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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 695/2005**

**of 26 April 2005**

**amending Regulation (EEC) No 1883/78 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy <sup>(1)</sup>, and in particular Article 2(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) For intervention operations for which a unit amount has not been set by market organisation rules, basic Community financing rules have been set by Regulation (EEC) No 1883/78 <sup>(2)</sup>, in particular as to the method of establishing the amounts to be financed, the financing of expenditure resulting from tying up the funds needed for intervention purchasing, the valuation of stocks to be carried over from one year to another and the financing of expenditure resulting from the physical operations of storage.

(2) Article 5 of Regulation (EEC) No 1883/78 provides that the interest charges incurred by Member States for the purchase of intervention products are to be financed by the Community according to a uniform method and a uniform interest rate.

(3) It may appear that in a Member State the buying into public intervention of agricultural products can be financed only at interest rates which are substantially higher than the uniform interest rate.

(4) Where the difference between interest rates is more than twice the uniform interest rate for a given Member State, provision should be made for a correcting mechanism to be applied. That difference should nevertheless be partially borne by the Member State concerned in order to encourage it to seek the least costly financing method.

(5) Application of this mechanism should be temporary and, consequently, be carried out during the financial years 2005 and 2006. It should apply from the beginning of the current financial year,

HAS ADOPTED THIS REGULATION:

*Article 1*

The third subparagraph of Article 5 of Regulation (EEC) No 1883/78 is hereby replaced by the following:

'By way of derogation from the first subparagraph, if the interest rate borne by a Member State is more than twice the uniform interest rate, the Commission may, for the financial years 2005 and 2006, in financing the interest costs incurred by that Member State, cover the amount which corresponds to the uniform rate of interest plus the difference between double that rate and the actual rate borne by the Member State.'

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 103.

<sup>(2)</sup> OJ L 216, 5.8.1978, p. 1. Regulation as last amended by Regulation (EC) No 1259/96 (OJ L 163, 2.7.1996, p. 10).

*Article 2*

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

It shall apply to expenditure incurred from 1 October 2004.

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

Done at Luxembourg, 26 April 2005.

*For the Council*  
*The President*  
F. BODEN

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**COMMISSION REGULATION (EC) No 696/2005****of 3 May 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 4 May 2005.

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

Done at Brussels, 3 May 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 3 May 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables**

<i>(EUR/100 kg)</i>		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	120,1
	204	93,8
	212	124,2
	999	112,7
0707 00 05	052	137,2
	204	63,3
	999	100,3
0709 90 70	052	100,6
	204	125,1
	624	50,3
	999	92,0
0805 10 20	052	58,8
	204	42,9
	212	59,0
	220	51,6
	388	78,0
	400	44,3
	624	68,8
	999	57,6
0805 50 10	052	46,9
	220	65,0
	388	66,1
	400	61,1
	528	59,9
	624	70,3
	999	61,6
0808 10 80	388	88,7
	400	103,0
	404	95,1
	508	62,9
	512	66,0
	524	84,1
	528	65,0
	720	70,4
	804	102,7
999	82,0	

<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 697/2005****of 3 May 2005****amending Regulation (EC) No 462/2005 as regards the quantity covered by the standing invitation to tender for the export of barley held by the German intervention agency**

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 6 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 <sup>(2)</sup>, lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EC) No 462/2005 <sup>(3)</sup>, opened a standing invitation to tender for the export of 500 693 tonnes of barley held by the German intervention agency.
- (3) Germany has informed the Commission of the intention of its intervention agency to increase by 500 000 tonnes the quantity put out to tender for export. In view of the market situation, the request made by Germany should be granted.
- (4) This increase in the quantity put out to tender makes it necessary to alter the quantity stored by region of storage referred to in Annex I to Regulation (EC) No 462/2005.
- (5) Regulation (EC) No 462/2005 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 462/2005 is hereby amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

1. The invitation to tender shall cover a maximum of 1 000 693 tonnes of barley for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Mexico, Romania, Serbia and Montenegro <sup>(\*)</sup>, Switzerland and the United States of America.

2. The regions in which the 1 000 693 tonnes of barley are stored are listed in Annex I.

<sup>(\*)</sup> Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.'

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

*Article 2*

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

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

Done at Brussels, 3 May 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 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 2045/2004 (OJ L 354, 30.11.2004, p. 17).

<sup>(3)</sup> OJ L 75, 22.3.2005, p. 27. Regulation as amended by Regulation (EC) No 610/2005 (OJ L 101, 21.4.2005, p. 9).

## ANNEX

## 'ANNEX I

*(in tonnes)*

Place of storage	Quantity
Schleswig-Holstein, Hamburg, Niedersachsen, Bremen, Mecklenburg-Vorpommern, Berlin, Brandenburg, Sachsen-Anhalt, Sachsen, Thüringen, Nordrhein-Westfalen, Hessen, Rheinland-Pfalz, Saarland, Baden-Württemberg, Bayern	1 000 693'



**COMMISSION REGULATION (EC) No 698/2005****of 3 May 2005****amending Regulation (EC) No 459/2005 as regards the quantity covered by the standing invitation to tender for the export of common wheat held by the Austrian intervention agency**

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 6 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 <sup>(2)</sup> lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EC) No 459/2005 <sup>(3)</sup> opened a standing invitation to tender for the export of 80 663 tonnes of common wheat held by the Austrian intervention agency.
- (3) Austria has informed the Commission of the intention of its intervention agency to increase by 50 000 tonnes the quantity put out to tender for export. In view of the market situation, the request made by Austria should be granted.
- (4) This increase in the quantity put out to tender makes it necessary to alter the quantity stored by region of storage referred to in Annex I to Regulation (EC) No 459/2005.
- (5) Regulation (EC) No 459/2005 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 459/2005 is hereby amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

1. The invitation to tender shall cover a maximum of 130 663 tonnes of common wheat for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Serbia and Montenegro <sup>(\*)</sup>, Romania and Switzerland.

2. The regions in which the 130 663 tonnes of common wheat are stored are listed in Annex I.

<sup>(\*)</sup> Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.;

2. Annex I is replaced by the text in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 3 May 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 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 2045/2004 (OJ L 354, 30.11.2004, p. 17).

<sup>(3)</sup> OJ L 75, 22.3.2005, p. 9.

## ANNEX

## 'ANNEX I

*(in tonnes)*

Place of storage	Quantity
Burgenland, Niederösterreich, Oberösterreich	1 30 663'

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 22 December 2004

**on the conclusion of the Agreement between the European Community and the Principality of Andorra providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments**

(2005/356/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 94 in conjunction with the first subparagraph of paragraph 2, the first subparagraph of paragraph 3 and paragraph 4 of Article 300 thereof,

Having regard to the proposal of the Commission,

Having regard to the Opinion of the European Parliament <sup>(1)</sup>,

Whereas:

(1) On 16 October 2001 the Council authorised the Commission to negotiate with the Principality of Andorra an appropriate agreement for securing the adoption by the Principality of measures equivalent to those to be applied within the Community to ensure effective taxation of savings income in the form of interest payments.

(2) The text of the Agreement which is the result of the negotiations duly reflects the negotiating directives issued by the Council. It is accompanied by a Memorandum of Understanding between the European Community and its Member States, of the one part, and the Principality of Andorra of the other part, the text of which is attached to Council Decision 2004/828/EC <sup>(2)</sup>.

(3) The application of the provisions of Directive 2003/48/EC <sup>(3)</sup> depends on the application by the Principality of Andorra of measures equivalent to those contained in that Directive, in accordance with an agreement concluded by the Principality of Andorra with the European Community.

(4) In accordance with Decision 2004/828/EC, and subject to the adoption at a later date of a Decision on the conclusion of the Agreement, the Agreement was signed on behalf of the European Community on 15 November 2004.

(5) The Agreement should be approved.

(6) It is necessary to provide for a simple and rapid procedure for possible adaptations of Annexes I and II to the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement between the European Community and the Principality of Andorra providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Decision <sup>(4)</sup>.

<sup>(1)</sup> Opinion of 17 November 2004 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 359, 4.12.2004, p. 32.

<sup>(3)</sup> OJ L 157, 26.6.2003, p. 38. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

<sup>(4)</sup> OJ L 359, 4.12.2004, p. 33.

*Article 2*

The Commission is hereby authorised to approve, on behalf of the Community, the amendments to the Annexes to the Agreement which are required to ensure that they correspond to the information relating to the competent authorities notified under Article 5(a) of Directive 2003/48/EC and to the information in the Annex thereto.

*Article 3*

The President of the Council shall give the notification provided for in the first paragraph of Article 15 of the Agreement on behalf of the Community <sup>(1)</sup>.

*Article 4*

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

Done at Brussels, 22 December 2004.

*For the Council*  
*The President*  
C. VEERMAN

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<sup>(1)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

## COUNCIL DECISION

of 22 December 2004

**on the conclusion of the Agreement between the European Community and the Republic of San Marino providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments**

(2005/357/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 94 in conjunction with the first subparagraph of paragraph 2, the first subparagraph of paragraph 3 and paragraph 4 of Article 300 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

(1) On 16 October 2001, the Council authorised the Commission to negotiate with the Republic of San Marino an appropriate agreement for securing the adoption by the Republic of San Marino of measures equivalent to those to be applied within the Community to ensure effective taxation of savings income in the form of interest payments.

(2) The text of the Agreement which is the result of the negotiations reflects duly the negotiating directives issued by the Council. It is accompanied by a Memorandum of Understanding between the European Community and its Member States, of the one part, and the Republic of San Marino of the other part, the text of which is attached to Council Decision 2004/903/EC <sup>(2)</sup>.

(3) The application of the provisions of Directive 2003/48/EC <sup>(3)</sup> depends on the application by the Republic of San Marino of measures equivalent to those contained in that Directive, in accordance with an Agreement entered into by the Republic of San Marino with the European Community.

(4) According to Decision 2004/903/EC, and subject to the adoption at a later date of a Decision on the conclusion of the Agreement, the Agreement was signed on behalf of the European Community on 7 December 2004.

(5) The Agreement should be approved on behalf of the Community.

(6) It is necessary to provide for a simple and rapid procedure for possible adaptations of Annexes I and II to the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement between the European Community and the Republic of San Marino providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Decision <sup>(4)</sup>.

*Article 2*

The Commission is hereby authorised to approve, on behalf of the Community, amendments to the Annexes to the Agreement which ensure that they correspond to the data relating to the competent authorities resulting from the notifications referred to in Article 5(a) of Directive 2003/48/EC and in the Annex thereto.

*Article 3*

The President of the Council shall effect the notification provided for in Article 16(1) of the Agreement on behalf of the Community <sup>(5)</sup>.

<sup>(1)</sup> Opinion delivered on 2 December 2004 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 381, 28.12.2004, p. 32.

<sup>(3)</sup> OJ L 157, 26.6.2003, p. 38. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

<sup>(4)</sup> OJ L 381, 28.12.2004, p. 33.

<sup>(5)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

*Article 4*

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

Done at Brussels, 22 December 2004.

*For the Council*  
*The President*  
C. VEERMAN

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**COUNCIL DECISION****of 26 April 2005****designating the seat of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union**

(2005/358/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Article 15, fifth paragraph of Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union <sup>(1)</sup> (hereinafter referred to as the Agency),

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agency shall have its seat in Warsaw (Poland).

*Article 2*

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

Done at Luxembourg, 26 April 2005.

*For the Council*

*The President*

F. BODEN

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<sup>(1)</sup> OJ L 349, 25.11.2004, p. 1.

# COMMISSION

## COMMISSION DECISION

of 29 April 2005

**providing for a derogation from certain provisions of Council Directive 2000/29/EC as regards oak (*Quercus* L.) logs with bark attached, originating in the United States of America**

(notified under document number C(2005) 1298)

(2005/359/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Under Directive 2000/29/EC, oak (*Quercus* L.) logs with bark attached, originating in the United States of America, may, in principle, not be introduced into the Community because of the risk of introducing *Ceratocystis fagacearum* (Bretz) Hunt, the cause of oak wilt.

(2) Experience has shown that in respect of the United States of America, the risk of spreading *Ceratocystis fagacearum* (Bretz) Hunt can be eliminated by applying certain measures.

(3) One of these measures is fumigation. Certain Member States have requested that import of fumigated oak logs takes place only through specified ports where the appropriate handling and inspection facilities are available.

(4) It is also possible to dispense with fumigation, as regards oak wood belonging to the white oak group, under certain technical conditions. Certain Member States have requested a further derogation to allow importations of white oak during certain months of the year. This second derogation should be limited to those parts of the Community where potential vectors of *Ceratocystis fagacearum* (Bretz) Hunt have little or no activity during the winter, i.e. to areas north of 45° latitude.

(5) The Commission will ensure that the United States of America makes available all technical information necessary to monitor the functioning of the protective measures required.

(6) The Member States should therefore be granted a derogation, for a limited period of time, for the introduction of oak (*Quercus* L.) logs with bark from the United States of America.

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

HAS ADOPTED THIS DECISION:

### Article 1

By way of derogation from Article 5(1) of Directive 2000/29/EC and from the third indent of Article 13(1)(i) of that Directive with regard to Annex IV(A)(l)(3) to that Directive, Member States shall be authorised, with effect from 1 January 2005, to permit the introduction into their territory of oak (*Quercus* L.) logs with bark attached, originating in the United States of America (hereinafter the logs), if the conditions provided for in Articles 2 to 7 are complied with.

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2005/16/EC (OJ L 57, 3.3.2005, p. 19).



#### Article 2

1. In order to benefit from this exemption the logs must have been fumigated and identified as set out in Annex I.

2. Member States may exempt fumigated logs from the requirements provided for in Articles 5(1) as regards wet storage, 5(2) and 6(2).

#### Article 3

1. The logs shall only be unloaded in ports listed in Annex II.

2. Upon request by the Member State concerned, the list of ports of unloading in Annex II may be amended by the Commission, after consultation with the other Member States.

#### Article 4

1. The inspections required pursuant to Article 13 of Directive 2000/29/EC shall be made by officials specially instructed or trained for the purposes of this Decision with the assistance of the experts referred to in Article 21 of Directive 2000/29/EC under the procedure laid down therein, either in the ports listed in Annex II or at the first place of storage referred to in Article 5.

If the port of unloading and the first place of storage are located in different Member States, those Member States shall make arrangements covering the place where the inspections are to be carried out, and the exchange of information about the arrival and storage of the consignments.

2. The inspections shall include the following:

- (a) an examination of each phytosanitary certificate;
- (b) an identity check consisting of comparing the marking on each log and the number of logs with the information given in the related phytosanitary certificate;
- (c) a fumigation colour reaction test, as specified in Annex III, on an appropriate number of the logs selected at random from each consignment.

3. If the inspections do not show that the consignment fully complies with the conditions provided for in Article 2(1), the whole consignment shall be rejected and removed from the Community.

The Commission and the responsible official bodies of all other Member States shall immediately be informed of the details of the consignment concerned.

#### Article 5

1. The logs shall only be stored in places which have been notified to and approved by the responsible official bodies of the Member State concerned and which have appropriate wet storage facilities, available for the period provided for in paragraph 2.

2. The logs shall be kept in continuous wet storage, starting at the latest at the time of flushing in the neighbouring oak stands.

3. Neighbouring oak stands shall regularly be inspected for symptoms of *Ceratocystis fagacearum* (Bretz) Hunt at appropriate intervals by the responsible official bodies.

If symptoms which may have been caused by *Ceratocystis fagacearum* (Bretz) Hunt are found, further official testing shall be carried out in accordance with appropriate methods to confirm whether or not the fungus is present.

If the presence of *Ceratocystis fagacearum* (Bretz) Hunt is confirmed, the Commission shall immediately be informed.

#### Article 6

1. The logs shall only be processed at plants which have been notified to and approved by the said responsible official bodies.

2. The bark and other waste arising from processing shall immediately be destroyed at the place of processing.

#### Article 7

1. Prior to importation, the importer shall notify each consignment sufficiently in advance to the responsible official bodies of the Member State of the envisaged first place of storage, providing the following information:

- (a) quantity of logs,
- (b) country of origin,
- (c) port of shipment,
- (d) port or ports of unloading,

- (e) place or places of storage,
  - (f) place or places where processing will be carried out.
2. When an importer notifies the intended import of a consignment as referred to in paragraph 1 he or she shall be informed by the responsible official body, prior to import, of the conditions provided for in this Decision.
3. Copies of the information provided for in paragraphs 1 and 2 shall be conveyed by the responsible official body of the Member State concerned to the competent authority of the port of unloading.

#### Article 8

1. Member States may exempt logs of *Quercus* L. species belonging to the white oak group from the fumigation provided for in Article 2(1), if the following conditions are satisfied:
- (a) the logs shall be in consignments composed solely of logs belonging to species of the white oak group;
  - (b) the logs shall be identified in accordance with Annex IV;
  - (c) the logs shall be dispatched from the ports of shipment on 15 October at the earliest and reach the place of storage on 30 April of the following year at the latest;
  - (d) the logs shall be kept in wet storage;
  - (e) the logs shall not be introduced into or through areas south of 45° latitude; however, Marseilles may be used as port of unloading, provided that it is ensured that the consignment is moved immediately to areas north of 45° latitude;
  - (f) the inspections referred to in Article 4 shall comprise, in place of the fumigation colour reaction test, a white oak log identification colour test as specified in Annex IV, on at least 10 % of the logs selected at random from each consignment.

By way of derogation from point (c), the plant protection organisation of the Member State of storage may permit consignments to be unloaded and put into wet storage after 30 April of the following year, as provided for in that point, if their arrival at the port of unloading has been unforeseeably delayed.

2. Paragraph 1 shall not apply to Greece, Spain, Italy, Cyprus, Malta and Portugal.

#### Article 9

Member States shall communicate to the Commission and the other Member States the text of the provisions which they adopt under the authorisation provided for in Article 1.

#### Article 10

Member States which have made use of the derogation provided for in this Decision shall report to the Commission on its operation by 30 June 2007. The report shall include details of the quantities imported.

Where appropriate a similar report shall be provided by 30 June 2009.

#### Article 11

This Decision shall expire on 31 December 2010.

#### Article 12

This Decision is addressed to the Member States.

Done at Brussels, 29 April 2005.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

## ANNEX I

**CONDITIONS ON FUMIGATION AND RELATED IDENTIFICATION REFERRED TO IN ARTICLE 2.1**

1. The logs shall have been piled on an impervious surface under a gas-proof cover in such a way and to such a height as to ensure effective gas dispersal through the logs.
2. Without prejudice to any additional export requirements set by the official plant protection organisation of the United States of America (i.e. Animal and Plant Health Inspection Service — APHIS) the pile shall have undergone fumigation with pure methyl bromide which is carried out at a minimum rate of 240 g/m<sup>3</sup> of total volume under cover for 72 hours and at a temperature of the logs of at least + 5 °C. After 24 hours of treatment, an addition of gas shall have been made to regain the aforementioned concentration; the temperature of the logs shall have been maintained at + 5 °C, at least, throughout the procedure. It may be decided, based on scientific evidence and in accordance with the procedure referred to in Article 18(2) of Directive 2000/29/EC, that other methods shall or may be used.
3. The fumigation procedures as described in 1 and 2 shall have been carried out by officially licensed fumigation operatives, using proper fumigation facilities and qualified staff to requisite standards.

The operatives shall have been informed of the details of the procedures required for log fumigation.

The lists of licensed fumigation operatives and their changes shall have been notified to the Commission. The Commission may declare that individual licensed fumigation operatives can no longer be accepted for the purpose of this Decision. The sites at which the licensed operatives shall carry out the fumigation procedures shall be located at the ports of shipment to the Community, but selected inland sites may also be approved by the official plant protection organisation concerned.

4. A fumigation batch identification mark (digits and/or letters) shall have been placed in a non-removable manner on the base end of each log of the pile undergoing fumigation. The fumigation batch identification mark shall have been reserved to the shipper. It shall not have been used for logs of other batches. Records of the identification marks shall be kept by the licensed fumigation operatives.
5. The individual fumigation procedure including the marking referred to in 4 shall have been systematically supervised at the fumigation sites, directly by officials of the official plant protection organisation concerned or by cooperating State/province officials in such a way as to guarantee compliance with the requirements laid down in 1, 2, 3 and 4.
6. The official phytosanitary certificate required pursuant to Article 13(1)(ii) of Directive 2000/29/EC shall have been issued by the official plant protection organisation concerned after finalisation of the fumigation, and have been based on the actions mentioned in 5 and the examination carried out in accordance with Article 6 of the said Directive relating to the conditions laid down in Article 6(1)(a) of that Directive and in this Annex.
7. This certificate shall indicate the botanical name of the genus or the species, the number of logs in the consignment and the fumigation batch identification marks referred to in 4, without prejudice to the information required under the section related to disinfestation and/or disinfection treatment.

In all cases, the certificate shall bear the following 'Additional Declaration':

'It is hereby certified that the logs shipped under this certificate have been fumigated by ..... (licensed fumigation operative) ..... at ..... (fumigation site) ..... in accordance with the provisions laid down in Annex I to Commission Decision 2005/359/EC.'

8. In the case of logs to be dispatched via Canadian ports of shipment, all or part of the measures set out in points 1 to 7 and to be carried out by the official plant protection organisation concerned, may be carried out by the Canadian Food Inspection Agency (CFIA).

## ANNEX II

**PORTS OF UNLOADING**

1. Amsterdam
  2. Antwerp
  3. Arhus
  4. Bilbao
  5. Bremen
  6. Bremerhaven
  7. Copenhagen
  8. Hamburg
  9. Klaipeda
  10. Larnaca
  11. Lauterborg
  12. Leghorn
  13. Le Havre
  14. Lemesos
  15. Lisbon
  16. Marseilles
  17. Marsaxlokk
  18. Muuga
  19. Naples
  20. Nordenham
  21. Oporto
  22. Piraeus
  23. Ravenna
  24. Rostock
  25. Rotterdam
  26. Salerno
  27. Sines
  28. Stralsund
  29. Valencia
  30. Valletta
  31. Venice
  32. Vigo
  33. Wismar
  34. Zeebrugge
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## ANNEX III

**FUMIGATION COLOUR REACTION TEST**

The fumigation colour reaction test referred to in Article 4(2)(c) shall be performed as follows:

Samples of the entire sapwood thickness shall be taken with an increment borer from areas with intact bark at least one metre from the log ends and soaked in a freshly prepared (less than one day old) 1 % solution of 2,3,5-triphenyl-2H-tetrazolium chloride (TTC) made with distilled water. Samples which show no red coloration after three days soaking are considered as having been adequately fumigated.

## ANNEX IV

**WHITE OAK LOG IDENTIFICATION**

1. Officials of the official plant protection organisation concerned shall have identified each log as belonging to the white oak group either by visual means, as far as possible, or by carrying out white oak log identification colour tests as specified in 2. This identification colour test shall be performed on at least 10 % of the logs per consignment.
2. The white oak log identification colour test shall be carried out by means of spraying or painting 10 % sodium nitrite solution to an area of clean superficially dried heartwood at least five centimetres in diameter. Evaluation of the test shall be done within 20 to 60 minutes of application. At temperatures below 2,5 °C, 20 % ethylene glycol can be added to the solution as an antifreeze agent. Samples of logs in which the natural colour initially turns reddish brown becoming black to grey blue in later stages are considered as belonging to the white oak group.
3. Each log shall be marked 'WO', under the supervision of the official plant protection organisation concerned or cooperating State/province officials.
4. The official phytosanitary certificate required pursuant to Article 13(1)(ii) of Directive 2000/29/EC shall be issued by the official plant protection organisation concerned, and be based on the actions mentioned in 1, 2 and 3. The certificate shall indicate the botanical name of the genus or the species and the number of logs in the consignment. It shall bear the following 'Additional Declaration':

'It is hereby certified that the logs shipped under this certificate belong solely to species of the white oak group.'