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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1300/2005**of 3 August 2005****amending Regulation (EC) No 27/2005, as concerns herring, mackerel, horse mackerel, sole and vessels engaged in illegal fisheries**

THE COUNCIL OF THE EUROPEAN UNION,

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 20 thereof,

Whereas:

(1) Regulation (EC) No 27/2005 ⁽²⁾ fixes 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.

(2) The International Baltic Sea Fisheries Commission (IBSFC) adopted a recommendation in September 2004 to increase the fishing opportunities for herring by 10 000 tonnes for 2004 in Management Unit 3, which would give Finland an additional 8 199 tonnes of fishing opportunities for herring. This recommendation was not made part of the Community legislation. As a consequence Finland has overfished its quota by 7 856 tonnes for 2004 as the additional tonnes were not allocated. In Commission Regulation (EC) No 776/2005 of 19 May 2005 adapting certain fish quotas for 2005 pursuant to Council Regulation (EC) No 847/96 introducing additional conditions for year-to-year management of TACs and quotas ⁽³⁾ the Finnish quota of herring for 2005 was reduced by 7 856 tonnes due to the overfishing. The Finnish quota for herring in subdivision 30-31 should therefore be increased by 7 856 tonnes as the reduction was due to the fact that the IBSFC recommendation was not implemented in Community legislation. This amendment will not increase the amount of herring caught by Finland in 2005.

(3) The total available catch (TAC) adopted for mackerel in management area IIa (non-EC waters), Vb (EC waters), VI, VII, VIIIa, b, d, e, XII, XIV should cover EC waters and international waters of Vb in order to avoid misreporting. The management area should therefore be amended accordingly.

(4) The TAC adopted for horse mackerel in management area Vb (EC waters), VI, VII, VIIIa, b, d, e, XII, XIV should cover EC waters and international waters of Vb in order to avoid misreporting. The management area should therefore be amended accordingly.

(5) In the light of new scientific advice the TAC for common sole can be increased to 900 tonnes in management area IIIa, IIIb, c, d (EC waters). The TAC should therefore be amended accordingly.

(6) In order to allowing weighing of herring, mackerel and horse mackerel after transport from the port of landing, complementary measures should be implemented in 2005.

(7) In accordance with the Agreed Record of Conclusions of Fisheries Consultations between the European Community and Norway for 2005 the Parties have access to fish 50 000 tonnes of their respective North Sea herring quotas in the other Parties' waters of Divisions IVa and IVb. These quantities can be increased by 10 000 tonnes if called for. By letter of 29 June 2005 Norway has called for such an increase. The Community has submitted a similar request on 20 July 2005. It is therefore appropriate to implement these changes in the Community legislation.

(8) In May 2005 the North-East Atlantic Fisheries Commission (NEAFC) made a recommendation to place a number of vessels on the list of vessels that have been confirmed as having engaged in illegal, unreported and unregulated fisheries. A recommendation on measures to be applied on such vessels was adopted in February 2004. Implementation of the recommendations in the Community legal order should be ensured.

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 12, 14.1.2005, p. 1.

⁽³⁾ OJ L 130, 24.5.2005, p. 7.

(9) Given the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in paragraph 1(3) of the Protocol on the role of national parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities.

(10) Regulation (EC) No 27/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes IA, IB and III to Regulation (EC) No 27/2005 are hereby amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third 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, 3 August 2005.

For the Council

The President

J. STRAW

ANNEX

The Annexes to Regulation (EC) No 27/2005 are amended as follows:

1. in Annex IA:

the entry concerning the species Herring in zone Sub-division 30-31 is replaced by the following:

'Species: Herring <i>Clupea harengus</i>		Zone: Sub-divisions 30-31 HER/3D30.; HER/3D31
Finland	60 327	
Sweden	11 529	
EC	71 856	
TAC	71 856	Analytical TAC where Articles 3 and 4 of Regulation (EC) No 847/96 do not apply.;

2. in Annex IB:

(a) the entry concerning the species Herring in zone IV north of 53° 30' N is replaced by the following:

'Species: Herring ⁽¹⁾ <i>Clupea harengus</i>		Zone: IV north of 53° 30' N HER/4AB
Denmark	95 211	
Germany	57 215	
France	20 548	
The Netherlands	56 745	
Sweden	5 443	
United Kingdom	70 395	
EC	305 557	
Norway	60 000 ⁽²⁾	
TAC	535 000	Analytical TAC where Articles 3 and 4 of Regulation (EC) No 847/96 do not apply.

⁽¹⁾ Landed as the entire catch or sorted from the remainder of the catch. Member States must inform the Commission of their landings of herring distinguishing between ICES Divisions IVa and IVb zones HER/04A and HER/04 B

⁽²⁾ May be taken in EC waters. Catches taken within this quota are deducted from Norway's share of the TAC.

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified:

	Norwegian waters south of 62° N (HER/*04N-)
EC	60 000;

- (b) the entry concerning the species Mackerel in zone IIa (non-EC waters), Vb (EC waters), VI, VII, VIIIa, b, d, e, XII, XIV is replaced by the following:

Species: Mackerel <i>Scomber scombrus</i>		Zone: IIa (non-EC waters), Vb (EC waters and international waters), VI, VII, VIIIa, b, d, e, XII, XIV MAC/2CX14-
Germany	13 845	
Spain	20	
Estonia	115	
France	9 231	
Ireland	46 149	
Latvia	85	
Lithuania	85	
The Netherlands	20 190	
Poland	844	
United Kingdom	126 913	
EC	217 477	
Norway	8 500 ⁽¹⁾	
Faroe Islands	3 322 ⁽²⁾	
TAC	420 000 ⁽³⁾	

Analytical TAC where Articles 3 and 4 of Regulation (EC) No 847/96 do not apply.

⁽¹⁾ May be fished only in IIa, VIa (north of 56° 30' N), IVa, VIIId, e, f, h.

⁽²⁾ Of which 1 002 tonnes may be fished in ICES Division IVa north of 59° N (EC zone) from 1 January to 15 February and from 1 October to 31 December. A quantity of 2 763 tonnes of the Faroe Islands' own quota may be fished in ICES Division VIa (north of 56° 30' N) throughout the year and/or in ICES Divisions VIIe, f, h, and/or ICES Division IVa.

⁽³⁾ TAC agreed by the EC, Norway and Faroe Islands for the northern area.

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified, and only during the periods 1 January to 15 February and 1 October to 31 December.

	IVa (EC waters) MAC/*04A-C
Germany	4 175
Spain	0
France	2 784
Ireland	13 918
The Netherlands	6 089
United Kingdom	38 274
EC	65 240
Norway	8 500
Faroe Islands	1 002 ⁽¹⁾

⁽¹⁾ North of 59° N (EC zone) from 1 January to 15 February and from 1 October to 31 December.;

(c) the entry concerning the species Common sole in zone IIIa, IIIb, c, d (EC waters) is replaced by the following:

Species: Common sole <i>Solea solea</i>		Zone: IIIa, IIIb, c, d (EC waters) SOL/3A/BCD
Denmark	755	
Germany	44	
The Netherlands	73	
Sweden	28	
EC	900	
TAC	900	Analytical TAC where Articles 3 and 4 of Regulation (EC) No 847/96 apply.;

(d) the entry concerning the species Horse mackerel in zone Vb (EC waters), VI, VII, VIIIa, b, d, e, XII, XIV is replaced by the following:

Species: Horse mackerel <i>Trachurus spp.</i>		Zone: Vb (EC waters and international waters), VI, VII, VIIIa, b, d, e, XII, XIV JAX/578/14
Denmark	12 088	
Germany	9 662	
Spain	13 195	
France	6 384	
Ireland	31 454	
The Netherlands	46 096	
Portugal	1 277	
United Kingdom	13 067	
EC	133 223	
Faroe Islands	4 955 ⁽¹⁾ ⁽²⁾	
TAC	137 000	Analytical TAC where Articles 3 and 4 of Regulation (EC) No 847/96 do not apply.

(¹) This quota may only be fished in ICES areas IV, VIa (north of 56° 30' N) and VIIe, f, h.
(²) Within a total quota of 6 500 tonnes for ICES Sub-areas IV, VIa (north of 56° 30' N) and VIIe, f, h.;

3. in Annex III:

(a) point 9 is replaced by the following:

9. Landing and weighing procedures for herring, mackerel and horse mackerel

9.1. *Scope*

9.1.1. The following procedures shall apply to landings in the European Community by Community and third country vessels of quantities per landing exceeding 10 tonnes of herring, mackerel, and horse mackerel, or a combination thereof, taken in:

(a) for herring, ICES Sub-areas I, II, IV, VI and VII and Divisions IIIa and Vb;

(b) for mackerel and horse mackerel, in ICES Sub-areas III, IV, VI and VII and Division IIa.

9.2. *Designated ports*

9.2.1. Landings referred to in point 9.1 are only permitted in designated ports.

9.2.2. Each Member State concerned shall transmit to the Commission changes in the list, transmitted in 2004, of designated ports in which landings of herring, mackerel and horse mackerel may take place and, changes in inspection and surveillance procedures for those ports including the terms and conditions for recording and reporting the quantities of any of the species and stocks referred to in point 9.1.1 within each landing. Those changes shall be transmitted at least 15 days before they enter into force. The Commission shall transmit this information as well as ports designated by third countries to all Member States concerned.

9.3. *Entry to port*

9.3.1. The master of a fishing vessel referred to in point 9.1.1 or his agent shall inform the competent authorities of the Member State in which the landing is to be made, at least four hours in advance of entry to port of landing of the Member State concerned of the following:

- (a) the port he intends to enter, the name of the vessel and its registration number;
- (b) the estimated time of arrival at that port;
- (c) the quantities in kilograms live weight by species retained on board;
- (d) the management area in accordance with Annex I to this Regulation where the catch was taken.

9.4. *Discharge*

9.4.1. The competent authorities of the Member State concerned shall require that the discharge does not commence until authorised to do so.

9.5. *Logbook*

9.5.1. By way of derogation from the provisions of point 4.2 of Annex IV to Regulation (EEC) No 2807/83, the master of a fishing vessel shall submit, immediately upon arrival to port, the relevant page or pages of the logbook as demanded by the competent authority at the port of landing.

The quantities retained on board, notified prior to landing as referred to in point 9.3.1(c), shall be equal to the quantities recorded in the logbook after its completion.

By way of derogation from the provisions of Article 5(2) of Regulation (EEC) No 2807/83 the permitted margin of tolerance in estimates recorded into the logbook of the quantities in kilograms of fish retained on board of vessels shall be 8 %.

9.6. *Weighing of fresh fish*

9.6.1. All buyers purchasing fresh fish shall ensure that all quantities received are weighed on systems approved by the competent authorities. The weighing shall be carried out prior to the fish being sorted, processed, held in storage and transported from the port of landing or resold. The figure resulting from the weighing shall be used for the completion of landing declarations and sales notes.

9.6.2. When determining the weight any deduction for water shall not exceed 2 %.

9.7. *Weighing of fresh fish after transport*

9.7.1. By way of derogation from point 9.6.1, Member States may permit fresh fish to be weighed after transport from the port of landing provided that the fish is transported to a destination on the territory of the Member State no more than 60 kilometres from the port of landing and that:

- (a) the tanker in which the fish is transported is accompanied by an inspector from the place of landing to the place where the fish is weighed; or

(b) approval is given by the competent authorities at the place of landing to transport the fish subject to the following provisions:

- (i) immediately prior to the tanker leaving the port of landing, the buyer or his agent shall provide to the competent authorities a written declaration giving the species of the fish and name of the vessel from which it is to be discharged, the unique identity number of the tanker and details of the destination where the fish will be weighed as well as the estimated time of arrival of the tanker at the destination,
- (ii) a copy of the declaration provided for in (i) shall be kept by the driver during the transport of the fish and handed over to the receiver of the fish at the destination.

9.8. *Invoice*

9.8.1. In addition to the obligations set out in Article 9(1) and (2) of Regulation (EC) No 2847/93 the processor or buyer of the quantities of fresh fish landed shall submit to the competent authorities of the Member State concerned a copy of the invoice or a document replacing it, as referred to in Article 22(3) of the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (*).

9.8.2. Any such invoice or document shall include the information required by Article 9(3) of Regulation (EC) No 2847/93 as well as the name and registration number of the vessel from which the fish has been landed. This invoice or document shall be submitted on demand or within 12 hours of the completion on the weighing.

9.9. *Weighing of frozen fish*

9.9.1. All buyers or holders of frozen fish shall ensure that the quantities landed are weighed prior to the fish being processed, held in storage, transported from the port of landing or resold. Any tare weight equal to the weight of boxes, plastic or other containers in which the fish to be weighed is packed may be deducted from the weight of any quantities landed.

9.9.2. Alternatively, the weight of frozen fish packed in boxes may be determined by multiplying the average weight of a representative sample based on weighing the contents removed from the box and without plastic packaging whether or not after the thawing of any ice on the surface of the fish. Member States shall notify to the Commission for approval any changes in their sampling methodology approved by the Commission during 2004. Changes shall be approved by the Commission. The figure resulting from the weighing shall be used for the completion of landing declarations and sales notes.

9.10. *Weighing facilities*

9.10.1. In cases where publicly operated weighing facilities are used the party weighing the fish shall issue to the buyer a weighing slip indicating the date and time of the weighing and the identity number of the tanker. A copy of the weighing slip shall be attached to the invoice submitted to the competent authorities as provided for in point 9.8.

9.10.2. In cases where privately operated weighing facilities are used the system shall be approved, calibrated and sealed by the competent authorities and be subject to the following provisions:

(a) the party weighing the fish shall keep a paginated weighing logbook indicating:

- (i) the name and registration number of the vessel from which the fish has been landed,
- (ii) the identity number of the tankers in cases where fish has been transported from the port of landing before weighing,
- (iii) the species of fish,

(iv) the weight of each landing,

(v) the date and time of the beginning and end of the weighing;

(b) where the weighing is carried out on a conveyor belt system a visible counter shall be fitted that records the cumulative total of the weight. Such cumulative total shall be recorded in the paginated logbook referred to in point (a);

(c) the weighing logbook and the copies of written declarations provided for in point 9.7.1(b)(ii) shall be kept for three years.

9.11. *Access by competent authorities*

The competent authorities shall have full access at all times to the weighing system, the weighing logbooks, written declarations and all premises where the fish is processed and kept.

9.12. *Cross-checks*

9.12.1. The competent authorities shall carry out administrative cross-checks on all landings between the following:

(a) quantities by species indicated in the prior notice of landing, referred to in point 9.3.1 and the quantities recorded in the vessel's logbook;

(b) quantities by species recorded in the vessel's logbook and the landing declaration or invoice or equivalent document referred to in point 9.8;

(c) quantities by species recorded on the landing declaration and invoice or equivalent document referred to in point 9.8.

9.13. *Full inspection*

9.13.1. The competent authorities of a Member State shall ensure that at least 15 % of the quantities of fish landed and at least 10 % of the landings of fish are subject to full inspections which shall include at least the following:

(a) monitoring of the weighing of the catch from the vessel, by species. In the case of vessels pumping catch ashore the weighing of the entire discharge from the vessels selected for inspection shall be monitored. In the case of freezer trawlers, all boxes shall be counted. A representative sample of boxes/pallets shall be weighed in order to arrive at an average weight for the boxes/pallets. Sampling of boxes shall also be undertaken according to an approved methodology in order to arrive at an average net weight for the fish (without packing, ice);

(b) in addition to the cross-checks referred to in point 9.12 cross-verification between the following:

(i) quantities by species recorded in the weighing logbook and the quantities by species recorded in the invoice or equivalent document referred to in point 9.8,

(ii) the written declarations received by the competent authorities pursuant to point 9.7.1(b)(i) and the written declarations held by the receiver of the fish pursuant to point 9.7.1(b)(ii),

(iii) identity numbers of tankers that appear in the written declarations provided for in point 9.7.1(b)(i) and the weighing logbooks;

(c) if the discharge is interrupted, permission shall be required before the discharge can recommence;

(d) verification that the vessel is empty of all fish, once the discharge has been completed.

9.13.2. All inspection activities covered by point 9 shall be documented. Such documentation shall be kept for 3 years.

(*) OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).'

(b) the following Part I is added:

PART I

NORTH-EAST ATLANTIC

Vessels engaged in illegal, unreported and unregulated fisheries

Vessels that have been placed by the North-East Atlantic Fisheries Commission (NEAFC) on the list of vessels that have been confirmed as having engaged in illegal, unreported and unregulated fisheries (IUU vessels) are listed in Appendix 5. The following measures shall apply to these vessels:

- (a) IUU vessels that enter ports are not authorised to land or tranship therein and shall be inspected by the competent authorities. Such inspections shall include the vessel's documents, log books, fishing gear, catch onboard and any other matter relating to the vessel's activities in the Regulatory Area of NEAFC. Information on the result of the inspections shall immediately be transmitted to the Commission;
- (b) fishing vessels, support vessels, refuel vessels, mother-ships and cargo vessels flying the flag of a Member State shall not in any way assist IUU vessels or participate in any transshipment or joint fishing operations with vessels on that list;
- (c) IUU vessels shall not be supplied in ports with provisions, fuel or other services;
- (d) IUU vessels shall not be authorised to fish in Community waters and be prohibited to be chartered;
- (e) imports of fish coming from IUU vessels shall be prohibited;
- (f) Member States shall refuse the granting of their flag to IUU vessels and encourage importers, transporters and other sectors concerned to refrain from negotiating and from transshipping of fish caught by such vessels.

The Commission shall amend the list to be in accordance with the NEAFC list as soon as NEAFC adopts a new list.;

(c) the following Appendix 5 is added:

'Appendix 5 to Annex III

List of vessels that have been confirmed by NEAFC as having engaged in illegal, unreported and unregulated fisheries

Vessel's name	Flag State
FONTENOVA	Panama
IANNIS	Panama
LANNIS I	Panama
LISA	Commonwealth of Dominica
KERGUELEN	Togo
OKHOTINO	Commonwealth of Dominica
OLCHAN	Commonwealth of Dominica
OSTROE	Commonwealth of Dominica
OSTROVETS	Commonwealth of Dominica
OYRA	Commonwealth of Dominica
OZHERELYE	Commonwealth of Dominica'

COMMISSION REGULATION (EC) No 1301/2005**of 9 August 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 10 August 2005.

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

Done at Brussels, 9 August 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 9 August 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	096	23,8
	999	23,8
0707 00 05	052	70,8
	999	70,8
0709 90 70	052	78,8
	999	78,8
0805 50 10	388	64,1
	524	54,6
	528	63,3
	999	60,7
0806 10 10	052	83,8
	204	57,3
	220	120,9
	624	164,6
	999	106,7
0808 10 80	388	75,5
	400	66,3
	508	66,5
	512	58,8
	528	66,4
	720	41,4
	804	71,4
	999	63,8
0808 20 50	052	108,7
	388	61,2
	512	13,1
	999	61,0
0809 20 95	052	320,1
	400	294,2
	404	269,6
	999	294,6
0809 30 10, 0809 30 90	052	101,8
	999	101,8
0809 40 05	508	43,6
	624	63,2
	999	53,4

⁽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 1302/2005**of 9 August 2005****amending Regulation (EC) No 1060/2005 as regards the quantity covered by the standing invitation to tender for the export of common wheat held by the Slovak intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EC) No 1060/2005 ⁽³⁾ has opened a standing invitation to tender for the export of 30 000 tonnes of common wheat held by the Slovak intervention agency.
- (3) Slovakia has informed the Commission of its intervention agency's intention to increase by 84 757 tonnes the quantity put out to tender for export. In view of the market situation, the request made by Slovakia should be granted.
- (4) Regulation (EC) No 1060/2005 should therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1060/2005 is hereby amended as follows:

Article 2 is replaced by the following:

'Article 2

The invitation to tender shall cover a maximum of 114 757 tonnes of common wheat for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Liechtenstein, Romania, Serbia and Montenegro ^(*) and Switzerland.

^(*) Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.'

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, 9 August 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 174, 7.7.2005, p. 18.

COMMISSION REGULATION (EC) No 1303/2005**of 9 August 2005****establishing a prohibition of fishing for common sole in ICES zones II, IV (EC waters) 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 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 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, transshipment 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 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, 9 August 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/24
Species	Common sole (<i>Solea solea</i>)
Zone	II, IV (EC waters)
Date	12 July 2005

COMMISSION REGULATION (EC) No 1304/2005**of 9 August 2005****establishing a prohibition of fishing for blue whiting in ICES zone Vb (Faroese waters) by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

or registered in the Member State referred to therein have exhausted the quota allocated for 2005.

Having regard to the Treaty establishing the European Community,

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

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,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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,

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**

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.

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**

(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

This Regulation shall enter into force on the 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, 9 August 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	WHB/05B-F.
Species	Blue whiting (<i>Micromesistius poutassou</i>)
Zone	Vb (Faroese waters)
Date	12 July 2005

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 August 2005

concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line MON 863) genetically modified for resistance to corn rootworm

*(notified under document number C(2005) 2950)***(Only the German text is authentic)****(Text with EEA relevance)**

(2005/608/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ⁽¹⁾, and in particular the first subparagraph of Article 18(1) thereof,

After consulting the European Food Safety Authority,

Whereas:

- (1) Pursuant to Directive 2001/18/EC, the placing on the market of a product containing or consisting of a genetically modified organism or a combination of genetically modified organisms is subject to written consent being granted by the competent authority of a Member State, in accordance with the procedure laid down in that Directive.
- (2) A notification concerning the placing on the market of two genetically modified maize products (*Zea mays* L., line MON 863 and hybrid MON 863 × MON 810) was submitted by Monsanto SA to the competent authority of Germany.
- (3) The notification covers importation and use as for any other maize grains including feed but not food use, with

the exception of the cultivation in the Community of varieties derived from the MON 863 transformation event as well as with the exception of the cultivation in the Community of MON 863 × MON 810 hybrids.

- (4) In accordance with the procedure provided for in Article 14 of Directive 2001/18/EC, the competent authority of Germany prepared an assessment report, which was submitted to the Commission and the competent authorities of the other Member States. That assessment report concludes that no reasons have emerged on the basis of which consent for the placing on the market of MON 863 maize as well as MON 863 × MON 810 maize should be withheld, if specific conditions are fulfilled.
- (5) The competent authorities of other Member States raised objections to the placing on the market of the product.
- (6) The opinion adopted on 2 April 2004 by the European Food Safety Authority, in accordance with Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽²⁾, concluded, from all evidence provided, that *Zea mays* L. line MON 863 is unlikely to have an adverse effect on human and animal health or the environment in the context of its proposed use. The European Food Safety Authority also found that the scope of the monitoring plan provided by the consent holder is in line with the intended uses of MON 863.

⁽¹⁾ OJ L 106, 17.4.2001, p. 1. Directive as last amended by Regulation (EC) No 1830/2003 (OJ L 268, 18.10.2003, p. 24).

⁽²⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

- (7) Concerning the hybrid MON 863 × MON 810, the European Food Safety Authority considered that it is scientifically valid to use the data from the single lines MON 863 and MON 810 to support the safety assessment of the hybrid MON 863 × MON 810, but decided regarding the need for confirmatory data for the safety assessment of the hybrid itself, to request a 90-day sub-chronic rat study with the maize hybrid in order to complete its safety assessment. Thus, only the safety assessment of the maize line MON 863 has been finalised.
- (8) An examination of each of the objections in the light of Directive 2001/18/EC, of the information submitted in the notification and of the opinion of the European Food Safety Authority, discloses no reason to believe that the placing on the market of *Zea mays* L. line MON 863 will adversely affect human or animal health or the environment.
- (9) A unique identifier should be assigned to the MON 863 maize for the purposes of Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC⁽¹⁾ and Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms⁽²⁾.
- (10) Adventitious or technically unavoidable traces of genetically modified organisms in products are exempted from labelling and traceability requirements in accordance with thresholds established under Directive 2001/18/EC and Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed⁽³⁾.
- (11) In light of the opinion of the European Food Safety Authority, it is not necessary to establish specific conditions for the intended uses with regard to the handling or packaging of the product and the protection of particular ecosystems, environments or geographical areas.
- (12) Prior to the placing on the market of the product, the necessary measures to ensure its labelling and traceability at all stages of its placing on the market, including verification by appropriate validated detection methodology, should be applicable.
- (13) The measures provided for in this Decision are not in accordance with the opinion of the Committee established under Article 30 of Directive 2001/18/EC and the Commission therefore submitted to the Council a proposal relating to these measures. Since on the expiry of the period laid down in Article 30(2) of

Directive 2001/18/EC the Council had neither adopted the proposed measures nor indicated its opposition to them in accordance with Article 5(6) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁴⁾ the measures should be adopted by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

Consent

Without prejudice to other Community legislation, in particular Regulation (EC) No 258/97 and Regulation (EC) No 1829/2003, written consent shall be granted by the competent authority of Germany to the placing on the market, in accordance with this Decision, of the product identified in Article 2, as notified by Monsanto Europe SA (Reference C/DE/02/9).

The consent shall, in accordance with Article 19(3) of Directive 2001/18/EC, explicitly specify the conditions to which the consent is subject, which are set out in Articles 3 and 4.

Article 2

Product

1. The genetically modified organisms to be placed on the market as or in products, hereinafter 'the product', are grains of maize (*Zea mays* L.), with resistance to the corn rootworm (*Diabrotica* spp.), derived from the *Zea mays* cell culture line AT824 (initiated from immature embryos of an inbred maize line AT), which has been transformed using particle acceleration technology with a *Mlu*I DNA restriction fragment isolated from plasmid PV-ZMIR13.

The product contains the following DNA in two cassettes:

(a) Cassette 1:

A modified *cry3Bb1* gene derived from *Bacillus thuringiensis* subsp. *kumamotoensis*, which confers resistance to the corn rootworm *Diabrotica* spp., under the regulation of the 4AS1 promoter derived from *Cauliflower Mosaic Virus*, the wtCAB translation enhancer from wheat (*Triticum aestivum*), the transcription enhancer *ract1* intron from the actin 1 gene of rice (*Oryza sativa*) and terminator sequences tahsp 17 3' from wheat.

(b) Cassette 2:

The *nptII* gene from *E. coli*, which confers resistance to aminoglycosides comprising kanamycin and neomycin, under the regulation of the 35S *Cauliflower Mosaic Virus* promoter, and the NOS 3' terminator sequences from *Agrobacterium tumefaciens* as well as the non-functional, truncated *ble* gene from *E. coli*.

⁽¹⁾ OJ L 268, 18.10.2003, p. 24.

⁽²⁾ OJ L 10, 16.1.2004, p. 5.

⁽³⁾ OJ L 268, 18.10.2003, p. 1.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

2. The consent shall cover grains from progeny derived from crosses of maize line MON 863 with any traditionally bred maize as or in products.

Article 3

Conditions for placing on the market

The product may be put to the same uses as any other maize, with the exception of cultivation and uses as or in food, and may be placed on the market subject to the following conditions:

- (a) the period of validity of the consent shall be 10 years starting from the date on which the consent is issued;
- (b) the unique identifier of the product shall be MON-ØØ863-5;
- (c) without prejudice to Article 25 of Directive 2001/18/EC, the consent holder shall, whenever requested to do so, make positive and negative control samples of the product, or its genetic material, or reference materials available to the competent authorities and inspection services of Member States as well as to the Community control laboratories;
- (d) without prejudice to specific labelling requirements provided by Regulation (EC) No 1829/2003 the words 'This product contains genetically modified organisms' or 'This product contains genetically modified MON 863 maize' shall appear either on a label or in a document accompanying the product, except where other Community legislation sets a threshold below which such information is not required;
- (e) as long as the product has not been authorised for the placing on the market for the purpose of cultivation, the words 'not for cultivation' shall appear either on a label or in a document accompanying the product.

Article 4

Monitoring

1. Throughout the period of validity of the consent, the consent holder shall ensure that the monitoring plan, contained in the notification, to check for any adverse effects on human and animal health or the environment arising from handling or use of the product, is put in place and implemented.

2. The consent holder shall directly inform the operators and users concerning the safety and general characteristics of the product and of the conditions as to monitoring, including the

appropriate management measures to be taken in case of accidental grain spillage.

3. The consent holder shall submit to the Commission and to the competent authorities of the Member States annual reports on the results of the monitoring activities.

4. Without prejudice to Article 20 of Directive 2001/18/EC the monitoring plan as notified shall, where appropriate and subject to the agreement of the Commission and the competent authority of the Member State which received the original notification, be revised by the consent holder, and/or by the competent authority of the Member State which received the original notification, in the light of the results of the monitoring activities.

5. The consent holder shall be in the position to give evidence to the Commission and the competent authorities of the Member States:

- (a) that the monitoring networks as specified in the monitoring plan contained in the notification collect the information relevant for the monitoring of the product and
- (b) that the members of these networks have agreed to make available that information to the consent holder before the date of the submission of the monitoring reports to the Commission and competent authorities of the Member States in accordance with paragraph 3.

Article 5

Applicability

This Decision shall apply from the date on which a Community Decision authorising the placing on the market of the product referred to in Article 1 for uses as or in food within the meaning of Regulation (EC) No 178/2002 and including a method, validated by the Community reference laboratory, for detection of the product is applicable.

Article 6

Addressee

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 8 August 2005.

For the Commission

Stavros DIMAS

Member of the Commission

COMMISSION DECISION
of 8 August 2005
amending Decision 2005/240/EC authorising methods for grading pig carcasses in Poland

(notified under document number C(2005) 2985)

(Only the Polish text is authentic)

(2005/609/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Treaty establishing the European Community,

The Annex to Decision 2005/240/EC is hereby amended as follows:

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽¹⁾, and in particular Article 5(2) thereof,

1. point 2 of Part 2 is replaced by the following:

‘2. The apparatus shall be equipped with an ultrasonic transducer array at 3,5 MHz (U-Systems).

Whereas:

The results of the measurements shall be converted into estimated lean meat content by means of the Ultra-FOM apparatus itself.’;

(1) By Commission Decision 2005/240/EC ⁽²⁾, the use of three methods for grading pig carcasses in Poland was authorised.

2. point 2 of Part 3 is replaced by the following:

‘2. The apparatus shall be equipped with 16 ultrasonic transducers at 2 MHz (GE Inspection Technologies).

(2) The Government of Poland has requested the Commission to authorise changes in the description of two of the apparatus.

The ultrasonic data shall comprise measurements of back-fat thickness and muscle thickness.

(3) The examination of this request has revealed that the conditions for authorising an amended description of the apparatus concerned are fulfilled.

The results of the measurements are converted into estimated lean meat content using a computer.’;

Article 2

(4) Decision 2005/240/EC should therefore be amended accordingly.

This Decision is addressed to the Republic of Poland.

Done at Brussels, 8 August 2005.

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

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 301, 20.11.1984, p. 1. Regulation last amended by Regulation (EC) No 3513/93 (OJ L 320, 22.12.1993, p. 5).

⁽²⁾ OJ L 74, 19.3.2005, p. 62.