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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1183/2005**of 18 July 2005****imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

Having regard to Common Position 2005/440/CFSP of 13 June 2005 concerning restrictive measures against the Democratic Republic of the Congo ⁽¹⁾,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

(1) In view of the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, the UN Security Council, acting under Chapter VII of the Charter of the United Nations, adopted Resolution 1596 (2005) of 18 April 2005 providing, *inter alia*, for financial restrictive measures against persons designated by the competent United Nations Sanctions Committee as acting in violation of the arms embargo imposed against the Democratic Republic of the Congo by UN Security Council Resolutions 1493 (2003) and 1596 (2005).

(2) Common Position 2005/440/CFSP provides, *inter alia*, for implementation of the financial restrictive measures against persons designated by the competent United Nations Sanctions Committee. Those measures fall within the scope of the Treaty. In order to avoid any distortion of competition Community measures are therefore necessary to implement them as far as the Community is concerned. For the purposes of this Regulation, the territory of the Community should be deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty.

(3) For reasons of expediency, the Commission should be empowered to amend the Annexes to this Regulation.

(4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication.

(5) The Treaty, in Articles 60 and 301, empowers the Council to take, under certain conditions, measures aimed at the interruption or reduction of payments or movement of capital and of economic relations with regard to third countries. The measures laid down in this Regulation, targeted also at individual persons not directly linked to the government of a third country, are necessary to attain this objective of the Community and Article 308 of the Treaty empowers the Council to take such measures if no other specific powers are provided for in the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

1. 'Sanctions Committee' means the Committee of the Security Council of the United Nations which was established pursuant to paragraph 8 of UN Security Council Resolution 1533 (2004);

2. 'funds' means financial assets and benefits of every kind, including but not limited to:

(a) cash, cheques, claims on money, drafts, money orders and other payment instruments;

(b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

⁽¹⁾ OJ L 152, 15.6.2005, p. 22.

⁽²⁾ Opinion delivered on 23 June 2005 (not yet published in the Official Journal).

- (c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (d) interest, dividends or other income on or value accruing from or generated by assets;
 - (e) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (f) letters of credit, bills of lading, bills of sale;
 - (g) documents evidencing an interest in funds or financial resources;
 - (h) any other instrument of export-financing;
3. 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;
 4. 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;
 5. 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, the selling, hiring or mortgaging of them.

Article 2

1. All funds and economic resources belonging to, or owned or held by the natural or legal persons, entities or bodies listed in Annex I shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex I.
3. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

Article 3

1. By way of derogation from Article 2 the competent authorities of the Member States, as listed in Annex II, may authorise the release of certain frozen funds or economic

resources or the making available of certain frozen funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

provided that the Member State concerned has notified this determination to the Sanctions Committee and the Sanctions Committee has not objected within four working days of such notification.

2. By way of derogation from Article 2 the competent authorities of the Member States, as listed in Annex II, may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, after having determined that the funds or economic resources are necessary for extraordinary expenses, provided that this determination has been notified by the Member State to the Sanctions Committee and that the determination has been approved by that Committee.

Article 4

By way of derogation from Article 2, the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the funds or economic resources are subject of a judicial, administrative or arbitral lien established prior to 18 April 2005 or of a judicial, administrative or arbitral judgement rendered prior to that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgement, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the lien or judgement is not for the benefit of a person, entity or body listed in Annex I;

- (d) recognising the lien or judgement is not contrary to public policy in the Member State concerned;
- (e) the lien or judgement has been notified by the Member State to the Sanctions Committee.

Article 5

1. Article 2(2) shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts, or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to this Regulation,

provided that any such interest, other earnings and payments are frozen in accordance with Article 2(1).

2. Article 2(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties to the account of the person, entity or body listed in Annex I, provided that any such additions to such accounts will also be frozen. The financial or credit institutions shall inform the competent authorities about such transactions without delay.

Article 6

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, natural and legal persons, entities and bodies shall:

- (a) supply immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2, to the competent authorities of the Member States listed in Annex II where they are resident or located, and shall transmit such information, directly or through these competent authorities, to the Commission;
- (b) cooperate with the competent authorities listed in Annex II in any verification of this information.

2. Any additional information directly received by the Commission shall be made available to the competent authorities of the Member State concerned.

3. Any information provided or received in accordance with paragraphs 1 and 2 shall be used only for the purposes for which it was provided or received.

Article 7

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person, entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as result of negligence.

Article 8

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgements handed down by national courts.

Article 9

1. The Commission shall be empowered to:
 - (a) amend Annex I on the basis of determinations made by the Sanctions Committee; and
 - (b) amend Annex II on the basis of information supplied by Member States.

2. Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Sanctions Committee for the purpose of the effective implementation of this Regulation.

Article 10

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 11

This Regulation shall apply

- (a) within the territory of the Community, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Community who is a national of a Member State;

(d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;

(e) to any legal person, entity or body doing business within the Community.

Article 12

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

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

Done at Brussels, 18 July 2005.

For the Council
The President
J. STRAW

ANNEX I

List of natural and legal persons, entities or bodies referred to in Article 2

(Annex to be completed subject to designation by the Committee of the Security Council established pursuant to paragraph 8 of UN Security Council Resolution 1533 (2004))

ANNEX II

List of competent authorities referred to in Articles 3, 4, 5 and 6

BELGIUM

Federale Overheidsdienst Financiën
Thesaurie
Kunstlaan 30
B-1040 Brussel
Fax: 00 32 2 233 74 65
E-mail: Quesfinvragen.tf@minfin.fed.be

Service Public Fédéral des Finances
Trésorerie
30 Avenue des Arts
B-1040 Bruxelles
Fax: 00 32 2 233 74 65
E-mail: Quesfinvragen.tf@minfin.fed.be

CZECH REPUBLIC

Ministerstvo financí
Finanční analytický útvar
P.O. BOX 675
Jindřišská 14
111 21 Praha 1
Tel.: + 420 2 5704 4501
Fax: + 420 2 5704 4502

Ministerstvo zahraničních věcí
Odbor společné zahraniční a bezpečnostní politiky EU
Loretánské nám. 5
118 00 Praha 1
Tel.: + 420 2 2418 2987
Fax: + 420 2 2418 4080

DENMARK

Erhvervs- og Byggestyrelsen
Langelinie Allé 17
DK-2100 København K
Tlf. (45) 35 46 62 81
Fax (45) 35 46 62 03

Udenrigsministeriet
Asiatisk Plads 2
DK-1448 København K
Tlf. (45) 33 92 00 00
Fax (45) 32 54 05 33

Justitsministeriet
Slotholmsgade 10
DK-1216 København K
Tlf. (45) 33 92 33 40
Fax (45) 33 93 35 10

GERMANY

Concerning freezing of funds:
Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D-80281 München
Tel. (49) 89 28 89 38 00
Fax (49) 89 35 01 63 38 00

Concerning technical assistance:
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29—35
D-65760 Eschborn
Tel. (49) 61 96 908-0
Fax (49) 61 96 908-800

ESTONIA

Eesti Välisministeerium
Islandi väljak 1
15049 Tallinn
Tel.: + 372 6317 100
Faks: + 372 6317 199

Finantsinspektsioon
Sakala 4
15030 Tallinn
Tel.: + 372 6680 500
Faks: + 372 6680 501

GREECE

A. Freezing of Assets

Ministry of Economy and Finance
General Directory of Economic Policy
Address: 5 Nikis Str.
10 563 Athens — Greece
Tel.: + 30 210 3332786
Fax: + 30 210 3332810

A. Δέσμευση κεφαλαίων

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/ση Οικονομικής Πολιτικής
Δ/ση: Νίκης 5
10 563 Αθήνα
Τηλ.: + 30 210 3332786
Φαξ: + 30 210 3332810

B. Import-Export restrictions

Ministry of Economy and Finance
General Directorate for Policy Planning and Management
Address Kornaroy Str.
10 563 Athens
Tel.: + 30 210 3286401-3
Fax: + 30 210 3286404

B. Περιορισμοί εισαγωγών — εξαγωγών

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/ση Σχεδιασμού και Διαχείρισης Πολιτικής
Δ/ση: Κορνάρου 1
T.K. 10 563 Αθήνα — Ελλάδα
Τηλ.: + 30 210 3286401-3
Φαξ: + 30 210 3286404

SPAIN

Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y Control de
Movimientos de Capitales
Ministerio de Economía
Paseo del Prado, 6
E-28014 Madrid
Tel. (34) 912 09 95 11

Dirección General de Comercio e Inversiones
Subdirección General de Inversiones Exteriores
Ministerio de Industria, Comercio y Turismo
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (34) 913 49 39 83

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale du Trésor et de la politique économique
Service des affaires multilatérales et du développement
Sous-direction Politique commerciale et investissements
Service Services, Investissements et Propriété intellectuelle
139, rue du Bercy
75572 Paris Cedex 12
Tél.: (33) 1 44 87 72 85
Télécopieur: (33) 1 53 18 96 55

Ministère des affaires étrangères
Direction générale des affaires politiques et de sécurité
Direction des Nations unies et des organisations internationales
Sous-direction des affaires politiques
Tél.: (33) 1 43 17 59 68
Télécopieur (33) 1 43 17 46 91
Service de la politique étrangère et de sécurité commune
Tél.: (33) 1 43 17 45 16
Télécopieur: (33) 1 43 17 45 84

IRELAND

United Nations Section
Department of Foreign Affairs
Iveagh House
79-80 Saint Stephen's Green
Dublin 2
Tel.: + 353 1 478 0822
Fax: + 353 1 408 2165

Central Bank and Financial Services Authority of Ireland
Financial Markets Department
Dame Street
Dublin 2
Tel.: + 353 1 671 6666
Fax: + 353 1 679 8882

ITALY

Ministero degli Affari Esteri
Piazzale della Farnesina, 1
I-00194 Roma
D.G.A.S. — Ufficio III
Tel. (39) 06 3691 8221
Fax. (39) 06 3691 5296

Ministero dell'Economia e delle Finanze
Dipartimento del Tesoro
Comitato di Sicurezza Finanziaria
Via XX Settembre, 97
I-00187 Roma
Tel. (39) 06 4761 3942
Fax. (39) 06 4761 3032

CYPRUS

Ministry of Commerce, Industry and Tourism
6 Andrea Araouzou
1421 Nicosia
Tel: + 357 22 86 71 00
Fax: + 357 22 31 60 71

Central Bank of Cyprus
80 Kennedy Avenue
1076 Nicosia
Tel: + 357 22 71 41 00
Fax: + 357 22 37 81 53

Ministry of Finance (Department of Customs)
M. Karaoli
1096 Nicosia
Tel: + 357 22 60 11 06
Fax: + 357 22 60 27 41/47

LATVIA

Latvijas Republikas Prokuratūra
Noziedzīgi iegūtu līdzekļu legalizācijas novēršanas dienests
Kalpaka bulvāris 6
Rīga, LV 1801
Tāl. Nr. (371) 70144431
Fakss: (371) 7044804
E-pasts: gen@lrp.gov.lv

Latvijas Republikas Ārlietu ministrija
Brīvības iela 36
Rīga, LV 1395
Tāl. Nr. (371) 7016201
Fakss: (371) 7828121
E-pasts: mfa.cha@mfa.gov.lv

LITHUANIA

Security Policy Department
Ministry of Foreign Affairs of the Republic of Lithuania
J. Tumo-Vaižganto 2
LT-01511 Vilnius
Lithuania
Tel. (370-5) 236 25 16
Faks. (370-5) 236 30 90

LUXEMBOURG

Ministère des Affaires étrangères et de l'Immigration
Direction des Relations économiques internationales
5, rue Notre-Dame
L-2240 Luxembourg
Tél.: (352) 478 2346
Fax: (352) 22 20 48

Ministère des Finances
3, rue de la Congrégation
L-1352 Luxembourg
Tél.: (352) 478 2712
Fax: (352) 47 52 41

HUNGARY

Hungarian National Police Headquarters
Teve u. 4-6.
H-1139 Budapest
Hungary
Tel./fax: + 36-1-443-5554

Országos Rendőrfőkapitányság
1139 Budapest, Teve u. 4–6.
Magyarország
Tel./fax: + 36-1-443-5554

Ministry of Finance
József nádor tér. 2–4.
H-1051 Budapest
Hungary
Postbox: 1369 Pf.: 481
Tel.: + 36-1-318-2066, + 36-1-327-2100
Fax: + 36-1-318-2570, + 36-1-327-2749

Pénzügyminisztérium
1051 Budapest, József nádor tér. 2–4.
Magyarország
Postafiók: 1369 Pf.: 481
Tel.: + 36-1-318-2066, + 36-1-327-2100
Fax: + 36-1-318-2570, + 36-1-327-2749

Ministry of Economic Affairs and Transport (in view of Article 4)
Hungarian Trade Licencing Office
Margit krt.85.
H-1024 Budapest Hungary
Postbox: 1537 Pf.: 345
Tel.: + 36-1-336-7327

Gazdasági és Közlekedési Minisztérium – Kereskedelmi Engedélyezési Hivatal
Margit krt.85.
H-1024 Budapest Magyarország
Postafiók: 1537 Pf.: 345
Tel.: + 36-1-336-7327

MALTA

Bord ta' Sorveljanza dwar is-Sanzjonijiet
Ministeru ta' l-Affarijiet Barranin
Palazzo Parisio
Triq il-Merkanti
Valletta CMR 02
Tel.: + 356 21 24 28 53
Fax: + 356 21 25 15 20

NETHERLANDS

De minister van Financiën
De Directie Financiële Markten/Afdeling Integriteit
Postbus 20201
NL-2500 EE Den Haag
Tel.: 070-342 8997
Fax: 070-342 7984

AUSTRIA

Oesterreichische Nationalbank
Otto Wagner Platz 3
A-1090 Wien
Tel. (+ 43-1) 404 20-0
Fax (+ 43-1) 404 20-7399

POLAND

Main authority:

Ministry of Finance
General Inspector of Financial Information (GIFI)
ul. Świętokrzyska 12
00-916 Warsaw
Poland
Tel. (+ 48 22) 694 59 70
Fax. (+ 48 22) 694 54 50

Coordinating authority:

Ministry of Foreign Affairs
Department of Law and Treaties
Al. J. Ch. Szucha 23
00-580 Warsaw
Poland
Tel. (+ 48 22) 523 94 27 or 93 48
Fax. (+ 48 22) 523 83 29

PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo do Rilvas
P-1350-179 Lisboa
Tel. (351) 21 394 67 02
Fax (351) 21 394 60 73

Ministério das Finanças
Direcção-Geral dos Assuntos Europeus e Relações Internacionais
Avenida Infante D. Henrique n.º 1, C, 2.º
P-1100 Lisboa
Tel. (351) 21 882 3390/8
Fax (351) 21 882 3399

SLOVENIA

Ministry of Foreign Affairs
Prešernova 25
SI-1000 Ljubljana
Tel.: 00386 1 4782000
Faks: 00386 1 4782341

Ministry of the Economy
Kotnikova 5
SI-1000 Ljubljana
Tel.: 00386 1 4783311
Faks: 00386 1 4331031

Ministry of Defence
Kardeljeva pl. 25
SI-1000 Ljubljana
Tel.: 00386 1 4712211
Faks: 00386 1 4318164

SLOVAKIA

Ministerstvo financií Slovenskej republiky
Štefanovičova 5
P.O. BOX 82
817 82 Bratislava
Tel.: 00421/2/5958 1111
Fax: 00421/2/5249 8042

Ministerstvo zahraničných vecí Slovenskej republiky
Hlboká cesta 2
83336 Bratislava
Tel: 00421/2/5978 1111
Fax: 00421/2/5978 3649

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
FIN-00161 Helsinki/Helsingfors
P./Tfn (358-9) 16 00 5
Faksi/Fax (358-9) 16 05 57 07

SWEDEN

Articles 3 and 4:

Försäkringskassan
103 51 Stockholm
Tfn (46-8) 786 90 00
Fax (46-8) 411 27 89

Articles 5 and 6:

Finansinspektionen
Box 6750
113 85 Stockholm
Tfn (46-8) 787 80 00
Fax (46-8) 24 13 35

UNITED KINGDOM

HM Treasury
Financial Systems and International Standards
1, Horse Guards Road
London SW1A 2HQ
United Kingdom

Tel. + 44 (0) 20 7270 5977
Fax. + 44 (0) 20 7270 5430

Bank of England
Financial Sanctions Unit
Threadneedle Street
London EC2R 8AH
United Kingdom
Tel. + 44 (0) 20 7601 4768
Fax. + 44 (0) 20 7601 4309

EUROPEAN COMMUNITY

European Commission
DG External Relations
Directorate A: Common Foreign and Security Policy
(CFSP) and European Security and Defence Policy
(ESDP): Commission Coordination and contribution
Unit A 2: Legal and institutional matters, CFSP Joint
Actions, Sanctions, Kimberley Process
Tel. (32-2) 295 55 85
Fax (32-2) 296 75 63

COUNCIL REGULATION (EC) No 1184/2005

of 18 July 2005

imposing certain specific restrictive measures directed against certain persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

Having regard to Common Position 2005/411/CFSP of 30 May 2005 concerning restrictive measures against Sudan ⁽¹⁾,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) In its Resolution 1591 (2005) of 29 March 2005, the UN Security Council, acting under Chapter VII of the Charter of the United Nations, and deploring strongly that the Government of Sudan and rebel forces and all other armed groups in Darfur have failed to comply with their commitments and the demands of the Security Council, decided to impose certain additional restrictive measures in respect of Sudan.
- (2) Common Position 2005/411/CFSP provides, *inter alia*, for implementation of the freezing of funds and economic resources of those persons designated by the competent United Nations Sanctions Committee, who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the arms embargo or are responsible for certain offensive military flights in and over the Darfur region. These measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community measures are necessary to implement them as far as the Community is concerned.
- (3) For the purpose of this Regulation, the territory of the Community should be deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.
- (4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication.

- (5) The Treaty, in Articles 60 and 301, empowers the Council to take, under certain conditions, measures aimed at the interruption or reduction of payments or movement of capital and of economic relations with regard to third countries. The measures laid down in this Regulation, targeted also at individual persons not directly linked to the government of a third country, are necessary to attain this objective of the Community and Article 308 of the Treaty empowers the Council to take such measures if no other specific powers are provided for in the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

1. 'Sanctions Committee' means the Committee of the Security Council of the United Nations which was established pursuant to paragraph 3 of UN Security Council Resolution 1591 (2005);
2. 'funds' means financial assets and benefits of every kind, including but not limited to:
 - (a) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (d) interest, dividends or other income on or value accruing from or generated by assets;
 - (e) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (f) letters of credit, bills of lading, bills of sale;

⁽¹⁾ OJ L 139, 2.6.2005, p. 25.

⁽²⁾ Opinion delivered on 23 June 2005 (not yet published in the Official Journal).

- (g) documents evidencing an interest in funds or financial resources;
- (h) any other instrument of export-financing;
3. 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;
4. 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;
5. 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, the selling, hiring or mortgaging of them.
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
- provided that the Member State concerned has notified this determination to the Sanctions Committee and the Sanctions Committee has not objected within two working days of such notification.
2. By way of derogation from Article 2 the competent authorities of the Member States, as listed in Annex II, may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, after having determined that the funds or economic resources are necessary for extraordinary expenses, provided that this determination has been notified by the Member State to the Sanctions Committee and that the determination has been approved by that Committee.

Article 2

1. All funds and economic resources belonging to, owned or controlled, directly or indirectly, by the natural or legal persons, entities or bodies listed in Annex I shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex I.
3. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

Article 3

1. By way of derogation from Article 2 the competent authorities of the Member States, as listed in Annex II, may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

Article 4

By way of derogation from Article 2, the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the funds or economic resources are subject of a judicial, administrative or arbitral lien established prior to 29 March 2005 or of a judicial, administrative or arbitral judgment rendered prior to that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the lien or judgment is not for the benefit of a person, entity or body listed in Annex I;
- (d) recognising the lien or judgment is not contrary to public policy in the Member State concerned;
- (e) the lien or judgment has been notified by the Member State to the Sanctions Committee.

Article 5

1. Article 2(2) shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to this Regulation,

provided that any such interest, other earnings and payments are frozen in accordance with Article 2(1).

2. Article 2(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties to the account of the person, entity or body listed in Annex I, provided that any such additions to such accounts will also be frozen. The financial or credit institutions shall inform the competent authorities about such transactions without delay.

Article 6

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, natural and legal persons, entities and bodies shall:

- (a) supply immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2, to the competent authorities of the Member States listed in Annex II where they are resident or located, and shall transmit such information, directly or through these competent authorities, to the Commission;
- (b) cooperate with the competent authorities listed in Annex II in any verification of this information.

2. Any additional information directly received by the Commission shall be made available to the competent authorities of the Member State concerned.

3. Any information provided or received in accordance with paragraphs 1 and 2 shall be used only for the purposes for which it was provided or received.

Article 7

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person, entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as result of negligence.

Article 8

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

Article 9

1. The Commission shall be empowered to:

- (a) amend Annex I on the basis of determinations made by the Sanctions Committee; and
- (b) amend Annex II on the basis of information supplied by Member States.

2. Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Sanctions Committee for the purpose of the effective implementation of this Regulation.

Article 10

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 11

This Regulation shall apply

- (a) within the territory of the Community, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Community who is a national of a Member State;

(d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;

(e) to any legal person, entity or body doing business within the Community.

Article 12

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, 18 July 2005

For the Council
The President
J. STRAW

ANNEX I

List of natural and legal persons, entities or bodies referred to in Article 2

(Annex to be completed subject to designation by the Committee of the Security Council established pursuant to paragraph 3 of UN Security Council Resolution 1591 (2005))

ANNEX II

List of competent authorities referred to in Articles 3, 4, 5, 6 and 7

BELGIUM

Federale Overheidsdienst Financiën
Thesaurie
Kunstlaan 30
B-1040 Brussel
Fax: 00 32 2 233 74 65
E-mail: Quesfinvragen.tf@minfin.fed.be

Service Public Fédéral des Finances
Trésorerie
30 Avenue des Arts
B-1040 Bruxelles
Fax: 00 32 2 233 74 65
E-mail: Quesfinvragen.tf@minfin.fed.be

CZECH REPUBLIC

Ministerstvo financí
Finanční analytický útvar
P.O. BOX 675
Jindřišská 14
111 21 Praha 1
Tel.: + 420 2 5704 4501
Fax: + 420 2 5704 4502

Ministerstvo zahraničních věcí
Odbor společné zahraniční a bezpečnostní politiky EU
Loretánské nám. 5
118 00 Praha 1
Tel.: + 420 2 2418 2987
Fax: + 420 2 2418 4080

DENMARK

Erhvervs- og Byggestyrelsen
Langelinie Allé 17
DK-2100 København K
Tlf. (45) 35 46 62 81
Fax (45) 35 46 62 03

Udenrigsministeriet
Asiatisk Plads 2
DK-1448 København K
Tlf. (45) 33 92 00 00
Fax (45) 32 54 05 33

Justitsministeriet
Slotholmsgade 10
DK-1216 København K
Tlf. (45) 33 92 33 40
Fax (45) 33 93 35 10

GERMANY

Concerning freezing of funds:
Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D-80281 München
Tel. (49) 89 28 89 38 00
Fax (49) 89 35 01 63 38 00

Concerning technical assistance:
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29—35
D-65760 Eschborn
Tel. (49) 61 96 908-0
Fax (49) 61 96 908-800

ESTONIA

Eesti Välisministeerium
Islandi väljak 1
15049 Tallinn
Tel.: + 372 6317 100
Faks: + 372 6317 199

Finantsinspektsioon
Sakala 4
15030 Tallinn
Tel.: + 372 6680 500
Faks: + 372 6680 501

GREECE

A. Freezing of Assets

Ministry of Economy and Finance
General Directory of Economic Policy
Address: 5 Nikis Str.
10 563 Athens — Greece
Tel.: + 30 210 3332786
Fax: + 30 210 3332810

A. Δέσμευση κεφαλαίων

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/ση Οικονομικής Πολιτικής
Δ/ση: Νίκης 5
10 563 Αθήνα
Τηλ.: + 30 210 3332786
Φαξ: + 30 210 3332810

B. Import-Export restrictions

Ministry of Economy and Finance
General Directorate for Policy Planning and Management
Address Kornaroy Str.
10 563 Athens
Tel.: + 30 210 3286401-3
Fax: + 30 210 3286404

B. Περιορισμοί εισαγωγών — εξαγωγών

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/ση Σχεδιασμού και Διαχείρισης Πολιτικής
Δ/ση: Κορνάρου 1
T.K. 10 563 Αθήνα — Ελλάδα
Τηλ.: + 30 210 3286401-3
Φαξ: + 30 210 3286404

SPAIN

Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y Control de
Movimientos de Capitales
Ministerio de Economía
Paseo del Prado, 6
E-28014 Madrid
Tel. (34) 912 09 95 11

Dirección General de Comercio e Inversiones
Subdirección General de Inversiones Exteriores
Ministerio de Industria, Comercio y Turismo
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (34) 913 49 39 83

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale du Trésor et de la politique économique
Service des affaires multilatérales et du développement
Sous-direction Politique commerciale et investissements
Service Services, Investissements et Propriété intellectuelle
139, rue du Bercy
75572 Paris Cedex 12
Tél.: (33) 1 44 87 72 85
Télécopieur: (33) 1 53 18 96 55

Ministère des affaires étrangères
Direction générale des affaires politiques et de sécurité
Direction des Nations unies et des organisations internationales
Sous-direction des affaires politiques
Tél.: (33) 1 43 17 59 68
Télécopieur (33) 1 43 17 46 91
Service de la politique étrangère et de sécurité commune
Tél.: (33) 1 43 17 45 16
Télécopieur: (33) 1 43 17 45 84

IRELAND

United Nations Section
Department of Foreign Affairs
Iveagh House
79-80 Saint Stephen's Green
Dublin 2
Tel.: + 353 1 478 0822
Fax: + 353 1 408 2165

Central Bank and Financial Services Authority of Ireland
Financial Markets Department
Dame Street
Dublin 2
Tel.: + 353 1 671 6666
Fax: + 353 1 679 8882

ITALY

Ministero degli Affari Esteri
Piazzale della Farnesina, 1
I-00194 Roma
D.G.A.S. — Ufficio II
Tel. (39) 06 3691 2435
Fax. (39) 06 3691 4534

Ministero dell'Economia e delle Finanze
Dipartimento del Tesoro
Comitato di Sicurezza Finanziaria
Via XX Settembre, 97
I-00187 Roma
Tel. (39) 06 4761 3942
Fax. (39) 06 4761 3032

CYPRUS

Ministry of Commerce, Industry and Tourism
6 Andrea Araouzou
1421 Nicosia
Tel: + 357 22 86 71 00
Fax: + 357 22 31 60 71

Central Bank of Cyprus
80 Kennedy Avenue
1076 Nicosia
Tel: + 357 22 71 41 00
Fax: + 357 22 37 81 53

Ministry of Finance (Department of Customs)
M. Karaoli
1096 Nicosia
Tel: + 357 22 60 11 06
Fax: + 357 22 60 27 41/47

LATVIA

Latvijas Republikas Prokuratūra
Noziedzīgi iegūtu līdzekļu legalizācijas novēršanas dienests
Kalpaka bulvāris 6
Rīga, LV 1801
Tāl. Nr. (371) 70144431
Fakss: (371) 7044804
E-pasts: gen@lrp.gov.lv

Latvijas Republikas Ārlietu ministrija
Brīvības iela 36
Rīga, LV 1395
Tāl. Nr. (371) 7016201
Fakss: (371) 7828121
E-pasts: mfa.cha@mfa.gov.lv

LITHUANIA

Security Policy Department
Ministry of Foreign Affairs of the Republic of Lithuania
J. Tumo-Vaižganto 2
LT-01511 Vilnius
Lithuania
Tel. (370-5) 236 25 16
Faks. (370-5) 236 30 90

LUXEMBOURG

Ministère des Affaires étrangères et de l'Immigration
Direction des Relations économiques internationales
5, rue Notre-Dame
L-2240 Luxembourg
Tél.: (352) 478 2346
Fax: (352) 22 20 48

Ministère des Finances
3, rue de la Congrégation
L-1352 Luxembourg
Tél.: (352) 478 2712
Fax: (352) 47 52 41

HUNGARY

Hungarian National Police Headquarters
Teve u. 4-6.
H-1139 Budapest
Hungary
Tel./fax: + 36-1-443-5554

Országos Rendőrfőkapitányság
1139 Budapest, Teve u. 4–6.
Magyarország
Tel./fax: + 36-1-443-5554

Ministry of Finance
József nádor tér. 2–4.
H-1051 Budapest
Hungary
Postbox: 1369 Pf.: 481
Tel.: + 36-1-318-2066, + 36-1-327-2100
Fax: + 36-1-318-2570, + 36-1-327-2749

Pénzügyminisztérium
1051 Budapest, József nádor tér. 2–4.
Magyarország
Postafiók: 1369 Pf.: 481
Tel.: + 36-1-318-2066, + 36-1-327-2100
Fax: + 36-1-318-2570, + 36-1-327-2749

Ministry of Economic Affairs and Transport (in view of Article 4)
Hungarian Trade Licencing Office
Margit krt.85.
H-1024 Budapest Hungary
Postbox: 1537 Pf.: 345
Tel.: + 36-1-336-7327

Gazdasági és Közlekedési Minisztérium – Kereskedelmi Engedélyezési Hivatal
Margit krt.85.
H-1024 Budapest Magyarország
Postafiók: 1537 Pf.: 345
Tel.: + 36-1-336-7327

MALTA

Bord ta' Sorveljanza dwar is-Sanzjonijiet
Ministeru ta' l-Affarijiet Barranin
Palazzo Parisio
Triq il-Merkanti
Valletta CMR 02
Tel.: + 356 21 24 28 53
Fax: + 356 21 25 15 20

NETHERLANDS

De minister van Financiën
De Directie Financiële Markten/Afdeling Integriteit
Postbus 20201
NL-2500 EE Den Haag
Tel.: 070-342 8997
Fax: 070-342 7984

AUSTRIA

Oesterreichische Nationalbank
Otto Wagner Platz 3
A-1090 Wien
Tel. (+ 43-1) 404 20-0
Fax (+ 43-1) 404 20-7399

POLAND

Main authority:

Ministry of Finance
General Inspector of Financial Information (GIFI)
ul. Świętokrzyska 12
00-916 Warsaw
Poland
Tel. (+ 48 22) 694 59 70
Fax. (+ 48 22) 694 54 50

Coordinating authority:

Ministry of Foreign Affairs
Department of Law and Treaties
Al. J. Ch. Szucha 23
00-580 Warsaw
Poland
Tel. (+ 48 22) 523 94 27 or 93 48
Fax. (+ 48 22) 523 83 29

PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo do Rilvas
P-1350-179 Lisboa
Tel. (351) 21 394 67 02
Fax (351) 21 394 60 73

Ministério das Finanças
Direcção-Geral dos Assuntos Europeus e Relações Internacionais
Avenida Infante D. Henrique n.º 1, C, 2.º
P-1100 Lisboa
Tel. (351) 21 882 3390/8
Fax (351) 21 882 3399

SLOVENIA

Ministry of Foreign Affairs
Prešernova 25
SI-1000 Ljubljana
Tel.: 00386 1 4782000
Faks: 00386 1 4782341

Ministry of the Economy
Kotnikova 5
SI-1000 Ljubljana
Tel.: 00386 1 4783311
Faks: 00386 1 4331031

Ministry of Defence
Kardeljeva pl. 25
SI-1000 Ljubljana
Tel.: 00386 1 4712211
Faks: 00386 1 4318164

SLOVAKIA

Ministerstvo financií Slovenskej republiky
Štefanovičova 5
P.O. BOX 82
817 82 Bratislava
Tel.: 00421/2/5958 1111
Fax: 00421/2/5249 8042

Ministerstvo zahraničných vecí Slovenskej republiky
Hlboká cesta 2
83336 Bratislava
Tel: 00421/2/5978 1111
Fax: 00421/2/5978 3649

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
FIN-00161 Helsinki/Helsingfors
P./Tfn (358-9) 16 00 5
Faksi/Fax (358-9) 16 05 57 07

SWEDEN

Articles 3 and 4:

Försäkringskassan
103 51 Stockholm
Tfn (46-8) 786 90 00
Fax (46-8) 411 27 89

Articles 5 and 6:

Finansinspektionen
Box 6750
113 85 Stockholm
Tfn (46-8) 787 80 00
Fax (46-8) 24 13 35

UNITED KINGDOM

HM Treasury
Financial Systems and International Standards
1, Horse Guards Road
London SW1A 2HQ
United Kingdom

Tel. + 44 (0) 20 7270 5977

Fax. + 44 (0) 20 7270 5430

Bank of England
Financial Sanctions Unit
Threadneedle Street
London EC2R 8AH
United Kingdom

Tel. + 44 (0) 20 7601 4768

Fax. + 44 (0) 20 7601 4309

EUROPEAN COMMUNITY

European Commission
DG External Relations
Directorate A: Common Foreign and Security Policy
(CFSP) and European Security and Defence Policy
(ESDP): Commission Coordination and contribution
Unit A 2: Legal and institutional matters, CFSP Joint
Actions, Sanctions, Kimberley Process
Tel. (32-2) 295 55 85
Fax (32-2) 296 75 63

COMMISSION REGULATION (EC) No 1185/2005**of 22 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 ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 July 2005.

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

Done at Brussels, 22 July 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 22 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 ⁽¹⁾	Standard import value
0702 00 00	052	78,8
	096	42,0
	999	60,4
0707 00 05	052	77,1
	999	77,1
0709 90 70	052	73,3
	999	73,3
0805 50 10	388	65,1
	508	58,8
	524	73,5
	528	62,6
	999	65,0
0806 10 10	052	107,1
	204	80,8
	220	176,7
	508	134,4
	624	159,1
	999	131,6
0808 10 80	388	87,1
	400	95,7
	404	86,2
	508	74,8
	512	72,0
	524	52,1
	528	52,4
	720	57,1
	804	84,8
	999	73,6
0808 20 50	052	99,6
	388	77,9
	512	23,3
	528	50,0
	999	62,7
0809 10 00	052	139,2
	094	100,2
	999	119,7
0809 20 95	052	293,1
	400	310,8
	404	385,7
	999	329,9
0809 30 10, 0809 30 90	052	120,2
	999	120,2
0809 40 05	624	87,8
	999	87,8

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

COMMISSION REGULATION (EC) No 1186/2005
of 22 July 2005
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, and in particular Article 2 thereof,

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

- (2) Commission Regulation (EC) No 1145/2005 ⁽³⁾ establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Estonia pursuant to Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 1145/2005 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, the Czech Republic, Denmark, Germany, Estonia, France, Ireland, Italy, Cyprus, Latvia, Hungary, Malta, Greece, Luxembourg, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden and the United Kingdom.

Article 2

Regulation (EC) No 1145/2005 is hereby repealed.

Article 3

This Regulation shall enter into force on 23 July 2005.

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

Done at Brussels, 22 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

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

⁽³⁾ OJ L 185, 16.7.2005, p. 17.

COMMISSION REGULATION (EC) No 1187/2005

of 22 July 2005

amending Regulation (EEC) No 1859/82 concerning the selection of returning holdings for the purpose of determining incomes of agricultural holdings

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community ⁽¹⁾, and in particular Article 4(4) thereof,

Whereas:

(1) Article 2 of Commission Regulation (EEC) No 1859/82 ⁽²⁾ fixes per Member State the threshold of economic size of returning holdings falling within the field of survey of the farm accountancy data network.

(2) In the case of Germany, structural changes have led to a decrease in the number of the smallest holdings and in their contribution to the total output of agriculture. This has made their use for a survey covering the most relevant part of the agricultural activity no longer necessary. It is therefore indicated to raise the threshold from 8 ESU to 16 ESU.

(3) In the case of Cyprus, the threshold set initially to 1 ESU should be raised to 2 ESU, because the holdings with an economic size smaller than 2 ESU represent only 7 % of the total standard gross margin. The most relevant part of the agricultural activity can therefore be covered with a threshold excluding the smaller holdings.

(4) The number of returning holdings per Member State to be selected by division is fixed in Annex I to Regulation (EEC) No 1859/82. In the case of Spain, Italy, Austria, Portugal and Finland, the number of returning holdings has remained the same for a long time despite the significant reduction in the number of holdings. The reduction has been accompanied by an increase in the uniformity of the holdings, which is such that it enables

satisfactory representation to be achieved on the basis of a smaller sample than the current one. Due to this structural change the number of returning holdings to be selected in Spain, Italy, Austria, Portugal and Finland can be reduced. However, for some divisions in Spain and Italy that number should be increased as a result of improved statistical methodologies used for the selection.

(5) The number of returning holdings in Malta should be revised based on new information concerning its agricultural structure.

(6) Regulation (EEC) No 1859/82 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1859/82 is amended as follows:

1. Article 2 is replaced by the following:

'Article 2

For the 2006 accounting year (a period of 12 consecutive months beginning between 1 January 2006 and 1 July 2006) and for subsequent accounting years, the threshold as referred to in Article 4 of Regulation No 79/65/EEC in ESU shall be as follows:

— Belgium: 16 ESU

— Czech Republic: 4 ESU

— Denmark: 8 ESU

⁽¹⁾ OJ 109, 23.6.1965, p. 1859/65. Regulation as last amended by Commission Regulation (EC) No 660/2004 (OJ L 104, 8.4.2004, p. 97).

⁽²⁾ OJ L 205, 13.7.1982, p 5. Regulation as last amended by Regulation (EC) No 2203/2004 (OJ L 374, 22.12.2004, p. 36).

- Germany: 16 ESU
 - Estonia: 2 ESU
 - Greece: 2 ESU
 - Spain: 2 ESU
 - France: 8 ESU
 - Ireland: 2 ESU
 - Italy: 4 ESU
 - Cyprus: 2 ESU
 - Latvia: 2 ESU
 - Lithuania: 2 ESU
 - Luxembourg: 8 ESU
 - Hungary: 2 ESU
 - Malta: 8 ESU
 - Netherlands: 16 ESU
 - Austria: 8 ESU
 - Poland: 2 ESU
 - Portugal: 2 ESU
 - Slovenia: 2 ESU
 - Slovakia: 6 ESU
 - Finland: 8 ESU
 - Sweden: 8 ESU
 - United Kingdom (with the exception of Northern Ireland): 16 ESU
 - United Kingdom (only Northern Ireland): 8 ESU.
2. Annex I is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from the 2006 accounting year.

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

Done at Brussels, 22 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Annex I to Regulation (EEC) No 1859/82 is amended as follows:

1. The part concerning Spain is replaced by the following:

	'SPAIN	
500	Galicia	480
505	Asturias	270
510	Cantabria	190
515	País Vasco	250
520	Navarra	370
525	La Rioja	260
530	Aragón	739
535	Cataluña	710
540	Illes Balears	182
545	Castilla y León	1 095
550	Madrid	194
555	Castilla-La Mancha	1 138
560	Comunidad Valenciana	626
565	Murcia	444
570	Extremadura	718
575	Andalucía	1 816
580	Canarias	224
	Total Spain	9 706'

2. The part concerning Italy is replaced by the following:

	'ITALY	
221	Valle d'Aosta	279
222	Piemonte	1 159
230	Lombardia	923
241	Trentino	315
242	Alto Adige	308
243	Veneto	925
244	Friuli-Venezia Giulia	797
250	Liguria	500
260	Emilia-Romagna	1 145
270	Toscana	680
281	Marche	956
282	Umbria	678
291	Lazio	854
292	Abruzzo	826
301	Molise	462
302	Campania	682
303	Calabria	882
311	Puglia	988
312	Basilicata	1 087
320	Sicilia	1 306
330	Sardegna	1 248
	Total Italy	17 000'

3. The part concerning Malta is replaced by the following:

'780	MALTA	400'
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4. The part concerning Austria is replaced by the following:

'660	AUSTRIA	1 800'
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5. The part concerning Portugal is replaced by the following:

	'PORTUGAL	
610	Entre Douro e Minho e Beira Litoral	670
620	Trás-os-Montes e Beira Interior	563
630	Ribatejo e Oeste	351
640	Alentejo e Algarve	399
650	Açores e Madeira	317
	Total Portugal	2 300'

6. The part concerning Finland is replaced by the following:

	'FINLAND	
670	Etelä-Suomi	537
680	Sisä-Suomi	237
690	Pohjanmaa	229
700	Pohjois-Suomi	147
	Total Finland	1 150'

COMMISSION REGULATION (EC) No 1188/2005
of 22 July 2005
amending Regulation (EC) No 761/2005 opening crisis distillation as provided for in Article 30 of
Council Regulation (EC) No 1493/1999 for certain wines in France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 33(1)(f) thereof,

Whereas:

- (1) Commission Regulation (EC) No 761/2005 ⁽²⁾ opened crisis distillation under Article 30 of Regulation (EC) No 1493/1999 for certain quality wines produced in France for the period 23 May to 15 July 2005.
- (2) Since this is the first time that quality wine produced in France has been subject to crisis distillation, some problems have been encountered in launching the system. Certain producers wishing to participate in the distillation may be unable to do so within the deadline laid down. To ensure that the measure is effective, therefore, the period for concluding delivery contracts as provided for in Regulation (EC) No 761/2005 should be extended until 31 July 2005.
- (3) Regulation (EC) No 761/2005 should therefore be amended accordingly.

(4) To ensure continuity of the measure, this Regulation should apply from 16 July 2005.

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

HAS ADOPTED THIS REGULATION:

Article 1

The first paragraph of Article 2 of Regulation (EC) No 761/2005 is hereby replaced by the following:

‘Producers may conclude contracts as provided for in Article 65 of Regulation (EC) No 1623/2000 (hereinafter referred to as the contract) from 23 May to 31 July 2005.’

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 16 July 2005.

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

Done at Brussels, 22 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 127, 20.5.2005, p. 6.

COMMISSION REGULATION (EC) No 1189/2005
of 20 July 2005
prohibiting fishing for common sole in ICES zones VII b, c by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 27/2005 of 22 December 2004 fixing for 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2005.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2005.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2005 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

Article 3

Entry into force

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, 20 July 2005.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

⁽³⁾ OJ L 12, 14.1.2005, p. 1. Regulation as last amended by Regulation (EC) No 860/2005 (OJ L 144, 8.6.2005, p. 1).

ANNEX

Member State	France
Stock	SOL/7BC
Species	Common sole (<i>Solea solea</i>)
Zone	VII b, c
Date	27 June 2005

COMMISSION REGULATION (EC) No 1190/2005**of 20 July 2005****amending for the 48th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freezing of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 15 July 2005, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 20 July 2005.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Regulation (EC) No 853/2005 (OJ L 141, 4.6.2005, p. 8).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entry shall be added under the heading 'Legal persons, groups and entities':

'Movement for Reform in Arabia (*alias* (a) Movement for Islamic Reform in Arabia, (b) MIRA, (c) Al Islah (Reform), (d) MRA, (e) Al-Harakat al-Islamiyah lil-Islah, (f) Islamic Movement for Reform, (g) Movement for (Islamic) Reform in Arabia Ltd, (h) Movement for Reform in Arabia Ltd). Address: (a) BM Box: MIRA, London WC1N 3XX, United Kingdom, (b) Safiee Suite, EBC House, Townsend Lane, London NW9 8LL, United Kingdom. Other information: (a) e-mail address: info@islah.org, (b) tel. 020 8452 0303, (c) fax 020 8452 0808, (d) UK Company number 03834450.'

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 24 June 2005

appointing two German members and two German alternate members of the Committee of the Regions

(2005/570/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the German Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2002 to 25 January 2006.
- (2) Two members' seats on the Committee of the Regions have become vacant following expiry of the mandates of Mr Stanislaw TILLICH and Ms Ulrike RODUST and two alternate members' seats on the Committee of the Regions have become vacant following expiry of the mandates of Mr Volker SCHIMPF and Ms Heide SIMONIS,

HAS DECIDED AS FOLLOWS:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the term of office still to run, namely until 25 January 2006:

(a) as members:

Mr Uwe DÖRING
Minister für Justiz, Arbeit und Europa des Landes Schleswig-Holstein

to replace Ms Ulrike RODUST;

Mr Hermann WINKLER
Sächsischer Staatsminister und Chef der Staatskanzlei,
Mitglied des Sächsischen Landtages

to replace Mr Stanislaw TILLICH;

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

(b) as alternate members:

Mr Peter Harry CARSTENSEN
Ministerpräsident des Landes Schleswig-Holstein

to replace Ms Heide SIMONIS;

Mr Georg MILBRADT
Ministerpräsident des Freistaates Sachsen,
Mitglied des Sächsischen Landtages

to replace Mr Volker SCHIMPF.

Article 2

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

It shall take effect on the day of its adoption.

Done at Luxembourg, 24 June 2005.

For the Council
The President
L. LUX

COUNCIL DECISION
of 12 July 2005
amending Decision 2001/264/EC adopting the Council's security regulations
(2005/571/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 207(3) thereof,

Having regard to Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure ⁽¹⁾, and in particular Article 24 thereof,

Whereas:

- (1) Appendix 2 to the Security Regulations of the Council of the European Union annexed to Decision 2001/264/EC ⁽²⁾ contains a table of comparison of security classifications. This table was modified by Council Decision 2004/194/EC of 10 February 2004 amending Decision 2001/264/EC ⁽³⁾.
- (2) France and the Netherlands have notified the General Secretariat of the Council of changes concerning their respective security gradings.
- (3) It is therefore necessary to amend Council Decision 2001/264/EC accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

In Decision 2001/264/EC, Appendix 1 and Appendix 2 shall be replaced by the text appearing in the Annex to this Decision.

Article 2

This Decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 12 July 2005.

For the Council
The President
G. BROWN

⁽¹⁾ OJ L 106, 15.4.2004, p. 22. Decision as amended by Decision 2004/701/EC, Euratom (OJ L 319, 20.10.2004, p. 15).

⁽²⁾ OJ L 101, 11.4.2001, p. 1.

⁽³⁾ OJ L 63, 28.2.2004, p. 48.

ANNEX

Appendix 1

List of national security authorities

BELGIUM

Service public fédéral des affaires étrangères, du commerce extérieur et de la coopération au développement
 Autorité nationale de sécurité (ANS)
 Direction du protocole et de la sécurité
 Service de la sécurité P&S 6
 Rue des Petits Carmes 15
 B-1000 Bruxelles
 Telephone Secretariat: + 32/2/519 05 74
 Telephone Presidency: + 32/2/501 82 20
 + 32/2/501 87 10
 Fax: + 32/2/519 05 96

CZECH REPUBLIC

Národní bezpečnostní úřad
 (National Security Authority)
 Na Popelce 2/16
 150 06 Praha 56
 Tel.: (420) 257 28 33 35
 Fax: (420) 257 28 31 10

DENMARK

Politiets Efterretningstjeneste
 (Danish Security Intelligence Service)
 Klausdalsbrovej 1
 DK-2860 Søborg
 Telephone: (45) 33 14 88 88
 Fax: (45) 33 43 01 90

Forsvarets Efterretningstjeneste
 (Danish Defence Intelligence Service)
 Kastellet 30
 DK-2100 København Ø
 Telephone: (45) 33 32 55 66
 Fax: (45) 33 93 13 20

GERMANY

Bundesministerium des Innern
 Referat IS 4
 Alt-Moabit 101 D
 D-11014 Berlin
 Telefon: + 49-1-888 681 15 26
 Fax: + 49-1-888 681 558 06

ESTONIA

Eesti Vabariigi Kaitseministeerium
 (Ministry of Defence, Republic of Estonia, Department of Security National Security Authority)
 Sakala 1
 EE-15094 Tallinn
 Telephone: + 372/717 00 30
 + 372/717 00 31
 + 372/717 00 77
 Fax: + 372/717 00 01

GREECE

Γενικό Επιτελείο Εθνικής Άμυνας (ΓΕΕΘΑ)
 Διακλαδική Διεύθυνση Στρατιωτικών Πληροφοριών (ΔΔΣΠ)
 Διεύθυνση Ασφαλείας και Αντιπληροφοριών
 GR-ΣΤΓ 1020 Χολαργός (Αθήνα)
 Τηλέφωνα: (30-210) 657 20 09 (ώρες γραφείου)
 (30-210) 657 20 10 (ώρες γραφείου)
 Φαξ: (30-210) 642 64 32
 (30-210) 652 76 12

[Hellenic National Defence General Staff (HNDGS)]
 Military Intelligence Sectoral Directorate
 Security Counterintelligence Directorate
 GR-STG 1020 Holargos — Athens
 Telephone: (30-210) 657 20 09 (office hours)
 (30-210) 657 20 10 (office hours)
 Fax: (30-210) 642 64 32
 (30-210) 652 76 12

SPAIN

Autoridad Nacional de Seguridad
 Oficina Nacional de Seguridad
 Avenida Padre Huidobro s/n
 Carretera nacional radial VI, km 8,5
 E-28023 Madrid
 Telephone: + 34/913 72 57 07
 + 34/913 72 50 27
 Fax: + 34/913 72 58 08

FRANCE

Secrétariat général de la défense nationale
 Service de sécurité de défense (SGDN/SSD)
 51, boulevard de la Tour-Maubourg
 F-75700 Paris 07 SP
 Telephone: + 33/1/71 75 81 77
 Fax: + 33/1/71 75 82 00

IRELAND

National Security Authority
 Department of Foreign Affairs
 80 St. Stephens Green
 IRL-Dublin 2
 Telephone (353-1) 478 08 22
 Fax (353-1) 478 14 84

ITALY

Presidenza del Consiglio dei Ministri
 Autorità Nazionale per la Sicurezza
 Cesis III Reparto (UCSi)
 Via di Santa Susanna, 15
 I-00187 Roma
 Telephone: + 39/06/611 742 66
 Fax: + 39/06/488 52 73

CYPRUS

Υπουργείο Άμυνας
 Στρατιωτικό επιτελείο του υπουργού
 Εθνική Αρχή Ασφάλειας (ΕΑΑ)
 Υπουργείο Άμυνας
 Λεωφόρος Εμμανουήλ Ροΐδη 4
 CY-1432 Λευκωσία
 Τηλέφωνα: (357-22) 80 75 69
 (357-22) 80 75 19
 (357-22) 80 77 64
 Φαξ: (357-22) 30 23 51

Ministry of Defence
 Minister's Military Staff
 National Security Authority (NSA)
 4 Emanuel Roidi Street
 CY-1432 Nicosia
 Telephone: (357-22) 80 75 69
 (357-22) 80 75 19
 (357-22) 80 77 64
 Fax: (357-22) 30 23 51

LATVIA

National Security Authority of Constitution Protection
 Bureau of the Republic of Latvia
 Miera iela 85 A
 LV-1013 Riga
 Telephone: + 371/702 54 18
 Fax: + 371/702 54 54

LITHUANIA

Lithuanian National Security Authority
 Gedimino ave. 40/1
 LT-01110 Vilnius
 Telephone: + 370/5/266 32 01
 Fax: + 370/5/266 32 00

LUXEMBOURG

Autorité nationale de sécurité
 Ministère d'État
 Boîte postale 23 79
 L-1023 Luxembourg
 Telephone: + 352/478 22 10 central
 + 352/478 22 35 direct
 Fax: + 352/478 22 43
 + 352/478 22 71

HUNGARY

National Security Authority Republic of Hungary
 Nemzeti Biztonsági Felügyelet
 Pf.: 2
 HU-1352 Budapest
 Telephone: + 361/346 96 52
 Fax: + 361/346 96 58

MALTA

Ministry of Justice and Home Affairs
 P.O. Box 146
 MT-Valletta
 Telephone: + 356/21 24 98 44
 Fax: + 356/21 23 53 00

NETHERLANDS

Ministerie van Binnenlandse Zaken en Koninkrijksrelaties
 Postbus 20010
 2500 EA Den Haag
 Nederland
 Telephone: (31-70) 320 44 00
 Fax: (31-70) 320 07 33

Ministerie van Defensie
 Beveiligingsautoriteit (BA)
 Postbus 20701
 2500 ES Den Haag
 Nederland
 Telephone: (31-70) 318 70 60
 Fax: (31-70) 318 75 22

AUSTRIA

Informationssicherheitskommission
 Bundeskanzleramt
 Ballhausplatz 2
 A-1014 Wien
 Telefon: + 43-1-531 15 23 96
 Fax: + 43-1-531 15 25 08

POLAND

Wojskowe Służby Informacyjne (Military Information Services
 National Security Authority – Military Sphere)
 PL-00-909 Warszawa 60
 Telephone: + 48/22/684 13 62
 Fax: + 48/22/684 10 76

Agencja Bezpieczeństwa Wewnętrznego – ABW (Internal Security Agency
 National Security Authority – Civilian Sphere
 Department for the Protection of Classified Information)
 ul. Rakowiecka 2A
 PL-00-993 Warszawa
 Telephone: + 48/22/585 73 60
 Fax: + 48/22/585 85 09

PORTUGAL

Presidência do Conselho de Ministros
 Autoridade Nacional de Segurança
 Avenida Ilha da Madeira, 1
 P-1400-204 Lisboa
 Tel.: (351) 21 301 17 10
 Fax: (351) 21 303 17 11

SLOVENIA

Office of the Government of the Republic of Slovenia
 For the Protection of Classified Information – NSA
 Slovenska cesta 5
 SI-1000 Ljubljana
 Tel.: (386-1) 426 91 20
 Faks: (386-1) 426 91 21

SLOVAKIA

Národný bezpečnostný úrad
(National Security Authority)
Budatínska 30
SK-851 05 Bratislava
Telephone: + 421/2/68 69 23 14
Fax: + 421/2/68 69 17 00

SWEDEN

Utrikesdepartementet
SSSB
S-103 39 Stockholm
Telephone: + 46/8/405 54 44
Fax: + 46/8/723 11 76

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
Alivaltiosihteeri (Hallinto)/Understatssekreteraren
(Administration)
Laivastokatu 22/Maringatan 22
PL/PB 176
FIN-00161 Helsinki/Helsingfors
Telephone: (358-9) 16 05 53 38
Fax: (358-9) 16 05 53 03

UNITED KINGDOM

UK National Security Authority
PO Box 49359
London, SW1P 1LU
United Kingdom
Telephone (44-207) 930 87 68
Fax (44-207) 821 86 04

Appendix 2

Comparison of security classifications

EU and EU Member States classification	TRÈS SECRET UE/EU TOP SECRET	SECRET UE	CONFIDENTIEL UE	RESTREINT UE
Euratom	<i>Eura — Top Secret</i>	<i>Eura — Secret</i>	<i>Eura — Confidential</i>	<i>Eura — Restricted</i>
Belgium	Très Secret Zeer geheim	Secret Geheim	Confidentiel Vertrouwelijk	Diffusion restreinte Bepaalde verspreiding
Czech Republic	Průsně tajné	Tajné	Důvěrné	Výhraněné
Denmark	Yderst hemmeligt	Hemmeligt	Fortroligt	Til tjenestebrug
Germany	Streng geheim	Geheim	VS (*) — Vertraulich	VS — Nur für den Dienstgebrauch
Estonia	Täiesti salajane	Salajane	Konfidentsiaalne	Piiratud
Greece	Άκρως Απόρρητο Abr: ΑΑΠ	Απόρρητο Abr: (ΑΠ)	Εμπιστευτικό Abr: (ΕΜ)	Περιορισμένης Χρήσης Abr: (ΠΧ)
Spain	Secreto	Reservado	Confidencial	Difusión Limitada
France	Très Secret Défense (*)	Secret Défense	Confidentiel Défense	nota (*)
Ireland	Top Secret	Secret	Confidential	Restricted
Italy	Segretissimo	Segreto	Riservatissimo	Riservato
Cyprus	Άκρως Απόρρητο	Απόρρητο	Εμπιστευτικό	Περιορισμένης Χρήσης
Latvia	Sevišķi slepeni	Slepeni	Konfidenciali	Dienesta vajadzībām
Lithuania	Visiškai slaptai	Slaptai	Konfidencialiai	Riboto naudojimo
Luxembourg	Très Secret	Secret	Confidentiel	Diffusion restreinte
Hungary	Szigorúan titkos!	Titkos!	Bizalmas!	Korlátozott terjesztésű!
Malta	L-Ghola Segretezza	Sigriet	Kunfidenzjali	Ristrett
Netherlands	Zeer geheim	Geheim	Confidentieel	Vertrouwelijk

EU and EU Member States classification	TRÈS SECRET UE/EU TOP SECRET	SECRET UE	CONFIDENTIEL UE	RESTREINT UE
Austria	Streng Geheim	Geheim	Vertraulich	Eingeschränkt
Poland	Ścisłe Tajne	Tajne	Poufne	Zastrzeżone
Portugal	Muito Secreto	Secreto	Confidencial	Reservado
Slovenia	Strogo tajno	Tajno	Zaupno	Interno
Slovakia	Prísne tajné	Tajné	Dôverné	Vyhradené
Finland	Erittäin salainen	Erittäin salainen	Salainen	Luottamuksellinen
Sweden	Kvalificerat hemlig	Hemlig	Hemlig	Hemlig
United Kingdom	Top Secret	Secret	Confidential	Restricted
International Organisations classification	TRÈS SECRET UE/EU TOP SECRET	SECRET UE	CONFIDENTIEL UE	RESTREINT UE
NATO	COSMIC TOP SECRET	NATO SECRET	NATO CONFIDENTIAL	NATO RESTRICTED
WEU	Focal Top Secret	WEU Secret	WEU Confidential	WEU Restricted

(1) Germany: VS = Verschlussache.

(2) France: the classification "Très secret défense", which covers governmental priority issues, may be changed only with the Prime Minister's authorisation.

(3) France does not use the classification category "DIFFUSION RESTREINTE" in its national system. France handles and protects documents bearing the marking "RESTREINT UE" according to its national laws and regulations in force, which are not less stringent than the provisions of the Council's security regulations.

COMMISSION

COMMISSION DECISION

of 19 July 2005

amending Decision 2000/86/EC laying down special conditions governing imports of fishery products originating in China and repealing Decision 97/368/EC, as regards the competent authority and the model of health certificate

(notified under document number C(2005) 2751)

(Text with EEA relevance)

(2005/572/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 ⁽¹⁾, and in particular Article 11 (1) thereof,

Whereas:

- (1) In Commission Decision 2000/86/EC ⁽²⁾, the 'State Administration for Entry/Exit Inspection and Quarantine (CIQ SA)' is identified as the competent authority in China for verifying and certifying compliance of fishery and aquaculture products with Directive 91/493/EEC.
- (2) Following a restructuring of the Chinese administration, the competent authority has changed to the General Administration for Quality Supervision, Inspection and Quarantine (AQSIQ).
- (3) That new authority is capable of effectively verifying the application of the rules in force.
- (4) The AQSIQ 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 2000/86/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 2000/86/EC is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

The General Administration for Quality Supervision, Inspection and Quarantine (AQSIQ) shall be the competent authority in China for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.'

2. Article 3(2) is replaced by the following:

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

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

⁽¹⁾ 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).

⁽²⁾ OJ L 26, 2.2.2000, p. 26. Decision as amended by Decision 2000/300/EC (OJ L 97, 19.4.2000, p. 15).

Article 2

This Decision shall apply from 6 September 2005.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 July 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

‘ANNEX A

HEALTH CERTIFICATE

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

Reference No:

Country of dispatch: CHINA

Competent authority: General Administration for Quality Supervision, Inspection and Quarantine (AQSIQ)

I. Details identifying the fishery products

- Description of fishery/aquaculture products ⁽¹⁾:
- species (scientific name):
- presentation of product and type of treatment ⁽²⁾:
- 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 AQSIQ for export to the EC:

.....
.....

III. Destination of products

The products are dispatched:

from:
(place of dispatch)

to:
(country and place of destination)

⁽¹⁾ Delete where applicable.

⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved.

by the following means of transport:

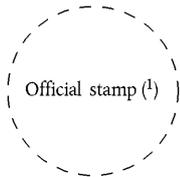
Name and address of dispatcher:

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 2000/86/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 22 July 2005

amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China

(notified under document number C(2005) 2764)

(Text with EEA relevance)

(2005/573/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard 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 ⁽¹⁾, and in particular Article 22(1) thereof,

Whereas:

(1) Following the detection of residues of veterinary medicines in certain products of animal origin imported from China, and the shortcomings identified during an inspection visit to that country as regards the regulation of veterinary medicines and the residue control system in live animals and animal products, the Commission adopted Decision 2002/69/EC ⁽²⁾.

(2) Corrective measures were subsequently implemented by Chinese authorities and additional information and supplementary guarantees were provided. Along with favourable results of the checks carried out by the Commission services and Member States, these measures allowed amendments of Decision 2002/69/EC and the subsequent adoption of several measures to authorise the importation of products of animal origin from China. These amendments were consolidated in Commission Decision 2002/994/EC of 20 December 2002 concerning certain protective measures with regard to the products of animal origin imported from China ⁽³⁾, which has repealed Decision 2002/69/EC.

(3) Results of the checks carried out by Member States on the products authorised for import since the application

of Decision 2004/621/EC are generally favourable. This allows consideration of the authorisation of imports from China of petfood. In view of the negligible risk for consumers, it is appropriate to amend the Decision accordingly.

(4) In order to improve legal clarity over the range of animal products which are prohibited for import from China, it is appropriate to clarify the text of Decision 2002/994/EC.

(5) Decision 2002/994/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

Decision 2002/994/EC is amended as follows:

1. Articles 2 and 3 are replaced by the following:

'Article 2

1. Member states shall prohibit the imports of products referred to in Article 1.

2. By derogation from paragraph 1, Member States shall authorise the imports of products listed in the Annex to this Decision in accordance with the specific animal and public health conditions applicable to the products concerned, and with Article 3 in the case of products listed in Part II of the Annex.

⁽¹⁾ 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).

⁽²⁾ OJ L 30, 31.1.2002, p. 50. Decision as last amended by Decision 2002/933/EC (OJ L 324, 29.11.2002, p. 71).

⁽³⁾ OJ L 348, 21.12.2002, p. 154. Decision as last amended by Decision 2004/621/EC (OJ L 279, 28.8.2004, p. 44).

Article 3

Member States shall authorise imports of consignments of products listed in Part II of the Annex accompanied by a declaration of the Chinese competent authority stating that each consignment has been subjected before dispatch to a chemical test in order to ensure that the products concerned do not present a danger to human health. This test must be carried out, in particular, with a view to detecting the presence of chloramphenicol and nitrofurantoin and its metabolites. The results of the analytical checks have to be included.'

2. The Annex is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply from 26 July 2005.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 July 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX

PART I

List of products of animal origin intended for human consumption or animal feed use authorised to be imported into the Community without the attestation provided by Article 3

- Fishery products, except:
 - those obtained by aquaculture,
 - peeled and/or processed shrimps,
 - crayfish of the species *Procambrus clarkii* caught in natural fresh waters by fishing operations,
- gelatine,
- petfood as regulated under Regulation (EC) No 1774/2002 of the European Parliament and of the Council ⁽¹⁾.

PART II

List of products of animal origin intended for human consumption or animal feed use authorised to be imported into the Community, subject to be accompanied of the attestation provided by Article 3

- Aquaculture fishery products,
- peeled and/or processed shrimps,
- crayfish of the species *Procambrus clarkii* caught in natural fresh waters by fishing operations,
- casings,
- rabbit meat,
- honey,
- royal jelly.

⁽¹⁾ OJ L 273, 10.10.2002, p. 1.'

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

COUNCIL JOINT ACTION 2005/574/CFSP

of 18 July 2005

on support for IAEA activities in the areas of nuclear security and verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against the Proliferation of Weapons of Mass Destruction, which contains, in its Chapter III, a list of measures to combat such proliferation and which need to be taken both within the EU and in third countries.
- (2) The EU is actively implementing this Strategy and is giving effect to the measures listed in its Chapter III, in particular through releasing financial resources to support specific projects conducted by multilateral institutions, such as the International Atomic Energy Agency (IAEA).
- (3) On 17 November 2003, the Council adopted Common Position 2003/805/CFSP on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery ⁽¹⁾.
- (4) On 17 May 2004, the Council adopted Joint Action 2004/495/CFSP on support for IAEA activities under its Nuclear Security Programme and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction ⁽²⁾.
- (5) Since, as far as the EU is concerned, the Council adopted on 22 December 2003 Directive 2003/122/Euratom ⁽³⁾ on the control of high activity sealed radioactive sources and orphan sources, the strengthening of the control of high activity radioactive sources in all third countries, in accordance with the G-8 statement and Action Plan on securing radioactive sources, remains an important objective to be pursued.

- (6) The universalisation of the IAEA Additional Protocol ⁽⁴⁾ contributes to the strengthening of verification capabilities and the IAEA's safeguards system.
- (7) The IAEA pursues the same objectives as set out in Recitals 5 and 6. This is done in the context of the revised Code of Conduct on the Safety and Security of Radioactive Sources which was approved by the IAEA Board of Governors in September 2003 and the implementation of its Nuclear Security Plan which is financed through voluntary contributions to its Nuclear Security Fund. The IAEA is also engaged in efforts to strengthen the Convention on the Physical Protection of Nuclear Material and to promote the conclusion and implementation of the IAEA Additional Protocol.
- (8) The Commission has accepted to be entrusted with the supervision of the proper implementation of the EU contribution,

HAS ADOPTED THIS JOINT ACTION:

Article 1

1. For the purposes of giving immediate and practical implementation to some elements of the EU Strategy against the Proliferation of Weapons of Mass Destruction, the EU shall support the IAEA activities in the areas of nuclear security and verification in order to further the following objectives:
 - to enhance the protection of proliferation-sensitive materials and equipment and the relevant expertise,
 - to strengthen the detection of and response to illicit trafficking of nuclear materials and radioactive substances,
 - to work towards the reinforcement of the IAEA's safeguards and, in particular, the universalisation of the IAEA Additional Protocol.

⁽¹⁾ OJ L 302, 20.11.2003, p. 34.

⁽²⁾ OJ L 182, 19.5.2004, p. 46.

⁽³⁾ OJ L 346, 31.12.2003, p. 57.

⁽⁴⁾ Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards, which was approved by the IAEA Board of Governors in 1997 (INFCIRC/540 (Corr.)).

2. The projects of the IAEA, corresponding to measures of the EU Strategy, are the projects which aim at:

- assisting States in strengthening Physical Protection of Nuclear Materials and other Radioactive Materials in Use, Storage and Transport, and of Nuclear Facilities,
- assisting States in strengthening Security of Radioactive Materials in non-Nuclear Applications,
- strengthening States' capabilities for Detection and Response to Illicit Trafficking,
- assisting States in drafting the necessary legislative measures for the implementation of the IAEA Additional Protocol.

These projects will be carried out in countries needing assistance in these areas.

A detailed description of the projects is set out in the Annex.

Article 2

1. The financial reference amount for the implementation of the four projects referred to in Article 1(2) is EUR 3 914 000.

2. The management of the expenditure financed by the general budget of the European Union specified in paragraph 1 shall be subject to the procedures and rules of the Community applying to budget matters with the exception that any pre-financing shall not remain the property of the Community.

3. For the purpose of implementing the projects referred to in Article 1(2), the Commission shall conclude a financial framework agreement with the IAEA on the conditions for the use of the EU contribution, which will take the form of a grant. A specific financing agreement to be concluded shall stipulate that the IAEA shall ensure visibility of the EU contribution, appropriate to its size.

4. The Commission shall supervise the proper implementation of the EU contribution referred to in this Article. To this end, the Commission shall be entrusted with the task of controlling and evaluating the financial aspects of the implementation of this Joint Action as referred to in this Article.

Article 3

The Presidency, assisted by the Secretary General of the Council/High Representative for the CFSP, shall be responsible for the implementation of this Joint Action, in full association with the Commission, and shall report to the Council on its implementation.

Article 4

The Council and the Commission shall ensure, within their respective powers, consistency between the implementation of this Joint Action and external activities of the Community in accordance with the second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end.

Article 5

This Joint Action shall enter into force on the day of its adoption.

It shall expire 15 months after its adoption.

Article 6

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

Done at Brussels, 18 July 2005.

For the Council
The President
J. STRAW

ANNEX

EU support for the IAEA activities in the areas of nuclear security and verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**1. Description**

The Board of Governors of the International Atomic Energy Agency (IAEA) approved, in March 2002, a plan of activities to protect against nuclear terrorism (GOV/2002/10). Furthermore, the document: 'Measures to Strengthen International Cooperation in Nuclear, Radiation, Transport Safety and Waste Management: Promoting Effective and Sustainable National Regulatory Infrastructure for the Control of Radiation Sources' (GOV/2004/52-GC(48)/15) includes parts that are relevant to the IAEA-EU cooperation under the EU Strategy against the Proliferation of Weapons of Mass Destruction. This provides a comprehensive approach to nuclear security, including the regulatory controls, accountability and protection of nuclear and other radioactive materials in use, storage and transport, 'from cradle to grave', in the short term as well as in the long term. However, if protection should fail, or in the case of material that is not yet subject to protection at its location, measures must be established to detect theft or attempts to smuggle the material.

International safeguards, as implemented by the IAEA, represent a key means of verifying the fulfilment by states of commitments not to use nuclear material or technology to develop nuclear weapons or other nuclear explosive devices. Conclusion of a comprehensive safeguards agreement⁽¹⁾ and an additional protocol thereto⁽²⁾ is an important commitment by a state with respect to the security and control of nuclear material and nuclear-related material and activities within its territory, under its jurisdiction or carried out under its control anywhere. In this respect, it is of utmost importance that the required national implementing legislation is in place in order to enable authorised governmental entities to exercise the necessary regulatory functions and to govern the conduct of any person engaged in regulated activities.

Support for these efforts is in high demand in all IAEA Member States as well as in states which are not yet members of the IAEA. However, the projects related to strengthening nuclear security are primarily focused upon countries in south-eastern Europe: Bulgaria, Turkey, Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, the Former Yugoslav Republic of Macedonia, Moldova and Romania, in the Central Asia region: Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan, in the Caucasus region: Armenia, Azerbaijan and Georgia, in Northern Africa: Morocco, Algeria, Tunisia, Libya and Egypt, and in the Mediterranean region and in the Middle East: Lebanon, Syria, Israel and Jordan. The activities under the project dealing with assistance in the development of national legislation related to the safeguards agreement and additional protocol (Project 4), will be implemented in the countries identified as a result of the political priorities set by the EU.

Initially, needs for improved nuclear security will be evaluated in the new countries coming under this Joint Action in order to identify priorities for support. For that purpose, a team of recognised experts will evaluate the present status of nuclear security measures already in place in these countries and give recommendations on improvements. The recommendations will constitute a platform for the definition of subsequent assistance, covering present status and need for improvement as regards prevention, detection of and response to malicious acts involving nuclear and other radioactive materials, including those in non-nuclear use, and of nuclear facilities.

As a result of this evaluation, priorities will be set in identifying a maximum number of countries for each project to be covered by the budget made available through EU support.

Subsequently, projects will be implemented in the selected countries in four fields:

1. *Strengthening the Physical Protection of Nuclear Materials and other Radioactive Materials in Use, Storage and Transport and of Nuclear Facilities*

The materials used or stored at nuclear facilities and locations must be adequately accounted for and protected in order to prevent theft or sabotage. An effective regulatory system should identify those elements requiring implementation at the level of the State and of the operator respectively.

A maximum of six countries will be selected for Project 1.

⁽¹⁾ The Structure and Content of Agreements Between the Agency and States Required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, which was adopted by the IAEA Board of Governors in 1972 (INFCIRC/153 (Corr.)).

⁽²⁾ Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards, which was approved by the IAEA Board of Governors in 1997 (INFCIRC/540 (Corr.)).

2. *Strengthening of Security of Radioactive Materials in Non-Nuclear Applications*

This project includes two different activity areas, one dealing with establishing/upgrading regulatory infrastructure and one dealing with dismantling and disposal of disused sources.

Radioactive materials are often used in non-nuclear applications, e.g. in medical or industrial use. Some of these sources are highly radioactive, and belong to categories 1 to 3, as defined in the IAEA document 'Categorisation of Radioactive Sources'. These sources, if not adequately under regulatory control and protected, may come into the wrong hands and be used in malicious activities. The radiation safety and security of radioactive sources as well as regulatory infrastructure must be effective and must function adequately in accordance with the international standards, the guidelines of the Code of Conduct on the Safety and Security of Radioactive Sources and the best practices. A maximum of six countries will be selected for this activity area of Project 2.

It is of vital importance that powerful and vulnerable sources are physically protected against malicious acts when used or stored, and when no longer required, they should be dismantled and disposed of as radioactive waste in a safe and secure storage. A maximum of six countries will be selected for this activity area of Project 2.

3. *Strengthening of States' Capabilities for Detection and Response to Illicit Trafficking*

Illicit trafficking is a situation which relates to the unauthorised receipt, provision, use, transfer or disposal of nuclear material and other radioactive materials, whether intentional or unintentional and with or without crossing international borders.

A terrorist-made, crude nuclear explosive device or a radiological dispersal device cannot be constructed without the material having been acquired as a result of illicit trafficking. In addition, sensitive equipment and technology to produce sensitive material for or to construct a crude nuclear explosive device may also have been acquired via illicit trafficking. It may be assumed that cross-border movement of material or technology is necessary for the material to reach its end destination. To combat illicit trafficking, states thus require the necessary regulatory systems to be in place, as well as technical systems (including user-friendly instruments) and available procedures and information at the border stations for detecting attempts at smuggling radioactive materials (including fissile, radioactive materials), or unauthorised trade with sensitive equipment and technology.

Effective measures must also be in place to respond to such acts and also to seizures of any radioactive materials. Law enforcement staff (customs, police, etc.) is frequently not trained in the use of detection equipment, and thus the sensitive equipment and technology may be unfamiliar. Training of this staff is therefore critical to the success of any measures put in place for detection of illicit trafficking. Different training should be offered to staff of different categories, both in using detection instruments and in understanding the reading of the instrument, to be able to decide on follow-up activities.

4. *Legislative Assistance for the Implementation of States' Obligations under IAEA Safeguards Agreements and Additional Protocols*

The conclusion of safeguards agreements and additional protocols with the IAEA is an effective measure that promotes stringent national and international control of nuclear material and related technologies. While there are some key commitments and elements that states are obliged to implement in national legislation with respect to safeguards, which are relevant to the security and control of nuclear material and nuclear-related material and activities, there are also other additional commitments that states are required to enact to enable them to comply with their international commitments under safeguards. In this respect national implementing legislation should actually provide a framework of principles and general provisions that enables authorised governmental entities to exercise the necessary regulatory functions and that regulates the conduct of any person engaged in regulated activities.

It is important that national implementing legislation clearly identify the nuclear activities, installations, facilities and material to which safeguards will be applied. In addition, states that have concluded an additional protocol need to ensure that their national implementing legislation has been enhanced to enable the state concerned to comply with the additional obligations under the additional protocol. In particular, the state's domestic legislation should be revised to expand the responsibilities and powers of the regulatory body, designated for the purposes of implementing and applying the safeguards agreements concluded.

The beneficiaries of the project will be the selected target countries.

2. Objectives

Overall objective: To strengthen nuclear security in selected countries.

2.1. Evaluation Phase: Financing International Nuclear Security Missions

Evaluation will be carried out by the IAEA to identify needs to strengthen the nuclear security in each of those countries mentioned in point 1, in which such evaluation has not been completed. The evaluation will cover, as appropriate, physical protection and security of nuclear and non-nuclear applications, the necessary regulatory infrastructure for radiation safety and security of radioactive sources, as well as established measures to combat illicit trafficking. The results of the overall evaluation will be used as a basis in selecting the countries in which the projects will be implemented.

The projects, as part of the broad-based nuclear security mission referred to above, will:

- evaluate, in each country, the status of physical protection of nuclear and other radioactive materials, and the protection of any nuclear or research installation or location in which these materials are used or stored, and identify a subset of facilities and locations containing these materials to be selected for subsequent upgrading and support,
- evaluate, in each country, any needs with respect to the upgrading of the security of radioactive sources, identify any weaknesses and shortcomings in implementing international standards and the Code of Conduct requiring improvement of regulatory infrastructure, and identify the need to provide additional protection of powerful, vulnerable sources. The specific equipment needed to provide protection would also be determined as a result of the evaluation,
- evaluate, in each country, the current status of the capability to combat illicit trafficking and identify needs for the required improvements.

2.2. Implementation of specific actions defined as priorities as a result of the evaluation phase

Project 1

Strengthening Physical Protection of Nuclear Materials and other Radioactive Materials in Use, Storage and Transport and in Nuclear Facilities

Project purpose: to strengthen physical protection of nuclear and other radioactive materials in the selected countries.

Project results:

- physical protection of selected facilities and priority locations upgraded,
- national regulatory infrastructure for physical protection improved through expert assistance,
- staff training provided in the selected countries.

Project 2

Strengthening of Security of Radioactive Materials in Non-Nuclear Applications

Project purpose: to strengthen the security of radioactive materials in non-nuclear applications in the selected countries.

Project results:

- establishment/upgrading of the national regulatory infrastructure for radiation safety and security of radioactive sources through the provision of the Radiation Safety, and Security of Radioactive Sources, Infrastructure Appraisal (RaSSIA), advisory services, equipment and training, in accordance with the international standards, the guidelines of the Code of Conduct on the Safety and Security of Radioactive Sources and the best practices,

- vulnerable sources protected or, as appropriate, dismantled or disposed in selected countries.

Project 3

Strengthening of States' Capabilities for Detection and Response to Illicit Trafficking

Project purpose: to strengthen the States' capacities for detection of and response to illicit trafficking in the selected countries.

Project results:

- enhanced information collected and evaluated on illicit nuclear trafficking, from open sources and from states' points of contact, to improve the knowledge about and circumstances of illicit nuclear trafficking. This information will also facilitate the prioritisation of the various activities undertaken to combat illicit trafficking,
- national frameworks established through expert assistance, to combat illicit trafficking and to improve the national coordination of control cross-border movements of radioactive materials, sensitive nuclear equipment and technology in the selected countries,
- border monitoring equipment upgraded at selected border crossings,
- training provided for law enforcement staff.

Project 4

Legislative Assistance for the Implementation of States' Obligations under IAEA Safeguards Agreements and Additional Protocols

Project purpose: to strengthen national legislative frameworks for the implementation of safeguards agreements and additional protocols concluded between states and the IAEA.

The project consists of two phases, namely a preparatory phase and an implementation phase:

- the preparatory phase consists of the identification of states that have not adopted the necessary implementing legislation pursuant to safeguards agreements and additional protocols concluded with the IAEA. This identification will be carried out by the EU. In addition, it includes the development of generic materials (i.e. 'legislative building blocks'), derived from examples of existing national legislation of various states, to be used as a basis for tailoring those examples to the respective national needs and conditions of the target countries,
- the implementing phase consists of the provision of bilateral legislative assistance to target countries in the drafting and/or revision of national legislation, using the building blocks developed during the preparatory phase.

Project results:

- Development and adoption in national languages of national legislation necessary to enable states to comply with their obligations under IAEA safeguards agreements and additional protocols.

3. Duration

The evaluation will be performed within a period of three months after entering into force of the EU Contribution Agreement between the Commission and the IAEA. The four projects will be performed in parallel during the 12 subsequent months.

The total estimated duration for the implementation of this Joint Action is 15 months.

4. Beneficiaries

The beneficiaries are the countries where the assessment and the subsequent projects will be implemented. Their authorities will be helped to identify weak points and receive support to find solutions for them and increase security.

5. Implementing Entity

The IAEA will be entrusted with the implementation of the projects. The international nuclear security missions will be performed following the standard mode of operation for missions of the IAEA, which will be carried out by IAEA Member States' experts. The implementation of the four projects will be done directly by the IAEA staff, IAEA Member States selected experts or contractors. In the case of contractors, the procurement of any goods, works or services by the IAEA in the context of this Joint Action shall be carried out in accordance with the applicable rules and procedures of the IAEA, as detailed in the EU Contribution Agreement with the IAEA.

6. Third Party Participants

The projects will be financed 100 % by this Joint Action. Experts of IAEA Member States may be considered as third party participants. They will work under the standard rules of operation for IAEA experts.

7. Estimated required means

The EU contribution will cover the evaluation and the implementation of the four projects as described in point 2.2. The estimated costs are as follows:

Nuclear security evaluation, including missions	EUR 140 000
Project 1	EUR 1 100 000
Project 2	EUR 1 250 000
Project 3	EUR 1 114 000
Project 4	EUR 200 000

In addition, a contingency reserve of about 3 % of eligible costs (for a total amount of EUR 110 000) is included for unforeseen costs.

8. Financial reference amount to cover the cost of the project

The total cost of the project is EUR 3 914 000.
