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### Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1111/2005**

**of 24 June 2005**

**amending Regulation (EEC) No 1365/75 on the creation of a European Foundation for the Improvement of Living and Working Conditions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

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

Whereas:

(1) Council Regulation (EEC) No 1365/75, of 26 May 1975, on the creation of a European Foundation for the Improvement of Living and Working Conditions <sup>(2)</sup> includes provisions concerning the organisation of the Foundation, and in particular of its Administrative Board. These provisions have been amended several times following each accession of new Member States, when new members had to be added to the Administrative Board.

(2) The external evaluation of the European Foundation for the Improvement of Living and Working Conditions (hereinafter the Foundation) carried out in 2001 underlines the need to adapt the provisions of Regulation (EEC) No 1365/75 in order to maintain the efficiency and effectiveness of the Foundation and its management structures, including a revision of the provisions concerning the Committee of Experts.

(3) The European Parliament has called upon the Commission to reconsider the composition and working methods of agencies' boards and to put forward appropriate proposals.

(4) A joint opinion concerning the future governance and functioning of the Boards of the Foundation, the

European Agency for Safety and Health at Work and the European Centre for the Development of Vocational Training has been submitted to the Commission by their respective management or Administrative Boards.

(5) The tripartite governance of the Foundation, the European Agency for Safety and Health at Work and the European Centre for the Development of Vocational Training by representatives of national governments, employers' organisations and employees' organisations is fundamental to the success of those bodies.

(6) The participation of the social partners in the governance of those three Community bodies creates a specificity which requires them to function according to common rules.

(7) The existence within the tripartite Board of the three groups drawn from government, employers and employees and the designation of a coordinator for the groups of employers and employees have proved to be essential. That arrangement should therefore be formalised and also extended to the government group.

(8) The maintenance of the tripartite representation from each Member State ensures that all major stakeholders are involved and that account is taken of the diversity of interests and approaches which characterise social issues.

(9) It is necessary to anticipate the practical consequences for the Foundation of the forthcoming enlargement of the Union. The composition and functioning of its Board should be adjusted to take account of the accession of new Member States.

(10) The Bureau provided for in the Rules of Procedure of the Board needs to be strengthened in order to ensure continuity in the functioning of the Foundation and efficiency in its decision-making; the composition of the Bureau should continue to reflect the tripartite structure of the Board.

<sup>(1)</sup> Opinion of 28 April 2005 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 139, 30.5.1975, p. 1. Regulation as last amended by Regulation (EC) No 1649/2003 (OJ L 245, 29.9.2003, p. 25).

- (11) According to Article 3 of the Treaty, the Community shall aim to eliminate inequalities and promote equality between men and women in all its activities. Therefore, it is appropriate to make provision for encouraging a balanced representation of men and women in the composition of the Board.
- (12) The Board should be able to ensure a formal contribution of independent experts for a limited duration in accordance with specific needs in relation to the implementation of the work programme.
- (13) It is appropriate to treat the staff of the European Foundation for the Improvement of Living and Working Conditions, which has been the only Community Agency with its own Staff Regulations, in the same manner as other servants engaged under contract by the Communities and to entitle them to the same benefits of the reformed Staff Regulations by respecting acquired rights, especially with respect to careers and pension rights.
- (14) Regulation (EEC) No 1365/75 should therefore be amended accordingly.
- (15) The Treaty provides for no powers other than those under Article 308 thereof, for the adoption of this Regulation,

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EEC) No 1365/75 is amended as follows:

1. in Article 3, paragraph 2 is replaced by the following:
 

‘2. The Foundation shall cooperate as closely as possible with specialised institutions, foundations and bodies in the Member States and at international level. In particular, the Foundation shall ensure appropriate cooperation with the European Agency for Safety and Health at Work, without prejudice to its own aims.’;
2. Article 5 is replaced by the following:
 

‘Article 5

The governing and management structure of the Foundation shall comprise:

  - (a) a Governing Board;
  - (b) a Bureau;
  - (c) a Director and Deputy Director.’;

3. Article 6 is replaced by the following:

#### ‘Article 6

1. The Governing Board shall consist of:
  - (a) one member representing the Government from each Member State;
  - (b) one member representing the employers’ organisations from each Member State;
  - (c) one member representing the employees’ organisations from each Member State;
  - (d) three members representing the Commission.
2. The members referred to in paragraph 1(a), (b) and (c) shall be appointed by the Council on the basis of one member for each Member State and for each of the above-mentioned categories. The Council shall at the same time appoint under the same conditions as for the members an alternate to attend meetings of the Governing Board only in the absence of the member.

The Commission shall appoint the members and alternates who are to represent it, taking into account a balanced representation of men and women.

When submitting the lists of candidates, the Member States, employers’ organisations and employees’ organisations shall endeavour to ensure a balanced representation of men and women in the composition of the Governing Board.

The list of members of the Governing Board shall be published by the Council in the *Official Journal of the European Union* and by the Foundation on its Internet site.

3. The term of office of members of the Governing Board shall be three years. It shall be renewable.

Upon the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.

4. The Governing Board shall elect its chair and three vice-chairs, one from each of the three groups referred to in paragraph 7 and one from among the Commission representatives, to serve for a period of one year, which may be renewed.

5. The chair shall convene the Governing Board at least once a year. The chair shall convene additional meetings at the request of at least one-third of the members of the Governing Board.

6. Decisions by the Governing Board shall be taken by an absolute majority of its members.

7. Within the Governing Board, the representatives of governments, employees' organisations and employers' organisations shall each form a group. Each group shall designate a coordinator who will take part in the meetings of the Governing Board. The coordinators of the employees' and employers' groups shall be representatives of their respective organisations at European level. Coordinators who are not appointed Board members within the meaning of paragraph 1 shall take part in meetings without the right to vote.

8. The Governing Board shall establish a Bureau of 11 members. The Bureau shall be made up of the chair and the three vice-chairs of the Governing Board, one coordinator per group as referred to in paragraph 7, and one more representative of each group and of the Commission. Each group may designate up to three alternates to attend the meetings of the Bureau, in the absence of the full members.

9. The annual number of meetings of the Bureau shall be decided by the Governing Board. The chair of the Bureau shall convene additional meetings at the request of its members.

10. Decisions by the Bureau shall be taken by consensus. If no consensus can be reached, the Bureau shall refer the matter to the Governing Board for decision.

11. The Governing Board shall be fully and promptly informed on the activities of and the decisions taken by the Bureau.;

4. Article 7 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The Governing Board shall govern the Foundation whose guidelines it shall lay down. On the basis of a draft submitted by the director, the Governing Board shall, in agreement with the Commission, adopt the Foundation's annual and four-year rolling programmes.;

(b) paragraph 2 is replaced by the following:

'2. The Governing Board, having received an opinion from the Commission, shall adopt its rules of procedure, which shall lay down the practical arrangements for its activities. The rules of procedure shall be transmitted for information to the European Parliament and the Council. However, within a period of three months of the rules of procedure being transmitted to it and acting by a simple majority, the Council may modify those rules.;

(c) the following paragraph is added:

'4. Without prejudice to the responsibilities of the Director set out in Articles 8 and 9, the Bureau shall, as delegated by the Governing Board, monitor the implementation of the decisions of the Governing Board and take all necessary measures for the proper management of the Foundation between the Governing Board meetings. The Governing Board may not delegate to the Bureau the competences referred to in Articles 12 and 15.;

5. Articles 9 and 10 are replaced by the following:

*Article 9*

1. The Director shall be responsible for the management of the Foundation as well as for the implementation of the decisions of and the programmes adopted by the Governing Board and the Bureau. The Director shall be the legal representative of the Foundation.

2. Without prejudice to Article 8(1), the Director shall exercise the powers referred to in Article 17(1).

3. The Director shall prepare the activities of the Governing Board and the Bureau. The director or the deputy director or both shall attend the meetings of the Board and Bureau.

4. The Director shall be accountable to the Governing Board for the running of the Foundation.

*Article 10*

On the basis of a proposal by the Director, the Governing Board may select independent experts and seek their opinions on specific issues in relation to the four-year rolling programme and the annual work programme.;

6. Article 11 is deleted;

7. Article 12 is amended as follows:

(a) In Article 12(1) the first and second subparagraphs are replaced by the following:

'1. The Director shall draw up an annual work programme before 1 July each year on the basis of the guidelines referred to in Article 7. The annual work programme shall be part of a four-year rolling programme. The projects in the annual work programme shall be accompanied by an estimate of the necessary expenditure.

When drawing up the programmes, the director shall take account of the opinions of the Community institutions and the European Economic and Social Committee.;

(b) Article 12(2) is replaced by the following:

'2. The Director shall forward the programmes to the Governing Board for approval.;

8. Article 17 is replaced by the following:

*'Article 17*

1. The staff of the Foundation recruited after 4 August 2005 shall be subject to the Staff Regulations of officials of the European Communities or to the Conditions of Employment of other Servants of the Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(1)</sup> (CEOS). Section 2 of Annex XIII of the Staff Regulations shall apply.

2. All employment contracts concluded by the Foundation and its staff members under Regulation (ECSC, EEC, Euratom) No 1860/76 <sup>(2)</sup> before 4 August 2005 shall be considered to have been concluded under Article 2(a) CEOS. The provisions of Section 1, 3 and 4, with the exception of Article 22(2) of Annex XIII of the Staff Regulations, shall be applicable to these contracts from the same date.

Staff members shall have the right to terminate the contract at the same date without having to respect the notice period

provided for in Article 45 of Regulation (ECSC, EEC, Euratom) No 1860/76. For the purposes of allowances on termination of a contract and for unemployment benefits, such termination of contract shall be deemed to be the result of an action of the Foundation.

3. The Foundation shall exercise, in respect of the staff, the powers conferred on the appointing authority or the authority authorised to conclude contracts as the case may be.

4. The Governing Board shall, in agreement with the Commission, adopt the appropriate implementing rules.

<sup>(1)</sup> OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 31/2005 (OJ L 8, 12.1.2005, p. 1).

<sup>(2)</sup> Council Regulation (ECSC, EEC, Euratom) No 1860/76 of 29 June 1976, laying down the conditions of Staff of the European Foundation for the Improvement of Living and Working Conditions (OJ L 214, 6.8.1976, p. 24). Regulation as last amended by Regulation (Euratom, ECSC, EEC) No 680/87 (OJ L 72, 14.3.1987, p. 15).;

9. Each time the term 'Administrative Board' or 'Management Board' appears in the articles, it is replaced by 'Governing Board'.

*Article 2*

This Regulation shall enter into force on the 20th 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, 24 June 2005.

*For the Council*

*The President*

L. LUX

**COUNCIL REGULATION (EC) No 1112/2005**

**of 24 June 2005**

**amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission, submitted following consultation with the Advisory Committee for Safety and Health at Work,

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

Whereas:

(1) Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work <sup>(2)</sup> includes provisions concerning the aims, tasks and organisation of the Agency and in particular of its Administrative Board. Those provisions were amended following the accession of Austria, Finland and Sweden, when new members had to be added to the Administrative Board.

(2) Health and safety at work, a key element in promoting quality in employment, represents one of the European Union's most important social policy areas. The Commission Communication on 'Adapting to change in work and society: a new Community strategy on health and safety at work 2002 to 2006' of 11 March 2002 highlights the important role to be played by the European Agency for Safety and Health at Work, hereinafter 'the Agency', in the promotion, awareness-raising and anticipation activities needed to achieve the objectives set out therein.

(3) The Council Resolution of 3 June 2002 on a new Community strategy on health and safety at work (2002 to 2006) <sup>(3)</sup> requires the Agency to play a leading role in the collection and dissemination of information on good practice, awareness-raising and risk anticipation. The Council calls on the Commission to promote cooperation between the Member States and

the social partners at European level through the Agency, with a view to future enlargement and welcomes the Commission's intention to submit a proposal for improving the Agency's operation and tasks in the light of the external evaluation report and the Advisory Committee's opinion on that report.

(4) The European Parliament Resolution of 23 October 2002 on the Commission Communication: 'Adapting to change in work and society: a new Community strategy on health and safety at work 2002 to 2006' also supports the leading role given to the Agency as the key player in non-legislative health and safety activities at Community level and hopes that the European Foundation for the Improvement of Living and Working Conditions and the Agency will continue to improve their cooperation in line with their respective roles in this policy area.

(5) The European Economic and Social Committee Opinion of 17 June 2002 on the Communication from the Commission 'Adapting to change in work and society: a new Community strategy on health and safety at work 2002 to 2006' <sup>(4)</sup> highlights the role of the Agency in the evaluation of risks and the need for regular contacts between the Agency and the European Foundation for the Improvement of Living and Working Conditions to avoid duplication and to stimulate joint reflection.

(6) The Commission Communication on the 'Evaluation of the European Agency for Safety and Health at Work', prepared in accordance with Article 23 of Regulation (EC) No 2062/94 and based on an external evaluation carried out in 2001, as well as on the contributions of the Administrative Board and of the Commission Advisory Committee for Safety and Health at Work, underlines the need to amend Regulation (EC) No 2062/94 in order to maintain and improve the efficiency and effectiveness of the Agency and its management structures.

(7) The European Parliament has called upon the Commission to reconsider the composition and working methods of agencies' boards and to put forward appropriate proposals.

<sup>(1)</sup> Opinion of 28 April 2005 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 216, 20.8.1994, p. 1. Regulation as last amended by Regulation (EC) No 1654/2003 (OJ L 245, 29.9.2003, p. 38).

<sup>(3)</sup> OJ C 161, 5.7.2002, p. 1.

<sup>(4)</sup> OJ C 241, 7.10.2002, p. 100.

- (8) A Joint Opinion concerning the future governance and functioning of the Boards of the Agency, the European Centre for the Development of Vocational Training and the European Foundation for the Improvement of Living and Working Conditions has been submitted to the Commission by their respective management or administrative Boards.
- (9) The tripartite governance of the Agency, the European Centre for the Development of Vocational Training and the European Foundation for the Improvement of Living and Working Conditions by representatives of governments, employers' organisations and employees' organisations is fundamental to the success of those bodies.
- (10) The participation of the social partners in the governance of those three Community bodies creates a specificity which requires them to function according to common rules.
- (11) The existence within the tripartite Board of the three groups drawn from government, employers and employees and the designation of a coordinator for the groups of employers and employees have proved to be essential. That arrangement should therefore be formalised and also extended to the government group. In line with the guidelines for the development of future Community Bodies, included in the communication from the Commission 'The operating framework for the European Regulatory Agencies', and in particular the need for representation of the relevant stakeholders in the boards of these bodies, and in line with the principle agreed by the Heads of State and Government for more active involvement of the social partners in the development of the Social Policy Agenda, all Board members (government employers, employees and Commission representatives) should have uniformly one vote each.
- (12) The maintenance of the tripartite representation from each Member State ensures that all major stakeholders are involved and that account is taken of the diversity of interests and approaches which characterise social issues.
- (13) It is necessary to anticipate the practical consequences for the Agency of the forthcoming enlargement of the Union. The composition and functioning of its Board should be adjusted to take account of the accession of new Member States.
- (14) The Bureau provided for in the Rules of Procedure of the Board needs to be strengthened in order to ensure continuity in the functioning of the Agency and efficiency in its decision-making. The composition of the

Bureau should continue to reflect the tripartite structure of the Board.

- (15) According to Article 3 of the Treaty, the Community shall aim to eliminate inequalities and promote equality between men and women in all its activities. Therefore, it is appropriate to make provision for encouraging a balanced representation of men and women in the composition of the Board.
- (16) Regulation (EC) No 2062/94 should therefore be amended accordingly.
- (17) The Treaty provides for no powers, other than those under Article 308 thereof for the adoption of this Regulation,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EC) No 2062/94 is amended as follows:

1. Article 2 is replaced by the following:

#### *'Article 2*

##### **Objective**

In order to improve the working environment, as regards the protection of the safety and health of workers as provided for in the Treaty and successive Community strategies and action programmes concerning health and safety at the workplace, the aim of the Agency shall be to provide the Community bodies, the Member States, the social partners and those involved in the field with the technical, scientific and economic information of use in the field of safety and health at work.'

2. Article 3 is amended as follows:

- (a) Paragraph 1 is amended as follows:

- (i) Points (a) and (b) are replaced by the following:

- '(a) collect, analyse and disseminate technical, scientific and economic information in the Member States in order to pass it on to the Community bodies, Member States and interested parties; this collection shall take place to identify risks and good practices as well as existing national priorities and programmes and provide the necessary input to the priorities and programmes of the Community;

- (b) collect and analyse technical, scientific and economic information on research into safety and health at work and on other research activities which involve aspects connected with safety and health at work and disseminate the results of the research and research activities;

(ii) Points (h) and (i) are replaced by the following:

'(h) provide technical, scientific and economic information on methods and tools for implementing preventive activities, identify good practices and promote preventive actions, paying particular attention to the specific problems of small and medium-sized enterprises. With regard to good practices, the Agency should in particular focus on practices which constitute practical tools to be used in drawing up an assessment of the risks to safety and health at work, and identifying the measures to be taken to tackle them;

- (i) contribute to the development of Community strategies and action programmes relating to the protection of safety and health at work, without prejudice to the Commission's sphere of competence;

(iii) The following point (j) is added:

'(j) The Agency shall ensure that the information disseminated is comprehensible to the end users. To achieve this objective, the Agency shall work closely with the national focal points referred to in Article 4(1), in accordance with the provisions of Article 4(2);'

(b) Paragraph 2 is replaced by the following:

'2. The Agency shall work as closely as possible with the existing institutions, foundations, specialist bodies and programmes at Community level in order to avoid any duplication. In particular, the Agency shall ensure appropriate cooperation with the European Foundation for the Improvement of Living and Working Conditions, without prejudice to its own aims.'

3. Article 4 is amended as follows:

(a) In Article 4, paragraph 1 is replaced by the following:

'1. The Agency shall set up a network comprising:

— the main component elements of the national information networks, including the national social partners' organisations, according to national legislation and/or practice;

— the national focal points;

— any future topic centres.'

(b) In Article 4(2), the first and second subparagraphs are replaced by the following:

'2. The Member States shall regularly inform the Agency of the main components of their national health and safety at work information networks, including any institution which in their judgement could contribute to the work of the Agency, taking into account the need to ensure the fullest possible coverage of their territory.

The competent national authorities or a national institution designated by them as a national focal point shall coordinate and/or transmit the information to be supplied at national level to the Agency, in the framework of an agreement between each focal point and the Agency on the basis of the work programme adopted by the Agency.

The national authorities shall take into account the point of view of social partners at national level in accordance with national legislation and/or practice.'

4. The following Article is added:

'Article 7a

#### **Governing and management structures**

The governing and management structure of the Agency shall comprise:

(a) a Governing Board;

(b) a Bureau;

(c) a Director.'

5. Article 8 is replaced by the following:

'Article 8

#### **Governing Board**

1. The Governing Board shall consist of:

(a) one member representing the Government from each Member State;

(b) one member representing the employers' organisations from each Member State;

(c) one member representing the employees' organisations from each Member State;

(d) three members representing the Commission.

2. The members referred to in points (a), (b) and (c) of paragraph 1 shall be appointed by the Council from the members and alternate members of the Advisory Committee on Safety and Health at Work.

The members referred to in paragraph 1(a) shall be appointed on a proposal from the Member States.

The members referred in paragraph 1(b) and (c) shall be appointed on a proposal by the respective groups' spokespersons on the Committee.

The proposals from the three groups within the Committee shall be submitted to the Council; the proposals shall also be forwarded to the Commission for information.

The Council shall at the same time appoint, under the same conditions as for the member, an alternate member to attend meetings of the Governing Board only in the absence of the member.

The Commission shall appoint the members and alternate members who are to represent it, taking into account a balanced representation of men and women.

When submitting the lists of candidates, the Member States, employers' organisations and employees' organisation shall endeavour to ensure that the composition of the Governing Board fairly reflects the various economic sectors concerned and to ensure a balanced representation of men and women. These submissions shall take place within three months of the renewal of the membership of the Advisory Committee for Safety and Health at Work being renewed in accordance with the provisions of Articles 3(3) and (4) and 4(1) of Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work <sup>(1)</sup>.

The list of the members of the Governing Board shall be published by the Council in the *Official Journal of the European Union* and by the Agency on its Internet site.

3. The term of office of members of the Governing Board shall be three years. It shall be renewable.

Exceptionally, the term of office of the members of the Governing Board who are in office on the day of the entry into force of this Regulation shall be extended until a new Governing Board has been appointed in accordance with the provisions of paragraph 2.

Upon expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.

4. Within the Governing Board, the representatives of governments, employees' organisations and employers' organisations shall each form a group. Each group shall designate a coordinator who will take part in the meetings of the Governing Board. The coordinators of the employees' and employers' groups shall be representatives of their respective organisations at European level. Coordinators who are not appointed Board members within the meaning of paragraph 1 will take part in meetings without the right to vote.

The Governing Board shall elect its chair and three vice-chairs, one from each of the three groups referred to above and one from among the Commission representatives, to serve for a period of one year, which may be renewed.

5. The chair shall convene the Governing Board at least once a year. The chair shall convene additional meetings at the request of at least one-third of the members of the Governing Board.

6. All members of the Governing Board shall have one vote each and decisions shall be taken by an absolute majority. However, decisions in the framework of the annual work programme and with budgetary consequences for the national focal points shall also require the consent of the majority of the government group.

The Governing Board shall devise a written decision-making procedure, to which the first subparagraph shall apply *mutatis mutandis*.

7. The Governing Board, having received an opinion from the Commission, shall adopt its rules of procedure which shall lay down the practical arrangements for its activities. The rules of procedure, shall be transmitted for information to the European Parliament and the Council. However, within a period of three months of the rules of procedure being transmitted to it and acting by a simple majority, the Council may modify those rules.

8. The Governing Board shall establish a Bureau of 11 members. The Bureau shall be made up of the chair and the three vice-chairs of the Governing Board, one coordinator per group as referred to in the first subparagraph of paragraph 4, and one more representative of each group and of the Commission. Each group may designate up to three alternates to attend the meetings of the Bureau, in the absence of the full members.

9. Without prejudice to the responsibilities of the Director, as set out in Article 11, the Bureau shall, as delegated by the Governing Board, monitor the implementation of the decisions of the Governing Board and take all necessary measures for the proper governing of the Agency between the Governing Board meetings. The Governing Board may not delegate to the Bureau the competences referred to in Articles 10, 13, 14 and 15.

10. The annual number of meetings of the Bureau shall be decided by the Governing Board. The chair of the Bureau shall convene additional meetings at the request of its members.

11. Decisions by the Bureau shall be taken by consensus. If no consensus can be reached, the Bureau shall refer the matter to the Governing Board for decision.

12. The Governing Board shall be fully and promptly informed on the activities of and the decisions taken by the Bureau.

(<sup>1</sup>) OJ C 218, 13.9.2003, p. 1.'

6. In Article 9, the following subparagraph is added:

'The chair of the Governing Board and Director of the European Foundation for the Improvement of Living and Working Conditions shall have the option of attending meetings of the Governing Board as observers.'

7. Article 10 is amended as follows:

(a) In Article 10(1), the first subparagraph is replaced by the following:

'The Governing Board shall determine the strategic aims of the Agency. The Governing Board shall in particular adopt the budget, the four-year rolling programme and the annual programme on the basis of a draft drawn up by the Director referred to in Article 11, after consultation of the Commission services and the Advisory Committee on Safety and Health at Work.'

(b) In Article 10(1), the fourth subparagraph is deleted.

8. In Article 11, paragraph 2 is replaced by the following:

'2. The Director shall be the legal representative of the Agency and shall be responsible for:

(a) the proper preparation and implementation of the decisions and programmes adopted by the Governing Board and the Bureau;

(b) the management and the day-to-day administration of the Agency;

(c) the preparation and publication of the report referred to in Article 10(2);

(d) the performance of the tasks prescribed;

(e) all staff matters;

(f) the preparation of the Governing Board meetings and the Bureau meetings.'

9. Each time the term 'Administrative Board' appears in the articles, it is replaced by 'Governing Board'.

#### Article 2

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

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

Done at Luxembourg, 24 June 2005.

For the Council

The President

L. LUX

**COUNCIL REGULATION (EC) No 1113/2005**

**of 12 July 2005**

**terminating the new exporter review of Regulation (EC) No 1995/2000 imposing definitive anti-dumping duties on imports of solutions of urea and ammonium nitrate (UAN) originating, *inter alia*, in Algeria**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup> (the basic Regulation), and in particular Article 11(4) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

**1. MEASURES IN FORCE**

- (1) The measures currently in force on imports into the Community of solutions of urea and ammonium nitrate (UAN) originating in Algeria are definitive anti-dumping duties imposed by Council Regulation (EC) No 1995/2000<sup>(2)</sup>. Pursuant to that same Regulation, anti-dumping measures are also in force on UAN originating in Belarus, Russia and Ukraine.

**2. CURRENT INVESTIGATION**

**2.1. Request for a review**

- (2) After the imposition of definitive anti-dumping duties on imports of UAN originating in Algeria, the Commission received a request to initiate a 'new exporter' review of Regulation (EC) No 1995/2000, pursuant to Article 11(4) of the basic Regulation, from the Algerian company Fertial SPA (the applicant). The applicant claimed that it was not related to the exporting producer in Algeria subject to the anti-dumping measures in force with regard to UAN. Furthermore, it claimed that it had not exported UAN to the Community during the original investigation period (i.e. the period

from 1 June 1998 to 31 May 1999), but had started to export UAN to the Community thereafter.

**2.2. Initiation of a 'new exporter' review**

- (3) The Commission examined the evidence submitted by the applicant and considered it sufficient to justify the initiation of a review in accordance with Article 11(4) of the basic Regulation. After consultation of the Advisory Committee and after the Community industry concerned had been given the opportunity to comment, the Commission initiated, by Regulation (EC) No 1795/2004<sup>(3)</sup>, a review of Regulation (EC) No 1995/2000 with regard to the applicant and commenced its investigation.

- (4) Pursuant to Commission Regulation (EC) No 1795/2004, the anti-dumping duty of EUR 6,88 per tonne imposed by Regulation (EC) No 1995/2000 on imports of UAN produced, *inter alia*, by the applicant was repealed. Simultaneously, pursuant to Article 14(5) of the basic Regulation, customs authorities were directed to take appropriate steps to register such imports.

**2.3. Product concerned**

- (5) The product concerned by the current review is the same as that in the investigation that led to the imposition of the measures in force on imports of UAN originating in Algeria (original investigation), i.e. mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution, normally declared within CN code 3102 80 00 and originating in Algeria.

**2.4. Parties concerned**

- (6) The Commission officially advised the applicant and the representatives of the exporting country of the initiation of the review. Interested parties were given the opportunity to make their views known in writing and to be heard.
- (7) The Commission sent a questionnaire to the applicant and received a reply within the deadline set for that purpose. The Commission sought to verify all the information it deemed necessary for the determination of dumping, and a verification visit was carried out at the premises of the applicant.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

<sup>(2)</sup> OJ L 238, 22.9.2000, p. 15. Regulation as amended by Regulation (EC) No 1675/2003 (OJ L 238, 25.9.2003, p. 4).

<sup>(3)</sup> OJ L 317, 16.10.2004, p. 20.

### 2.5. Investigation period

- (8) The investigation of dumping covered the period from 1 July 2003 to 30 June 2004 (the investigation period or IP).

### 3. RESULTS OF THE INVESTIGATION

- (9) The investigation confirmed that the applicant had not exported the product concerned during the original investigation period and that it had begun exporting to the Community after this period.

- (10) The Community industry argued that the applicant was related to an exporting producer involved in the original investigation. Although a company related to the applicant also supplied a raw material to the exporting producer involved in the original investigation, nothing indicated that such a relationship would go beyond normal commercial transactions. Indeed, it was found that the company related to the applicant was not related to the exporting producer involved in the original investigation. Accordingly, the argument that the applicant was related to an exporting producer involved in the original investigation was considered to be unfounded.

- (11) However, the investigation revealed that the applicant's cost accounting records contained significant shortcomings and that they could not be regarded as an appropriate basis to determine the applicant's own dumping margin.

- (12) It was found that costs of raw materials reported by the applicant were based on rough estimates for half of the IP, rather than actual costs.

- (13) In addition, the reported costs, which were drawn from the company's cost accounting system, could not be reconciled with the general accounting records. Indeed, no link could be established between the two accounting systems (cost accounting and general accounting) normally used by the company, since the figures contained in the cost accounting system records could not be matched with those contained in the general accounting records. Finally, no evidence was available to show that the company's cost accounting records were correct and reflected actual costs incurred during the IP. Therefore, it could not be shown that the records reasonably reflected the costs associated with the production and sale of the product under consideration.

- (14) Consequently, it was not possible to determine an individual margin of dumping.

### 4. CONCLUSION

- (15) It should be noted that the purpose of the present review, initiated upon Fertial's request, was to determine the individual margin of dumping of the applicant, which was allegedly different from the current residual margin applicable to imports of UAN from Algeria.

- (16) As the investigation could not establish that the applicant's individual dumping margin was actually different from the residual dumping margin established in the original investigation, the request made by the applicant should be rejected and the new exporter review terminated. The residual anti-dumping margin found during the original investigation, i.e. 9,7 % (or EUR 6,88 per tonne) should consequently be maintained, as nothing indicated that the applicant was dumping at a different level.

### 5. RETROACTIVE LEVYING OF THE ANTI-DUMPING DUTY

- (17) In the light of the above findings, the anti-dumping duty applicable to the applicant shall be levied retroactively on imports of the product concerned which have been made subject to registration pursuant to Article 3 of Regulation (EC) No 1795/2004.

### 6. DISCLOSURE

- (18) All parties concerned have been informed of the essential facts and considerations which lead to the above conclusions.

- (19) The applicant contested the Commission's conclusions and argued that all information requested had been provided. Nevertheless, no new evidence was submitted which would warrant a revision of the above conclusions, and they were therefore confirmed.

- (20) This review does not affect the date on which the measures imposed by Regulation (EC) No 1995/2000, as last amended by Regulation (EC) No 1675/2003, will expire pursuant to Article 11(2) of the Basic Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The new exporter review initiated by Commission Regulation (EC) No 1795/2004 is hereby terminated.

2. The duty applicable according to Article 1 of Regulation (EC) No 1995/2000 to all companies in Algeria, is hereby levied retroactively on imports of mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution which have been

registered pursuant to Article 3 of Commission Regulation (EC) No 1795/2004.

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

*Article 2*

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

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

Done at Brussels, 12 July 2005.

*For the Council*  
*The President*  
G. BROWN

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**COMMISSION REGULATION (EC) No 1114/2005****of 14 July 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 15 July 2005.

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

Done at Brussels, 14 July 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 14 July 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	55,0
	096	43,7
	999	49,4
0707 00 05	052	77,8
	999	77,8
0709 90 70	052	75,3
	999	75,3
0805 50 10	388	67,3
	524	71,9
	528	54,5
	999	64,6
0808 10 80	388	80,8
	400	86,7
	404	59,2
	508	66,3
	512	83,1
	528	57,6
	720	73,3
	804	87,9
	999	74,4
0808 20 50	388	85,5
	512	43,1
	528	67,3
	800	31,4
	804	99,5
0809 10 00	999	65,4
	052	154,8
	999	154,8
0809 20 95	052	284,4
	400	310,6
	999	297,5
0809 30 10, 0809 30 90	052	85,0
	999	85,0
0809 40 05	528	109,1
	624	111,7
	999	110,4

<sup>(1)</sup> 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 1115/2005****of 14 July 2005****on the issue of import licences for certain preserved mushrooms imported under the autonomous tariff quota opened by Regulation (EC) No 1035/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1035/2005 of 1 July 2005 opening and providing for the administration of an autonomous tariff quota for preserved mushrooms <sup>(1)</sup>, and in particular Article 6(3) thereof,

Whereas:

Licence applications submitted by traditional and new importers to the competent authorities of the Member States under Article 4(1) of Regulation (EC) No 1035/2005 exceed the available quantities. The extent to which licences may be issued should therefore be determined,

*Article 1*

1. Import licences applied for by traditional importers pursuant to Article 4(1) of Regulation (EC) No 1035/2005 and submitted to the Commission on 12 July 2005 shall be issued for 9,900 % of the quantity applied for.

2. Import licences applied for by new importers pursuant to Article 4(1) of Regulation (EC) No 1035/2005 and submitted to the Commission on 12 July 2005 shall be issued for 24,280 % of the quantity applied for.

*Article 2*

This Regulation shall enter into force on 18 July 2005.

It shall apply until 30 September 2005.

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

Done at Brussels, 14 July 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 171, 2.7.2005, p. 15.

**COMMISSION REGULATION (EC) No 1116/2005**  
**of 14 July 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 above-mentioned 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 558/2005 (OJ L 94, 13.4.2005, p. 22).

<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 Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

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 15 July 2005.

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

Done at Brussels, 14 July 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 14 July 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 30 31 9100	L01	EUR/100 kg	—	0402 21 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	13,20		068	EUR/100 kg	—
	A01	EUR/100 kg	18,86		L02	EUR/100 kg	38,08
0401 30 31 9400	L01	EUR/100 kg	—	0402 21 11 9900	A01	EUR/100 kg	48,89
	L02	EUR/100 kg	20,62		L01	EUR/100 kg	—
	A01	EUR/100 kg	29,47		068	EUR/100 kg	—
0401 30 31 9700	L01	EUR/100 kg	—	0402 21 17 9000	L02	EUR/100 kg	40,58
	L02	EUR/100 kg	22,75		A01	EUR/100 kg	52,10
	A01	EUR/100 kg	32,49		L01	EUR/100 kg	—
0401 30 39 9100	L01	EUR/100 kg	—	0402 21 19 9300	068	EUR/100 kg	—
	L02	EUR/100 kg	13,20		L02	EUR/100 kg	9,94
	A01	EUR/100 kg	18,86		A01	EUR/100 kg	12,00
0401 30 39 9400	L01	EUR/100 kg	—	0402 21 19 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	20,62		068	EUR/100 kg	—
	A01	EUR/100 kg	29,47		L02	EUR/100 kg	36,50
0401 30 39 9700	L01	EUR/100 kg	—	0402 21 19 9500	A01	EUR/100 kg	46,83
	L02	EUR/100 kg	22,75		L01	EUR/100 kg	—
	A01	EUR/100 kg	32,49		068	EUR/100 kg	—
0401 30 91 9100	L01	EUR/100 kg	—	0402 21 19 9900	L02	EUR/100 kg	38,08
	L02	EUR/100 kg	25,92		A01	EUR/100 kg	48,89
	A01	EUR/100 kg	37,04		L01	EUR/100 kg	—
0401 30 99 9100	L01	EUR/100 kg	—	0402 21 19 9900	068	EUR/100 kg	—
	L02	EUR/100 kg	25,92		L02	EUR/100 kg	40,58
	A01	EUR/100 kg	37,04		A01	EUR/100 kg	52,10
0401 30 99 9500	L01	EUR/100 kg	—	0402 21 91 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	38,10		068	EUR/100 kg	—
	A01	EUR/100 kg	54,43		L02	EUR/100 kg	40,84
0402 10 11 9000	L01	EUR/100 kg	—	0402 21 91 9200	A01	EUR/100 kg	52,41
	068	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	9,94		068	EUR/100 kg	—
0402 10 19 9000	A01	EUR/100 kg	12,00	0402 21 91 9200	L02	EUR/100 kg	41,08
	L01	EUR/100 kg	—		A01	EUR/100 kg	52,74
	068	EUR/100 kg	—		L01	EUR/100 kg	—
0402 10 91 9000	L02	EUR/100 kg	9,94	0402 21 91 9350	068	EUR/100 kg	—
	A01	EUR/100 kg	12,00		L02	EUR/100 kg	41,51
	L01	EUR/kg	—		A01	EUR/100 kg	53,27
0402 10 99 9000	068	EUR/kg	—	0402 21 91 9500	L01	EUR/100 kg	—
	L02	EUR/kg	0,0994		068	EUR/100 kg	—
	A01	EUR/kg	0,1200		L02	EUR/100 kg	44,60
0402 10 99 9000	L01	EUR/kg	—	0402 21 99 9100	A01	EUR/100 kg	57,25
	068	EUR/kg	—		L01	EUR/100 kg	—
	L02	EUR/kg	0,0994		068	EUR/100 kg	—
0402 21 11 9200	A01	EUR/kg	0,1200	0402 21 99 9100	L02	EUR/100 kg	40,84
	L01	EUR/100 kg	—		A01	EUR/100 kg	52,41
	068	EUR/100 kg	—		L01	EUR/100 kg	—
0402 21 11 9300	L02	EUR/100 kg	9,94	0402 21 99 9200	068	EUR/100 kg	—
	A01	EUR/100 kg	12,00		L02	EUR/100 kg	41,08
	L01	EUR/100 kg	—		A01	EUR/100 kg	52,74
0402 21 11 9300	L01	EUR/100 kg	—	0402 21 99 9300	L01	EUR/100 kg	—
	068	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	36,50		L02	EUR/100 kg	41,08
0402 21 11 9300	A01	EUR/100 kg	46,83	0402 21 99 9300	A01	EUR/100 kg	52,74
	L01	EUR/100 kg	—		L01	EUR/100 kg	—
	068	EUR/100 kg	—		068	EUR/100 kg	—
0402 21 11 9300	L02	EUR/100 kg	36,50	0402 21 99 9300	L02	EUR/100 kg	41,51
	A01	EUR/100 kg	46,83		A01	EUR/100 kg	53,27
	L01	EUR/100 kg	—		L02	EUR/100 kg	41,51

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 21 99 9400	L01	EUR/100 kg	—	0402 91 31 9300	L01	EUR/100 kg	—
	068	EUR/100 kg	—		L02	EUR/100 kg	4,877
	L02	EUR/100 kg	43,80		A01	EUR/100 kg	6,967
	A01	EUR/100 kg	56,23	0402 91 39 9300	L01	EUR/100 kg	—
0402 21 99 9500	L01	EUR/100 kg	—		L02	EUR/100 kg	4,877
	068	EUR/100 kg	—		A01	EUR/100 kg	6,967
	L02	EUR/100 kg	44,60	0402 91 99 9000	L01	EUR/100 kg	—
A01	EUR/100 kg	57,25	L02		EUR/100 kg	15,93	
0402 21 99 9600	L01	EUR/100 kg	—		A01	EUR/100 kg	22,76
	068	EUR/100 kg	—	0402 99 11 9350	L01	EUR/kg	—
	L02	EUR/100 kg	47,75		L02	EUR/kg	0,1055
	A01	EUR/100 kg	61,29		A01	EUR/kg	0,1508
0402 21 99 9700	L01	EUR/100 kg	—	0402 99 19 9350	L01	EUR/kg	—
	068	EUR/100 kg	—		L02	EUR/kg	0,1055
	L02	EUR/100 kg	49,52		A01	EUR/kg	0,1508
	A01	EUR/100 kg	63,59	0402 99 31 9150	L01	EUR/kg	—
0402 21 99 9900	L01	EUR/100 kg	—		L02	EUR/kg	0,1095
	068	EUR/100 kg	—		A01	EUR/kg	0,1565
	L02	EUR/100 kg	51,59	0402 99 31 9300	L01	EUR/kg	—
	A01	EUR/100 kg	66,22		L02	EUR/kg	0,0953
0402 29 15 9200	L01	EUR/kg	—		A01	EUR/kg	0,1362
	L02	EUR/kg	0,0994	0402 99 39 9150	L01	EUR/kg	—
	A01	EUR/kg	0,1200		L02	EUR/kg	0,1095
	0402 29 15 9300	L01	EUR/kg		—	A01	EUR/kg
L02		EUR/kg	0,3650	0403 90 11 9000	L01	EUR/100 kg	—
A01		EUR/kg	0,4683		L02	EUR/100 kg	9,81
0402 29 15 9500		L01	EUR/kg		—	A01	EUR/100 kg
	L02	EUR/kg	0,3808	0403 90 13 9200	L01	EUR/100 kg	—
	A01	EUR/kg	0,4889		L02	EUR/100 kg	9,81
	0402 29 15 9900	L01	EUR/kg		—	A01	EUR/100 kg
L02		EUR/kg	0,4058	0403 90 13 9300	L01	EUR/100 kg	—
A01		EUR/kg	0,5210		L02	EUR/100 kg	36,16
0402 29 19 9300		L01	EUR/kg		—	A01	EUR/100 kg
	L02	EUR/kg	0,3650	0403 90 13 9500	L01	EUR/100 kg	—
	A01	EUR/kg	0,4683		L02	EUR/100 kg	37,75
	0402 29 19 9500	L01	EUR/kg		—	A01	EUR/100 kg
L02		EUR/kg	0,3808	0403 90 13 9900	L01	EUR/100 kg	—
A01		EUR/kg	0,4889		L02	EUR/100 kg	40,23
0402 29 19 9900		L01	EUR/kg		—	A01	EUR/100 kg
	L02	EUR/kg	0,4058	0403 90 19 9000	L01	EUR/100 kg	—
	A01	EUR/kg	0,5210		L02	EUR/100 kg	40,47
	0402 29 91 9000	L01	EUR/kg		—	A01	EUR/100 kg
L02		EUR/kg	0,4084	0403 90 33 9400	L01	EUR/kg	—
A01		EUR/kg	0,5241		L02	EUR/kg	0,3616
0402 29 99 9100		L01	EUR/kg		—	A01	EUR/kg
	L02	EUR/kg	0,4084	0403 90 33 9900	L01	EUR/kg	—
	A01	EUR/kg	0,5241		L02	EUR/kg	0,4023
	0402 29 99 9500	L01	EUR/kg		—	A01	EUR/kg
L02		EUR/kg	0,4380	0403 90 59 9310	L01	EUR/100 kg	—
A01		EUR/kg	0,5623		L02	EUR/100 kg	13,20
0402 91 11 9370		L01	EUR/100 kg		—	A01	EUR/100 kg
	L02	EUR/100 kg	4,127	0403 90 59 9340	L01	EUR/100 kg	—
	A01	EUR/100 kg	5,895		L02	EUR/100 kg	19,32
	0402 91 19 9370	L01	EUR/100 kg		—	A01	EUR/100 kg
L02		EUR/100 kg	4,127	0403 90 59 9370	L01	EUR/100 kg	—
A01		EUR/100 kg	5,895		L02	EUR/100 kg	19,32
A01		EUR/100 kg	5,895		A01	EUR/100 kg	27,59

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0403 90 59 9510	L01	EUR/100 kg	—	0405 10 19 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	19,32		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	27,59		A01	EUR/100 kg	89,76
0404 90 21 9120	L01	EUR/100 kg	—	0405 10 19 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	8,48		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	10,23		A01	EUR/100 kg	92,00
0404 90 21 9160	L01	EUR/100 kg	—	0405 10 30 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	9,94		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	12,00		A01	EUR/100 kg	89,76
0404 90 23 9120	L01	EUR/100 kg	—	0405 10 30 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	9,94		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	12,00		A01	EUR/100 kg	92,00
0404 90 23 9130	L01	EUR/100 kg	—	0405 10 30 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	36,50		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	46,83		A01	EUR/100 kg	92,00
0404 90 23 9140	L01	EUR/100 kg	—	0405 10 50 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	38,08		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	48,89		A01	EUR/100 kg	92,00
0404 90 23 9150	L01	EUR/100 kg	—	0405 10 50 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	40,58		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	52,10		A01	EUR/100 kg	89,76
0404 90 29 9110	L01	EUR/100 kg	—	0405 10 50 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	40,84		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	52,41		A01	EUR/100 kg	92,00
0404 90 29 9115	L01	EUR/100 kg	—	0405 10 90 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	41,08		L02	EUR/100 kg	70,73
	A01	EUR/100 kg	52,74		A01	EUR/100 kg	95,37
0404 90 29 9125	L01	EUR/100 kg	—	0405 20 90 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	41,51		L02	EUR/100 kg	62,41
	A01	EUR/100 kg	53,27		A01	EUR/100 kg	84,16
0404 90 29 9140	L01	EUR/100 kg	—	0405 20 90 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	44,60		L02	EUR/100 kg	64,90
	A01	EUR/100 kg	57,25		A01	EUR/100 kg	87,51
0404 90 81 9100	L01	EUR/kg	—	0405 90 10 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,0994		L02	EUR/100 kg	85,16
	A01	EUR/kg	0,1200		A01	EUR/100 kg	114,82
0404 90 83 9110	L01	EUR/kg	—	0405 90 90 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,0994		L02	EUR/100 kg	68,11
	A01	EUR/kg	0,1200		A01	EUR/100 kg	91,83
0404 90 83 9130	L01	EUR/kg	—	0406 10 20 9100	L01	EUR/100 kg	—
	L02	EUR/kg	0,3650		L02	EUR/100 kg	—
	A01	EUR/kg	0,4683		A01	EUR/100 kg	—
0404 90 83 9150	L01	EUR/kg	—	0406 10 20 9230	L03	EUR/100 kg	—
	L02	EUR/kg	0,3808		L04	EUR/100 kg	12,99
	A01	EUR/kg	0,4889		400	EUR/100 kg	—
0404 90 83 9170	L01	EUR/kg	—	0406 10 20 9290	A01	EUR/100 kg	16,24
	L02	EUR/kg	0,4058		A00	EUR/100 kg	—
	A01	EUR/kg	0,5210		A00	EUR/100 kg	—
0404 90 83 9936	L01	EUR/kg	—	0406 10 20 9300	A00	EUR/100 kg	—
	L02	EUR/kg	0,1055		A00	EUR/100 kg	—
	A01	EUR/kg	0,1508		A00	EUR/100 kg	—
0405 10 11 9500	L01	EUR/100 kg	—	0406 10 20 9610	A00	EUR/100 kg	—
	L02	EUR/100 kg	66,57		A00	EUR/100 kg	—
	A01	EUR/100 kg	89,76		A00	EUR/100 kg	—
0405 10 11 9700	L01	EUR/100 kg	—	0406 10 20 9620	L03	EUR/100 kg	—
	L02	EUR/100 kg	68,24		L04	EUR/100 kg	19,96
	A01	EUR/100 kg	92,00		400	EUR/100 kg	—
				A01	EUR/100 kg	24,94	

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 10 20 9640	L03	EUR/100 kg	—	0406 30 39 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	29,32		L04	EUR/100 kg	5,69
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	36,65		A01	EUR/100 kg	13,34
0406 10 20 9650	L03	EUR/100 kg	—	0406 30 39 9950	L03	EUR/100 kg	—
	L04	EUR/100 kg	24,44		L04	EUR/100 kg	6,44
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	30,55		A01	EUR/100 kg	15,09
0406 10 20 9830	L03	EUR/100 kg	—	0406 30 90 9000	A00	EUR/100 kg	—
	L04	EUR/100 kg	9,08	0406 40 50 9000	L03	EUR/100 kg	—
	400	EUR/100 kg	—	L04	EUR/100 kg	34,48	
	A01	EUR/100 kg	11,33	400	EUR/100 kg	—	
0406 10 20 9850	L03	EUR/100 kg	—	0406 40 90 9000	A01	EUR/100 kg	43,09
	L04	EUR/100 kg	10,99		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	35,41
	A01	EUR/100 kg	13,74		400	EUR/100 kg	—
0406 20 90 9100	A00	EUR/100 kg	—	0406 90 13 9000	A01	EUR/100 kg	44,26
0406 20 90 9913	L03	EUR/100 kg	—		L03	EUR/100 kg	—
0406 20 90 9915	L04	EUR/100 kg	21,76		L04	EUR/100 kg	39,25
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	27,20	A01	EUR/100 kg	56,18	
0406 20 90 9917	L03	EUR/100 kg	—	0406 90 15 9100	L03	EUR/100 kg	—
	L04	EUR/100 kg	29,54		L04	EUR/100 kg	40,57
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	36,93		A01	EUR/100 kg	58,06
0406 20 90 9919	L03	EUR/100 kg	—	0406 90 17 9100	L03	EUR/100 kg	—
	L04	EUR/100 kg	31,41		L04	EUR/100 kg	40,57
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	39,24		A01	EUR/100 kg	58,06
0406 20 90 9919	L03	EUR/100 kg	—	0406 90 21 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	35,08		L04	EUR/100 kg	39,43
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	43,86		A01	EUR/100 kg	56,30
0406 30 31 9710	A00	EUR/100 kg	—	0406 90 23 9900	L03	EUR/100 kg	—
0406 30 31 9730	L03	EUR/100 kg	—		L04	EUR/100 kg	35,35
0406 30 31 9910	L04	EUR/100 kg	3,91		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	50,82
	A01	EUR/100 kg	9,17	0406 90 25 9900	L03	EUR/100 kg	—
0406 30 31 9930	A00	EUR/100 kg	—		L04	EUR/100 kg	34,67
0406 30 31 9950	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	5,69		A01	EUR/100 kg	49,63
	400	EUR/100 kg	—	0406 90 27 9900	L03	EUR/100 kg	—
A01	EUR/100 kg	13,34	L04		EUR/100 kg	31,39	
0406 30 39 9500	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	3,91		A01	EUR/100 kg	44,95
	400	EUR/100 kg	—	0406 90 31 9119	L03	EUR/100 kg	—
A01	EUR/100 kg	9,17	L04		EUR/100 kg	29,03	
0406 30 39 9700	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	5,69		A01	EUR/100 kg	41,60
	400	EUR/100 kg	—	0406 90 33 9119	L03	EUR/100 kg	—
A01	EUR/100 kg	13,34	L04		EUR/100 kg	29,03	
0406 30 39 9700	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	5,69		A01	EUR/100 kg	41,60
	400	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 33 9919	A00	EUR/100 kg	—	0406 90 78 9300	L03	EUR/100 kg	—
0406 90 33 9951	A00	EUR/100 kg	—		L04	EUR/100 kg	35,54
0406 90 35 9190	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	41,33		A01	EUR/100 kg	50,76
	400	EUR/100 kg	—	0406 90 78 9500	L03	EUR/100 kg	—
	A01	EUR/100 kg	59,45		L04	EUR/100 kg	34,55
0406 90 35 9990	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	41,33		A01	EUR/100 kg	49,04
	400	EUR/100 kg	—	0406 90 79 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	59,45		L04	EUR/100 kg	29,35
0406 90 37 9000	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	39,25		A01	EUR/100 kg	42,19
	400	EUR/100 kg	—	0406 90 81 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	56,18		L04	EUR/100 kg	36,63
0406 90 61 9000	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	44,68		A01	EUR/100 kg	52,44
	400	EUR/100 kg	—	0406 90 85 9930	L03	EUR/100 kg	—
	A01	EUR/100 kg	64,65		L04	EUR/100 kg	40,16
0406 90 63 9100	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	44,02		A01	EUR/100 kg	57,80
	400	EUR/100 kg	—	0406 90 85 9970	L03	EUR/100 kg	—
	A01	EUR/100 kg	63,49		L04	EUR/100 kg	36,84
0406 90 63 9900	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	42,31		A01	EUR/100 kg	52,98
	400	EUR/100 kg	—	0406 90 86 9100	A00	EUR/100 kg	—
	A01	EUR/100 kg	61,32	0406 90 86 9200	L03	EUR/100 kg	—
0406 90 69 9100	A00	EUR/100 kg	—		L04	EUR/100 kg	35,61
0406 90 69 9910	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	42,93		A01	EUR/100 kg	52,80
	400	EUR/100 kg	—	0406 90 86 9300	A00	EUR/100 kg	—
	A01	EUR/100 kg	62,22	0406 90 86 9400	L03	EUR/100 kg	—
0406 90 73 9900	L03	EUR/100 kg	—		L04	EUR/100 kg	38,16
	L04	EUR/100 kg	36,12		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	55,80
	A01	EUR/100 kg	51,75	0406 90 86 9900	L03	EUR/100 kg	—
0406 90 75 9900	L03	EUR/100 kg	—		L04	EUR/100 kg	40,16
	L04	EUR/100 kg	36,84		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	57,80
	A01	EUR/100 kg	52,98	0406 90 87 9100	A00	EUR/100 kg	—
0406 90 76 9300	L03	EUR/100 kg	—	0406 90 87 9200	A00	EUR/100 kg	—
	L04	EUR/100 kg	32,71	0406 90 87 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	33,16
	A01	EUR/100 kg	46,82		400	EUR/100 kg	—
0406 90 76 9400	L03	EUR/100 kg	—		A01	EUR/100 kg	49,00
	L04	EUR/100 kg	36,63	0406 90 87 9400	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	33,86
	A01	EUR/100 kg	52,44		400	EUR/100 kg	—
0406 90 76 9500	L03	EUR/100 kg	—		A01	EUR/100 kg	49,49
	L04	EUR/100 kg	33,92	0406 90 87 9951	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	35,97
	A01	EUR/100 kg	48,15		400	EUR/100 kg	—
0406 90 78 9100	L03	EUR/100 kg	—		A01	EUR/100 kg	51,50
	L04	EUR/100 kg	35,88				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	52,42				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9971	L03	EUR/100 kg	—	0406 90 87 9975	L03	EUR/100 kg	—
	L04	EUR/100 kg	35,97		L04	EUR/100 kg	37,52
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	51,50		A01	EUR/100 kg	53,02
0406 90 87 9972	L03	EUR/100 kg	—	0406 90 87 9979	L03	EUR/100 kg	—
	L04	EUR/100 kg	15,21		L04	EUR/100 kg	35,35
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	21,86		A01	EUR/100 kg	50,82
0406 90 87 9973	L03	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	35,33	0406 90 88 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	—	L04	EUR/100 kg	29,29	
	A01	EUR/100 kg	50,57	400	EUR/100 kg	—	
0406 90 87 9974	L03	EUR/100 kg	—	0406 90 88 9500	A01	EUR/100 kg	43,13
	L04	EUR/100 kg	37,84		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	30,20
	A01	EUR/100 kg	53,93		400	EUR/100 kg	—
				A01	EUR/100 kg	43,15	

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 750/2005 (OJ L 126, 19.5.2005, p. 12).

The other destinations are defined as follows:

L01 Ceuta, Melilla, 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, the exports referred 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.

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

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

**COMMISSION REGULATION (EC) No 1117/2005****of 14 July 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 12 July 2005.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 12 July 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 15 July 2005.

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

Done at Brussels, 14 July 2005.

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

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

<sup>(3)</sup> OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

## 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	—	—
Butter	ex 0405 10 19 9700	—	101,50
Butteroil	ex 0405 90 10 9000	—	124,00

**COMMISSION REGULATION (EC) No 1118/2005****of 14 July 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 12 July 2005.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 12 July 2005, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 16,00 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(3)</sup> OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 2250/2004.

## COMMISSION REGULATION (EC) No 1119/2005

of 14 July 2005

**amending Regulation (EC) No 1751/2004 fixing the interest rates to be used for calculating the costs of financing intervention measures comprising buying-in, storage and disposal for the EAGGF Guarantee Section accounting year 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 (EAGGF) Guarantee Section <sup>(1)</sup>, and in particular the first paragraph of Article 5 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1751/2004 <sup>(2)</sup> fixes for the 2005 EAGGF Guarantee Section accounting year the interest rates to be used to calculate the cost of financing intervention measures under Articles 3 and 4 of Commission Regulation (EEC) No 411/88 on the method and the rate of interest to be used for calculating the cost of financing intervention measures comprising buying-in, storage and disposal <sup>(3)</sup>.
- (2) As Article 5 of Regulation (EEC) No 1883/78 and Article 4 of Regulation (EEC) No 411/88 have been amended as regards the procedures for notifying and taking account of the average rate of the interest costs borne by the new Member States in 2004 and as regards the method of calculating the specific interest rate for the Member States whose average interest cost rate is higher than double the standard interest rate established for the Community, the interest rates fixed by Regulation (EC) No 1751/2004 for calculating the financing costs of the abovementioned intervention measures should be adjusted accordingly.

- (3) As the amendments to Regulations (EEC) No 1883/78 and (EEC) No 411/88 apply from 1 October 2004, that same date of application should apply to this Regulation.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 of Regulation (EC) No 1751/2004 is replaced by the following:

*'Article 1*

For expenditure incurred during the 2005 EAGGF Guarantee Section accounting year:

1. the interest rate referred to in Article 3 of Regulation (EEC) No 411/88 shall be 2,2 %;
2. the specific interest rate referred to in Article 4(1) of Regulation (EEC) No 411/88 shall be 2,1 % for Austria, France, Portugal and Sweden and 2 % for Ireland and Finland.
3. the specific interest rate referred to in Article 4(3) of Regulation (EEC) No 411/88 shall be 2,5 % for the United Kingdom, 2,9 % for Latvia, 3,1 % for Slovakia and Slovenia, 4 % for Cyprus, 4,1 % for Poland and 9,2 % for Hungary.'

*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 from 1 October 2004.

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

Done at Brussels, 14 July 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 312, 9.10.2004, p. 9.

<sup>(3)</sup> OJ L 40, 13.2.1988, p. 25. Regulation as last amended by Regulation (EC) No 956/2005 (OJ L 164, 24.6.2005, p. 8).

**COMMISSION REGULATION (EC) No 1120/2005**  
**of 14 July 2005**  
**amending the rates of the refunds applicable to certain milk products exported in the form of goods**  
**not covered by Annex I to the Treaty**

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 markets in the milk and milk products sector <sup>(1)</sup>, and in particular Article 31(3) thereof,

Whereas:

(1) The rates of the refunds applicable from 1 July 2005 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1021/2005 <sup>(2)</sup>.

(2) It follows from applying the rules and criteria contained in Regulation (EC) No 1021/2005 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of refund fixed by Regulation (EC) No 1021/2005 are hereby altered as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 2005.

*For the Commission*  
Günter VERHEUGEN  
*Vice-President*

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<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1787/2003 (OJ L 270, 21.10.2003, p. 121).

<sup>(2)</sup> OJ L 170, 1.7.2005, p. 56.

## ANNEX

**Rates of the refunds applicable from 15 July 2005 to certain milk products exported in the form of goods not covered by Annex I to the Treaty <sup>(1)</sup>**

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	12,00	12,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	20,29	20,29
	(b) on exportation of other goods	52,10	52,10
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	36,00	36,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	99,25	99,25
	(c) on exportation of other goods	92,00	92,00

<sup>(1)</sup> The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, and to the goods listed in Tables I and II to Protocol No 2 the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

**COMMISSION REGULATION (EC) No 1121/2005**  
**of 14 July 2005**  
**fixing production refunds on cereals**

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 8(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively <sup>(2)</sup> lays down the conditions for granting production refunds. The basis for calculating the refund is laid down in Article 3 of that Regulation. The refund thus calculated, differentiated where necessary for potato starch, must be fixed once a month and may be amended if the price of maize and/or wheat changes significantly.

- (2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.
- (3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The refund per tonne of starch referred to in Article 3(2) of Regulation (EEC) No 1722/93, is hereby fixed at:

- (a) EUR 9,54/tonne for starch from maize, wheat, barley and oats;
- (b) EUR 20,50/tonne for potato starch.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 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 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

**COMMISSION REGULATION (EC) No 1122/2005****of 14 July 2005****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses <sup>(2)</sup>, and in particular the second sentence of the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2005/2006 marketing year are fixed by

Commission Regulation (EC) No 1011/2005 <sup>(3)</sup>. These prices and duties have been amended by Regulation (EC) No 1069/2005 <sup>(4)</sup>.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 1423/95,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year are hereby amended as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

<sup>(3)</sup> OJ L 170, 1.7.2005, p. 35.

<sup>(4)</sup> OJ L 174, 7.7.2005, p. 69.

## ANNEX

**Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 15 July 2005**

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 <sup>(1)</sup>	21,64	5,48
1701 11 90 <sup>(1)</sup>	21,64	10,80
1701 12 10 <sup>(1)</sup>	21,64	5,29
1701 12 90 <sup>(1)</sup>	21,64	10,28
1701 91 00 <sup>(2)</sup>	27,52	11,47
1701 99 10 <sup>(2)</sup>	27,52	6,95
1701 99 90 <sup>(2)</sup>	27,52	6,95
1702 90 99 <sup>(3)</sup>	0,28	0,37

<sup>(1)</sup> Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

<sup>(2)</sup> Fixed for the standard quality defined in Annex I.I to Regulation (EC) No 1260/2001.

<sup>(3)</sup> Fixed per 1 % sucrose content.

## COMMISSION REGULATION (EC) No 1123/2005

of 14 July 2005

**fixing the representative prices and the additional import duties for molasses in the sugar sector  
applicable from 15 July 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar <sup>(1)</sup>, and in particular Article 24(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 <sup>(2)</sup>, stipulates that the cif import price for molasses established in accordance with Commission Regulation (EEC) No 785/68 <sup>(3)</sup>, is to be considered the representative price. That price is fixed for the standard quality defined in Article 1 of Regulation (EEC) No 785/68.
- (2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 3 of Regulation (EEC) No 785/68, except in the cases provided for in Article 4 of that Regulation and those prices should be fixed, where appropriate, in accordance with the method provided for in Article 7 of that Regulation.
- (3) Prices not referring to the standard quality should be adjusted upwards or downwards, according to the

quality of the molasses offered, in accordance with Article 6 of Regulation (EEC) No 785/68.

- (4) Where there is a difference between the trigger price for the product concerned and the representative price, additional import duties should be fixed under the terms laid down in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (5) The representative prices and additional import duties for the products concerned should be fixed in accordance with Articles 1(2) and 3(1) of Regulation (EC) No 1422/95.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 141, 24.6.1995, p. 12. Regulation as amended by Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

<sup>(3)</sup> OJ 145, 27.6.1968, p. 12. Regulation as amended by Regulation (EC) No 1422/95.

## ANNEX

**Representative prices and additional duties for imports of molasses in the sugar sector applicable from 15 July 2005**

(EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 <sup>(1)</sup>
1703 10 00 <sup>(2)</sup>	11,33	—	0
1703 90 00 <sup>(2)</sup>	11,90	—	0

<sup>(1)</sup> This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

<sup>(2)</sup> For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

**COMMISSION REGULATION (EC) No 1124/2005****of 14 July 2005****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector <sup>(2)</sup>. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.

- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 2005.

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

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

<sup>(2)</sup> OJ L 214, 8.9.1995, p. 16.

## ANNEX

REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING  
APPLICABLE FROM 15 JULY 2005 <sup>(1)</sup>

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	32,04 <sup>(2)</sup>
1701 11 90 9910	S00	EUR/100 kg	30,64 <sup>(2)</sup>
1701 12 90 9100	S00	EUR/100 kg	32,04 <sup>(2)</sup>
1701 12 90 9910	S00	EUR/100 kg	30,64 <sup>(2)</sup>
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3483
1701 99 10 9100	S00	EUR/100 kg	34,83
1701 99 10 9910	S00	EUR/100 kg	33,31
1701 99 10 9950	S00	EUR/100 kg	33,31
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3483

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).

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:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

<sup>(1)</sup> The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

<sup>(2)</sup> This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

**COMMISSION REGULATION (EC) No 1125/2005****of 14 July 2005****fixing the maximum export refund for white sugar to certain third countries for the 32nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup> and in particular the second indent of Article 27(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 1327/2004 of 19 July 2004 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar <sup>(2)</sup>, for the 2004/2005 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1327/2004 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 32nd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1327/2004 the maximum amount of the export refund shall be 37,9 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 2005.

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

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

<sup>(2)</sup> OJ L 246, 20.7.2004, p. 23. Regulation as amended by Regulation (EC) No 1685/2004 (OJ L 303, 30.9.2004, p. 21).

**COMMISSION REGULATION (EC) No 1126/2005****of 14 July 2005****laying down the reduction coefficient to be applied under the tariff quota for corn opened by  
Regulation (EC) No 573/2003**

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>,

Having regard to Commission Regulation (EC) No 573/2003 of 28 March 2003, laying down detailed rules for the application of Council Decision 2003/18/EC as regards the concessions in the form of Community tariff quotas on certain cereal products originating in Romania and amending Regulation (EC) No 2809/2000 <sup>(2)</sup>, and in particular Article 2(3),

Whereas:

- (1) Regulation (EC) No 573/2003 opens an annual tariff quota of 149 000 t of corn for the 2005/2006 marketing year.

- (2) The quantities applied for on 11 July 2005, in accordance with Article 2(1) of Regulation (EC) No 573/2003, exceed the quantities available. The extent to which licences may be issued should therefore be determined and a reduction coefficient laid down to be applied to the quantities applied for,

HAS ADOPTED THIS REGULATION:

*Article 1*

Each application for an import licence for quota 'Romania' for corn lodged and forwarded to the Commission on 11 July 2005 in accordance with Article 2(1) and (2) of Regulation (EC) No 573/2003 shall be accepted at a rate of 8,9425 % of the quantity applied for.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 82, 29.3.2003, p. 25.

**COMMISSION REGULATION (EC) No 1127/2005****of 14 July 2005****laying down the reduction coefficient to be applied under the tariff quota for wheat opened by  
Regulation (EC) No 573/2003**

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>,

Having regard to Commission Regulation (EC) No 573/2003 of 28 March 2003, laying down detailed rules for the application of Council Decision 2003/18/EC as regards the concessions in the form of Community tariff quotas on certain cereal products originating in Romania and amending Regulation (EC) No 2809/2000 <sup>(2)</sup>, and in particular Article 2(3),

Whereas:

- (1) Regulation (EC) No 573/2003 opens an annual tariff quota of 230 000 t of wheat for the 2005/2006 marketing year.

- (2) The quantities applied for on 11 July 2005, in accordance with Article 2(1) of Regulation (EC) No 573/2003, exceed the quantities available. The extent to which licences may be issued should therefore be determined and a reduction coefficient laid down to be applied to the quantities applied for,

HAS ADOPTED THIS REGULATION:

*Article 1*

Each application for an import licence for quota 'Romania' for wheat lodged and forwarded to the Commission on 11 July 2005 in accordance with Article 2(1) and (2) of Regulation (EC) No 573/2003 shall be accepted at a rate of 9,98047 % of the quantity applied for.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 82, 29.3.2003, p. 25.

**COMMISSION REGULATION (EC) No 1128/2005****of 14 July 2005****laying down the reduction coefficient to be applied under the tariff quota for corn opened by  
Regulation (EC) No 958/2003**

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>,

Having regard to Commission Regulation (EC) No 958/2003 of 3 June 2003, laying down detailed rules for the application of Council Decision 2003/286/EC as regards the concessions in the form of Community tariff quotas on certain cereal products originating in the Republic of Bulgaria and amending Regulation (EC) No 2809/2000 <sup>(2)</sup>, and in particular Article 2(3),

Whereas:

- (1) Regulation (EC) No 958/2003 opens an annual tariff quota of 96 000 t of corn for the 2005/2006 marketing year.

- (2) The quantities applied for on 11 July 2005, in accordance with Article 2(1) of Regulation (EC) No 958/2003, exceed the quantities available. The extent to which licences may be issued should therefore be determined and a reduction coefficient laid down to be applied to the quantities applied for,

HAS ADOPTED THIS REGULATION:

*Article 1*

Each application for an import licence for quota 'Bulgaria' for corn lodged and forwarded to the Commission on 11 July 2005 in accordance with Article 2(1) and (2) of Regulation (EC) No 958/2003 shall be accepted at a rate of 1,58507 % of the quantity applied for.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 136, 4.6.2003, p. 3. Regulation as amended by Regulation (EC) No 1046/2005 (OJ L 172, 5.7.2005, p. 79).

**COMMISSION REGULATION (EC) No 1129/2005****of 14 July 2005****laying down the reduction coefficient to be applied under the tariff quota for corn opened by  
Regulation (EC) No 958/2003**

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>,

Having regard to Commission Regulation (EC) No 958/2003 of 3 June 2003, laying down detailed rules for the application of Council Decision 2003/286/EC as regards the concessions in the form of Community tariff quotas on certain cereal products originating in the Republic of Bulgaria and amending Regulation (EC) No 2809/2000 <sup>(2)</sup>, and in particular Article 2(3),

Whereas:

- (1) Regulation (EC) No 958/2003 opens an annual tariff quota of 352 000 tonnes of corn for the 2005/2006 marketing year.

- (2) The quantities applied for on 11 July 2005, in accordance with Article 2(1) of Regulation (EC) No 958/2003, exceed the quantities available. The extent to which licences may be issued should therefore be determined and a reduction coefficient laid down to be applied to the quantities applied for,

HAS ADOPTED THIS REGULATION:

*Article 1*

Each application for an import licence for quota 'Bulgaria' for corn lodged and forwarded to the Commission on 11 July 2005 in accordance with Article 2(1) and (2) of Regulation (EC) No 958/2003 shall be accepted at a rate of 0,71846 % of the quantity applied for.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 136, 4.6.2003, p. 3. Regulation as amended by Regulation (EC) No 1046/2005 (OJ L 172, 5.7.2005, p. 79).

**COMMISSION REGULATION (EC) No 1130/2005**  
**of 14 July 2005**  
**on the issue of import licences for garlic imported under the autonomous tariff quota opened by**  
**Regulation (EC) No 1034/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1034/2005 of 1 July 2005 opening and providing for the administration of an autonomous tariff quota for garlic <sup>(1)</sup>, and in particular Article 6(3) thereof,

Whereas:

Licence applications submitted by traditional and new importers to the competent authorities of the Member States pursuant to Article 4(1) of Regulation (EC) No 1034/2005, exceed the available quantities. The extent to which licences may be issued should therefore be determined,

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

Done at Brussels, 14 July 2005.

*Article 1*

1. Applications for import licences made by traditional importers pursuant to Article 4(1) of Regulation (EC) No 1034/2005 and submitted to the Commission by the Member States on 12 July 2005 shall be issued for 2,717 % of the quantity applied for.

2. Applications for import licences made by new importers pursuant to Article 4(1) of Regulation (EC) No 1034/2005 and submitted to the Commission by the Member States on 12 July 2005 shall be issued for 0,765 % of the quantity applied for.

*Article 2*

This Regulation shall enter into force on 18 July 2005.

It shall apply until 30 September 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 171, 2.7.2005, p. 11.

## COMMISSION REGULATION (EC) No 1131/2005

of 14 July 2005

## fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty

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,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice <sup>(2)</sup>, and in particular Article 14(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds <sup>(3)</sup>, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-

term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC <sup>(4)</sup>, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 <sup>(5)</sup>, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

<sup>(2)</sup> OJ L 270, 21.10.2003, p. 96.

<sup>(3)</sup> OJ L 172, 5.7.2005, p. 24.

<sup>(4)</sup> OJ L 275, 29.9.1987, p. 36.

<sup>(5)</sup> OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 14 July 2005.

*For the Commission*  
Günter VERHEUGEN  
*Vice-President*

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## ANNEX

**Rates of the refunds applicable from 15 July 2005 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (\*)**

CN code	Description of products (1)	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	—	—
	– – where goods falling within subheading 2208 (3) are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 (3) are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	2,717	2,717
	– – where goods falling within subheading 2208 (3) are exported	1,781	1,781
	– – in other cases	3,807	3,807
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (4):		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	1,765	1,765
	– – where goods falling within subheading 2208 (3) are exported	1,336	1,336
	– – in other cases	2,855	2,855
	– where goods falling within subheading 2208 (3) are exported	1,781	1,781
	– other (including unprocessed)	3,807	3,807
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies (2)	2,326	2,326
	– where goods falling within subheading 2208 (3) are exported	1,781	1,781
	– in other cases	3,807	3,807

(\*) The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004 and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

(EUR/100 kg)

CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

<sup>(1)</sup> As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

<sup>(2)</sup> The goods concerned fall under CN code 3505 10 50.

<sup>(3)</sup> Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

<sup>(4)</sup> For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

## COMMISSION REGULATION (EC) No 1132/2005

of 14 July 2005

## fixing the export refunds on products processed from cereals and rice

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,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice <sup>(2)</sup>, and in particular Article 14(3) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 14 of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 14 of Regulation (EC) No 1785/2003 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 <sup>(3)</sup> on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash,

crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 of Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

<sup>(2)</sup> OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 1549/2004 (OJ L 280, 31.8.2004, p. 13).

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

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

Done at Brussels, 14 July 2005.

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

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## ANNEX

## to Commission Regulation of 14 July 2005 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 <sup>(1)</sup>	C10	EUR/t	53,30	1104 23 10 9300	C10	EUR/t	43,78
1102 20 10 9400 <sup>(1)</sup>	C10	EUR/t	45,68	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 <sup>(1)</sup>	C10	EUR/t	45,68	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C11	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	9,52
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 <sup>(1)</sup>	C10	EUR/t	68,53	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 <sup>(1)</sup>	C10	EUR/t	53,30	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 <sup>(1)</sup>	C10	EUR/t	45,68	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 <sup>(1)</sup>	C10	EUR/t	45,68	1108 12 00 9200	C10	EUR/t	60,91
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	60,91
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	60,91
1103 20 60 9000	C12	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	60,91
1103 20 20 9000	C11	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 <sup>(2)</sup>	C10	EUR/t	59,67
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 <sup>(2)</sup>	C10	EUR/t	45,68
1104 19 50 9110	C10	EUR/t	60,91	1702 30 91 9000	C10	EUR/t	59,67
1104 19 50 9130	C10	EUR/t	49,49	1702 30 99 9000	C10	EUR/t	45,68
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	45,68
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	59,67
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	45,68
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	62,53
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	43,40
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	45,68
1104 23 10 9100	C10	EUR/t	57,11				

<sup>(1)</sup> No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

<sup>(2)</sup> Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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 Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are as follows:

C10: All destinations

C11: All destinations except for Bulgaria

C12: All destinations except for Romania

C13: All destinations except for Bulgaria and Romania

**COMMISSION REGULATION (EC) No 1133/2005****of 14 July 2005****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under 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>.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 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).

## ANNEX

**to the Commission Regulation of 14 July 2005 fixing the export refunds on cereals and on wheat or rye flour,  
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	5,12
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	4,72
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	4,36
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	C01	EUR/t	4,08
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	5,48				

NB: The product codes and the 'A' series destination codes are set out in the Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

**COMMISSION REGULATION (EC) No 1134/2005****of 14 July 2005****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1059/2005**

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 1059/2005 <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 8 to 14 July 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1059/2005, the maximum refund on exportation of common wheat shall be 4,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 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 174, 7.7.2005, p. 15.

<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 1135/2005****of 14 July 2005****concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1058/2005**

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 barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1058/2005 <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 8 to 14 July 2005 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1058/2005.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 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 174, 7.7.2005, p. 12.

<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 1136/2005****of 14 July 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 868/2005**

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 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 868/2005 <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 8 to 14 July 2005, pursuant to the invitation to tender issued in Regulation (EC) No 868/2005, the maximum reduction in the duty on maize imported shall be 20,96 EUR/t and be valid for a total maximum quantity of 2 800 t.

*Article 2*

This Regulation shall enter into force on 15 July 2005.

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

Done at Brussels, 14 July 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 145, 9.6.2005, p. 18.

<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

## DECISION No 2/2005 OF THE EU-ROMANIA ASSOCIATION COUNCIL

of 20 June 2005

**amending, through the setting up of a Joint Consultative Committee between the Committee of the Regions and the Romanian Liaison Committee for Cooperation with the Committee of the Regions, Decision No 1/95 adopting the rules of procedure of the Association Council**

(2005/502/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part <sup>(1)</sup> and in particular Article 111 thereof,

Whereas:

- (1) Dialogue and cooperation between the regional and local authorities in the European Community and those in Romania can make a major contribution to the development of their relations and to the integration of Europe.
- (2) It seems appropriate that such cooperation should be organised at the level of the Committee of the Regions, of the one part, and of the Romanian Liaison Committee for Cooperation with the Committee of the Regions, of the other part, by setting up a Joint Consultative Committee.
- (3) This means that the rules of procedure of the Association Council, adopted by Decision No 1/95 <sup>(2)</sup>, need to be amended accordingly,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following Articles shall be added to the rules of procedure of the Association Council:

*Article 18*

A Joint Consultative Committee (hereinafter referred to as "Committee") is hereby established with the task of assisting the Association Council with a view to promoting dialogue and cooperation between the regional and local authorities in the European Community and those in Romania. Such dialogue and cooperation shall be aimed in particular at:

1. preparing Romanian local authorities for activity in the framework of future membership of the European Union;
2. preparing Romanian local authorities for their participation in the work of the Committee of the Regions after accession of Romania;
3. exchanging information on current issues of mutual interest, in particular on the state of play concerning EU regional policy and the accession process as well as preparation of Romanian local authorities for these policies;
4. encouraging multilateral structured dialogue between (a) Romanian local authorities and (b) regions from EU Member States, including through networking in specific areas where direct contacts and cooperation between local authorities from Romania, on the one hand, and regions and local authorities from EU Member States, on the other hand, might prove the most effective way of solving particular problems;
5. providing regular exchanges of information on inter-regional cooperation between local authorities from Romania and regions and local authorities from Member States;

<sup>(1)</sup> OJ L 357, 31.12.1994, p. 2.

<sup>(2)</sup> OJ L 171, 21.7.1995, p. 41.

6. encouraging exchanges of experience and knowledge in the field of regional policy and structural interventions, between (a) Romanian local authorities and (b) regions and local authorities from EU Member States, in particular know-how and techniques concerning the preparation of regional and local development plans or strategies and the most efficient use of Structural Funds;
7. assisting Romanian local authorities by means of information exchange in the practical implementation of the principle of subsidiarity in all aspects of life on the regional and local level;
8. discussing any other relevant matters proposed by any side, as they can arise in the context of implementation of the Europe Agreement and in the framework of the Pre-accession Strategy.

#### *Article 19*

The Committee shall comprise of eight representatives of the Committee of the Regions, on the one hand, and eight representatives of the Romanian Liaison Committee for Cooperation with the Committee of the Regions, on the other hand. An equal number of alternate members shall be appointed.

The Committee shall carry out its activities on the basis of consultation by the Association Council or, as concerns the promotion of the dialogue between the regional and local authorities, on its own initiative.

The Committee may make recommendations to the Association Council.

Members shall be chosen to ensure that the Committee is as faithful a reflection as possible of the various levels of regional and local authorities in both the European Community and Romania.

The Committee shall adopt its own Rules of Procedure.

The Committee shall meet at intervals, which it shall itself determine in its Rules of Procedure.

The Committee shall be co-chaired by a member of the Committee of the Regions and a member of the Romanian Liaison Committee for Cooperation with the Committee of the Regions.

#### *Article 20*

The Committee of the Regions, on the one hand, and the Romanian Liaison Committee for Cooperation with the Committee of the Regions, on the other hand, shall each defray the expenses they incur by reason of their participation in the meetings of the Committee with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the Committee of the Regions, with the exception of expenditure in connection with interpreting or translation into or from Romanian, which shall be borne by the Romanian Liaison Committee for Cooperation with the Committee of the Regions.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.'

#### *Article 2*

This Decision shall enter into force on the first day of the second month following the date of its adoption.

Done at Brussels, 20 June 2005.

*For the Association Council*

*The Chairman*

J. ASSELBORN

# COMMISSION

## COMMISSION DECISION

of 29 September 2004

relating to a proceeding under Article 81 of the EC Treaty (Case COMP/C.37.750/B2 — Brasseries Kronenbourg — Brasseries Heineken)

(notified under document number C(2004) 3597)

(Only the Dutch and French versions are authentic)

(2005/503/EC)

On 29 September 2004, the Commission adopted a decision relating to a proceeding under Article 81 of the EC Treaty. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003<sup>(1)</sup>, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business interests. A non-confidential version of the full text of the decision can be found in the authentic languages of the case and in the Commission's working languages at DG COMP web-site at [http://europa.eu.int/comm/competition/index\\_en.html](http://europa.eu.int/comm/competition/index_en.html)

### I. INTRODUCTION

- (1) The decision relates to an 'armistice' agreement regarding the sale of beer in France for consumption away from home (on-trade sector). The Commission has gathered evidence showing that on 21 March 1996, the two main brewery groups in France, Brasseries Kronenbourg SA and Heineken France SA (previously: Sogebra) and their respective mother companies at the time of the facts, Groupe Danone and Heineken NV, have concluded this agreement, following an 'acquisition war' regarding drinks wholesalers. The agreement concerns, on the one hand, the acquisition of drinks wholesalers, with the aim of bringing a rapid end to the rising costs of acquiring these companies, and on the other hand, the balancing of the integrated distribution networks of the parties concerned. The 'armistice' agreement has, however, never been implemented.

### II. SUMMARY OF THE CASE

#### 1. Origin of the case and procedural steps

- (2) The case started on the basis of information provided by Interbrew NV (now Inbev NV) in the framework of the Belgian brewery cartel case (Commission Decision 2003/569/EC of 5 December 2001 relating to a proceeding pursuant to Article 81 of the EC Treaty, (Case IV/37.614/F3 PO/Interbrew and Alken-Maes) (OJ L 200, 7.8.2003, p. 1)). On the basis of this information, the Commission conducted several inspections in the year 2000 and has completed its investigation by requests for information.

- (3) On February 4, 2004 the Commission opened the proceedings and adopted a statement of objections against Brasseries Kronenbourg SA, Heineken France SA, Groupe Danone and Heineken NV. All parties have submitted a written reply to the Commission. They have, however, renounced their right to a hearing.

#### 2. The sector concerned

- (4) This case concerns the sales of beer in France in the on-trade sector.
- (5) Together, the companies participating in the agreement represented approximately three quarters of the volume of beer consumed in France in 1999.

#### 3. Nature of the infringement

- (6) The Commission withheld the following infringement: on 12 February 1996, Heineken NV and Heineken France SA announced their intention to acquire the groups Fischer and Saint Arnould to Groupe Danone and Brasseries Kronenbourg SA. Since the groups Fischer and Saint Arnould distributed an important volume of Kronenbourg beer, this triggered a genuine acquisition war. Each brewery group thus acquired a large number of drinks wholesalers, leading to a strong inflation of the acquisition price of such wholesalers. On 21 March 1996, Brasseries Kronenbourg SA, Heineken

<sup>(1)</sup> OJ L 1, 4.1.2003, p. 1.

France SA and their respective mother companies, Groupe Danone and Heineken NV, therefore concluded an 'armistice' agreement regarding the acquisition of wholesalers and the balancing of their integrated distribution networks. In particular, they agreed on:

- a temporary acquisition stop (prohibition to proceed with acquisitions of wholesalers outside an agreed list),
  - the balancing of the total volume of beer distributed through the network of each party, and
  - the balancing of the volume of beer brands commercialised by each party which should be distributed by the other party.
- (7) The agreement is made clear from an internal note of the group Heineken. Groupe Danone and Brasseries Kronenbourg SA have moreover not contested the existence of the armistice agreement. It should however be noted that the Commission does not have any proof of implementation of the agreement. On the contrary, certain wholesalers indicated on the agreed list as attributed to one party have finally been acquired by the other party and the parties continued to acquire wholesalers outside the agreed list. Moreover, in the period from 1996 to 2002, the parties tended to supplant their competitors' beer by their own beer within the distribution network under their control. An agreement intended to ensure equilibrium between brands thus became pointless.

### III. LEGAL ASSESSMENT

#### 1. Restriction by subject

- (8) The 'armistice' agreement of 21 March 1996 was first intended to control investment by the Heineken and Danone groups, since its purpose was to bring about a rapid end to the rising cost of acquiring wholesalers. Moreover, the agreement is akin to one whose purpose was to share the on-trade markets between the two groups. Indeed, by establishing the dual equilibrium mentioned in point 2.3 above, the parties were aiming to ensure that one party did not dominate the other on this market.
- (9) It is settled case-law that, for the purpose of applying Article 81(1), of the Treaty, there is no need to take account of the actual effects of an agreement once it appears that its aim is to prevent, restrict or distort competition within the common market. Since the agreement at issue in this case had as its object the restriction of competition by requiring a freeze on acquisitions and by establishing equilibrium between the parties' integrated distribution networks, the Commission concludes that there is an infringement within the

meaning of article 81 of the Treaty even if the agreement did not produce any effects.

#### 2. Appreciable effect on trade between Member States

- (10) It is settled case-law that, in order that an agreement between undertakings may affect trade between Member States, it must be possible to envisage, with a sufficient degree of probability on the basis of a set of objective factors of law or fact that it may have an influence, direct or indirect, actual or potential, the pattern of trade between Member states. This is the case here.
- (11) The distribution networks of the French breweries constitute one of the main means of access to the market for foreign breweries that do not have such networks in France. Under these circumstances, the armistice agreement, which aims at establishing equilibrium at national level between the integrated distribution networks of Heineken NV/Heineken France SA and Groupe Danone/Brasseries Kronenbourg SA, could influence the conditions of access to the on-trade market for foreign breweries and thus the volume of importations. Moreover, Interbrew France, main importer of beer in France, depended and still depends on the distribution networks of Heineken France SA and Brasseries Kronenbourg SA to distribute an important volume of its product on the on-trade market in France. An agreement that aims at restricting competition between the distribution networks of the latter companies could influence the commercial conditions which these companies propose to Interbrew France for the distribution of its products.

### IV. FINES

#### 1. Basic amount

##### *Gravity of the infringement*

- (12) The Commission takes into account: (i) the nature of the infringement; (ii) its actual impact on the market when this can be measured, and (iii) the size of the relevant geographic market.
- (i) The armistice agreement is a horizontal agreement designed to restrict competition between undertakings holding large market shares. However, an agreement designed to bring wholesaler acquisition costs under control in the short term by putting an end to an acquisition war cannot be regarded as a clear infringement on a par with a price-fixing agreement. As far as the agreement establishing longer-term equilibrium between the two brewery groups' distribution networks is concerned, any such agreement is akin to a market-sharing agreement. However, what is involved is not market sharing in the 'conventional' sense, since the agreement was intended mainly to prevent one group from dominating the market rather than to eliminate all competition between the groups or impede third parties.

(ii) The agreement was not implemented and therefore did not have any impact on the market.

(iii) Concerning the scope of the geographic market, the Commission takes into account the fact that the agreement covers the whole of mainland France, but that it was confined to the on-trade sector, which accounts for less than one third of the total sales volume in France.

(13) On the basis of all these elements, the Commission considers that the addressees of this decision have committed a serious infringement to article 81 of the Treaty.

#### *Duration of the infringement*

(14) Since the agreement has not been implemented, there is no reason to increase the basic amount of the fine which is imposed on the companies concerned.

(15) A basic amount of EUR 1 000 000 was therefore withheld for both Groupe Danone/Brasseries Kronenbourg SA and Heineken NV/Heineken France SA.

### **2. Aggravating circumstances**

(16) In 1984, Groupe Danone (then BSN) was already fined for market-sharing agreements aimed at maintaining the *status quo* and at establishing an equilibrium within the

market (Commission Decision 84/388/EEC of 23 July 1984 relating to a proceeding under Article 85 of the EEC Treaty ( IV/30.988 — Agreements and concerted practices in the flat-glass sector in the Benelux countries) (OJ L 212, 8.8.1984, p. 13)). Recidivism, as aggravating circumstance, thus justifies an increase of the basic amount of the fine for Groupe Danone/Brasseries Kronenbourg SA by 50 %. No other aggravating circumstance has been retained.

### **3. Attenuating circumstances**

(17) No attenuating circumstance has been retained.

### **4. Final amount of the fine**

(18) Consequently, the final amount of the fine imposed on each undertaking is the following:

— Groupe Danone and Brasseries Kronenbourg SA are jointly and severally liable for the sum of EUR 1 500 000,

— Heineken NV and Heineken France SA are jointly and severally liable for the sum of EUR 1 000 000.

**COMMISSION RECOMMENDATION****of 27 May 2005****concerning authentication of euro coins and handling of euro coins unfit for circulation***(notified under document number C(2005) 1540)**(2005/504/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

- (1) Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting <sup>(1)</sup> requires that credit institutions and any other institutions engaged in the sorting and distribution to the public of notes and coins as a professional activity, including establishments whose activity consists in exchanging notes and coins of different currencies, such as bureaux de change, shall be obliged to withdraw from circulation all euro notes and coins received by them which they know or have sufficient reason to believe to be counterfeit and hand them over to the competent national authorities.
- (2) There is no common method ensuring that counterfeit coins are detected and withdrawn from circulation. This entails the risk that counterfeit coins and other euro coin-like objects fraudulently or erroneously put into circulation be further used, thus potentially causing confusion and prejudice to the public.
- (3) In the process of authentication of coins through automated sorting a number of objects are rejected including, among others, counterfeit coins and genuine euro coins which are unfit for circulation. Genuine unfit coins are also presented to the competent authorities by companies and individuals.
- (4) There are no common rules for national authorities to handle and reimburse such genuine unfit coins, which results in differing treatment among euro area countries and causes distortions in the reimbursement of such euro coins.
- (5) In order to assist the implementation of Article 6 of Regulation (EC) No 1338/2001, it is desirable to provide for a process by which the circulating euro coins are authenticated and counterfeits, euro coin-like objects and euro coins unfit for circulation are removed from the cash cycle.

- (6) In order to create a level playing field with regard to genuine euro coins unfit for circulation, it is desirable to establish guidelines for handling and reimbursement or replacement of such coins,

HEREBY RECOMMENDS:

## PART I

**DEFINITIONS AND RECOMMENDED PRACTICES***Article 1***Definitions**

For the purpose of this Recommendation, the following definitions shall apply:

- (a) 'authentication of euro coins' means the process of verifying the authenticity of euro coins through automated electro-mechanical sorting or manually. During that process counterfeits are rejected, as well as genuine euro coins unfit for circulation, foreign coins similar to the euro and other metallic objects such as medals and tokens similar to euro coins;
- (b) 'euro coins unfit for circulation' mean genuine euro circulation coins which are defective or whose technical parameters and identification characteristics have been altered notably by relatively long circulation or by accident (dimensions, weight, colour, corrosion, edge damages), as well as deliberately altered coins, other than counterfeits. Regarding, in particular, the technical specifications, for the purposes of this document, coins are unfit if one of the dimensions is different from the one specified for the respective euro coin by at least 0.30 millimetres and/or the weight by at least 5 %.

*Article 2***Recommended practices**

Member States should carry out or supervise the authentication of the euro coins circulating on their territory in line with the provisions of Part II of this Recommendation.

Member States should adopt common rules for handling, reimbursement or replacement of unfit euro coins in line with the provisions of Part III of this Recommendation.

<sup>(1)</sup> OJ L 181, 4.7.2001, p. 6.

## PART II

**AUTHENTICATION OF EURO COINS***Article 3***Authentication and testing requirements**

The following euro coin denominations should be authenticated as a minimum: EUR 2, EUR 1, 50 cent.

Authentication should be carried out centrally and/or within the coin handling process. To that effect, Member States should be in contact with the credit institutions and other professional cash handlers concerned, with regard to the implementation of the authentication procedures provided for in Articles 4 to 6 of this Recommendation.

The quantity of euro coins to be authenticated each year in each of the Member States should amount to at least 10 % of the total net volume of the relevant denominations issued by that Member State until the end of the previous year. To ensure the authentication of the relevant quantity of euro coins, in line with Articles 4 to 6, Member States should carry out checks to the appropriate number of credit institutions and other professional cash handlers.

*Article 4***The tests for controlling the sorting machines**

The control of the functioning of sorting machines should be carried out by means of a detection test, preceded, if applicable, by a check for sorting, as follows:

1. The purpose of the sorting test is to check that the machine is capable of correctly sorting all the euro coin denominations. This is applicable in the absence of national rules governing the sorting capacity.

The sorting test requires at least one hundred genuine euro coins of each of the denominations to be tested. These coins of all denominations are mixed together and passed through the machine three times.

The acceptance ratio should be at least 98 % in each of the trials. In cases where the genuine euro coins used for the sorting and detection tests are at the border of euro specified tolerance ranges, a lower acceptance ratio may be considered.

Any genuine coins rejected by a machine should be re-tested. After three consecutive trials, all genuine coins should be accepted.

2. The purpose of the detection test is to check that the machine is capable of rejecting euro coin-like objects that are not in conformity with the specifications of the euro coins, in particular counterfeit coins.

The detection test requires samples of counterfeit coins for all denominations concerned, with a definition also covering materials used for producing coin-like objects and non-euro coins. For that purpose, a number of representative families should be used, coming from the stocks deposited with the Coin National Analysis Centres (CNACs) or the European Technical and Scientific Centre (ETSC). The ETSC, in collaboration with the CNACs defines and updates these families.

These counterfeits are mixed with an appropriate number of genuine coins, defined in collaboration with the ETSC and passed through the machine three times. All counterfeits should be rejected on each of the trials.

3. In the respect of national rules, the tests provided for in this Article should be performed at least once a year on each of the sorting machines at the sites where the authentication takes place, at the establishments selected in line with Article 3.

*Article 5***Possibilities for additional testing of the sorting machines at a CNAC or the ETSC**

With a view to enabling manufacturers of sorting machines to obtain the indications necessary for the initial adjustment of their equipment, tests may be carried out at certain CNACs, the ETSC or, following bilateral agreement, on the premises of the manufacturer. These tests should be carried out on the basis of modalities and conditions of confidentiality defined in collaboration with the ETSC.

Following the testing at a CNAC or the ETSC, a summary report is issued for the attention of the entity concerned and copied to the ETSC. The report is kept for at least three years and may be used for comparison purposes.

The report should, as a minimum, include the identification of the machine tested, the test results and global assessment, the precise contents of the sample batches used for the tests, the acceptance criteria, the date and signature of the authorised person.

The CNACs and the ETSC maintain a register of the performance of sorting machines tested on their premises. A consolidated list of sorting machines having successfully undergone the tests provided for in the second paragraph of this Article can be consulted at the CNACs or the ETSC, on an indicative basis.

*Article 6***Auditing and reporting**

Member States should monitor the capacity of the institutions selected in line with Article 3 to authenticate euro coins on the basis, as a minimum, of the following elements:

- existence of a written policy and organization in the sorting centre for detecting counterfeits, unfit euro coins and euro coin-like objects,
- appointment of trained human resources to fulfil the policy,
- adequacy of technical resources and existence of the manufacturer's initial report indicating the level of performance of sorting machines,
- existence of a written maintenance plan intended to keep sorting machines at their initial performance level,
- existence of minimum written procedures defining the various processes for sorting euro coins and handing over counterfeits and suspect coins to competent national authorities in a short timeframe,
- volume of coins authenticated.

On the occasion of the checks provided for in Article 3, a light audit may, in the respect of national rules, be performed and reported, based on the above elements.

Each Member State should report annually to the ETSC on the activity of authentication, including the controls and audits, as well as the volume of authenticated euro coins and ratio of each category of rejected objects against the amount of each sorted denomination in circulation.

### PART III

#### HANDLING EURO COINS UNFIT FOR CIRCULATION

##### Article 7

#### Reimbursement or replacement of unfit euro coins

Each Member State should provide for reimbursement or, if appropriate, replacement of euro coins unfit for circulation, whose denomination should be identified, irrespective of national side, for companies and individuals established in that Member State or outside the euro area. Member States should ensure similar conditions for reimbursement of unfit coins with a view to allowing submissions irrespective of the country where they were removed from circulation, based on the evaluation provided for in Article 12.

Member States may decide to refuse reimbursement of deliberately altered genuine euro coins if this is in conflict with national practice or tradition (disrespect of king's effigy, disrespect of issuing authority etc.).

##### Article 8

#### Handling fees

A handling fee should, in principle, be imposed for reimbursement or replacement of unfit coins. The fee should be uniform throughout the euro area and should amount to 5 % of the nominal value of the submission.

A quantity of up to one kilogramme of unfit coins per denomination may be exempted from the fee mentioned in the first paragraph each year for one submitting entity.

An additional fee of 15 % of the nominal value of each bag/box may be charged in case a bag/box contains counterfeits or shows anomalies, such as wrongly sorted coins, non-euro coins or euro coins with a non-identifiable denomination or other discrepancies, when these anomalies are at a proportion requiring a more detailed examination, in line with Article 10.

Member States may provide for general exemptions from handling fees in cases where submitting entities cooperate closely and regularly with the authorities in withdrawing from circulation unfit euro coins.

Transport and related costs should be borne by the submitting entity.

Counterfeit coins delivered to the authorities should not be subject to handling or other fees.

##### Article 9

#### Packaging of unfit euro coins

The submitting entity should sort the coins per denomination in standardised bags or boxes in line with the standards applicable in the individual Member States to whom the request is addressed. Failure to meet these standards may lead to refusal of the submission.

In the absence of national packaging standards, the bags or boxes should comprise:

- 500 coins for the denominations of EUR 2 or EUR 1,
- 1 000 coins for the denominations of EUR 0,50, EUR 0,20 and EUR 0,10,
- 2 000 coins for the denominations of EUR 0,05, EUR 0,02 and EUR 0,01.

Each bag/box should bear clear indications of the submitting entity, the value and the denomination contained, the weight, date of packaging and bag/box number. The submitting entity should provide a packaging list with an overview of the bags/boxes submitted.

In case the total quantity of unfit euro coins is smaller than the above standards, unfit euro coins should be sorted by denomination and may be submitted in non-standard packaging.

### Article 10

#### Checks by Member States

1. Member States should check the unfit coins submitted for:

- the quantity declared for each of the bags/boxes,
- authenticity, with a view to ensuring that there are no counterfeits,
- visual appearance, to determine that they are in line with the provisions of Article 7.

2. Checks for the quantity of coins submitted should be performed by weighing each bag/box. A tolerance range of - 2 % and + 1 % should be applied to the nominal weight of the standard packaging referred to in the second paragraph of Article 9. An equivalent control should be applied when national packaging conventions are different from the above standards. Additionally, each bag/box should be checked for visible anomalies.

In the event that the weight of the bag/box is outside the tolerance range, the entire quantity of the concerned bag/box will need to be processed.

3. Checks for authenticity and visual appearance may be conducted through sampling. As a minimum, a representative sample of 10 % of the quantities submitted should be checked for the denominations of EUR 2, EUR 1, EUR 0,50, EUR 0,20 and EUR 0,10.

4. Checks for authenticity should be performed on the samples mentioned in paragraph 3 by means of the following procedures:

- (i) in the case of mechanical/automatic sorting, the machines should be adjusted according to the procedures provided for in Part II of this Recommendation;
- (ii) in other cases, the criteria of the CNACs are applied.

In the event that one counterfeit is detected, the entire quantity in the bag/box will need to be authenticated.

5. Checks for visual appearance should be performed on the samples mentioned in paragraph 3 with a view to determining whether a bag/box shows anomalies, such as wrongly sorted coins, non-euro coins or euro coins with a non-identifiable denomination. In case such anomalies occur at a proportion greater than 1 %, the relevant bag/box should be re-checked

and the proportion of non-reimbursable coins determined by means of one of the following methods:

- (i) the entire quantity of coins in each concerned bag/box is examined manually, in a way defined by the competent national authorities;
- (ii) a 10 % sample from the bag/box, additional to the one provided for in paragraph 3, is checked for visual appearance. The combined proportion of non-reimbursable coins counted in the two samples is then extended to the entire content of the bag/box.

### Article 11

#### Flow of information and communication

Member States should report annually to the Commission and the Economic and Financial Committee (EFC) the unfit euro coins reimbursed or replaced. The information should include the quantity of such coins and their denomination. Moreover, the Commission will prepare regular reports for the EFC.

Member States should ensure that information concerning the services designated for reimbursement or replacement and specific modalities, such as packaging standards and fees, be made available on the appropriate web sites and through the appropriate publications.

### PART IV

#### FINAL PROVISIONS

### Article 12

#### Evaluation

Three years after the publication of this Recommendation, the present rules will be evaluated in the light of the experience gained, *inter alia*, as regards the harmonisation of the conditions for reimbursement or replacement of unfit coins provided for in Article 7, the appropriateness of abrogating exemptions from handling fees provided for in Article 8, the possibility of providing for a compensation mechanism among Member States for the unfit coins reimbursed and the potential need for legislation.

### Article 13

#### Addressees

This recommendation is addressed to the participating Member States as defined in Article 1 of Council Regulation (EC) No 974/98 <sup>(1)</sup>.

Done at Brussels, 27 May 2005.

For the Commission

Siim KALLAS

Vice-President

<sup>(1)</sup> OJ L 139, 11.5.1998, p. 1.

## COMMISSION DECISION

of 13 July 2005

**amending Decision 96/355/EC laying down special conditions governing the import of fishery and aquaculture products originating in Senegal, as regards the competent authority and the model of health certificate***(notified under document number C(2005) 2651)***(Text with EEA relevance)**

(2005/505/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products <sup>(1)</sup>, and in particular Article 11 (1) thereof,

Whereas:

- (1) In Commission Decision 96/355/EC <sup>(2)</sup>, the 'Ministère de la pêche et des transports maritimes — Direction de l'océanographie et des pêches maritimes — Bureau du contrôle des produits halieutiques (MPTM — DOPM — BCPH)' is identified as the competent authority in Senegal for verifying and certifying compliance of fishery and aquaculture products with Directive 91/493/EEC.
- (2) Following a restructuring of the Senegal administration, the competent authority has changed to the 'Ministère de l'Economie Maritime — Direction des Pêches Maritimes — Bureau de Contrôle des Produits Halieutiques (MEM — DPM — BCPH)'.
- (3) That new authority is capable of effectively verifying the application of the rules in force.
- (4) The MEM — DPM — BCPH has provided official assurances on compliance with the standards for health controls and monitoring of fishery and aquaculture products as set out in Directive 91/493/EEC and on the fulfilment of hygienic requirements equivalent to those laid down in that Directive.
- (5) Decision 96/355/EC should therefore be amended accordingly.

(6) It is appropriate for this Decision to be applied 45 days from the date of its publication in the *Official Journal of the European Union* thereby providing for the necessary transitional period.

(7) 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 96/355/EC is amended as follows:

1. Article 1 is replaced by the following:

*'Article 1*

The 'Ministère de l'Economie Maritime — Direction des Pêches Maritimes — Bureau de Contrôle des Produits Halieutiques (MEM — DPM — BCPH)' shall be the competent authority in Senegal for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.'

2. Article 2 is replaced by the following:

*'Article 2*

Fishery and aquaculture products imported from Senegal must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments, factory vessels, cold store or registered freezer vessels listed in Annex B hereto;

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 137, 8.6.1996, p. 24.

3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserve foods, all packages must bear the word "SENEGAL" and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.'

3. Paragraph 2 of the Article 3 is replaced by the following:

'2. Certificates must bear the name, capacity and signature of the representative of the MEM — DPM — BCPH and the latter's official stamp in a colour different from that of other endorsements.'

4. Annex A is replaced by the text in the Annex to this Decision.

*Article 2*

This Decision shall apply from 29 August 2005.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 13 July 2005.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

## ANNEX

## 'ANNEX A

**HEALTH CERTIFICATE**

**for fishery products from Senegal and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form**

Reference No: .....

Country of dispatch: SENEGAL

Competent authority: Ministère de l'Economie Maritime — Direction des Pêches Maritimes — Bureau de Contrôle des Produits Halieutiques (MEM — DPM — BCPH)

**I. Details identifying the fishery products**

- Description of fishery/aquaculture products <sup>(1)</sup>: .....
- species (scientific name): .....
- presentation of product and type of treatment <sup>(2)</sup>: .....
- Code number (where available): .....
- Type of packaging: .....
- Number of packages: .....
- Net weight: .....
- Requisite storage and transport temperature: .....

**II. Origin of products**

Name(s) and official approval number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the MEM — DPM — BCPH for export to the EC: .....

.....

**III. Destination of products**

The products are dispatched:

from: .....  
(place of dispatch)

to: .....  
(country and place of destination)

<sup>(1)</sup> Delete where applicable.

<sup>(2)</sup> Live, refrigerated, frozen, salted, smoked, preserved.

by the following means of transport: .....

.....

Name and address of dispatcher: .....

.....

Name of consignee and address at place of destination: .....

.....

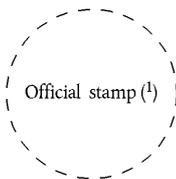
**IV. Health attestation**

— The official inspector hereby certifies that the fishery or aquaculture products specified above:

- 1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
- 2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
- 3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
- 4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
- 5. do not come from toxic species or species containing biotoxins;
- 6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.

— The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC and Decision 96/355/EC.

Done at ..... on .....  
(Place) (Date)



Signature of official inspector (1)  
(Name in capital letters, capacity and qualifications of person signing)

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

## COMMISSION DECISION

of 14 July 2005

**amending Decision 1999/120/EC as regards the inclusion of one establishment in Albania in provisional lists of third country establishments from which Member States are authorised to import animal casings***(notified under document number C(2005) 2657)***(Text with EEA relevance)**

(2005/506/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs <sup>(1)</sup>, and in particular Article 2(4) thereof,

Whereas:

- (1) Commission Decision 1999/120/EC of 27 January 1999 drawing up provisional lists of third country establishments from which the Member States authorise imports of animal casings <sup>(2)</sup> sets out provisional lists of establishments in third countries from which the Member States are authorised to import animal casings.
- (2) Albania has provided the name of one establishment producing animal casing for which the responsible authorities certify that the establishment complies with Community rules.
- (3) Accordingly, that establishment should be included in the lists set out in Decision 1999/120/EC.
- (4) As on-the-spot inspections of the concerned establishment have not yet been carried out, imports from it should not be eligible for reduced physical checks

pursuant to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(3)</sup>.

(5) Decision 1999/120/EC should therefore be amended accordingly.

(6) 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*

Annex to Decision 1999/120/EC is amended in accordance with the Annex to this Decision.

*Article 2*

This Decision shall apply from 22 July 2005.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 14 July 2005.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

<sup>(1)</sup> OJ L 243, 11.10.1995, p. 17. Decision as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33); Corrigendum in OJ L 195, 2.6.2004, p. 12.

<sup>(2)</sup> OJ L 36, 10.2.1999, p. 21. Decision as last amended by the 2003 Act of Accession.

<sup>(3)</sup> OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1); Corrigendum in OJ L 191, 28.5.2004, p. 1.

## ANNEX

The following text is added to Annex :

**\*País: Albania/Země: Albánie/Land: Albanien/Land: Albanien/Riik: Albaania/Χώρα: Αλβανία/Country: Albania/  
Pays: Albanie/Paese: Albania/Valsts: Albānija/Šalis: Albania/Ország: Albánia/Pajjiz: L-Albanija/Land: Albanië/  
Państwo: Albania/País: Albânia/Krajina: Albánsko/Država: Albanija/Maa: Albania/Land: Albanien**

1	2	3	4	5
1.7.2005	Ital Casing	Korcë	Korcë	1

1. Excluding intestines, from the duodenum to the rectum, of bovine animals of all ages, or products derived therefrom, as provided for in Regulation (EC) No 999/2001 of 22 May 2001. This exclusion does not apply to such products derived from animals born, continuously reared and slaughtered in Argentina, Australia, Brazil, Chile, Costa Rica, New Zealand, Nicaragua, Panama, Paraguay and Uruguay.'