁽⁴⁾ OJ L 138, 30.4.2004, p. 31.

⁽⁵⁾ OJ L 138, 30.4.2004, p. 40.

⁽⁶⁾ OJ L 52, 27.2.1992, p. 1. Regulation as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

*Article 6***Grants**

The Agency shall receive a grant entered in the general budget of the European Union and taken from the funds allocated to the programmes referred to in Article 4(1) and, where appropriate, from the funds allocated to other Community programmes the implementation of which has been entrusted to the Agency by virtue of Article 4(3).

*Article 7***Supervision and reporting requirement**

The Agency shall be subject to supervision by the Commission and shall report regularly on progress in implementing the programmes for which it is responsible in accordance with

the arrangements and at the intervals stipulated in the instrument of delegation.

*Article 8***Implementation of the operating budget**

The Agency shall implement its operating budget in accordance with the provisions of Regulation (EC) No 1653/2004.

Done at Brussels, 14 January 2005.

For the Commission

Viviane REDING

Member of the Commission

COMMISSION RECOMMENDATION

of 21 January 2005

on the provision of leased lines in the European Union (Part 1 — Major supply conditions for wholesale leased lines)*(notified under document number C(2005) 103)*

(2005/57/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)⁽¹⁾, and in particular Article 19(1) thereof,

Whereas:

- (1) Users in the Community require the competitive provision of leased lines, and access to high-speed transmission data services so that in particular Europe's small and medium-sized enterprises can benefit from the opportunities offered by the rapid development of the Internet and electronic commerce.
- (2) Competitive provision of leased lines has begun to emerge since liberalisation of telecommunications infrastructure on 1 January 1996, but has been largely confined to long distance high capacity routes; leased line markets will be reviewed as explained below.
- (3) Certain organisations operating leased lines services had the obligation to provide these services under the principles of non-discrimination in accordance with Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP)⁽²⁾ and Council Directive 92/44/EEC of 5 June 1992 on the application of Open Network Provision to leased lines⁽³⁾; these Directives were repealed by Article 26 of the Framework Directive with effect on 24 July 2003.
- (4) However, the obligations will remain in place according to Article 27 of the Framework Directive and Article 16 of Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)⁽⁴⁾. In accordance with Article 16(1) of the Universal Service Directive and Article 7 of Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)⁽⁵⁾, the former obligations are maintained until such time as the relevant markets have been reviewed in accordance with Article 16 of the Framework Directive and Article 16(3) of the Universal Service Directive.
- (5) In accordance with Article 16(4) of the Framework Directive, where a national regulatory authority (NRA) determines that a relevant market is not effectively competitive, it shall identify undertakings with significant market power and shall on such undertakings impose appropriate specific regulatory obligations or maintain or amend such obligations where they already exist. In accordance with Article 18(1) of the Universal Service Directive, where an NRA determines that the market for the minimum set of leased lines is not effectively competitive, it shall identify undertakings with significant market power and impose obligations regarding the provision of the minimum set and the conditions for such provision. In accordance with Article 5(1) of the Access Directive, NRAs shall encourage and where appropriate ensure adequate access and interconnection and shall be able to impose obligations to that effect.
- (6) On 11 February 2003 the Commission adopted Recommendation 2003/311/EC⁽⁶⁾ on relevant product and service markets, defining the relevant markets within the electronic communications sector that NRAs should analyse. The list includes wholesale terminating segments of leased lines and wholesale trunk segments of leased lines. The supply of the services addressed in this recommendation, namely the supply of wholesale leased lines and leased line part circuits, is included in these markets.

⁽¹⁾ OJ L 108, 24.4.2002, p. 33.⁽²⁾ OJ L 199, 26.7.1997, p. 32. Directive as last amended by Directive 98/61/EC (OJ L 268, 3.10.1998, p. 37).⁽³⁾ OJ L 165, 19.6.1992, p. 27. Directive as last amended by Commission Decision 98/80/EC (OJ L 14, 20.1.1998), p. 27).⁽⁴⁾ OJ L 108, 24.4.2002, p. 51.⁽⁵⁾ OJ L 108, 24.4.2002, p. 7.⁽⁶⁾ OJ L 114, 8.5.2003, p. 45.

- (7) The supply of wholesale leased lines and leased line part circuits is included in the market of wholesale terminating segments of leased lines and for sufficient line lengths also in the market for wholesale trunk segments of leased lines referred to in Recommendation 2003/311/EC; the NRA will decide what constitutes a terminating segment depending on the network topology specific to their national market.
- (8) The supply of 64 kbit/s, 2 Mbit/s unstructured and 2 Mbit/s structured leased lines is included in the minimum set of leased lines services referred to in the Recommendation on relevant markets. The minimum set of leased lines is defined in Commission Decision 2003/548/EC of 24 July 2003 on the minimum set of leased lines with harmonised characteristics and associated standards referred to in Article 18 of the Universal Service Directive⁽¹⁾.
- (9) Information provided by Member States reveals problems with the length and the variation of delivery times for retail and wholesale leased lines and leased line part circuits. This is without prejudice to the review by NRAs of relevant markets in accordance with Article 16 of the Framework Directive and Article 16(3) of the Universal Service Directive.
- (10) Where, in accordance with Article 10 of the Access Directive and Article 18 of and Annex VII to the Universal Service Directive, NRAs impose obligations of non-discrimination for the provision of certain leased line services, the principle of non-discrimination applies to all relevant aspects of the services provided such as ordering, migration, delivery, quality, repair time, reporting and penalties; in leased line contracts it is most appropriate to cover these aspects by a service level agreement; instead of penalties, compensation for failure to meet contractual requirements could be included into the agreement where this would be more appropriate with regard to the legal context in a Member State.
- (11) In particular, contractual delivery times should be included in the service level agreement so as to ensure that delivery times for wholesale leased lines by such operators are the same as those provided for their own services and thus sufficiently below delivery times observed on retail markets.
- (12) The publication of best current practice figures for overall delivery times of leased lines will help NRAs to ensure that contractual delivery times applied to wholesale leased lines and leased line part circuits in particular provided by operators with an obligation for non-discrimination do not prevent other operators competing in leased lines retail markets from providing similar delivery time figures to their customers. Contractual delivery times for wholesale leased lines should therefore at least permit competing operators in retail markets to meet best current practice delivery times of designated operators providing leased lines in these retail markets. Retail delivery times longer than best current practice delivery times could result in obstacles to the development of the internal market for electronic communication networks and services; in accordance with Article 8(3)(a) of the Framework Directive, it is an objective for NRAs to remove such obstacles. Best current practice delivery times of designated operators in retail markets include the retail delivery processes of designated operators; thus corresponding wholesale delivery times would be shorter.
- (13) According to Article 18 of and Annex VII to the Universal Service Directive, NRAs are to ensure that the typical delivery period for the minimum set of leased lines provided by identified undertakings is published; in order to review this Recommendation the Commission may need to have also available data on leased lines not covered by the minimum set.
- (14) The Commission will review this Recommendation no later than 31 December 2005 in order to take account of changing technologies and of markets.
- (15) The Communications Committee has delivered its opinion in accordance with Article 22(2) of the Framework Directive,
- HEREBY RECOMMENDS:
1. When imposing or maintaining an obligation for non-discrimination under Article 10 of the Access Directive or Article 18 of and Annex VII to Directive 2002/22/EC (the Universal Service Directive) with regard to operators providing leased line services (hereinafter referred to as designated operators), national regulatory authorities should:
 - (a) ensure that contracts include enforceable agreements (hereinafter referred to as service level agreements) which cover all relevant aspects of the wholesale leased line services provided such as ordering, migration, delivery, quality, repair time, reporting and dissuasive financial penalties;

⁽¹⁾ OJ L 186, 25.7.2003, p. 43.

(b) ensure that the contractual delivery times for wholesale leased lines in these service level agreements are as short as possible for each category of lines. Contractual delivery times at the wholesale level should be in any case shorter than best current practice delivery times of designated operators in retail markets. Best current practice delivery times of designated operators in the retail markets for 64 kbit/s, 2 Mbit/s unstructured, 2 Mbit/s structured and 34 Mbit/s unstructured are given in the Annex.

The methodology used to calculate the best current practice figures given in the Annex is considered to be appropriate to cover recognised differences of network structures and delivery procedures between different designated operators in different Member States;

(c) ensure in particular that financial penalties included into the contracts as referred to in paragraph (a) apply in cases of delayed delivery of lines and consist of a specified amount for each day of delay for each line ordered; the contract

shall provide also that the amount shall not be due where and insofar as the designated operator provides proof that the reason for the delay does not lie on him;

(d) ensure that the information necessary to prepare any review of this Recommendation is provided in accordance with Article 5(1) of Directive 2002/21/EC (the Framework Directive) and report this information to the Commission in accordance with Article 5(2) of the Framework Directive.

2. This Recommendation is addressed to the Member States.

Done at Brussels, 21 January 2005.

For the Commission
Viviane REDING
Member of the Commission

ANNEX

METHODOLOGY AND DATA FOR LEASED LINES IN MEMBER STATES**Methodology**

The methodology for recommended ceilings for contractual delivery times is based on the third lowest value observed in the Member States in order to accommodate justified differences in network structures and delivery procedures in the different Member States. Based on this methodology and the data given below, the following best current practice delivery time figures have been derived for leased lines provided by designated operators:

1. for **64 kbit/s** leased lines: **18** calendar days
2. for **2 Mbit/s** leased lines unstructured: **30** calendar days
3. for **2 Mbit/s** leased lines structured: **33** calendar days
4. for **34 Mbit/s** leased lines unstructured: **52** calendar days

Delivery time data for leased lines in Member States

The Commission has obtained data from Member States on delivery times for leased lines of operators notified by the NRA as having significant market power according to Article 11(1)(a) of Directive 92/44/EEC in response to the questionnaire for the Leased Lines Report 2002⁽¹⁾. The data was received by September 2003. Delivery times reported are defined as the periods, counted from the date when the user has made a firm request for a leased line, in which 95 % of all leased lines of the same type have been put through to the customers⁽²⁾ ⁽³⁾.

⁽¹⁾ 2001 Report available at:

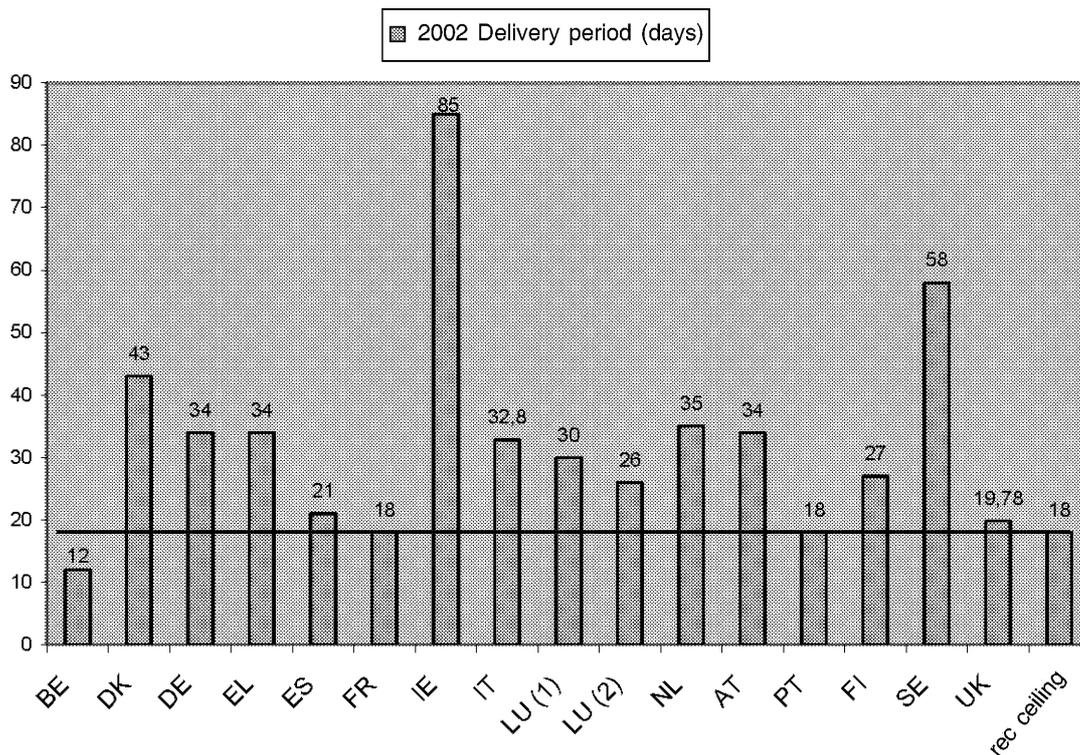
http://europa.eu.int/information_society/topics/telecoms/implementation/leasedlines/doc/COCOM02-10%20final.pdf

⁽²⁾ See Article 2(3) of Directive 97/51/EC of the European Parliament and of the Council (OJ L 295, 29.10.1997, p. 23).

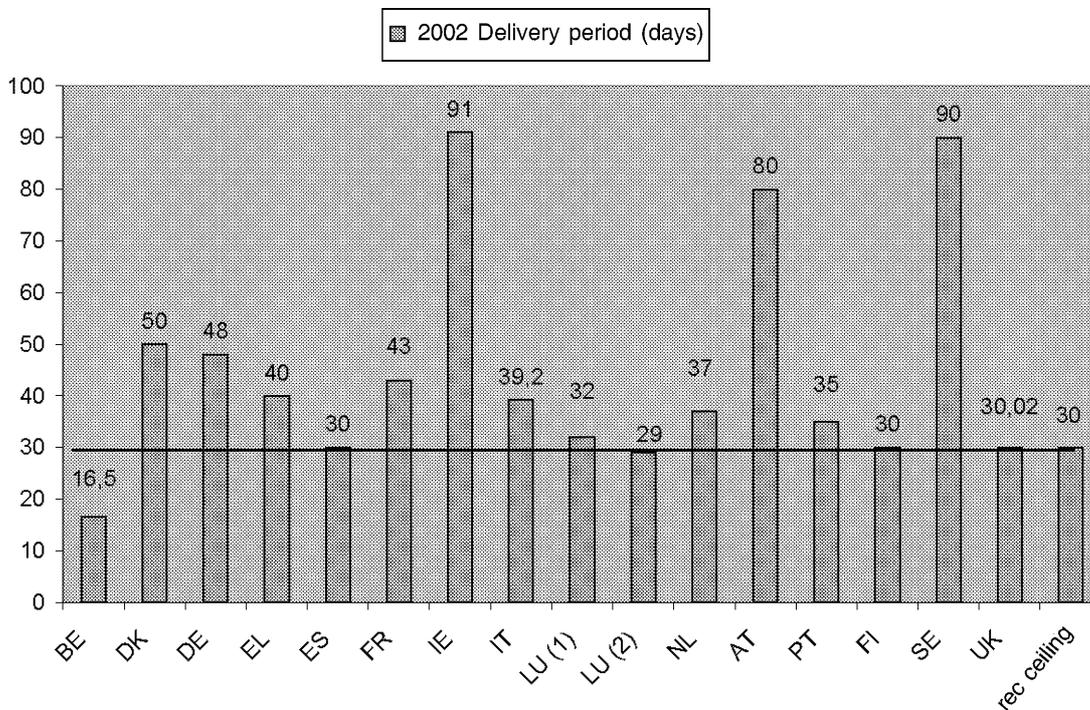
⁽³⁾ Luxembourg provided only half year figures for 2002. Here the figures for both half year periods are displayed. In relevant cases the higher of the two half year figures has been taken into account as an upper bound for full year figures in order to derive best current practice figures.

Data given for Austria: data concern retail and wholesale lines; statistics correspond to the Directive (95 % of delivery times), data include also orders in locations where infrastructure has to be built; for 2 Mbit/s no distinction between structured and unstructured lines; for 34 Mbit/s and 155 Mbit/s the sample is too small for reliable statistics; specific customer delay, customer-requested changes on the target-delivery date (no 'best effort deliveries') and on project orders are excluded; delivery times are calculated from time of acceptance of a signed contract, if no other date (see customers' delays) is agreed.

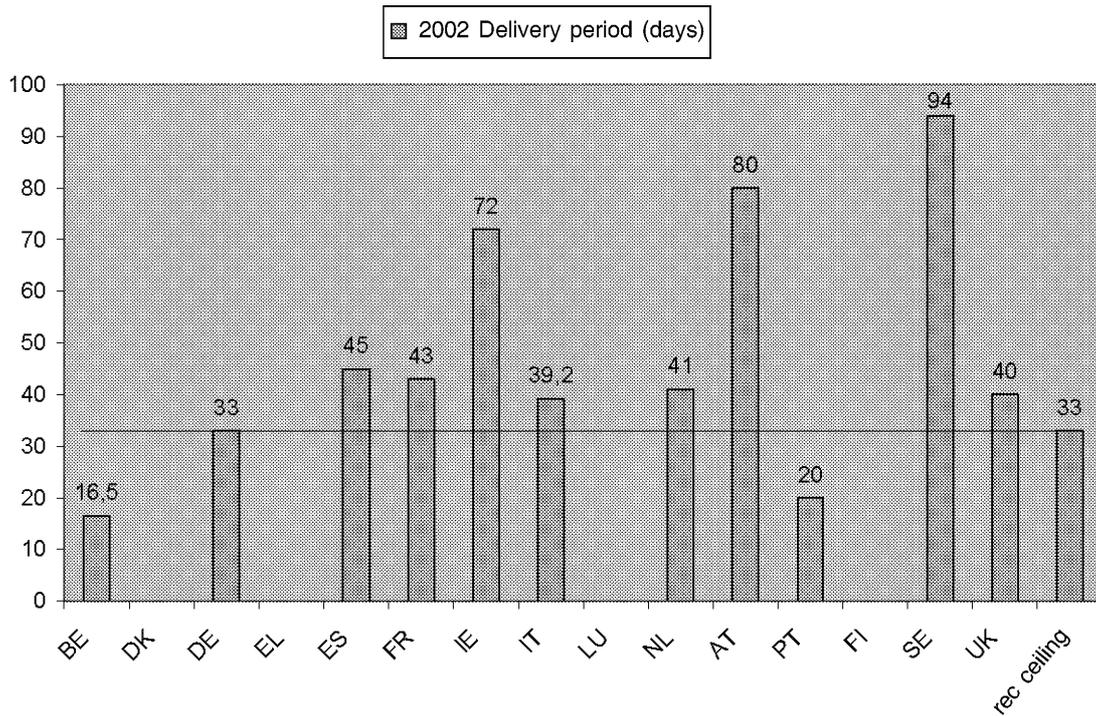
64 kbit/s Leased Lines



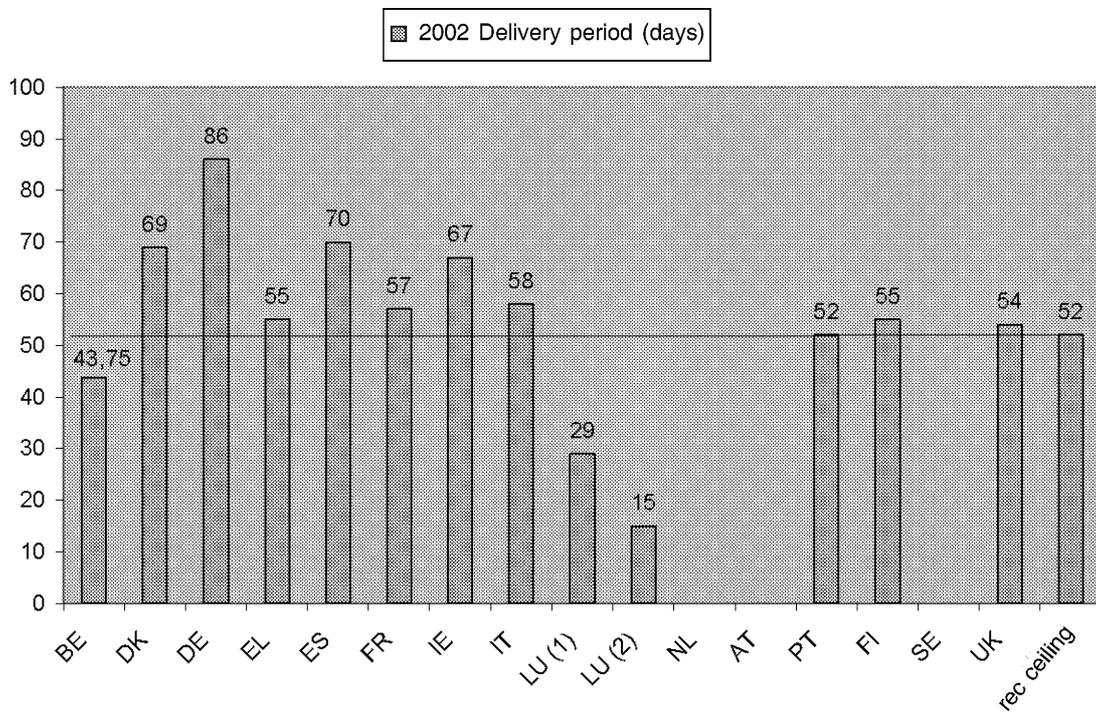
2 Mbit/s Unstructured Leased Lines



2 Mbit/s Structured Leased Lines



34 Mbit/s Unstructured Leased Lines



COMMISSION DECISION

of 26 January 2005

amending Decision 2003/135/EC as regards the termination of the eradication and vaccination plans in the federal states of Lower-Saxony and North Rhine-Westphalia and the eradication plan in the federal state of Saarland (Germany)

(notified under document number C(2005) 119)

(Only the German and French texts are authentic)

(Text with EEA relevance)

(2005/58/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever⁽¹⁾, and in particular Article 16(1) and 20(2) thereof,

Whereas:

- (1) The Commission adopted Decision 2003/135/EC of 27 February 2003 on the approval of the plans for the eradication of classical swine fever and the emergency vaccination of feral pigs against classical swine fever in Germany, in the Federal States of Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate and Saarland⁽²⁾ as one of a number of measures to combat classical swine fever.
- (2) On 12 February 2004 the Commission adopted Decision 2004/146/EC amending Decision 2003/135/EC on the termination of the vaccination plan of feral pigs against classical swine fever in Saarland and the extension of the vaccination plan in Rhineland-Palatinate.
- (3) The German authorities have informed the Commission about the recent evolution of the disease in feral pigs in Lower Saxony, North Rhine-Westphalia and Saarland. This information indicates that classical swine fever in feral pigs has been successfully eradicated and that the approved eradication and vaccination plans do not need to be applied anymore in these Federal States.
- (4) Decision 2003/135/EC 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

The Annex to Decision 2003/135/EC is amended as follows:

- (a) in point 1:
 - the paragraphs (A), (B) and (D) are deleted,
 - the text '(C) Rhineland-Palatinate' is replaced by 'Rhineland-Palatinate';
- (b) in point 2:
 - the paragraphs (A) and (B) are deleted,
 - the text '(C) Rhineland-Palatinate' is replaced by 'Rhineland-Palatinate'.

Article 2

This Decision is addressed to the Federal Republic of Germany and the French Republic.

Done at Brussels, 26 January 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 316, 1.12.2001, p. 5. Directive as amended by Act of Accession of 2003.

⁽²⁾ OJ L 53, 28.2.2003, p. 47. Decision as amended by Decision 2004/146/EC (OJ L 49, 19.2.2004, p. 42).

COMMISSION DECISION

of 26 January 2005

approving the plans for the eradication of classical swine fever in feral pigs and the emergency vaccination of such pigs in Slovakia*(notified under document number C(2005) 127)***(Only the slovak text is authentic)****(Text with EEA relevance)**

(2005/59/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever⁽¹⁾, and in particular the second subparagraph of Article 16(1) and Article 20(2) thereof,

Whereas:

(1) In 2004 classical swine fever was present in the feral pig population in certain areas of Slovakia. In response to the outbreaks of classical swine fever the Commission has adopted Decisions 2004/375/EC⁽²⁾, 2004/625/EC⁽³⁾ and 2004/831/EC⁽⁴⁾ amending Commission Decision 2003/526/EC of 18 July 2003 concerning protection measures relating to classical swine fever in certain Member States⁽⁵⁾ which established certain additional disease control measures.

(2) Slovakia put in place an intensive programme to survey classical swine fever in feral pigs in the whole country and especially in the infected area. That programme is still ongoing.

(3) Accordingly, Slovakia has now submitted for approval a plan for the eradication of classical swine fever in feral pigs in the District Veterinary and Food Administrations (DVFA) of Trnava (comprising Piešťany, Hlohovec and

Trnava districts), Levice (comprising Levice district), Nitra (comprising Nitra and Zlaté Moravce districts), Topoľčany (comprising Topoľčany district), Nové Mesto nad Váhom (comprising Nové Mesto nad Váhom district), Trenčín (comprising Trenčín and Bánovce nad Bebravou districts) Prievidza (comprising Prievidza and Partizánske districts), Púchov (comprising Púchov and Ilava districts), Žiar nad Hronom (comprising Žiar nad Hronom, Žarnovica and Banská Štiavnica districts), Zvolen (comprising Zvolen and Detva districts), Banská Bystrica (comprising Banská Bystrica and Brezno districts), Lučenec (comprising Lučenec and Poltár districts), Krupina and Veľký Krtíš.

(4) In addition, as Slovakia intends to introduce vaccination of feral pigs in the districts of Trenčín, Bánovce nad Bebravou, Prievidza, Partizánske, Zvolen, Krupina, Detva, Veľký Krtíš, Lučenec and Poltár it has also submitted a plan of emergency vaccination for approval.

(5) The Slovakian authorities have authorised the use of a live attenuated vaccine against classical swine fever (C strain) to be used for the immunisation of feral pigs by means of oral bait.

(6) The plans for the eradication of classical swine fever in feral pigs and the emergency vaccination of such pigs in the designated areas, as submitted by Slovakia, have been examined and found to comply with Directive 2001/89/EC.

(7) For the sake of transparency it is appropriate to set out in this Decision the geographical areas where the eradication and emergency vaccination plans are to be implemented.

(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,

⁽¹⁾ OJ L 316, 1.12.2001, p. 5. Directive as amended by the 2003 Act of Accession.

⁽²⁾ OJ L 118, 23.4.2004, p. 72.

⁽³⁾ OJ L 280, 31.8.2004, p. 36.

⁽⁴⁾ OJ L 359, 4.12.2004, p. 61.

⁽⁵⁾ OJ L 183, 22.7.2003, p. 46. Decision as last amended by Decision 2004/831/EC.

HAS ADOPTED THIS DECISION:

Article 3

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

Article 1

The plan submitted by Slovakia for the eradication of classical swine fever in feral pigs in the area, as set out in point 1 of the Annex, is approved.

Article 4

This Decision is addressed to the Slovak Republic.

Done at Brussels, 26 January 2005.

Article 2

The plan submitted by Slovakia for the emergency vaccination of feral pigs in the area, as set out in point 2 of the Annex, is approved.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

1. Areas where the eradication plan is to be implemented

The territory of the District Veterinary and Food Administrations (DVFA) of Trnava (comprising Piešťany, Hlohovec and Trnava districts), Levice (comprising Levice district), Nitra (comprising Nitra and Zlaté Moravce districts), Topoľčany (comprising Topoľčany district), Nové Mesto nad Váhom (comprising Nové Mesto nad Váhom district), Trenčín (comprising Trenčín and Bánovce nad Bebravou districts) Prievidza (comprising Prievidza and Partizánske districts), Púchov (comprising Púchov and Ilava districts), Žiar nad Hronom (comprising Žiar nad Hronom, Žarnovica and Banská Štiavnica districts), Zvolen (comprising Zvolen and Detva districts), Banská Bystrica (comprising Banská Bystrica and Brezno districts), Lučenec (comprising Lučenec and Poltár districts), Krupina and Veľký Krtíš.

2. Areas where the emergency vaccination plan is to be implemented

The territory of the districts of Trenčín, Bánovce nad Bebravou, Prievidza, Partizánske, Zvolen, Krupina, Detva, Veľký Krtíš, Lučenec and Poltár.

CORRIGENDA

Corrigendum to Council Decision 2004/783/EC of 15 November 2004 appointing four Italian members and three Italian alternate members of the Committee of the Regions

(Official Journal of the European Union L 346 of 23 November 2004)

On the cover page, in the contents and on page 9, the title of the Decision:

for: 'Council Decision of 15 November 2004 appointing four Italian members and three Italian alternate members of the Committee of the Regions',

read: 'Council Decision of 15 November 2004 appointing three Italian members and four Italian alternate members of the Committee of the Regions';

on page 9, recital 2:

for: '(2) Four members' seats and three alternate members' seats on the Committee of the Regions have become vacant following the expiry of the terms of office of Mr Paolo AGOSTINACCHIO (IT), Mr Gianfranco LAMBERTI (IT), Mr Salvatore TATARELLA (IT) and Mr Riccardo VENTRE (IT), members, and of Mr Gabriele BAGNASCO (IT), Mr Marcello MEROI (IT) and Mr Roberto PELLA (IT), alternate members, of which the Council was informed on 7 October 2004,'

read: '(2) Three members' seats and four alternate members' seats on the Committee of the Regions have become vacant following the expiry of the mandates of Mr Paolo AGOSTINACCHIO (IT), Mr Gianfranco LAMBERTI (IT) and Mr Riccardo VENTRE (IT), members, and of Mr Gabriele BAGNASCO (IT), Mr Marcello MEROI (IT), Mr Roberto PELLA (IT) and Mr Salvatore TATARELLA (IT), alternate members, of which the Council was informed on 7 October 2004;'

on page 10, Sole Article, point 4:

1. in (a) as members: point 3 relating to Mr Savino Antonio SANTARELLA shall be deleted;

2. in (b) as alternate members: the following point 4 shall be added:

'4. Mr Savino Antonio SANTARELLA

Sindaco di Candela

in place of Mr Salvatore TATARELLA,'
