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### Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 397/2005**  
**of 10 March 2005**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 11 March 2005.

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

Done at Brussels, 10 March 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

## ANNEX

**to Commission Regulation of 10 March 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	117,2
	204	82,4
	212	143,7
	624	108,4
	999	112,9
0707 00 05	052	177,4
	068	159,6
	096	128,5
	204	98,3
	999	141,0
0709 10 00	220	18,4
	999	18,4
0709 90 70	052	172,7
	204	125,3
	999	149,0
0805 10 20	052	54,2
	204	45,2
	212	56,6
	220	48,0
	400	53,9
	421	39,1
	624	60,0
	999	51,0
0805 50 10	052	62,6
	220	70,4
	624	51,0
	999	61,3
0808 10 80	388	81,4
	400	129,9
	404	77,0
	508	62,6
	512	68,9
	528	61,9
	720	59,1
	999	77,3
0808 20 50	052	186,2
	388	71,2
	400	93,4
	512	52,7
	528	52,2
	999	91,1

<sup>(1)</sup> 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 398/2005****of 10 March 2005****determining the world market price for unginne d cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The world price for unginne d cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 19,209 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 11 March 2005.

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

Done at Brussels, 10 March 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 148, 1.6.2001, p. 1.

<sup>(2)</sup> OJ L 148, 1.6.2001, p. 3.

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

**COMMISSION REGULATION (EC) No 399/2005**  
**of 10 March 2005**  
**fixing the export refunds on pigmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat<sup>(1)</sup>, and in particular the second paragraph of Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for these products within the Community may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below.
- (3) In the case of products falling within CN code 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market. It is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 19 81.
- (4) Because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take this situation into account. Steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations.

- (5) Article 13 of Regulation (EEC) No 2759/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 2759/75 according to destination.

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 1365/2000 (OJ L 156, 29.6.2000, p. 5).

- (6) The refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87<sup>(2)</sup>.

- (7) Refunds should be granted only on products that are allowed to circulate freely within the Community. Therefore, to be eligible for a refund, products should be required to bear the health mark laid down in Council Directive 64/433/EEC<sup>(3)</sup>, Council Directive 94/65/EC<sup>(4)</sup> and Council Directive 77/99/EEC<sup>(5)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The list of products on which the export refund specified in Article 13 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

The products concerned must comply with the relevant provisions on health marks laid down in:

- Chapter XI of Annex I to Directive 64/433/EEC,
- Chapter VI of Annex I to Directive 94/65/EC,
- Chapter VI of Annex B to Directive 77/99/EEC.

*Article 2*

This Regulation shall enter into force on 14 March 2005.

<sup>(2)</sup> OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 2180/2003 (OJ L 335, 22.12.2003, p. 1).

<sup>(3)</sup> OJ L 121, 29.7.1964, p. 2012/64. Directive as last amended by Directive 95/23/EC (OJ L 243, 11.10.1995, p. 7).

<sup>(4)</sup> OJ L 368, 31.12.1994, p. 10.

<sup>(5)</sup> OJ L 26, 31.1.1977, p. 85. Directive as last amended by Directive 97/76/EC (OJ L 10, 16.1.1998, p. 25).

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

Done at Brussels, 10 March 2005.

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

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## ANNEX

**to the Commission Regulation of 10 March 2005 fixing the export refunds on pigmeat**

Product code	Destination	Unit of measurement	Amount of refund
0210 11 31 9110	P08	EUR/100 kg	59,50
0210 11 31 9910	P08	EUR/100 kg	59,50
0210 19 81 9100	P08	EUR/100 kg	59,50
0210 19 81 9300	P08	EUR/100 kg	59,50
1601 00 91 9120	P08	EUR/100 kg	21,50
1601 00 99 9110	P08	EUR/100 kg	16,50
1602 41 10 9110	P08	EUR/100 kg	32,00
1602 41 10 9130	P08	EUR/100 kg	19,00
1602 42 10 9110	P08	EUR/100 kg	25,00
1602 42 10 9130	P08	EUR/100 kg	19,00
1602 49 19 9130	P08	EUR/100 kg	19,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 27.3.2002, 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).

The other destinations are defined as follows:

P08 All destinations except for Bulgaria and Romania



**COMMISSION REGULATION (EC) No 400/2005****of 10 March 2005****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal meeting the definition laid down therein which may be imported on special terms for the period 1 July 2004 to 30 June 2005 at 11 500 t.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of April 2005 for 8 553,508 t.

*Article 2*

This Regulation shall enter into force on 11 March 2005.

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

Done at Brussels, 10 March 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

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

**COMMISSION REGULATION (EC) No 401/2005**  
**of 10 March 2005**  
**fixing the export refunds on milk and milk products**

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<sup>(1)</sup>, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third-country markets;
- (b) the most favourable prices in third countries of destination for third-country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds on milk and milk products<sup>(2)</sup>, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector<sup>(3)</sup>, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

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

<sup>(2)</sup> OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 1846/2004 (OJ L 322, 22.10.2004, p. 16).

<sup>(3)</sup> OJ L 178, 30.6.2001, p. 1. Regulation as amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

- (7) Commission Regulation (EEC) No 896/84<sup>(1)</sup> laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 11 March 2005.

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

Done at Brussels, 10 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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<sup>(1)</sup> OJ L 91, 1.4.1984, p. 71. Regulation as last amended by Regulation (EEC) No 222/88 (OJ L 28, 1.2.1988, p. 1).

## ANNEX

## to the Commission Regulation of 10 March 2005 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	1,548	0402 21 11 9300	L01	EUR/100 kg	—
0401 10 90 9000	970	EUR/100 kg	1,548		068	EUR/100 kg	—
0401 20 11 9500	970	EUR/100 kg	2,393		L02	EUR/100 kg	45,96
0401 20 19 9500	970	EUR/100 kg	2,393		A01	EUR/100 kg	58,97
0401 20 91 9000	970	EUR/100 kg	3,028	0402 21 11 9500	L01	EUR/100 kg	—
0401 30 11 9400	970	EUR/100 kg	6,987		068	EUR/100 kg	—
0401 30 11 9700	970	EUR/100 kg	10,49		L02	EUR/100 kg	47,95
0401 30 31 9100	L01	EUR/100 kg	—		A01	EUR/100 kg	61,56
	L02	EUR/100 kg	17,84	0402 21 11 9900	L01	EUR/100 kg	—
	A01	EUR/100 kg	25,49		068	EUR/100 kg	—
0401 30 31 9400	L01	EUR/100 kg	—		L02	EUR/100 kg	51,10
	L02	EUR/100 kg	27,87		A01	EUR/100 kg	65,60
	A01	EUR/100 kg	39,82	0402 21 17 9000	L01	EUR/100 kg	—
0401 30 31 9700	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	30,74		L02	EUR/100 kg	23,20
	A01	EUR/100 kg	43,91		A01	EUR/100 kg	28,00
0401 30 39 9100	L01	EUR/100 kg	—	0402 21 19 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	17,84		068	EUR/100 kg	—
	A01	EUR/100 kg	25,49		L02	EUR/100 kg	45,96
0401 30 39 9400	L01	EUR/100 kg	—		A01	EUR/100 kg	58,97
	L02	EUR/100 kg	27,87	0402 21 19 9500	L01	EUR/100 kg	—
	A01	EUR/100 kg	39,82		068	EUR/100 kg	—
0401 30 39 9700	L01	EUR/100 kg	—		L02	EUR/100 kg	47,95
	L02	EUR/100 kg	30,74		A01	EUR/100 kg	61,56
	A01	EUR/100 kg	43,91	0402 21 19 9900	L01	EUR/100 kg	—
0401 30 91 9100	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	35,03		L02	EUR/100 kg	51,10
	A01	EUR/100 kg	50,05		A01	EUR/100 kg	65,60
0401 30 99 9100	L01	EUR/100 kg	—	0402 21 91 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	35,03		068	EUR/100 kg	—
	A01	EUR/100 kg	50,05		L02	EUR/100 kg	51,42
0401 30 99 9500	L01	EUR/100 kg	—		A01	EUR/100 kg	66,00
	L02	EUR/100 kg	51,49	0402 21 91 9200	L01	EUR/100 kg	—
	A01	EUR/100 kg	73,55		068	EUR/100 kg	—
0402 10 11 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	51,72
	068	EUR/100 kg	—		A01	EUR/100 kg	66,40
	L02	EUR/100 kg	23,20	0402 21 91 9350	L01	EUR/100 kg	—
	A01	EUR/100 kg	28,00		068	EUR/100 kg	—
0402 10 19 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	52,26
	068	EUR/100 kg	—		A01	EUR/100 kg	67,08
	L02	EUR/100 kg	23,20	0402 21 91 9500	L01	EUR/100 kg	—
	A01	EUR/100 kg	28,00		068	EUR/100 kg	—
0402 10 91 9000	L01	EUR/kg	—		L02	EUR/100 kg	56,16
	068	EUR/kg	—		A01	EUR/100 kg	72,09
	L02	EUR/kg	0,2320	0402 21 99 9100	L01	EUR/100 kg	—
	A01	EUR/kg	0,2800		068	EUR/100 kg	—
0402 10 99 9000	L01	EUR/kg	—		L02	EUR/100 kg	51,42
	068	EUR/kg	—		A01	EUR/100 kg	66,00
	L02	EUR/kg	0,2320	0402 21 99 9200	L01	EUR/100 kg	—
	A01	EUR/kg	0,2800		068	EUR/100 kg	—
0402 21 11 9200	L01	EUR/100 kg	—		L02	EUR/100 kg	51,72
	068	EUR/100 kg	—		A01	EUR/100 kg	66,40
	L02	EUR/100 kg	23,20				
	A01	EUR/100 kg	28,00				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 21 99 9300	L01	EUR/100 kg	—	0402 91 19 9370	L01	EUR/100 kg	—
	068	EUR/100 kg	—		L02	EUR/100 kg	4,958
	L02	EUR/100 kg	52,26		A01	EUR/100 kg	7,083
	A01	EUR/100 kg	67,08	0402 91 31 9300	L01	EUR/100 kg	—
0402 21 99 9400	L01	EUR/100 kg	—		L02	EUR/100 kg	5,859
	068	EUR/100 kg	—		A01	EUR/100 kg	8,371
	L02	EUR/100 kg	55,15	0402 91 39 9300	L01	EUR/100 kg	—
	A01	EUR/100 kg	70,80		L02	EUR/100 kg	5,859
0402 21 99 9500	L01	EUR/100 kg	—		A01	EUR/100 kg	8,371
	068	EUR/100 kg	—	0402 91 99 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	56,16		L02	EUR/100 kg	21,53
	A01	EUR/100 kg	72,09		A01	EUR/100 kg	30,75
0402 21 99 9600	L01	EUR/100 kg	—	0402 99 11 9350	L01	EUR/kg	—
	068	EUR/100 kg	—		L02	EUR/kg	0,1268
	L02	EUR/100 kg	60,12		A01	EUR/kg	0,1812
	A01	EUR/100 kg	77,17	0402 99 19 9350	L01	EUR/kg	—
0402 21 99 9700	L01	EUR/100 kg	—		L02	EUR/kg	0,1268
	068	EUR/100 kg	—		A01	EUR/kg	0,1812
	L02	EUR/100 kg	62,36	0402 99 31 9150	L01	EUR/kg	—
	A01	EUR/100 kg	80,06		L02	EUR/kg	0,1316
0402 21 99 9900	L01	EUR/100 kg	—		A01	EUR/kg	0,1880
	068	EUR/100 kg	—	0402 99 31 9300	L01	EUR/kg	—
	L02	EUR/100 kg	64,96		L02	EUR/kg	0,1288
	A01	EUR/100 kg	83,38		A01	EUR/kg	0,1840
0402 29 15 9200	L01	EUR/kg	—	0402 99 39 9150	L01	EUR/kg	—
	L02	EUR/kg	0,2320		L02	EUR/kg	0,1316
	A01	EUR/kg	0,2800		A01	EUR/kg	0,1880
0402 29 15 9300	L01	EUR/kg	—	0403 90 11 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,4596		L02	EUR/100 kg	22,88
	A01	EUR/kg	0,5897		A01	EUR/100 kg	27,61
0402 29 15 9500	L01	EUR/kg	—	0403 90 13 9200	L01	EUR/100 kg	—
	L02	EUR/kg	0,4795		L02	EUR/100 kg	22,88
	A01	EUR/kg	0,6156		A01	EUR/100 kg	27,61
0402 29 15 9900	L01	EUR/kg	—	0403 90 13 9300	L01	EUR/100 kg	—
	L02	EUR/kg	0,5110		L02	EUR/100 kg	45,54
	A01	EUR/kg	0,6560		A01	EUR/100 kg	58,45
0402 29 19 9300	L01	EUR/kg	—	0403 90 13 9500	L01	EUR/100 kg	—
	L02	EUR/kg	0,4596		L02	EUR/100 kg	47,53
	A01	EUR/kg	0,5897		A01	EUR/100 kg	61,01
0402 29 19 9500	L01	EUR/kg	—	0403 90 13 9900	L01	EUR/100 kg	—
	L02	EUR/kg	0,4795		L02	EUR/100 kg	50,65
	A01	EUR/kg	0,6156		A01	EUR/100 kg	65,01
0402 29 19 9900	L01	EUR/kg	—	0403 90 19 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,5110		L02	EUR/100 kg	50,96
	A01	EUR/kg	0,6560		A01	EUR/100 kg	65,41
0402 29 91 9000	L01	EUR/kg	—	0403 90 33 9400	L01	EUR/kg	—
	L02	EUR/kg	0,5142		L02	EUR/kg	0,4554
	A01	EUR/kg	0,6600		A01	EUR/kg	0,5845
0402 29 99 9100	L01	EUR/kg	—	0403 90 33 9900	L01	EUR/kg	—
	L02	EUR/kg	0,5142		L02	EUR/kg	0,5065
	A01	EUR/kg	0,6600		A01	EUR/kg	0,6501
0402 29 99 9500	L01	EUR/kg	—	0403 90 51 9100	970	EUR/100 kg	1,548
	L02	EUR/kg	0,5515		970	EUR/100 kg	10,49
	A01	EUR/kg	0,7080	0403 90 59 9170	L01	EUR/100 kg	—
0402 91 11 9370	L01	EUR/100 kg	—		L02	EUR/100 kg	17,84
	L02	EUR/100 kg	4,958		A01	EUR/100 kg	25,49
	A01	EUR/100 kg	7,083				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0403 90 59 9340	L01	EUR/100 kg	—	0405 10 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	26,11		075	EUR/100 kg	119,99
	A01	EUR/100 kg	37,29		L02	EUR/100 kg	94,80
0403 90 59 9370	L01	EUR/100 kg	—	0405 10 11 9700	A01	EUR/100 kg	127,81
	L02	EUR/100 kg	26,11		L01	EUR/100 kg	—
	A01	EUR/100 kg	37,29		075	EUR/100 kg	122,98
0403 90 59 9510	L01	EUR/100 kg	—	0405 10 19 9500	L02	EUR/100 kg	97,16
	L02	EUR/100 kg	26,11		A01	EUR/100 kg	131,00
	A01	EUR/100 kg	37,29		L01	EUR/100 kg	—
0404 90 21 9120	L01	EUR/100 kg	—	0405 10 19 9700	075	EUR/100 kg	119,99
	L02	EUR/100 kg	19,79		L02	EUR/100 kg	94,80
	A01	EUR/100 kg	23,88		A01	EUR/100 kg	127,81
0404 90 21 9160	L01	EUR/100 kg	—	0405 10 30 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	23,20		075	EUR/100 kg	122,98
	A01	EUR/100 kg	28,00		L02	EUR/100 kg	97,16
0404 90 23 9120	L01	EUR/100 kg	—	0405 10 30 9300	A01	EUR/100 kg	131,00
	L02	EUR/100 kg	23,20		L01	EUR/100 kg	—
	A01	EUR/100 kg	28,00		075	EUR/100 kg	119,99
0404 90 23 9130	L01	EUR/100 kg	—	0405 10 30 9700	L02	EUR/100 kg	94,80
	L02	EUR/100 kg	45,96		A01	EUR/100 kg	127,81
	A01	EUR/100 kg	58,97		L01	EUR/100 kg	—
0404 90 23 9140	L01	EUR/100 kg	—	0405 10 30 9700	075	EUR/100 kg	122,98
	L02	EUR/100 kg	47,95		L02	EUR/100 kg	97,16
	A01	EUR/100 kg	61,56		A01	EUR/100 kg	131,00
0404 90 23 9150	L01	EUR/100 kg	—	0405 10 50 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	51,10		075	EUR/100 kg	122,98
	A01	EUR/100 kg	65,60		L02	EUR/100 kg	97,16
0404 90 29 9110	L01	EUR/100 kg	—	0405 10 50 9500	A01	EUR/100 kg	131,00
	L02	EUR/100 kg	51,42		L01	EUR/100 kg	—
	A01	EUR/100 kg	66,00		075	EUR/100 kg	122,98
0404 90 29 9115	L01	EUR/100 kg	—	0405 10 50 9700	L02	EUR/100 kg	97,16
	L02	EUR/100 kg	51,72		A01	EUR/100 kg	131,00
	A01	EUR/100 kg	66,40		L01	EUR/100 kg	—
0404 90 29 9125	L01	EUR/100 kg	—	0405 20 90 9500	075	EUR/100 kg	119,99
	L02	EUR/100 kg	52,26		L02	EUR/100 kg	94,80
	A01	EUR/100 kg	67,08		A01	EUR/100 kg	127,81
0404 90 29 9140	L01	EUR/100 kg	—	0405 20 90 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	56,16		075	EUR/100 kg	122,98
	A01	EUR/100 kg	72,09		L02	EUR/100 kg	97,16
0404 90 81 9100	L01	EUR/kg	—	0405 10 90 9000	A01	EUR/100 kg	131,00
	L02	EUR/kg	0,2320		L01	EUR/100 kg	—
	A01	EUR/kg	0,2800		075	EUR/100 kg	127,49
0404 90 83 9110	L01	EUR/kg	—	0405 20 90 9500	L02	EUR/100 kg	100,71
	L02	EUR/kg	0,2320		A01	EUR/100 kg	135,79
	A01	EUR/kg	0,2800		L01	EUR/100 kg	—
0404 90 83 9130	L01	EUR/kg	—	0405 20 90 9700	075	EUR/100 kg	112,50
	L02	EUR/kg	0,4596		L02	EUR/100 kg	88,87
	A01	EUR/kg	0,5897		A01	EUR/100 kg	119,83
0404 90 83 9150	L01	EUR/kg	—	0405 90 10 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,4795		075	EUR/100 kg	116,99
	A01	EUR/kg	0,6156		L02	EUR/100 kg	92,42
0404 90 83 9170	L01	EUR/kg	—	0405 90 10 9000	A01	EUR/100 kg	124,61
	L02	EUR/kg	0,5110		L01	EUR/100 kg	—
	A01	EUR/kg	0,6560		075	EUR/100 kg	153,02
0404 90 83 9936	L01	EUR/kg	—	0405 90 10 9000	L02	EUR/100 kg	120,89
	L02	EUR/kg	0,1268		A01	EUR/100 kg	163,00
	A01	EUR/kg	0,1812				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0405 90 90 9000	L01	EUR/100 kg	—	0406 20 90 9919	L03	EUR/100 kg	—
	075	EUR/100 kg	122,40		L04	EUR/100 kg	40,05
	L02	EUR/100 kg	96,69		400	EUR/100 kg	—
	A01	EUR/100 kg	130,36		A01	EUR/100 kg	50,07
0406 10 20 9100	A00	EUR/100 kg	—	0406 30 31 9710	L03	EUR/100 kg	—
0406 10 20 9230	L03	EUR/100 kg	—		L04	EUR/100 kg	3,04
	L04	EUR/100 kg	14,75		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	7,09
0406 10 20 9290	A01	EUR/100 kg	18,43	0406 30 31 9730	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	4,44
	L04	EUR/100 kg	13,73		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	10,41
0406 10 20 9300	A01	EUR/100 kg	17,15	0406 30 31 9910	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	3,04
	L04	EUR/100 kg	6,02		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	7,09
0406 10 20 9610	A01	EUR/100 kg	7,52	0406 30 31 9930	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	4,44
	L04	EUR/100 kg	20,00		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	10,41
0406 10 20 9620	A01	EUR/100 kg	25,01	0406 30 31 9950	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	6,46
	L04	EUR/100 kg	20,30		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	15,14
0406 10 20 9630	A01	EUR/100 kg	25,36	0406 30 39 9500	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	4,44
	L04	EUR/100 kg	22,65		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	10,41
0406 10 20 9640	A01	EUR/100 kg	28,31	0406 30 39 9700	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	6,46
	L04	EUR/100 kg	33,28		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	15,14
0406 10 20 9650	A01	EUR/100 kg	41,60	0406 30 39 9930	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	6,46
	L04	EUR/100 kg	27,74		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	15,14
0406 10 20 9830	A01	EUR/100 kg	34,67	0406 30 39 9950	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	7,31
	L04	EUR/100 kg	10,30		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	17,13
0406 10 20 9850	A01	EUR/100 kg	12,86	0406 30 90 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	7,66
	L04	EUR/100 kg	12,47		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	17,96
0406 20 90 9100	A00	EUR/100 kg	—	0406 40 50 9000	L03	EUR/100 kg	—
0406 20 90 9913	L03	EUR/100 kg	—		L04	EUR/100 kg	39,14
	L04	EUR/100 kg	25,55		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	48,92
0406 20 90 9915	A01	EUR/100 kg	31,94	0406 40 90 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	40,19
	L04	EUR/100 kg	33,72		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	50,24
0406 20 90 9917	A01	EUR/100 kg	42,16	0406 90 13 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	44,20
	L04	EUR/100 kg	35,85		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	63,26
	A01	EUR/100 kg	44,79				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 15 9100	L03	EUR/100 kg	—	0406 90 63 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	45,68		L04	EUR/100 kg	46,58
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	65,37		A01	EUR/100 kg	67,50
0406 90 17 9100	L03	EUR/100 kg	—	0406 90 69 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	45,68		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	46,58
	A01	EUR/100 kg	65,37		400	EUR/100 kg	—
0406 90 21 9900	L03	EUR/100 kg	—	0406 90 73 9900	A01	EUR/100 kg	67,50
	L04	EUR/100 kg	44,76		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	40,57
	A01	EUR/100 kg	63,90		400	EUR/100 kg	—
0406 90 23 9900	L03	EUR/100 kg	—	0406 90 75 9900	A01	EUR/100 kg	58,12
	L04	EUR/100 kg	39,30		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	40,84
	A01	EUR/100 kg	56,49		400	EUR/100 kg	—
0406 90 25 9900	L03	EUR/100 kg	—	0406 90 76 9300	A01	EUR/100 kg	58,74
	L04	EUR/100 kg	39,04		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	36,83
	A01	EUR/100 kg	55,88		400	EUR/100 kg	—
0406 90 27 9900	L03	EUR/100 kg	—	0406 90 76 9400	A01	EUR/100 kg	52,72
	L04	EUR/100 kg	35,35		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	41,25
	A01	EUR/100 kg	50,62		400	EUR/100 kg	—
0406 90 31 9119	L03	EUR/100 kg	—	0406 90 76 9500	A01	EUR/100 kg	59,05
	L04	EUR/100 kg	32,50		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	39,24
	A01	EUR/100 kg	46,58		400	EUR/100 kg	—
0406 90 33 9119	L03	EUR/100 kg	—	0406 90 78 9100	A01	EUR/100 kg	55,69
	L04	EUR/100 kg	32,50		L03	EUR/100 kg	—
	A00	EUR/100 kg	—		L04	EUR/100 kg	38,05
	A01	EUR/100 kg	46,58		400	EUR/100 kg	—
0406 90 33 9919	A00	EUR/100 kg	—	0406 90 78 9300	A01	EUR/100 kg	55,59
0406 90 33 9951	A00	EUR/100 kg	—		L03	EUR/100 kg	—
0406 90 35 9190	L03	EUR/100 kg	—		L04	EUR/100 kg	40,35
	L04	EUR/100 kg	45,96		400	EUR/100 kg	—
	400	EUR/100 kg	—	0406 90 78 9500	A01	EUR/100 kg	57,62
	A01	EUR/100 kg	66,09		L03	EUR/100 kg	—
0406 90 35 9990	L03	EUR/100 kg	—		L04	EUR/100 kg	39,97
	L04	EUR/100 kg	45,96		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	56,73
	A01	EUR/100 kg	66,09	0406 90 79 9900	L03	EUR/100 kg	—
0406 90 37 9000	L03	EUR/100 kg	—		L04	EUR/100 kg	32,63
	L04	EUR/100 kg	44,20		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	46,90
	A01	EUR/100 kg	63,26	0406 90 81 9900	L03	EUR/100 kg	—
0406 90 61 9000	L03	EUR/100 kg	—		L04	EUR/100 kg	41,25
	L04	EUR/100 kg	48,70		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	59,05
	A01	EUR/100 kg	70,47	0406 90 85 9930	L03	EUR/100 kg	—
0406 90 63 9100	L03	EUR/100 kg	—		L04	EUR/100 kg	44,54
	L04	EUR/100 kg	48,46		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	64,09
	A01	EUR/100 kg	69,89				



Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 85 9970	L03	EUR/100 kg	—	0406 90 87 9951	L03	EUR/100 kg	—
	L04	EUR/100 kg	40,84		L04	EUR/100 kg	40,51
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	58,74		A01	EUR/100 kg	57,99
0406 90 86 9100	A00	EUR/100 kg	—	0406 90 87 9971	L03	EUR/100 kg	—
0406 90 86 9200	L03	EUR/100 kg	—	L04	EUR/100 kg	40,51	
	L04	EUR/100 kg	37,48	400	EUR/100 kg	—	
	400	EUR/100 kg	—	A01	EUR/100 kg	57,99	
	A01	EUR/100 kg	55,58	0406 90 87 9972	L03	EUR/100 kg	—
0406 90 86 9300	L03	EUR/100 kg	—	L04	EUR/100 kg	17,26	
	L04	EUR/100 kg	38,03	400	EUR/100 kg	—	
	400	EUR/100 kg	—	A01	EUR/100 kg	24,81	
	A01	EUR/100 kg	56,17	0406 90 87 9973	L03	EUR/100 kg	—
0406 90 86 9400	L03	EUR/100 kg	—	L04	EUR/100 kg	39,78	
	L04	EUR/100 kg	40,38	400	EUR/100 kg	—	
	400	EUR/100 kg	—	A01	EUR/100 kg	56,93	
	A01	EUR/100 kg	59,05	0406 90 87 9974	L03	EUR/100 kg	—
0406 90 86 9900	L03	EUR/100 kg	—	L04	EUR/100 kg	43,17	
	L04	EUR/100 kg	44,54	400	EUR/100 kg	—	
	400	EUR/100 kg	—	A01	EUR/100 kg	61,53	
	A01	EUR/100 kg	64,09	0406 90 87 9975	L03	EUR/100 kg	—
0406 90 87 9100	A00	EUR/100 kg	—	L04	EUR/100 kg	44,03	
0406 90 87 9200	L03	EUR/100 kg	—	400	EUR/100 kg	—	
	L04	EUR/100 kg	31,24	A01	EUR/100 kg	62,22	
	400	EUR/100 kg	—	0406 90 87 9979	L03	EUR/100 kg	—
	A01	EUR/100 kg	46,31	L04	EUR/100 kg	39,30	
0406 90 87 9300	L03	EUR/100 kg	—	400	EUR/100 kg	—	
	L04	EUR/100 kg	34,90	A01	EUR/100 kg	56,49	
	400	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	A01	EUR/100 kg	51,58	0406 90 88 9300	L03	EUR/100 kg	—
0406 90 87 9400	L03	EUR/100 kg	—	L04	EUR/100 kg	30,83	
	L04	EUR/100 kg	35,82	400	EUR/100 kg	—	
	400	EUR/100 kg	—	A01	EUR/100 kg	45,40	
	A01	EUR/100 kg	52,36				

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).

The other destinations are defined as follows:

L01 Holy See, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control,

L02 Andorra and Gibraltar,

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Turkey, Romania, Bulgaria, Croatia, Canada, Australia, New Zealand and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control,

L04 Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia.

'970' includes the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11) and exports under contracts with armed forces stationed on the territory of a Member State which do not come under its flag.

**COMMISSION REGULATION (EC) No 402/2005  
of 10 March 2005**

**fixing the maximum export refund for butter in the framework of the standing invitation to tender  
provided for in Regulation (EC) No 581/2004**

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<sup>(1)</sup>, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter<sup>(2)</sup> provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products<sup>(3)</sup> and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 8 March 2005.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 8 March 2005, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 11 March 2005.

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

Done at Brussels, 10 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 90, 27.3.2004, p. 64.

<sup>(3)</sup> OJ L 90, 27.3.2004, p. 58.

## ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund	
		For export to the destination referred to in the first indent of Article 1(1) of Regulation (EC) No 581/2004	For export to the destinations referred to in the second indent of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—	134,00
Butter	ex 0405 10 19 9700	131,00	136,50
Butteroil	ex 0405 90 10 9000	—	166,00

**COMMISSION REGULATION (EC) No 403/2005****of 10 March 2005****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

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<sup>(1)</sup>, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds for skimmed milk powder<sup>(2)</sup> provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products<sup>(3)</sup> and following an examination of the tenders submitted in response to the invitation to

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 8 March 2005.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 8 March 2005, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 31,00 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 11 March 2005.

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

Done at Brussels, 10 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 90, 27.3.2004, p. 67.

<sup>(3)</sup> OJ L 90, 27.3.2004, p. 58.

**COMMISSION REGULATION (EC) No 404/2005****of 10 March 2005****concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1757/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1757/2004 <sup>(2)</sup>.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

the market for cereals <sup>(3)</sup>, and in particular Article 13(3) thereof,

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 4 to 10 March 2005 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1757/2004.

*Article 2*

This Regulation shall enter into force on 11 March 2005.

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

Done at Brussels, 10 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 313, 12.10.2004, p. 10.

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

**COMMISSION REGULATION (EC) No 405/2005****of 10 March 2005****concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1565/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Having regard to Commission Regulation (EC) No 1565/2004 of 3 September 2004 on a special intervention measure for cereals in Finland and Sweden for the 2004/2005 marketing year<sup>(3)</sup>,

Whereas:

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

Finland and Sweden to all third countries, with the exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1565/2004.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 4 to 10 March 2005 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1565/2004.

*Article 2*

This Regulation shall enter into force on 11 March 2005.

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

Done at Brussels, 10 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

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

<sup>(3)</sup> OJ L 285, 4.9.2004, p. 3.

**COMMISSION REGULATION (EC) No 406/2005****of 10 March 2005****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 115/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 115/2005 <sup>(2)</sup>.
- (2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified on 4 to 10 March 2005, pursuant to the invitation to tender issued in Regulation (EC) No 115/2005, the maximum refund on exportation of common wheat shall be 10,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 11 March 2005.

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

Done at Brussels, 10 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 24, 27.1.2005, p. 3.

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

**COMMISSION REGULATION (EC) No 407/2005****of 10 March 2005****concerning tenders notified in response to the invitation to tender for the import of sorghum  
issued in Regulation (EC) No 2275/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the maximum reduction from third countries in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 2275/2004<sup>(2)</sup>.
- (2) Article 7 of Commission Regulation (EC) No 1839/95<sup>(3)</sup>, allows the Commission to decide, in accordance with the procedure laid down in Article 25 of Regulation (EC) No 1784/2003 and on the basis of the tenders notified to make no award.

- (3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 4 to 10 March 2005 in response to the invitation to tender for the reduction in the duty on imported sorghum issued in Regulation (EC) No 2275/2004.

*Article 2*

This Regulation shall enter into force on 11 March 2005.

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

Done at Brussels, 10 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 396, 31.12.2004, p. 32.

<sup>(3)</sup> OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).



**COMMISSION REGULATION (EC) No 408/2005****of 10 March 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2277/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 2277/2004<sup>(2)</sup>.

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 4 to 10 March 2005, pursuant to the invitation to tender issued in Regulation (EC) No 2277/2004, the maximum reduction in the duty on maize imported shall be 25,70 EUR/t and be valid for a total maximum quantity of 50 000 t.

*Article 2*

This Regulation shall enter into force on 11 March 2005.

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

Done at Brussels, 10 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 396, 31.12.2004, p. 35.

<sup>(3)</sup> OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

**COMMISSION REGULATION (EC) No 409/2005****of 10 March 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2276/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 2276/2004<sup>(2)</sup>.
- (2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95<sup>(3)</sup>, the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 4 to 10 March 2005, pursuant to the invitation to tender issued in Regulation (EC) No 2276/2004, the maximum reduction in the duty on maize imported shall be 26,66 EUR/t and be valid for a total maximum quantity of 40 350 t.

*Article 2*

This Regulation shall enter into force on 11 March 2005.

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

Done at Brussels, 10 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 396, 31.12.2004, p. 34.

<sup>(3)</sup> OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 21 February 2005

**on the signing and provisional application of the agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement between the European Community and Ukraine on trade in textile products**

(2005/196/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission has negotiated on behalf of the Community an agreement in the form of an Exchange of Letters between the European Community and Ukraine concerning the extension and amendment of the Agreement on trade in textile products with Ukraine.
- (2) Subject to its possible conclusion at a later date, the Agreement should be signed on behalf of the Community.
- (3) It is appropriate to apply this Agreement on a provisional basis as from 1 January 2005 pending the completion of the relevant procedures for its conclusion, subject to reciprocity,

HAS DECIDED AS FOLLOWS:

*Article 1*

Subject to a possible conclusion at a later date, the President of the Council is hereby authorised to designate the person(s) empowered to sign on behalf of the Community the Agreement in the form of an Exchange of Letters between the

European Community and Ukraine concerning the extension and amendment of the Agreement between the European Community and Ukraine on trade in textile products.

*Article 2*

Subject to reciprocity, the Agreement in the form of an Exchange of Letters referred to in Article 1 shall be applied on a provisional basis as from 1 January 2005 pending the completion of the procedures for its conclusion.

The text of the Agreement is attached to this Decision.

*Article 3*

The Commission may, in accordance with the procedure referred to in Article 17 of Council Regulation (EEC) No 3030/93, of 12 October 1993, on common rules for imports of certain textile products from third countries<sup>(1)</sup>, adopt the measures foreseen in point 6 of the Exchange of Letters signed on 19 December 2000<sup>(2)</sup>, consisting of reinstating the quota-regime applicable during the year 2000 in case of non-application by Ukraine of the tariff rates described in paragraph 1.5 of the Exchange of Letters referred to in Article 1 of this Decision.

Done at Brussels, 21 February 2005.

*For the Council*

J. ASSELBORN

*The President*

<sup>(1)</sup> OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

<sup>(2)</sup> OJ L 16, 18.1.2001, p. 3.

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**

**between the European Community and Ukraine, represented by the Government of Ukraine,  
concerning the extension and amendment of the Agreement between the European Economic  
Community and Ukraine on trade in textile products of 1993**

*A. Letter from the Council of the European Union*

Sir,

I have the honour to refer to the Agreement between the European Economic Community and Ukraine on trade in textile products of 1993, as last amended by the Agreement in the form of an Exchange of Letters signed on 19 December 2000 (hereafter referred to as the 'Agreement').

1. According to Article 20(1) thereof, the Agreement is to apply only until 31 December 2004. The European Community proposes to extend the duration of the Agreement, subject to the following amendments and conditions:

1.1. Annex I to the Agreement which lists the products referred to in Article 1 of the Agreement and contains the category and goods descriptions for textiles products, shall be replaced by Annex I to Council Regulation (EEC) No 3030/93<sup>(1)</sup>. Without prejudice to the general rules for the interpretation of the combined nomenclature, the description of goods is only indicative, since the products covered by each category are determined within that Annex by CN codes. Where there is an 'ex' symbol in front of a CN code, the products covered in each category are determined by the scope of the CN code and by that of the corresponding description.

1.2. The second sentence of Article 2(1) and Title III of Protocol A of the Agreement shall be repealed.

1.3. The second sentence of Article 20(1) of the Agreement shall be replaced by the following:

'It shall apply until 31 December 2005.'

1.4. The following sentence shall be added to Article 20(1):

'Thereafter, the application of all of the provisions of this Agreement shall be extended automatically for a period of one more year up to 31 December 2006, unless either Party notifies the other at least six months before 31 December 2005 that it does not agree to this extension.'

1.5. The tariff rates applied by Ukraine to exports of EC origin of products of HS chapters 50-63 shall not exceed the rates agreed in the Exchange of Letters signed on 19 December 2000.

2. Should Ukraine become a Member of the World Trade Organisation (WTO) before the date of the expiry of the Agreement, the Agreements and rules of the WTO shall be applied from the date of Ukraine's accession to the WTO.

3. I should be obliged if you could kindly confirm your Government's acceptance of the foregoing. Should this be the case, this letter, together with your letter of acceptance, will constitute an Agreement in the form of an Exchange of Letters which shall enter into force on the first day of the month following the day on which the Parties have notified each other that the internal legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 2005 on conditions of reciprocity.

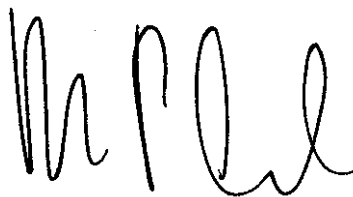
Please accept, Sir, the assurance of my highest consideration.

<sup>(1)</sup> OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

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V Bruslju,  
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Utfärdat i Bryssel den  
Вчинено в м.

09 -03- 2005

Por la Comunidad Europea  
Za Evropské společenství  
For Det Europæiske Fællesskab  
Für die Europäische Gemeinschaft  
Euroopa Ühenduse nimel  
Για την Ευρωπαϊκή Κοινότητα  
For the European Community  
Pour la Communauté européenne  
Per la Comunità europea  
Eiropas Kopienas vārdā  
Europos bendrijos vardu  
az Európai Közösség részéről  
Ghall-Komunità Ewropea  
Voor de Europese Gemeenschap  
W imieniu Wspólnoty Europejskiej  
Pela Comunidade Europeia  
Za Európske spoločenstvo  
za Evropsko skupnost  
Euroopan yhteisön puolesta  
På Europeiska gemenskapens vägnar  
За Європейське Співтовариство



*B. Letter from the Government of Ukraine*

Sir,

I have the honour to confirm the receipt of your letter of today's date which reads as follows:

'Sir,

I have the honour to refer to the Agreement between the European Economic Community and Ukraine on trade in textile products of 1993, as last amended by the Agreement in the form of an Exchange of Letters signed on 19 December 2000 (hereafter referred to as the "Agreement").

1. According to Article 20(1) thereof, the Agreement is to apply only until 31 December 2004. The European Community proposes to extend the duration of the Agreement, subject to the following amendments and conditions:

1.1. Annex I to the Agreement which lists the products referred to in Article 1 of the Agreement and contains the category and goods descriptions for textiles products, shall be replaced by Annex I to Council Regulation (EEC) No 3030/93 <sup>(1)</sup>. Without prejudice to the general rules for the interpretation of the combined nomenclature, the description of goods is only indicative, since the products covered by each category are determined within that Annex by CN codes. Where there is an "ex" symbol in front of a CN code, the products covered in each category are determined by the scope of the CN code and by that of the corresponding description.

1.2. The second sentence of Article 2(1) and Title III of Protocol A of the Agreement shall be repealed.

1.3. The second sentence of Article 20(1) of the Agreement shall be replaced by the following:

"It shall apply until 31 December 2005."

1.4. The following sentence shall be added to Article 20(1):

"Thereafter, the application of all of the provisions of this Agreement shall be extended automatically for a period of one more year up to 31 December 2006, unless either Party notifies the other at least six months before 31 December 2005 that it does not agree to this extension."

1.5. The tariff rates applied by Ukraine to exports of EC origin of products of HS chapters 50-63 shall not exceed the rates agreed in the Exchange of Letters signed on 19 December 2000.

2. Should Ukraine become a Member of the World Trade Organisation (WTO) before the date of the expiry of the Agreement, the Agreements and rules of the WTO shall be applied from the date of Ukraine's accession to the WTO.

3. I should be obliged if you could kindly confirm your Government's acceptance of the foregoing. Should this be the case, this letter, together with your letter of acceptance, will constitute an Agreement in the form of an Exchange of Letters which shall enter into force on the first day of the month following the day on which the Parties have notified each other that the internal legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 2005 on conditions of reciprocity.'

I have the honour to confirm that the foregoing is acceptable to the Government of Ukraine and that your letter and this letter constitute an Agreement in accordance with your proposal.

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

<sup>(1)</sup> OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

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Priimta Briuselyje,  
Kelt Brüsszelben,  
Magŷmula fi Brussel,  
Gedaan te Brussel,  
Sporzŷdzono w Brukseli, dnia  
Feito em Bruxelas,  
V Bruseli  
V Bruslju,  
Tehty Brysselissä  
Utfärdat i Bryssel den

09-03-2005

За Уряд України  
Por el Gobierno de Ucrania  
Za vládu Ukrajiny  
For regeringen for Ukraine  
Für die Regierung der Ukraine  
Ukraina valitsuse nimel  
Για την Κυβέρνηση της Ουκρανίας  
For the Government of Ukraine  
Pour le gouvernement ukrainien  
Per il governo dell'Ucraina  
Ukrainas valdības vārdā  
Ukrainos Vyriausybės vardu  
Ukrajna kormányra részéről  
Ghall-Gvern ta' l-Ukrajna  
Voor de Regering van Oekraïne  
W imieniu Rządu Ukrainy  
Pelo Governo da Ucrânia  
Za vládu Ukrajiny  
Za Vlado Ukrajine  
Ukrainan hallituksen puolesta  
För Ukrainas regering



# COMMISSION

## COMMISSION DECISION

of 9 March 2005

**approving the 2005 technical action plan for improving agricultural statistics**

(notified under document number C(2005) 531)

(2005/197/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 96/411/EC of 25 June 1996 on improving Community agricultural statistics<sup>(1)</sup>, and in particular Article 4(1) and Article 6(2) thereof,

Whereas:

- (1) In accordance with Decision 96/411/EC, the Commission establishes a technical action plan for agricultural statistics each year.
- (2) In accordance with Decision 96/411/EC, the Community contributes to the costs incurred by the Member States in making adaptations to national agricultural statistical systems or the costs of preparatory work for new or increasing needs which are part of a technical action plan.
- (3) It is essential to improve information on the structure of agricultural holdings for the implementation of the related Community policies.
- (4) There is a need to consolidate the agricultural statistical system and to continue the work supported by the

previous action plans. This time the farm statistical registers, which are a prerequisite for all farm surveys and a real difficulty in most of the Member States, are the main area of the annual action plan.

- (5) The measures provided for in this Decision are in line with the opinion of the Standing Committee of Agricultural Statistics,

HAS ADOPTED THIS DECISION:

### *Article 1*

The 2005 technical action plan for improving agricultural statistics (TAPAS 2005), as set out in the Annex, is approved.

### *Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 9 March 2005.

*For the Commission*

Joaquín ALMUNIA

*Member of the Commission*

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<sup>(1)</sup> OJ L 162, 1.7.1996, p. 14. Decision as last amended by Decision No 787/2004/EC of the European Parliament and of the Council (OJ L 138, 30.4.2004, p. 12).



## ANNEX

**2005 TECHNICAL ACTION PLAN FOR IMPROVING AGRICULTURAL STATISTICS  
(TAPAS 2005)**

The measures covered by the 2005 technical action plan for improving agricultural statistics aim to develop or improve statistics in the following areas:

- (a) farm statistical registers,
- (b) surveys on small farms (small units surveys).

The Commission will make a financial contribution to projects developed as part of these measures which will not exceed the amounts shown in Table A for each Member State.

The measures proposed by the Member States concern:

**1. Farm statistical registers**

The availability of an up to date register of agricultural holdings is a basis for a coherent and integrated system of agricultural statistics and also, if coordinated with national business registers, a tool contributing to the integration of agricultural information with that of other sectors.

A valid register provides a basic framework for sampling. If it is complete and includes appropriate information, it may permit effective sample design with, for example, stratification by size, type of activity and location. It could even call into question the cost-effectiveness of full agricultural censuses. Registers also provide useful information for the demography of agricultural holdings.

A harmonised register would also open the door to EU sampling and surveys providing reliable estimates at EU level and substantially reducing the burden on respondents.

**2. Small units surveys**

'Small units' are important, in terms of numbers and share in agricultural production, especially in the new Member States. In some of these countries, small units are not always adequately covered in the agricultural surveys, and this might thus lead to the exclusion of a large number of units engaged in the production of agricultural goods.

In the framework of the TAPAS 2005 actions on small units, Eurostat expects contributions, *inter alia*, on the following questions:

What should be the definition of small units?

What should be the minimum threshold for the inclusion of such units in the Farm Statistical Registers?

To what extent should small units included in such registers be covered (in terms of frequency, characteristics)?

**Table A**

## TECHNICAL ACTION PLAN 2005

EU-25

Maximum financial contribution of the Community to expenditure incurred

<i>(thousand EUR)</i>			
Countries	Farm register	Small units	Total
CZ	60 000		60 000
DE	243 000		243 000
EE	53 856		53 856
IT	311 440		311 440
CY	42 000		42 000
LV	64 069	18 083	82 152
LT		9 000	9 000
HU		29 700	29 700
AT	446 639		446 639
PL	45 000		45 000
PT	175 844		175 844
SI		113 400	113 400
SK	54 000	45 000	99 000
UK	187 000		187 000
Total	1 682 849	215 183	1 898 032

**COMMISSION DECISION****of 8 March 2005****repealing Decision 2004/440/EC adopting a transitional measure in favour of certain establishments in the milk sector in Slovakia***(notified under document number C(2005) 519)***(Text with EEA relevance)***(2005/198/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 42 thereof,

Whereas:

(1) Commission Decision 2004/440/EC of 29 April 2004 adopting a transitional measure in favour of certain establishments in the milk sector in Slovakia<sup>(1)</sup> has granted a transitional period, until 30 October 2004, to one establishment in the milk sector in Slovakia in view to fully comply with the structural requirements laid down by Community legislation.

(2) Following an official declaration from the Slovak competent authority, the milk establishment has completed its upgrading process and is now in full compliance with Community legislation.

(3) Decision 2004/440/EC should therefore be repealed.

(4) 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*

Decision 2004/440/EC is repealed.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 8 March 2005.

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*

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<sup>(1)</sup> OJ L 154, 30.4.2004, p. 97, corrected version (OJ L 189, 27.5.2004, p. 79).

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

**COUNCIL DECISION 2005/199/CFSP**

**of 31 January 2005**

**concerning the conclusion of the Agreement between the European Union and the Republic of Albania on the participation of the Republic of Albania in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea)**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

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

Having regard to the recommendation from the Presidency,

Whereas:

(1) On 12 July 2004, the Council adopted Joint Action 2004/570/CFSP on the European Union military operation in Bosnia and Herzegovina<sup>(1)</sup>.

(2) Article 11(3) of that Joint Action provides that detailed arrangements regarding the participation of third States are to be the subject of an agreement in accordance with Article 24 of the Treaty on European Union.

(3) Following authorisation by the Council on 13 September 2004, the Presidency, assisted by the Secretary-General/High Representative, negotiated an Agreement between the European Union and the Republic of Albania on the participation of the Republic of Albania in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea).

(4) The Agreement should be approved,

*Article 1*

The Agreement between the European Union and the Republic of Albania on the participation of the Republic of Albania in the European Union military crisis management operation in Bosnia and Herzegovina (Operation ALTHEA) is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

*Article 2*

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

*Article 3*

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

*Article 4*

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

Done at Brussels, 31 January 2005.

*For the Council*

*The President*

J. ASSELBORN

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<sup>(1)</sup> OJ L 252, 28.7.2004, p. 10.

**AGREEMENT****between the European Union and the Republic of Albania on the participation of the Republic of Albania in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea)**

THE EUROPEAN UNION (EU),

of the one part, and

THE REPUBLIC OF ALBANIA

of the other part,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- the adoption by the Council of the European Union of Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina <sup>(1)</sup>,
- the invitation to the Republic of Albania to participate in the EU-led operation,
- the successful completion of the Force Generation process and the recommendation by the EU Operation Commander and the EU Military Committee to agree on the participation of the Republic of Albania's forces in the EU-led operation,
- Political and Security Committee Decision BiH/3/2004 of 29 September 2004 on the setting-up of the Committee of Contributors for the European Union military operation in Bosnia and Herzegovina <sup>(2)</sup>,
- Political and Security Committee Decision BiH/5/2004 of 3 November 2004 amending Decision BiH/1/2004 on the acceptance of third States' contributions to the European Union military operation in Bosnia and Herzegovina and Decision BiH/3/2004 on the setting-up of the Committee of Contributors for the European Union military operation in Bosnia and Herzegovina,

HAVE AGREED AS FOLLOWS:

*Article 1*

**Participation in the operation**

1. The Republic of Albania shall associate itself with Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina and with any Joint Action or Decision by which the Council of the European Union decides to extend the EU military crisis management operation, in accordance with the provisions of this Agreement and any required implementing arrangements.

2. The contribution of the Republic of Albania to the EU military crisis management operation is without prejudice to the decision-making autonomy of the European Union.

3. The Republic of Albania shall ensure that its forces and personnel participating in the EU military crisis management operation undertake their mission in conformity with:

- Joint Action 2004/570/CFSP and possible subsequent amendments,
- the Operation Plan,
- implementing measures.

4. Forces and personnel seconded to the operation by the Republic of Albania shall carry out their duties and conduct themselves solely with the interest of the EU military crisis management operation in mind.

<sup>(1)</sup> OJ L 252, 28.7.2004, p. 10.

<sup>(2)</sup> OJ L 325, 28.10.2004, p. 64. Decision as amended by Decision BiH/5/2004 (OJ L 357, 2.12.2004, p. 39).

5. The Republic of Albania shall inform the EU Operation Commander in due time of any change to its participation in the operation.

#### *Article 2*

##### **Status of forces**

1. The status of the forces and personnel contributed to the EU military crisis management operation by the Republic of Albania shall be governed by the provisions on the status of forces, if available, agreed between the European Union and the host country.

2. The status of the forces and personnel contributed to headquarters or command elements located outside Bosnia and Herzegovina shall be governed by arrangements between the headquarters and command elements concerned and the Republic of Albania.

3. Without prejudice to the provisions on the status of forces referred to in paragraph 1, the Republic of Albania shall exercise jurisdiction over its forces and personnel participating in the EU military crisis management operation.

4. The Republic of Albania shall be responsible for answering any claims linked to participation in the EU military crisis management operation, from or concerning any of its forces and personnel. The Republic of Albania shall be responsible for bringing any action, in particular legal or disciplinary, against any of its forces and personnel, in accordance with its laws and regulations.

5. The Republic of Albania undertakes to make a declaration as regards the waiver of claims against any State participating in the EU military crisis management operation, and to do so when signing this Agreement.

6. The European Union undertakes to ensure that Member States make a declaration as regards the waiver of claims, for the participation of the Republic of Albania in the EU military crisis management operation, and to do so when signing this Agreement.

#### *Article 3*

##### **Classified information**

1. The Republic of Albania shall take appropriate measures to ensure that EU classified information is protected in accordance with the European Union Council's security regu-

lations, contained in Council Decision 2001/264/EC of 19 March 2001<sup>(1)</sup>, and in accordance with further guidance issued by competent authorities, including the EU Operation Commander.

2. Where the EU and the Republic of Albania have concluded an agreement on security procedures for the exchange of classified information, the provisions of such an agreement shall apply in the context of the EU military crisis management operation.

#### *Article 4*

##### **Chain of command**

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

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

3. The Republic of Albania shall have the same rights and obligations in terms of the day-to-day management of the operation as participating European Union Member States.

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

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

#### *Article 5*

##### **Financial aspects**

1. The Republic of Albania shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 1(1) of this Agreement, as well as in Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications<sup>(2)</sup>.

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

<sup>(2)</sup> OJ L 63, 28.2.2004, p. 68.

2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, the Republic of Albania shall, when its liability has been established, pay compensation under the conditions foreseen in the provisions on status of forces, if available, as referred to in Article 2(1) of this Agreement.

*Article 6*

**Arrangements to implement the Agreement**

Any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the Secretary General of the Council of the European Union/High Representative for the Common Foreign and Security Policy and the appropriate authorities of the Republic of Albania.

*Article 7*

**Non compliance**

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

*Article 8*

**Dispute settlement**

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

*Article 9*

**Entry into force**


1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.

2. This Agreement shall be provisionally applied from the date of signature.


3. This Agreement shall remain in force for the duration of the Republic of Albania's contribution to the operation.

Done at Brussels, on 7 March 2005 in the English language in four copies.

*For the European Union*



*For the Republic of Albania*



**DECLARATIONS****referred to in Article 2(5) and (6) of the Agreement****Declaration by the EU Member States:**

The EU Member States applying EU Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina will endeavour, in so far as their internal legal systems so permit, to waive as far as possible claims against the Republic of Albania for injury, death of its personnel, or damage to, or loss of, any assets owned by themselves and used by the EU crisis management operation if such injury, death, damage or loss:

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

**Declaration by the Republic of Albania:**

The Republic of Albania applying EU Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina will endeavour, in so far as its internal legal system so permits, to waive as far as possible claims against any other State participating in the EU crisis management operation for injury, death of their personnel, or damage to, or loss of, any assets owned by itself and used by the EU crisis management operation if such injury, death, damage or loss:

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



**CORRIGENDA****Corrigendum to Commission Decision of 28 February 2005 establishing guidance notes supplementing part B of Annex II to Council Directive 90/219/EEC on the contained use of genetically modified micro-organisms**

*(Official Journal of the European Union L 59 of 5 March 2005)*

On page 21, the Annex is to be replaced by this Annex:

## 'ANNEX

**Guidance notes supplementing part B of Annex II to Directive 90/219/EEC**

## INTRODUCTION

Types of GMMs are only judged to be suitable for inclusion in Annex II, part C when both the general and specific criteria set out in Annex II, part B are met.

All GMMs included in Annex IIC will be published in the Official Journal along with appropriate identifying characteristics or reference sources of the GMM. When considering whether a type of GMM is suitable for inclusion in Annex II, part C all components and where relevant the process used to construct the GMM should be considered. It should be noted that whilst consideration of all aspects must be undertaken it is only the properties of the GMM which will be judged against the criteria in Annex II, part B. If all the components of the GMM were individually considered and determined to be safe it is likely that the GMM will meet the safety criteria. This should not, however, be assumed and must be thoroughly examined.

If GMMs are produced as intermediate organisms in the production of a final GMM, these intermediates should also be judged against the criteria in Annex II, part B for each type to be exempt and thus de facto allow exemption of the whole contained use to be acceptable. Member States should ensure that the following guidelines are used, by users, to facilitate compliance with these criteria in producing appropriate dossiers establishing the safety, for human health and the environment, of types of GMMs to be included in part C to Annex II and by the national competent authorities to assess compliance.

Dossiers should include detailed and substantiated evidence to enable Member States to judge whether statements concerning the safety of GMMs in terms of the criteria are justified. A precautionary approach should be adopted where scientific uncertainty exists and only where there is convincing evidence to demonstrate that the criteria have been met will GMMs be considered for exemption.

The national competent authority receiving a dossier for this purpose should, following a positive appraisal as to compliance with the criteria, forward it to the Commission, which in turn should consult the committee, formed according to Article 21 of the Directive, as to inclusion of the GMM in question in its Annex II, part C. Definitions of the terms used are set out in Appendix 1.

## 1. GENERAL CRITERIA

1.1. *Strain verification/authentication*

The identity of the strain should be established and authenticated and the vector/insert should be well characterised for its structure and function as it occurs in the final GMM. A detailed strain history (including the history of genetic modifications) provides useful information for safety evaluation. The taxonomic relationship to closely related, known, harmful micro-organisms should be understood, as this can give information about possible harmful characteristics not normally expressed but which as a result of the genetic modification may be expressed. For eukaryotic cell and tissue culture systems these should be verified for their identity in accordance with international classifications (ATCC or others).

Relevant literature should be searched for history, safety records, taxonomic detail, phenotypic and genetic markers, e.g. Bergeys Manual of Determinative Bacteriology, scientific papers and journals, information from commercial companies supplying the DNA. Useful information can also be obtained from culture collections and culture collection organisations such as the World Federation of Culture Collections (WFCC), who publish the World Directory of Collections of Cultures of Micro-organisms, and the European Culture Collections Organisation (ECCO). Major European culture collections which maintain broad groups of micro-organisms should also be taken into account. In the case of a novel isolate or a strain that has not been extensively studied, any issues still unanswered should be addressed by the tests carried out to confirm identity of the GMM. This could well arise where the GMM strain differs appreciably from its parent strain(s), for instance if it is derived from cell fusion or is the result of multiple genetic modifications.

Where tests are necessary to confirm the identity of the strain, these tests can include morphology, staining, electron microscopy, serology, nutritional profiles based on utilisation and/or degradation, iso-enzyme analysis, protein and fatty acid profiles, % G + C, DNA/RNA fingerprints, amplification of taxon specific DNA/RNA sequences, gene probing, hybridisation with rRNA specific DNA probes and DNA/RNA sequencing. The results of such tests should be documented.

For the identification of the genes in the GMM, the optimum situation is where the complete nucleotide sequence of the vector and insert are known. The function of each genetic unit can then be accounted for. The vector and insert should be limited in size, where possible, to the genetic sequences required to perform the intended function. This decreases the probability of introduction and expression of cryptic functions, or the acquisition of unwanted traits.

#### 1.2. *Documented and established safety*

Documented evidence of safe use of the GMM should be provided. This may include results from tests previously performed, data from a literature search or established record of the safety of the organism. It should be noted that a history of safe use does not necessarily establish safety, especially when the GMM has been used under highly controlled conditions for reasons of safety.

Documented evidence of established safety of the recipient or parental strain will be a key element of support in deciding whether a GMM meets this criterion. However, the GMM may have significant changes compared with the parent(s) which could affect safety and these must be investigated. In particular, care should be taken if the genetic modification was designed to remove a harmful or pathogenic trait from the recipient or parental strain. In such cases clear, documentary evidence of the successful removal of harmful or potentially harmful traits should be provided to prove safety. If data is not available for the particular recipient or parental strain, it may be possible to use data collected for the species. This data, supported by a literature survey and taxonomic investigation of the strain variation within the species, may provide evidence of the safety of the recipient or parental strain concerned.

If information to prove safety is not available, then appropriate tests would have to be carried out to establish the safety of the GMM.

#### 1.3. *Genetic stability*

The genetic modification should not increase the stability of the GMM over the unmodified micro-organism in the environment if it could lead to harm.

Where any instability in the genetic modification could adversely affect safety, evidence of stability must be provided. This is especially so in cases where a disabling mutation has been introduced into the GMM to attenuate harmful properties.

### 2. SPECIFIC CRITERIA

#### 2.1. *Non-pathogenic*

The GMM should not be capable of causing disease or harm to healthy humans, plants or animals under any normal conditions or as the result of a reasonably foreseeable incident such as a needlestick injury, accidental ingestion, aerosol exposure, and escape leading to environmental exposure. Where there is an increased likelihood that immuno-compromised individuals are exposed to the GMM, for example, where the GMM is to be used in a clinical setting, the possible effects of such exposure should be taken into account when judging the overall safety of that GMM.

The literature searches and background information gathered for the general criteria should provide much of the information required here. Historical data on handling and safety of the species and closely related strains should be investigated. Lists of human, animal and plant pathogens should also be searched.

Eukaryotic viral vectors, to be included in Annex IIC should not produce harmful effects on human health and the environment. Their origin should be known as well as the mechanism of their attenuation and the stability of the features concerned. Whenever practicable the presence of such features in the virus should be confirmed, before and after modification is carried out. Where such vectors are used, only deletion mutations should be employed. Constructs that use DNA or RNA vectors derived from viruses in cultured cells as hosts where no infective virus is involved or can be produced may also be appropriate.

Non-virulent strains of acknowledged pathogenic species, such as live human and animal vaccines, could be considered as unlikely to cause disease and as such satisfy the criteria for Annex IIB provided that:

1. the non-virulent strain has an established record of safety with no adverse effects on human, animal or plant health (lit. survey); or

2. the strain is stably deficient in genetic material that determines virulence or has stable mutations known to sufficiently reduce virulence (pathogenicity tests, genetic investigation, gene probes, phage and plasmid detection, restriction enzyme mapping, sequencing, protein probes) and for which good evidence of safety exists. The risk of reversal of gene deletion or mutation by any incoming gene transfer event should be considered.

To obtain the information required, if not revealed by a literature and taxonomic survey, pathogenicity tests appropriate to the micro-organism in question should be carried out. These tests should be carried out on the GMM, although in some cases tests on the recipient or parental strain could be adequate. However where the GMM is considerably different to its parental organism(s) care should be taken to avoid false conclusions of non-pathogenicity.

Examples of recipient or parental strains of micro-organisms for the production of GMMs that could be considered suitable for inclusion in part C to Annex II include:

- adequately disabled derivatives of bacterial strains, e.g. *Escherichia coli* K12 and *Staphylococcus aureus* 83254 whose growth and survival depends on the addition of nutrients not available in humans or in the environment outside of culture media, e.g. di aminopimelic acid requirement, thymine auxotrophy,
- Eukaryotic cell and tissue culture systems (plant or animal, including mammalian) can be considered as adequately disabled hosts. The GMMs based on the cells should meet the other criteria listed here (e.g. no harmful adventitious agents and non-mobilisable vectors),
- strains of non-pathogenic, wild type hosts may have extremely specialised ecological niches for which accidental escape from control would have minimal environmental impact or have very widespread benign occurrence for which accidental escape from control would have minimal human, animal, or plant health consequences. Examples of such hosts include lactic acid bacteria, rhizobacteria, extreme thermophiles, antibiotic-producing bacteria or fungi. The above must be micro-organisms with an established record of well-developed genetics and molecular knowledge.

The vector and insert as they occur in the final GMM, should not contain genes expressing an active protein or transcript (e.g. virulence determinants, toxins, etc.) at a level and in a form which endow the GMM with a phenotype likely to cause disease to humans, animals and plants or to cause adverse effects in the environment.

Use of a vector/insert containing sequences which code for harmful traits in certain micro-organisms, but which do not endow the GMM with a phenotype likely to cause disease to humans, animals and plants or adverse effects in the environment, should be avoided. Care should also be taken that the inserted genetic material does not encode a pathogenicity determinant capable of substituting for a disabling mutation present in the parental organism.

The phenotype resulting from a vector may be dependent on the recipient or parental organism; what is true for one host should not be automatically assumed when the construct is transferred to a different host. For example, a disabled retrovirus vector in bacteria or most cell lines would be incapable of producing infective virus particles. However, the same vector in a packaging cell line would produce infectious virus particles and, depending on the nature of the disablement and insert sequences, may endow the GMM with a phenotype likely to cause disease.

#### 2.1.1. Non-toxicogenic

The GMM should not produce unexpected toxins nor increased toxigenicity as a result of the genetic modification. Examples of microbial toxins are exotoxins, endotoxins and mycotoxins. Consideration of the recipient or parental strain would provide useful information on this point.

It should be considered that where the recipient or parental strain was toxin free, attention must be paid to any possibility of the vector/insert introducing toxins or stimulating/de-repressing toxin production. The presence of toxin should be carefully considered although it does not necessarily exclude the GMM from being included in Annex IIC.

### 2.1.2. Non-allergenic

Whilst all micro-organisms are to some degree potentially allergenic, some species are noted allergens, these can be found in Council Directive 93/88/EEC<sup>(1)</sup> and Commission Directive 95/30/EC<sup>(2)</sup> and amendments thereof. It should be considered whether the GMM belongs to this particular allergenic group. Allergenic components of micro-organisms can include cell walls, spores, naturally occurring metabolic products (e.g. proteolytic enzymes) and some antibiotics. If the vector and insert are expressed in the resulting GMM, the gene product must not possess biological activities which could lead to significant allergens. It should be noted that this criterion cannot be applied in absolute terms.

### 2.2. No harmful adventitious agents

The GMM should not harbour known adventitious agents such as mycoplasma, viruses, bacteria, fungi, other plant/animal cells, symbionts which can lead to harm. The use of a recipient or parental strain known to be free from harmful adventitious agents in the construction of the GMM is one method to avoid this. However, it must not be assumed that the GMM will be free of adventitious agents because the parent(s) were. New agents may have been introduced during the construction of the GMM.

Particular care should be taken when determining whether animal cell cultures contain potentially harmful adventitious agents such as lymphocytic chorio meningitis virus or mycoplasma such as *Mycoplasma pneumoniae*. Adventitious agents may be difficult to detect. Any limitations of screening efficiency should be taken into account.

### 2.3. Transfer of genetic material

The inserted genetic material in the GMM should not be transmissible or mobilisable if it could cause a harmful phenotype in a recipient micro-organism.

The vector and insert should not transfer any resistance markers to the GMM where resistance could compromise therapeutic treatment. Possession of such markers would not a priori exclude the inclusion of the GMM in Annex IIC but would place additional emphasis on the importance of non-mobilisation of such genes.

If the vector is a virus, cosmid or any type of virus-derived vector it should also be rendered non-lysogenic when used as a cloning vector (e.g. defective in the  $\text{cl-lambda}$  repressor). The insert should not be mobilisable, due to the presence of, for example, transferable provirus sequences or other functional transposing sequences.

Some vectors which are integrated into the host chromosome may also be considered non-mobilisable but should be investigated case by case particularly in consideration of mechanisms that may facilitate chromosome mobility (e.g. the presence of a chromosomal sex factor) or transposition to other replicons that may be present in the host.

### 2.4. Safety for the environment in the event of an escape from containment

Harm to the environment will normally only arise if a GMM can persist and possesses hazardous characteristics. When considering harm to the environment, account should be taken of the different environmental conditions that exist within Member States and where necessary, extreme case scenarios should be considered. Details of previous releases (deliberate or otherwise) and any associated impact on the environment should also be provided where available.

#### 2.4.1. Organism survival

In deciding whether the GMM is likely to cause adverse effects on the environment or disease to plants and animals, consideration should be given to whether the biological characteristics of the GMM will enhance, leave unaltered or decrease the ability of the GMM to survive in the environment. If the GMMs are biologically disabled for survival in the environment these micro-organisms will not survive for any significant periods outside of the containment, and therefore the likelihood of interaction with the environment is reduced.

In considering possible adverse effects on the environment, the possible fate of GMMs that escape from containment into food webs should also be taken into account.

<sup>(1)</sup> OJ L 268, 29.10.1993, p. 71.

<sup>(2)</sup> OJ L 155, 6.7.1995, p. 41.

#### 2.4.2. Dispersal

To be able to establish itself in the environment a GMM would have to survive dispersal to, and establish itself in, a suitable niche. Consideration should be given to the method of dispersal and the likelihood of survival during dispersal. Many micro-organisms survive, for example, when dispersed in aerosols and droplets and also via insects and worms.

#### 2.4.3. Organism establishment in the environment

Establishment in a particular environment is dependent upon the nature of the environment into which the GMM escapes and its ability to survive transmission to the new environment. The potential for establishment in a suitable niche varies with the size of the viable population, the size of the niche and the frequency of suitable niches for the species. The probability will be different for each species. In addition resistance or sensitivity to biotic or abiotic stresses will have a great influence on the establishment of a GMM in the environment. The persistence of a GMM in the environment over a significant period is linked to its ability to survive and adapt to environmental conditions or to initiate a competitive growth rate. These factors may be influenced by the genetic modification and the site of integration. There are examples where the genetic modification would be unlikely to produce this effect, for example when:

- the gene product contributing to the formation of a secondary metabolite, formed at the end of growth, cannot promote growth initiation.

#### 2.4.4. Transfer of genetic material

More information is becoming available on transfer of genetic material between micro-organisms. Even if the GMM has a very limited capacity to survive it will be important to decide on the potential for the introduced genetic material to persist in the environment or be transferred to other organisms and cause harm. Transfer of genetic material has been shown to occur, for example, under experimental conditions in soil (including rhizospheres), animal guts and water by either conjugation, transduction or transformation.

The chance of genetic material transfer from GMMs, with a low probability of growth and limited survivability is very low. If the GMM did not carry self-transmissible plasmids or transducing phages, active transfer is practically excluded. The risk would be very small if the vector/insert are not self-transmissible and are poorly mobilisable.'

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