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⁽¹⁾ Text with EEA relevance

(Continued overleaf)

Council

2005/576/EC:

- ★ **Council Decision of 18 July 2005 on the fulfilment of the conditions laid down in Article 3 of the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, with regard to an extension of the period laid down in Article 9(4) of Protocol 2 to the Europe Agreement** 22



I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1198/2005
of 26 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 27 July 2005.

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

Done at Brussels, 26 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 26 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	101,8
	999	101,8
0707 00 05	052	88,0
	999	88,0
0709 90 70	052	75,3
	999	75,3
0805 50 10	388	63,6
	508	58,8
	524	69,1
	528	61,5
	999	63,3
0806 10 10	052	114,1
	204	79,7
	220	159,4
	508	134,4
	624	164,2
	999	130,4
0808 10 80	388	84,5
	400	92,2
	404	86,2
	508	74,7
	512	74,6
	524	52,1
	528	68,6
	720	107,8
	804	86,6
	999	80,8
0808 20 50	052	111,2
	388	83,3
	512	25,4
	528	45,8
	999	66,4
0809 10 00	052	127,9
	094	100,2
	999	114,1
0809 20 95	052	291,3
	400	333,7
	404	385,7
	999	336,9
0809 30 10, 0809 30 90	052	113,5
	999	113,5
0809 40 05	624	86,9
	999	86,9

⁽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 1199/2005
of 22 July 2005
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3 of that table.
- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities

of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 22 July 2005.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Council Regulation (EC) No 493/2005 (OJ L 82, 31.3.2005, p. 1).

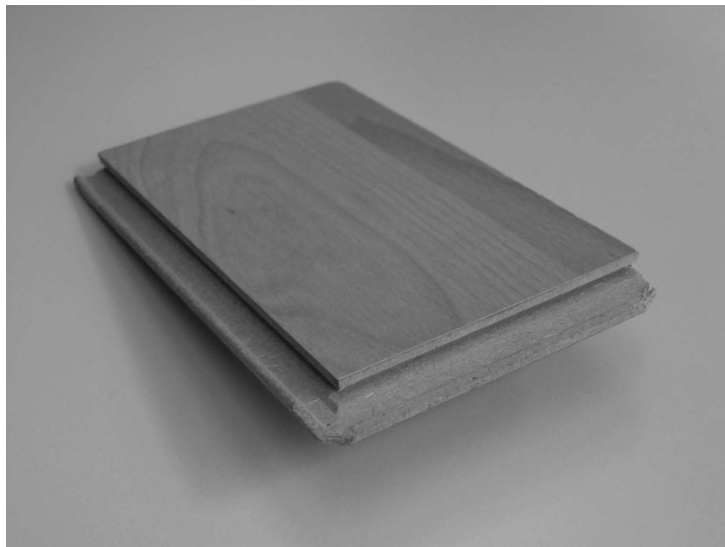
⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).

ANNEX

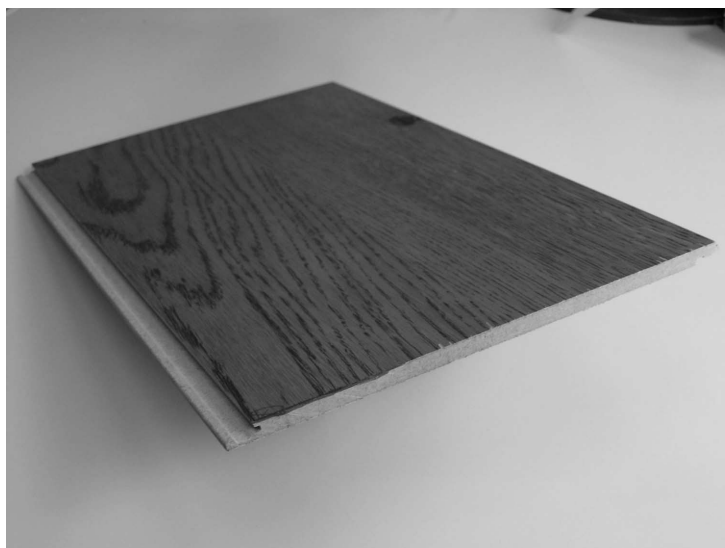
Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>1. A flooring panel composed as follows:</p> <ul style="list-style-type: none"> — the surface is a photographic wood image on paper, simulating a parquet panel, with an overlay of melamine resin; — the core is made of a fibreboard of wood of a density exceeding 0,8 g/cm³, and is tongued and grooved ('lock system'); — the base is made of impregnated paper. <p>(See photograph A)) (*)</p>	4411 19 90	<p>Classification is determined by General Rules 1, 3 (b) and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 4411, 4411 19 and 4411 19 90.</p> <p>The surface, which is only for decorative purposes, does not give the essential character to the product.</p> <p>The essential character is given by the fibreboard core. See also HS Explanatory Notes to heading 4411.</p> <p>The product is excluded from headings 4412 and 4418 as the surface is not made of wood.</p>
<p>2. A flooring panel composed of three layers of wood (total thickness of 7 mm).</p> <p>The top layer is made of two rows of strips of oak with a thickness of 0,6 mm.</p> <p>The middle layer is made of high density fibreboard.</p> <p>The base layer is made of coniferous wood (thickness 0,6 mm).</p> <p>The middle layer is tongued and grooved ('lock system').</p> <p>(See photograph B)) (*)</p>	4412 29 80	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 4412, 4412 29 and 4412 29 80.</p> <p>The top layer of the product is considered to be a thin veneer within the meaning of the HS Explanatory Notes to heading 4412 and the CN Explanatory Notes to heading 4412.</p>
<p>3. A flooring panel composed of three layers of solid wood (total thickness of 14 mm).</p> <p>The top layer is made of three rows of strips of oak with a thickness of 3 mm.</p> <p>The middle layer and the base layer are made of coniferous wood.</p> <p>The middle layer is tongued and grooved.</p> <p>(See photograph C)) (*)</p>	4418 30 91	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 4418, 4418 30 and 4418 30 91.</p> <p>The top layer of the product is not considered a thin veneer within the meaning of the HS Explanatory Notes to heading 4412 and the CN Explanatory Notes to heading 4412.</p>

(*) The photographs are purely for information.

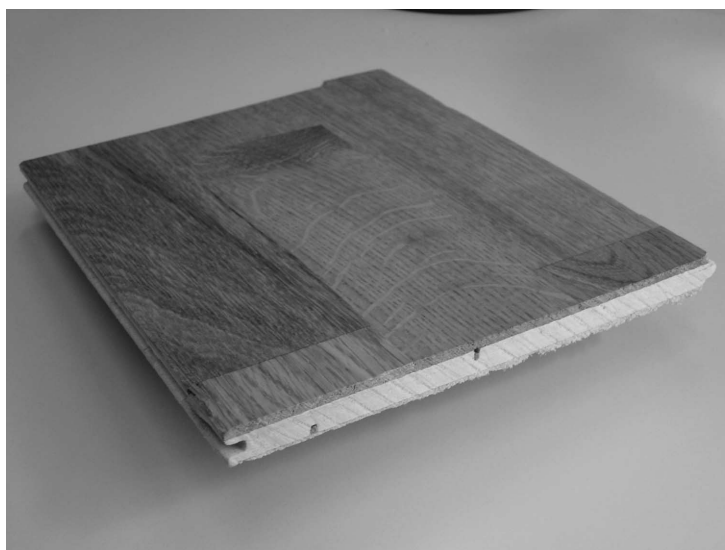
A)



B)



C)



COMMISSION REGULATION (EC) No 1200/2005

of 26 July 2005

concerning the permanent authorisation of certain additives in feedingstuffs and the provisional authorisation of a new use of an additive already authorised in feedingstuffs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

therefore to continue to be treated in accordance with Article 4 of Directive 70/524/EEC.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, and in particular Articles 3, 9a, and 9d(1) thereof,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽²⁾, and in particular Article 25 thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition.
- (2) Article 25 of Regulation (EC) No 1831/2003 lays down transitional measures for applications for the authorisation of feed additives submitted in accordance with Directive 70/524/EEC before the date of application of Regulation (EC) No 1831/2003.
- (3) The applications for the authorisation of the additives listed in the Annexes to this Regulation were submitted before the date of application of Regulation (EC) No 1831/2003.
- (4) Initial comments on those applications, as provided for in Article 4(4) of Directive 70/524/EEC, were forwarded to the Commission before the date of application of Regulation (EC) No 1831/2003. Those applications are

- (5) The use of the growth promoter Formi LHS (potassium diformate) was provisionally authorised, for the first time, for piglets and pigs for fattening by Commission Regulation (EC) No 1334/2001 ⁽³⁾. The person responsible for putting into circulation Formi LHS (potassium diformate) submitted an application to obtain a provisional authorisation for extension of use for four years, as a growth promoter for sows, according to Article 4 of that Directive. The European Food Safety Authority (EFSA) has delivered an opinion on the safety of the use of this preparation for humans, animals and environment, under the conditions set out in Annex I to this Regulation. The assessment shows that the conditions laid down in Article 9a(1) of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of this preparation, as specified in Annex I, should be authorised for four years.

- (6) The use of the micro-organism *Bacillus cereus* var. *toyoi* NCIMB 40112/CNCM I-1012 was provisionally authorised, for the first time, for chickens for fattening and for rabbits for fattening by Commission Regulation (EC) No 1411/1999 ⁽⁴⁾. New data were submitted in support of an application for authorisation without time-limit of that micro-organism. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in Annex II, should be authorised without a time-limit.

- (7) The use of the micro-organism *Enterococcus faecium* NCIMB 10415 was provisionally authorised, for the first time, for sows by Commission Regulation (EC) No 866/1999 ⁽⁵⁾. New data were submitted in support of an application for authorisation without time-limit of that micro-organism. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in Annex II, should be authorised without a time-limit.

⁽¹⁾ OJ L 270, 14.12.1970, p. 1. Directive as last amended by Regulation (EC) No 1800/2004 (OJ L 317, 16.10.2004, p. 37).

⁽²⁾ OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

⁽³⁾ OJ L 180, 3.7.2001, p. 18. Regulation as amended by Regulation (EC) No 676/2003 (OJ L 97, 15.4.2003, p. 29).

⁽⁴⁾ OJ L 164, 30.6.1999, p. 56.

⁽⁵⁾ OJ L 108, 27.4.1999, p. 21.

- (8) The use of the micro-organism *Enterococcus faecium* DSM 10663/NCIMB 10415 was provisionally authorised, for the first time, for piglets by Regulation (EC) No 1411/1999. New data were submitted in support of an application for authorisation without time-limit of that micro-organism. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in Annex II, should be authorised without a time-limit.
- (9) The use of the micro-organism *Saccharomyces cerevisiae* MUCL 39885 was provisionally authorised, for the first time, for piglets by Regulation (EC) No 1411/1999. New data were submitted in support of an application for authorisation without time-limit of that micro-organism. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in Annex II, should be authorised without a time-limit.
- (10) The use of the micro-organism *Saccharomyces cerevisiae* CNCM I-1077 was provisionally authorised, for the first time, for dairy cows and cattle for fattening by the Commission Regulation (EC) No 1436/98 ⁽¹⁾. New data were submitted in support of an application for authorisation without time-limit of that micro-organism. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in Annex II, should be authorised without a time-limit.
- (11) The use of the micro-organism *Pediococcus acidilactici* CNCM MA 18/5M was provisionally authorised, for the first time, for chickens for fattening by Regulation (EC) No 866/1999. New data were submitted in support of an application for authorisation without time-limit of that

micro-organism. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in Annex II, should be authorised without a time-limit.

- (12) The assessment of these applications shows that certain procedures should be required to protect workers from exposure to the additives set out in the Annexes. Such protection should be assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽²⁾.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation belonging to the group 'Growth promoters', as specified in Annex I, is authorised provisionally for four years for use as an additive in animal nutrition under the conditions laid down in that Annex.

Article 2

The preparations belonging to the group 'Micro-organisms', as specified in Annex II, are authorised without a time-limit for use as additives in animal nutrition under the conditions laid down in that Annex.

Article 3

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

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

Done at Brussels, 26 July 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 191, 7.7.1998, p. 15.

⁽²⁾ OJ L 183, 29.6.1989, p. 1. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

ANNEX I

Registration number of additive	Name and registration number of person responsible for putting the additive into circulation	Additive (trade name)	Composition, chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of active substance/ kg of complete feedstuff			
Growth promoters									
1	BASF Aktiengesellschaft	Potassium diformate (Formi LHS)	<p>Additive composition: Potassium diformate, solid min. 98 %, Silicate max. 1,5 %, Water max. 0,5 %</p> <p>Active substance: Potassium diformate, solid KH(COOH)₂ CAS No 20642-05-1</p>	Sows	—	8 000	12 000	—	30 July 2009

ANNEX II

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	End of period of authorisation
					CFU/kg of complete feedingstuff				
Micro-organisms									
E 1701	<i>Bacillus cereus</i> var. <i>toyoi</i> NCIMB 40112/ CNCM I-1012	Preparation of <i>Bacillus cereus</i> var. <i>toyoi</i> containing a minimum of: 1×10^{10} CFU/g additive	Rabbits for fattening	—	$0,1 \times 10^9$	5×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. May be used in compound feed containing the permitted coccidiostats: robenidine, salinomycin sodium.	Without a time-limit	
			Chickens for fattening	—	$0,2 \times 10^9$	1×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. May be used in compound feed containing the permitted coccidiostats: monensin sodium, lasalocid sodium, salinomycin sodium, deco-quinat, robenidine, narasin, halofuginone.	Without a time-limit	
E 1705	<i>Enterococcus faecium</i> NCIMB 10415	Preparation of <i>Enterococcus faecium</i> containing a minimum of: Microencapsulated form: $1,0 \times 10^{10}$ CFU/g additive Granulated form: $3,5 \times 10^{10}$ CFU/g additive	Sows	—	$0,7 \times 10^9$	$1,25 \times 10^9$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. Sows 2 weeks before farrowing and during lactation.	Without time-limit	
E 1707	<i>Enterococcus faecium</i> DSM 10663/ NCIMB 10415	Preparation of <i>Enterococcus faecium</i> containing a minimum of: Powder and granulated forms: $3,5 \times 10^{10}$ CFU/g additive Coated form: $2,0 \times 10^{10}$ CFU/g additive Liquid form: 1×10^{10} CFU/ml additive	Piglets	—	1×10^9	1×10^{10}	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. For use in piglets until approximately 35 kg.	Without a time-limit	

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU/kg of complete feedstuff			
E 1710	<i>Saccharomyces cerevisiae</i> MUCL 39885	Preparation of <i>Saccharomyces cerevisiae</i> containing a minimum of: Powder, spheric and oval granulated forms: 1×10^9 CFU/g additive	Piglets (weaned)	—	3×10^9	3×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. For use in weaned piglets until approximately 35 kg.	Without a time-limit
E 1711	<i>Saccharomyces cerevisiae</i> CNCM I-1077	Preparation of <i>Saccharomyces cerevisiae</i> containing a minimum of: Granulated powder form: 2×10^{10} CFU/g additive Coated form: 1×10^{10} CFU/g additive	Dairy cows	—	4×10^8	2×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. The quantity of <i>Saccharomyces cerevisiae</i> in the daily ration must not exceed $8,4 \times 10^9$ CFU for 100 kg body weight. Add $1,8 \times 10^9$ CFU for each additional 100 kg body weight.	Without a time-limit
			Cattle for fattening	—	5×10^8	$1,6 \times 10^9$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. The quantity of <i>Saccharomyces cerevisiae</i> in the daily ration must not exceed $4,6 \times 10^9$ CFU for 100 kg body weight. Add 2×10^9 CFU for each additional 100 kg body weight.	Without a time-limit
E 1712	<i>Pediococcus acidilactici</i> CNCM MA 18/5M	Preparation of <i>Pediococcus acidilactici</i> containing a minimum of 1×10^{10} CFU/g additive	Chickens for fattening	—	1×10^9	1×10^{10}	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. May be used in compound feed containing the permitted coccidiostats: decoquinat, halofuginone, narasin, salinomycin sodium, maduraminic ammonium, diclazuril.	Without a time-limit

COMMISSION REGULATION (EC) No 1201/2005**of 26 July 2005****on the issue of import licences for rice against applications submitted during the first 10 working days of July 2005 pursuant to Regulation (EC) No 327/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of concessions set out in Schedule CXL drawn up in the wake of the conclusion of GATT XXIV.6 negotiations ⁽¹⁾,

Having regard to Council Decision 96/317/EC of 13 May 1996 concerning the conclusion of the results of consultations with Thailand under GATT Article XXIII ⁽²⁾,

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽³⁾, as last amended by Regulation (EC) No 2458/2001, and in particular Article 5(2) thereof,

Whereas:

Examination of the quantities for which applications have been submitted under the July 2005 tranche shows that licences

should be issued for the quantities applied for, reduced, where appropriate, by the percentages not covered and fixing the quantities carried over to the subsequent tranche,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences for rice against applications submitted during the first 10 working days of July 2005 pursuant to Regulation (EC) No 327/98 and notified to the Commission shall be issued for the quantities applied for, reduced by the percentages set out in the Annex to this Regulation.

2. The available quantities carried over to the subsequent tranche are set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 July 2005.

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

Done at Brussels, 26 July 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 122, 22.5.1996, p. 15.

⁽³⁾ OJ L 37, 11.2.1998, p. 5. Regulation as last amended by Regulation (EC) No 2296/2003 (OJ L 340, 24.12.2003, p. 35).

ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for July 2005 and quantities carried over to the following tranche:

(a) semi-milled and wholly milled rice falling within CN code 1006 30

Origin	Reduction percentage for the July 2005 tranche	Quantity carried over to the tranche for September 2005 (tonnes)
United States of America	0 ⁽¹⁾	10 908,927
Thailand	0 ⁽¹⁾	986,954
Australia	0 ⁽¹⁾	345,820
Other origins	—	—

(b) husked rice falling within CN code 1006 20

Origin	Reduction percentage for the July 2005 tranche	Quantity carried over to the tranche for September 2005 (tonnes)
Australia	0 ⁽¹⁾	10 429
United States of America	0 ⁽¹⁾	7 642
Thailand	0 ⁽¹⁾	1 812
Other origins	0 ⁽¹⁾	117

(c) broken rice falling within CN code 1006 40 00

Origin	Reduction percentage for the July 2005 tranche
Thailand	0 ⁽¹⁾
Australia	0 ⁽¹⁾
Guyana	0 ⁽¹⁾
United States of America	0 ⁽¹⁾
Other origins	0 ⁽¹⁾

⁽¹⁾ Issue for the quantity applied for.

COMMISSION REGULATION (EC) No 1202/2005**of 26 July 2005****establishing a prohibition of fishing for forkbeards in ICES zone V, VI, VII in Community waters and international waters, by vessels flying the flag of Germany**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2270/2004 of 22 December 2004 fixing for 2005 and 2006 the fishing opportunities for Community fishing vessels for certain deep sea stocks in waters where catch limitation are required ⁽³⁾ lays down quotas for 2005 and 2006.
- (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, 26 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 396, 31.12.2004, p. 4. Regulation as last amended by Regulation (EC) No 860/2005 (OJ L 144, 8.6.2005, p. 1).

ANNEX

Member State	Germany
Stock	GFB/567-
Species	Forkbeards (<i>Phycis blennoides</i>)
Zone	V, VI, VII (Community waters and international waters)
Date	9/6/2005

COUNCIL DIRECTIVE 2005/47/EC

of 18 July 2005

on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector

THE COUNCIL OF THE EUROPEAN UNION,

persons working in the rail transport sector on board trains.

Having regard to the Treaty establishing the European Community, and in particular Article 139(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) This Directive complies with the fundamental rights and principles set out in the Charter of Fundamental Rights of the European Union and is designed to ensure full compliance with Article 31 thereof, which provides that all workers have the right to healthy, safe and dignified working conditions, to a limit on their maximum working time and to weekly and daily rest periods and an annual period of paid holidays.

(2) The social partners may, in accordance with Article 139(2) of the Treaty, jointly request that Agreements concluded at Community level be implemented by a Council Decision on a proposal from the Commission.

(3) The Council adopted Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time⁽¹⁾. Rail transport was one of the sectors of activity excluded from the scope of that Directive. The European Parliament and the Council adopted Directive 2000/34/EC⁽²⁾ amending Directive 93/104/EC in order to cover the sectors and activities which had previously been excluded.

(4) The European Parliament and the Council adopted Directive 2003/88/EC of 4 November 2003 concerning certain aspects of the organisation of working time⁽³⁾, which codified and repealed Directive 93/104/EC.

(5) Directive 2003/88/EC provides for derogations from Articles 3, 4, 5, 8 and 16 thereof in the case of

(6) The Community of European Railways (CER) and the European Transport Workers' Federation (ETF) have informed the Commission of their desire to enter into negotiations in accordance with Article 139(1) of the Treaty.

(7) On 27 January 2004 those organisations concluded an Agreement on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services, hereinafter referred to as 'the Agreement'.

(8) The Agreement included a joint request for the Commission to implement the Agreement by a Council Decision on a proposal from the Commission in accordance with Article 139(2) of the Treaty.

(9) Directive 2003/88/EC applies to mobile workers engaged in interoperable cross-border services, except where more specific provisions are contained in this Directive and in the Agreement annexed thereto.

(10) For the purposes of Article 249 of the Treaty, the appropriate instrument for implementing the Agreement is a Directive.

(11) Since, in the light of completion of the internal market in the rail transport sector and the competition in the sector, the objectives of this Directive, which is intended to protect health and safety, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary to achieve those objectives.

⁽¹⁾ OJ L 307, 13.12.1993, p. 18. Directive as amended by Directive 2000/34/EC.

⁽²⁾ OJ L 195, 1.8.2000, p. 41.

⁽³⁾ OJ L 299, 18.11.2003, p. 9.

- (12) The development of the European railways sector requires close monitoring of the role of current and new actors, in order to ensure harmonious development throughout the Community. The European social dialogue in this field should be able to reflect this development and to take it into account as far as possible.
- (13) This Directive leaves the Member States free to define those terms of the Agreement that it does not specify in accordance with national legislation and practice, as is the case for other Directives on social policy matters using similar terms, as long as the definitions used are compatible with the Agreement.
- (14) The Commission has prepared its proposal for a Directive in accordance with its Communication of 20 May 1998 entitled 'Adapting and promoting social dialogue at Community level', taking into account the representative status of the contracting parties and the legality of each clause of the Agreement; the signatories are sufficiently representative of the mobile railway workers assigned to interoperable cross-border services run by the railway companies.
- (15) The Commission has drawn up its proposal for a Directive in accordance with Article 137(2) of the Treaty, which provides that Directives in the social domain shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.
- (16) This Directive and the Agreement lay down minimum standards; the Member States and/or the social partners should be able to maintain or introduce more favourable provisions.
- (17) The Commission has informed the European Parliament, the European Economic and Social Committee and the Committee of the Regions by sending them the proposal for a Directive for implementing the Agreement.
- (18) The European Parliament adopted a resolution on the Agreement of the social partners on 26 May 2005.
- (19) Implementing the Agreement will contribute to achieving the aims set out in Article 136 of the Treaty.

- (20) In accordance with paragraph 34 of the Interinstitutional agreement on better law-making ⁽¹⁾, Member States will be encouraged to draw up, for themselves and in the interest of the Community, their own tables, which will, as far as possible, illustrate the correlation between this Directive and the transposition measures and to make them public,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is to implement the Agreement concluded on 27 January 2004 between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services.

The text of the Agreement is annexed to this Directive.

Article 2

1. Member States may maintain or introduce more favourable provisions than those laid down by this Directive.

2. The implementation of this Directive shall under no circumstances constitute sufficient grounds for justifying a reduction in the general level of protection of workers in the fields covered by this Directive. This shall be without prejudice to the rights of Member States and/or management and labour to lay down, in the light of changing circumstances, different legislative, regulatory or contractual arrangements to those prevailing at the time of the adoption of this Directive, provided always that the minimum requirements laid down in this Directive are complied with.

Article 3

Without prejudice to the provisions of the Agreement on the follow-up and evaluation by the signatories, the Commission shall, after consulting management and labour at European level, report to the European Parliament and the Council on the implementation of this Directive in the context of the development of the railways sector, before 27 July 2011.

⁽¹⁾ OJ C 321, 31.12.2003, p. 1.

Article 4

Member States shall determine what penalties are applicable when national provisions enacted pursuant to this Directive are infringed and shall take all necessary measures to ensure that they are implemented. The penalties must be effective, proportionate and dissuasive. Member States shall notify these provisions to the Commission by 27 July 2008 and any subsequent amendments thereto in good time.

Article 5

Member States shall, after consultation with the social partners, bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 27 July 2008 or shall ensure that the social partners have adopted the necessary provisions by means of an Agreement by that date. They shall immediately forward the text of the provisions to the Commission.

Member States shall take all necessary measures to enable them to guarantee at any time the outcome required by this Directive and shall inform the Commission thereof immediately.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 6

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

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 18 July 2005.

For the Council
The President
M. BECKETT

AGREEMENT**concluded by the European Transport Workers' Federation (ETF) and the Community of European Railways (CER) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services**

HAVING REGARD TO:

- the development of rail transport, which requires the modernisation of the system and the development of trans-European traffic and thus interoperable services;
- the need to develop safe cross-border traffic and protect the health and safety of the mobile workers engaged in interoperable cross-border services;
- the need to avoid competition based solely on differences in working conditions;
- the importance of developing rail transport within the European Union;
- the idea that these aims will be met by creating common rules on minimum standard working conditions for mobile workers engaged in interoperable cross-border services;
- the conviction that the number of such workers will increase over the coming years;
- the Treaty establishing the European Community, and in particular Articles 138 and 139(2) thereof;
- Directive 93/104/EC (amended by Directive 2000/34/EC), and in particular Articles 14 and 17 thereof;
- the Convention on the law applicable to contractual obligations (Rome, 19 June 1980);
- the fact that Article 139(2) of the Treaty provides that agreements concluded at European level may be implemented at the joint request of the signatories by a Council decision on a proposal from the Commission;
- the fact that the signatories hereby make such a request,

THE SIGNATORIES HAVE AGREED AS FOLLOWS:

*Clause 1***Scope**

This Agreement shall apply to mobile railway workers assigned to interoperable cross-border services carried out by railway undertakings.

The application of this Agreement is optional for local and regional cross-border passenger traffic, cross-border freight traffic travelling no further than 15 kilometres beyond the border, and for traffic between the official border stations listed in the Annex.

It is also optional for trains on cross-border routes which both start and stop on the infrastructure of the same Member State and use the infrastructure of another Member State without stopping there (and which can therefore be considered national transport operations).

As regards mobile workers engaged in interoperable cross-border services, Directive 93/104/EC shall not apply to those aspects for which this Agreement contains more specific provisions.

*Clause 2***Definitions**

For the purposes of this Agreement, the following definitions apply:

1. 'interoperable cross-border services': cross-border services for which at least two safety certificates as stipulated by Directive 2001/14/EC are required from the railway undertakings;

2. 'mobile worker engaged in interoperable cross-border services': any worker who is a member of a train crew, who is assigned to interoperable cross-border services for more than one hour on a daily shift basis;
3. 'working time': any period during which the worker is at work, at the employer's disposal and carrying out his or her activities or duties, in accordance with national laws and/or practice;
4. 'rest period': any period which is not working time;
5. 'night time': any period of not less than seven hours, as defined by national law, and which must include in any case the period between midnight and 5 a.m.;
6. 'night shift': any shift of at least three hours' work during the night time;
7. 'rest away from home': daily rest which cannot be taken at the normal place of residence of the mobile worker;
8. 'driver': any worker in charge of operating a traction unit;
9. 'driving time': the duration of the scheduled activity where the driver is in charge of the traction unit, excluding the scheduled time to prepare or shut down that traction unit, but including any scheduled interruptions when the driver remains in charge of the traction unit.

Clause 3

Daily rest at home

Daily rest at home must be a minimum of 12 consecutive hours per 24-hour period.

However, it may be reduced to a minimum of nine hours once every seven-day period. In that case, the hours corresponding to the difference between the reduced rest and 12 hours will be added to the next daily rest at home.

A significantly reduced daily rest shall not be scheduled between two daily rests away from home.

Clause 4

Daily rest away from home

The minimum daily rest away from home shall be eight consecutive hours per 24-hour period.

A daily rest away from home must be followed by a daily rest at home ⁽¹⁾.

It is recommended that attention should be paid to the level of comfort of the accommodation offered to staff resting away from home.

Clause 5

Breaks

(a) Drivers

If the working time of a driver is longer than eight hours, a break of at least 45 minutes shall be taken during the working day.

Or

When the working time is between six and eight hours, this break shall be at least 30 minutes long and shall be taken during the working day.

The time of day and the duration of the break shall be sufficient to ensure an effective recuperation of the worker.

Breaks may be adapted during the working day in the event of train delays.

A part of the break should be given between the third and the sixth working hour.

Clause 5(a) shall not apply if there is a second driver. In that case, the conditions for granting the breaks shall be regulated at national level.

(b) Other on-board staff

For other on-board staff, a break of at least 30 minutes shall be taken if the working time is longer than six hours.

⁽¹⁾ The parties agree that negotiations on a second consecutive rest away from home as well as compensation for rest away from home could take place between the social partners at railway undertaking or national level as appropriate. At European level, the question of the number of consecutive rests away from home as well as compensation for the rest away from home will be renegotiated two years after signature of this Agreement.

*Clause 6***Weekly rest period**

Any mobile worker engaged in interoperable cross-border services is entitled, per seven-day period, to a minimum uninterrupted weekly rest period of 24 hours plus the 12 hours' daily rest period referred to in Clause 3 above.

Each year, every mobile worker shall have 104 rest periods of 24 hours, including the 24-hour periods of the 52 weekly rest periods,

including:

— 12 double rest periods (of 48 hours plus a daily rest of 12 hours) including Saturday and Sunday,

and

— 12 double rest periods (of 48 hours plus a daily rest of 12 hours) without the guarantee that this will include a Saturday or Sunday.

*Clause 7***Driving time**

The driving time, as defined in Clause 2, shall not exceed nine hours for a day shift and eight hours for a night shift between two daily rest periods.

The maximum driving time over a two-week period is limited to 80 hours.

*Clause 8***Checks**

A record of daily working hours and rest periods for the mobile workers shall be kept to allow monitoring of compliance with the provisions of this Agreement. Information on actual working hours must be available. This record shall be kept in the undertaking for at least one year.

*Clause 9***Non-regression clause**

The implementation of this Agreement shall not constitute in any case valid grounds for reducing the general level of protection afforded to mobile workers engaged in interoperable cross-border services.

*Clause 10***Follow-up to the Agreement**

The signatories shall follow up the implementation and application of this Agreement in the framework of the Sectoral Dialogue Committee for the railways sector, established in accordance with Commission Decision 98/500/EC.

*Clause 11***Evaluation**

The parties shall evaluate the provisions of this Agreement two years after its signing in the light of initial experience in the development of interoperable cross-border transport.

*Clause 12***Review**

The parties shall review the above provisions two years after the end of the implementation period laid down in the Council Decision putting this Agreement into effect.

Brussels, 27 January 2004.

On behalf of the CER

Giancarlo CIMOLI
President

Johannes LUDEWIG
Executive Director

Francesco FORLENZA
*Chairman of the Group of
Human Resources Directors*

Jean-Paul PREUMONT
Social Affairs Adviser

On behalf of the ETF

Norbert HANSEN
Chairman of the Railway Section

Jean-Louis BRASSEUR
*Vice-Chairman of the Railway
Section*

Doro ZINKE
General Secretary

Sabine TRIER
Political Secretary

ANNEX

List of the official border stations located beyond the 15 km limit and for which the agreement is optional

RZEPIN (PL)

TUPLICE (PL)

ZEBRZYDOWICE (PL)

DOMODOSSOLA (IT)

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 July 2005

on the fulfilment of the conditions laid down in Article 3 of the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, with regard to an extension of the period laid down in Article 9(4) of Protocol 2 to the Europe Agreement

(2005/576/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 87(3)(e) thereof,

Having regard to the Council Decision of 29 July 2002 on the signature and provisional application of an Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, with regard to an extension of the period laid down in Article 9(4) of Protocol 2 to the Europe Agreement,

Having regard to the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, with regard to an extension of the period laid down in Article 9(4) of Protocol 2 to the Europe Agreement, and in particular Article 3 thereof;

Having regard to the proposal from the Commission,

Whereas:

- (1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part ⁽¹⁾, entered into force on 1 February 1995.
- (2) Article 9(4) of Protocol 2 to the Europe Agreement lays down that during the first five years after entry into force of the Agreement, and by derogation from paragraph 1(3), Romania may exceptionally, as regards steel products, grant public aid for restructuring purposes,

provided that: this leads to the viability of the benefiting firms under normal market conditions at the end of the restructuring period, the amount and intensity of such aid are strictly limited to what is absolutely necessary in order to restore such viability and are progressively reduced, and the restructuring programme is linked to a global rationalising and reduction of capacity in Romania.

- (3) The initial period of five years expired on 31 December 1997.
- (4) Romania requested an extension of the abovementioned period in December 1997.
- (5) It seemed appropriate to grant an extension of this period for an additional period of eight years starting on 1 January 1998 or until the date of Romania's accession to the European Union, whichever comes first.
- (6) To this effect, an Additional Protocol to the Europe Agreement was signed by the Community and Romania on 23 October 2002 and is provisionally applied from that date.
- (7) Under Article 2 of the Additional Protocol, the extension of the abovementioned period is made conditional on the submission by Romania to the Commission of a restructuring programme and business plans that meet the requirements of Article 9(4) of Protocol 2 to the Europe Agreement and have been assessed and agreed by its National State Aid Authority (the Competition Council).

⁽¹⁾ OJ L 357, 31.12.1994, p. 2.

- (8) In December 2004, Romania submitted to the Commission a restructuring programme and business plans for those companies having benefited or benefiting from state support for restructuring.
- (9) Under Article 3 of the Additional Protocol, the extension of the abovementioned period is made conditional on a final assessment of the restructuring programme and business plans by the Commission.
- (10) The Commission has made a final assessment of the restructuring programme and the business plans submitted by Romania. This assessment indicates that the implementation of the restructuring programme and the business plans will allow the companies concerned to reach viability under normal market conditions. It also shows that the amount of State aid for restructuring purposes as specified in the plans is strictly limited to what is necessary to allow the companies concerned to reach viability and has been progressively reduced and stopped since the end of 2004. The assessment provides also that a global rationalisation and reduction of excess capacity of the beneficiary companies will be reached. The assessment therefore concludes that the restructuring programme and the business plans meet the requirements of Article 9(4) of Protocol 2 to the Europe Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The restructuring programme and business plans submitted to the Commission by Romania pursuant to Article 2 of the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, with regard to an extension of the period laid down in Article 9(4) of Protocol 2 to the Europe Agreement, are in compliance with the requirements of Article 9(4) of Protocol 2.

Article 2

The period, during which Romania may exceptionally, as regards steel products, grant public aid for restructuring purposes in accordance with the provisions of Article 9(4) of Protocol 2 is hereby extended by an additional period of eight years starting on 1 January 1998, as provided for by Article 1 of the Additional Protocol.

Done at Brussels, 18 July 2005.

For the Council
The President
J. STRAW