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I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EC) No 919/2005****of 13 June 2005**

amending Regulation (EC) No 827/2004 as regards the prohibition of imports of Atlantic bigeye tuna from Cambodia, Equatorial Guinea and Sierra Leone, and repealing Regulation (EC) No 826/2004 prohibiting imports of blue-fin tuna from Equatorial Guinea and Sierra Leone and Regulation (EC) No 828/2004 prohibiting imports of swordfish from Sierra Leone

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

(1) The Community has been a Contracting Party to the International Convention for the Conservation of Atlantic Tunas signed in Rio de Janeiro on 14 May 1966, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed at Paris on 10 July 1984 (the ICCAT Convention) since 14 November 1997, following the adoption of Council Decision 86/238/EEC ⁽¹⁾.

(2) The ICCAT Convention provides a framework for regional cooperation in the conservation and management of tuna and tuna-like species in the Atlantic Ocean and its adjacent seas through the establishment of an International Commission for the Conservation of Atlantic Tunas (ICCAT) and the adoption by the latter of conservation and management measures which become binding on the contracting parties.

(3) In 1998, ICCAT adopted resolution 98-18 concerning the unreported and unregulated catches of tuna by large-scale longline vessels in the Convention area. That resolution established procedures for the identification of countries whose vessels had fished for tuna and tuna-like species in a manner which diminished the effectiveness of ICCAT conservation and management measures. It also specified measures to be taken, including if necessary non-discriminatory trade restrictive measures, in order to prevent those countries' vessels from continuing such fishing practices.

(4) Since the adoption of resolution 98-18, ICCAT has identified Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone as countries whose vessels fish Atlantic bigeye tuna (*Thunnus obesus*) in a manner which diminishes the effectiveness of its conservation and management measures, substantiating its findings with data concerning catches, trade and the activities of vessels.

(5) ICCAT has also identified Equatorial Guinea and Sierra Leone as countries whose vessels fish Atlantic blue-fin tuna (*Thunnus thynnus*) in a manner which diminishes the effectiveness of its conservation and management measures.

(6) ICCAT has furthermore identified Sierra Leone as country whose vessels fish Atlantic swordfish (*Xiphias gladius*) in a manner which diminishes the effectiveness of its conservation and management measures.

(7) Imports of Atlantic bigeye tuna originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone are currently prohibited by Regulation (EC) No 827/2004 ⁽²⁾.

(8) Imports of Atlantic blue-fin tuna originating in Equatorial Guinea and Sierra Leone are currently prohibited by Regulation (EC) No 826/2004 ⁽³⁾.

(9) Imports of Atlantic swordfish originating in Sierra Leone are currently prohibited by Regulation (EC) No 828/2004 ⁽⁴⁾.

(10) At its 14th Special Meeting in 2004, ICCAT acknowledged the efforts made by Cambodia, Equatorial Guinea and Sierra Leone to address its concerns and adopted recommendations for the lifting of trade-restrictive measures against those three countries.

⁽²⁾ OJ L 127, 29.4.2004, p. 21.

⁽³⁾ OJ L 127, 29.4.2004, p. 19.

⁽⁴⁾ OJ L 127, 29.4.2004, p. 23.

⁽¹⁾ OJ L 162, 18.6.1986, p. 33.

(11) Regulation (EC) No 827/2004 should therefore be amended accordingly.

(12) Regulations (EC) No 826/2004 and (EC) No 828/2004 should accordingly be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 827/2004 is hereby amended as follows:

1. In Article 2(1) 'Cambodia, Equatorial Guinea and Sierra Leone' shall be deleted;

2. In Article 3 'Bolivia, Georgia and Sierra Leone' shall be replaced by 'Bolivia and Georgia'.

Article 2

Regulations (EC) No 826/2004 and (EC) No 828/2004 shall be repealed.

Article 3

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

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

Done at Luxembourg, 13 June 2005.

For the Council
The President
J. ASSELBORN

COUNCIL REGULATION (EC) No 920/2005

of 13 June 2005

amending Regulation No 1 of 15 April 1958 determining the language to be used by the European Economic Community and Regulation No 1 of 15 April 1958 determining the language to be used by the European Atomic Energy Community and introducing temporary derogation measures from those Regulations

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 290 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 190 thereof,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 41(1) thereof,

Whereas:

(1) The Irish Government has requested that the Irish language be accorded the same status as that accorded to the national official languages of the other Member States and that the necessary amendments be made to that effect to Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community⁽¹⁾ and to Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Atomic Energy Community⁽²⁾, which two Regulations are hereinafter referred to as 'Regulation No 1'.

(2) It results from Articles 53 of the Treaty on European Union and 314 of the Treaty establishing the European Community that the Irish language is one of the authentic languages of each of these Treaties respectively.

(3) The Irish Government stresses that, in accordance with Article 8 of the Constitution of Ireland, the Irish language as the national language is the first official language of Ireland.

(4) It is appropriate to answer positively to the Irish Government's request and to amend Regulation No 1 accordingly. It is however appropriate to decide that, for practical reasons and on a transitional basis, the institutions of the European Union are not to be bound by the obligation to draft and translate all acts, including judgments of the Court of Justice, in the Irish language. It is also appropriate to provide that such a derogation be partial, to exclude from its scope Regulations adopted jointly by the European Parliament and

the Council and to empower the Council to determine unanimately, within a period of four years after the date of application of this Regulation and at five-yearly intervals thereafter, whether to put an end to that derogation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation No 1 is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

The official languages and the working languages of the institutions of the European Union shall be Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish.'

2. Article 4 shall be replaced by the following:

'Article 4

Regulations and other documents of general application shall be drafted in the 21 official languages.'

3. Article 5 shall be replaced by the following:

'Article 5

The *Official Journal of the European Union* shall be published in the 21 official languages.'

Article 2

By way of derogation from Regulation No 1 and for a renewable period of five years beginning on the day on which this Regulation applies, the institutions of the European Union shall not be bound by the obligation to draft all acts in Irish and to publish them in that language in the *Official Journal of the European Union*.

⁽¹⁾ OJ 17, 6.10.1958, p. 385/58. Regulation as last amended by the 2003 Act of Accession.

⁽²⁾ OJ 17, 6.10.1958, p. 401/58. Regulation as last amended by the 2003 Act of Accession.

This Article shall not apply to Regulations adopted jointly by the European Parliament and the Council.

Article 3

Not later than four years after the date of application of this Regulation and at five-yearly intervals thereafter, the Council shall review the operation of Article 2 and determine unani-

mously whether to put an end to the derogation referred to in that Article.

Article 4

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

It shall apply from 1 January 2007.

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

Done at Luxembourg, 13 June 2005.

For the Council
The President
J. ASSELBORN

COMMISSION REGULATION (EC) No 921/2005**of 17 June 2005****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 June 2005.

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

Done at Brussels, 17 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 17 June 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	60,1
	204	75,2
	999	67,7
0707 00 05	052	74,8
	999	74,8
0709 90 70	052	90,6
	999	90,6
0805 50 10	382	70,4
	388	53,4
	528	50,4
	624	69,9
	999	61,0
0808 10 80	388	92,1
	400	131,6
	404	90,8
	508	72,5
	512	58,8
	524	70,5
	528	69,1
	720	61,0
	804	92,8
999	82,1	
0809 10 00	052	199,7
	999	199,7
0809 20 95	052	313,0
	400	399,9
	999	356,5
0809 30 10, 0809 30 90	052	176,5
	999	176,5
0809 40 05	052	130,1
	999	130,1

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 922/2005
of 17 June 2005
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector⁽¹⁾, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽²⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 15 June 2005, the quantity still available for the period until 30 June 2005, for destination zones (1) Africa and (4) western Europe, referred to in Article 9(5) of Regulation (EC)

No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 8 to 14 June 2005 should be applied and the submission of applications and the issue of licences suspended for these zones until 1 July 2005,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 8 to 14 June 2005 under Regulation (EC) No 883/2001 shall be issued in concurrence with 20,78 % of the quantities requested for zone (1) Africa and shall be issued in concurrence with 100,00 % of the quantities requested for zone (4) western Europe.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 15 June 2005 and the submission of export licence applications from 17 June 2005 for destination zones (1) Africa and (4) western Europe shall be suspended until 1 July 2005.

Article 2

This Regulation shall enter into force on 18 June 2005.

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

Done at Brussels, 17 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 908/2004 (OJ L 163, 30.4.2004, p. 56).

⁽²⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

COMMISSION REGULATION (EC) No 923/2005

of 15 June 2005

on the transfer and sale on the Portuguese market of 80 000 tonnes of common wheat, 80 000 tonnes of maize and 40 000 tonnes of barley held by the Hungarian 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 ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) The weather conditions in Portugal during the 2004/05 marketing year have led to a severe drought which has seriously reduced the availability of fodder and caused a shortage for farmers. This shortage of fodder could cause farmers to sell or slaughter their livestock too early and have serious consequences for the sector and farmers' incomes.
- (2) The abundant cereal harvest in the rest of the Community in that marketing year, particularly in the Member States that joined the Community on 1 May 2004, has at the same time led to a significant increase in intervention stocks of common wheat, maize and barley, outlets for which on the domestic market of the Member States concerned or the export markets have been non-existent for a relatively long period, and for which sufficient local storage capacities are not always available.
- (3) Therefore the Community market in cereals continues to be highly imbalanced and stabilisation and compensation measures should be taken under the intervention system. As a result, given the existence of cereal stocks that may have to be kept for a very long period under the intervention regime in those regions with a large surplus and the resultant costs for the Community budget, and the existence at the same time of a shortage of animal feed in Portugal, part of those stocks should be made available to Portuguese farmers.
- (4) Distribution of these cereals on the Portuguese market requires an appropriate management and financial control structure to be used. Provision should be made for the cereals to be transferred initially to the Portuguese intervention agency, which should then be responsible for selling the cereals and distributing them to the benefit of farmers.
- (5) As a result of the level of demand and the availability of cereals offered for intervention in Hungary, the lack of approved storage capacities for intervention in that country, and the inadequacy of the measures taken so far to solve the problem of disposing of these Hungarian stocks, this operation should be carried out using Hungarian cereals.
- (6) Provisions on the booking of this operation should be laid down in accordance with the mechanisms provided for in Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section ⁽²⁾.
- (7) For the sake of simplification and for control purposes, the Community's financial contribution should be set at a standard amount.
- (8) The stocks transferred should be sold in accordance with the conditions laid down in Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽³⁾. However, in view of the special requirements of the objectives to be met in the context of the shortage of animal feed, specific provisions should be laid down to be applied by the Portuguese intervention agency, by way of derogation from Regulation (EEC) No 2131/93.
- (9) In order not to disrupt the Portuguese cereal market, it is in particular necessary to lay down specific provisions for the quantities offered and to set limits on the selling price of the cereals.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Hungarian intervention agency shall make available 80 000 tonnes of common wheat, 80 000 tonnes of maize and 40 000 tonnes of barley to the Portuguese intervention agency.

⁽²⁾ OJ L 216, 5.8.1978, p. 1. Regulation as last amended by Regulation (EC) No 695/2005 (OJ L 114, 4.5.2005, p. 1).

⁽³⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

2. The Portuguese intervention agency shall take over the products referred to in paragraph 1, arrange for them to be transported to Portugal and ensure that they are disposed of for use as animal feed before 31 December 2005.

Article 2

1. The Hungarian intervention agency shall debit the annual accounts referred to in Article 4(1) of Regulation (EEC) No 1883/78 with the quantities of common wheat, maize and barley, valued at zero.

2. The Portuguese intervention agency shall credit the annual accounts referred to in Article 4(1) of Regulation (EEC) No 1883/78 with the quantities of common wheat, maize and barley physically taken over, valued at zero, and shall value them at the end of the month at EUR 101,44/t in the case of common wheat, EUR 85,52/t in the case of maize and EUR 80,87/t in the case of barley.

3. All the other formalities laid down in Community legislation relating to the transfer of cereals between the Hungarian intervention agency and the Portuguese intervention agency shall be completed under the responsibility of those agencies.

Article 3

1. The transport costs for the quantities of cereals referred to in Article 1 of this Regulation shall be entered by the Portuguese intervention agency in the annual accounts referred to in Article 4(1) of Regulation (EEC) No 1883/78 on the basis of the standard amount laid down in paragraph 2 of this Article.

2. The Community shall contribute EUR 60/t towards the cost of transporting the cereals.

Article 4

1. The Portuguese and Hungarian intervention agencies shall agree on the choice of places of departure and destination and, where applicable, intermediate storage locations, and on the dates of removal of the products. The lists of those places and the relevant quantities shall be forwarded to the Commission immediately.

2. The Portuguese and Hungarian intervention agencies shall ascertain, on loading in Hungary and on entry into the storage locations in Portugal, the loaded and unloaded weight and, on the basis of an analysis certificate, the quality of the products in question.

Article 5

The Hungarian intervention agency shall inform the Portuguese intervention agency and the Commission of the quantities actually recorded as removed and the dates of removal for each place of removal.

Article 6

The Portuguese intervention agency shall take over the cereals in accordance with the quantities loaded onto the means of transport when they leave the warehouse designated by the Hungarian intervention agency and shall assume responsibility for them at that moment.

The Portuguese intervention agency shall inform the Commission and the Hungarian intervention agency of the progress of the transfer operations.

Article 7

The Portuguese intervention agency shall sell the quantities of cereals transferred from the stocks of the Hungarian intervention agency on its domestic market by standing invitation to tender.

In accordance with Article 4 of Regulation (EEC) No 2131/93, the sale shall be reserved exclusively for cattle, sheep and goat farmers' associations or cooperatives and processing plants that have concluded cooperation contracts with such associations or cooperatives for use in Portugal.

Article 8

Regulation (EEC) No 2131/93 shall apply to the sale referred to in Article 7 of this Regulation, subject to Article 9.

Article 9

1. The quantities of each type of cereal to be sold shall correspond to the quantities actually transferred and shall be specified in the notice of invitation to tender.

2. The minimum quantity for each tender shall be 1 500 tonnes.

3. Tenders shall be drawn up for the actual quality of the lot to which they relate.

4. The minimum selling price for each type of cereal shall be laid down at a level that does not disturb the Portuguese cereal market and in any event is not below the intervention price.

Article 10

The Portuguese authorities shall draw up a notice of invitation to tender specifying in particular the dates of the invitations to tender and detailed control provisions enabling them to satisfy themselves that the second paragraph of Article 7 is complied with.

Article 11

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

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

Done at Brussels, 15 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 924/2005**of 17 June 2005****concerning the 84th special invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

(1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed-milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.

(2) According to Article 30 of Regulation (EC) No 2799/1999, in the light of the tenders received in

response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award.

(3) On the basis of the examination of the offers received, the tendering procedure should not be proceeded with.

(4) 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 84th individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 14 June 2005, no award shall be made.

Article 2

This Regulation shall enter into force on 18 June 2005.

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

Done at Brussels, 17 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 340, 31.12.1999, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 925/2005**of 17 June 2005****fixing the minimum selling price for skimmed-milk powder for the 20th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 214/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10(c) thereof,

Whereas:

- (1) Pursuant to Article 21 of Commission Regulation (EC) No 214/2001 of 12 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed milk ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.
- (2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price

shall be fixed or a decision shall be taken to make no award, in accordance with Article 24a of Regulation (EC) No 214/2001.

- (3) In the light of the tenders received, a minimum selling price should be fixed.
- (4) 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 20th individual invitation to tender pursuant to Regulation (EC) No 214/2001, in respect of which the time limit for the submission of tenders expired on 14 June 2005, the minimum selling price for skimmed milk is fixed at 198,24 EUR/100 kg.

Article 2

This Regulation shall enter into force on 18 June 2005.

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

Done at Brussels, 17 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 37, 7.2.2001, p. 100. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 926/2005**of 17 June 2005****fixing the minimum selling prices for butter for the 165th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽²⁾, to sell by invitation to tender certain quantities of butter from intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price or aid may vary according to the

intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) 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 minimum selling prices of butter from intervention stocks and processing securities applying for the 165th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 June 2005.

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

Done at Brussels, 17 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

ANNEX

to the Commission Regulation of 17 June 2005 fixing the minimum selling prices for butter for the 165th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula		A		B		
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers	
Minimum selling price	Butter \geq 82 %	Unaltered	206	210	—	—
		Concentrated	204,1	208,1	—	—
Processing security		Unaltered	73	73	—	—
		Concentrated	73	73	—	—

COMMISSION REGULATION (EC) No 927/2005**of 17 June 2005****fixing the maximum aid for cream, butter and concentrated butter for the 165th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice cream and other foodstuffs ⁽²⁾, to sell by invitation to tender certain quantities of butter of intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further

stipulated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) 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 maximum aid and processing securities applying for the 165th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 June 2005.

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

Done at Brussels, 17 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

ANNEX

to the Commission Regulation of 17 June 2005 fixing the maximum aid for cream, butter and concentrated butter for the 165th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula		A		B	
		With tracers	Without tracers	With tracers	Without tracers
Incorporation procedure					
Maximum aid	Butter \geq 82 %	46	42	—	41
	Butter < 82 %	44	40	—	40
	Concentrated butter	55,5	51,5	55,5	51,5
	Cream	—	—	22	18
Processing security	Butter	51	—	—	—
	Concentrated butter	61	—	61	—
	Cream	—	—	24	—

COMMISSION REGULATION (EC) No 928/2005**of 17 June 2005****fixing the maximum aid for concentrated butter for the 337th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽²⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.
- (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 337th tender under the standing invitation to tender opened by Regulation (EEC) No 429/90 the maximum aid and the end-use security are fixed as follows:

- | | |
|---------------------|------------------|
| — maximum aid: | 54,5 EUR/100 kg, |
| — end-use security: | 60 EUR/100 kg. |

Article 2

This Regulation shall enter into force on 18 June 2005.

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

Done at Brussels, 17 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 45, 21.2.1990, p. 8. Regulation as last amended by Commission Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 929/2005**of 17 June 2005****fixing the minimum selling price for butter for the 21st individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10(c) thereof,

Whereas:

- (1) Pursuant to Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them.
- (2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no

award, in accordance with Article 24a of Regulation (EC) No 2771/1999.

- (3) In the light of the tenders received, a minimum selling price should be fixed.
- (4) 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 21st individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 14 June 2005, the minimum selling price for butter is fixed at 275 EUR/100 kg.

Article 2

This Regulation shall enter into force on 18 June 2005.

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

Done at Brussels, 17 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

of 30 May 2005

setting the deadline for the commitment of the funds of the 9th European Development Fund (EDF)

(2005/446/EC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITIES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, hereinafter referred to as the 'Partnership Agreement',

Having regard to the Internal Agreement between Representatives of the Governments of the Member States, meeting within the Council, on the financing and administration of community aid under the financial protocol to the ACP-EC Partnership Agreement ⁽²⁾, hereinafter referred to as the 'Internal Agreement', and in particular Article 2(4) thereof,

Whereas:

- (1) Point 5 of Annex I (Financial Protocol) of the Partnership Agreement provides that the overall amount of the Financial Protocol, supplemented by the balances transferred from previous EDFs, covers the period 2000 to 2007.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3. Agreement as last amended by Decision No 2/2004 of the ACP-EC Council of Ministers (OJ L 297, 22.9.2004, p. 18).

⁽²⁾ OJ L 317, 15.12.2000, p. 355.

- (2) Point 7 of the said Annex and Article 2(3) of the Internal Agreement provide for an assessment of the degree to which the funds have been committed and disbursed as a basis for evaluating the need for new resources after the expiry of the existing Financial Protocol.

- (3) The EU Declaration on the Financial Protocol, attached as Declaration XVIII to the Partnership Agreement, specifies that, in evaluating the need for new resources, full account should also be taken of the date beyond which the funds of the 9th EDF will no longer be committed.

- (4) It is therefore necessary, according to Article 2(4) of the Internal Agreement, to set, before the expiry of the 9th EDF, the date, which could be reviewed if need be, beyond which the funds of the 9th EDF may no longer be committed,

HAVE DECIDED AS FOLLOWS:

Article 1

The date beyond which the funds of the 9th EDF managed by the Commission, the interest subsidies managed by the European Investment Bank (EIB) and the revenue accruing from the interest on these appropriations will not be committed, shall be set at 31 December 2007. This date could be reviewed if need be.

Article 2

The amount allocated to finance the Investment Facility as a revolving fund, and managed by the EIB, shall not be affected by this Decision.

Article 3

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

Done at Brussels, 30 May 2005.

On behalf of the Governments of the Member States

The President

F. BODEN

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

COUNCIL DECISION 2005/447/CFSP

of 14 March 2005

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

THE COUNCIL OF THE EUROPEAN UNION,

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 ⁽¹⁾.

(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 Argentine Republic on the participation of the Argentine Republic in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea).

(4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and the Argentine Republic on the participation of the Argentine Republic 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 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, 14 March 2005.

For the Council

The President

F. BODEN

⁽¹⁾ OJ L 252, 28.7.2004, p. 10.

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

THE EUROPEAN UNION (EU),

of the one part, and

THE ARGENTINE REPUBLIC

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 ⁽¹⁾,
- the invitation to the Argentine Republic 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 Argentine Republic's forces in the EU-led operation,
- Political and Security Committee Decision BiH/1/2004 of 21 September 2004 ⁽²⁾ on the acceptance of the Argentine Republic's contribution to the EU military operation in Bosnia and Herzegovina,
- Political and Security Committee Decision BiH/3/2004 of 29 September 2004 on the setting up of the Committee of Contributors for the EU military operation in Bosnia and Herzegovina ⁽³⁾,

HAVE AGREED AS FOLLOWS:

Article 1

Participation in the operation

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

3. The Argentine Republic 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 Argentine Republic shall carry out their duties and conduct themselves solely with the interest of the EU military crisis management operation in mind.

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

⁽¹⁾ OJ L 252, 28.7.2004, p. 10.

⁽²⁾ OJ L 324, 27.10.2004, p. 20.

⁽³⁾ OJ L 325, 28.10.2004, p. 64. Decision as amended by Decision BiH/5/2004 (OJ L 357, 2.12.2004, p. 39).

*Article 2***Status of forces**

1. The status of the forces and personnel contributed to the EU military crisis management operation by the Argentine Republic 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 Argentine Republic.

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

4. The Argentine Republic shall be responsible for answering any claims linked to the participation in the EU military crisis management operation, from or concerning any of its forces and personnel. The Argentine Republic 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 Argentine Republic 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 Argentine Republic in the EU military crisis management operation, and to do so when signing this Agreement.

*Article 3***Classified information**

1. The Argentine Republic shall take appropriate measures to ensure that EU classified information is protected in accordance with the European Union Council's security regulations, contained in Council Decision 2001/264/EC of 19 March 2001⁽¹⁾, and in accordance with further guidance issued by competent authorities, including the EU Operation Commander.

2. Where the EU and the Argentine Republic have concluded an agreement on security procedures for the exchange of clas-

sified 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 Argentine Republic 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 Argentine Republic, at any time request the withdrawal of the Argentine Republic's contribution.

5. A Senior Military Representative (SMR) shall be appointed by the Argentine Republic 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 Argentine Republic 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⁽²⁾.

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 Argentine Republic 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.

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

⁽²⁾ OJ L 63, 28.2.2004, p. 68.

*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 Argentine Republic.

*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**

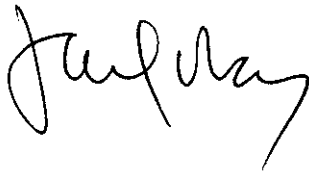
Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

*Article 9***Entry into force**

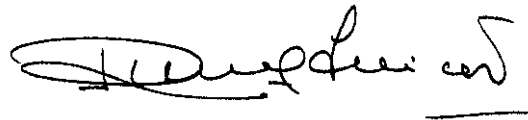
1. This Agreement shall enter into force on the date of signature.
2. This Agreement shall remain in force for the duration of the Argentine Republic's contribution to the operation.

Done at *Brussels*, on *9 June 2005*, in the English language in four copies.

For the European Union



For the Argentine Republic



DECLARATIONS**referred to in Article 2(5) and (6)****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, insofar as their internal legal systems so permit, to waive as far as possible claims against the Argentine Republic for injury, death of their 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 Argentine Republic 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 Argentine Republic, 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 Argentine Republic using those assets.'

Declaration by the Argentine Republic:

The Argentine Republic applying EU Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina will endeavour, insofar 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 its 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.'
-