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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1420/2005**  
**of 30 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 <sup>(1)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 31 August 2005.

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

Done at Brussels, 30 August 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

## ANNEX

**to Commission Regulation of 30 August 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables**

| (EUR/100 kg)           |                                   |                       |
|------------------------|-----------------------------------|-----------------------|
| CN code                | Third country code <sup>(1)</sup> | Standard import value |
| 0702 00 00             | 052                               | 85,4                  |
|                        | 096                               | 17,5                  |
|                        | 999                               | 51,5                  |
| 0707 00 05             | 052                               | 75,8                  |
|                        | 068                               | 40,9                  |
|                        | 999                               | 58,4                  |
| 0709 90 70             | 052                               | 85,7                  |
|                        | 999                               | 85,7                  |
| 0805 50 10             | 382                               | 61,0                  |
|                        | 388                               | 60,2                  |
|                        | 524                               | 66,4                  |
|                        | 528                               | 55,0                  |
|                        | 999                               | 60,7                  |
| 0806 10 10             | 052                               | 97,0                  |
|                        | 400                               | 195,8                 |
|                        | 512                               | 89,9                  |
|                        | 624                               | 160,8                 |
|                        | 999                               | 135,9                 |
| 0808 10 80             | 388                               | 54,7                  |
|                        | 400                               | 69,1                  |
|                        | 508                               | 42,2                  |
|                        | 512                               | 44,2                  |
|                        | 528                               | 68,3                  |
|                        | 720                               | 31,5                  |
|                        | 804                               | 58,9                  |
|                        | 999                               | 52,7                  |
| 0808 20 50             | 052                               | 89,2                  |
|                        | 388                               | 17,0                  |
|                        | 512                               | 11,4                  |
|                        | 528                               | 23,7                  |
|                        | 624                               | 114,6                 |
|                        | 999                               | 51,2                  |
| 0809 30 10, 0809 30 90 | 052                               | 97,1                  |
|                        | 999                               | 97,1                  |
| 0809 40 05             | 052                               | 119,6                 |
|                        | 066                               | 76,4                  |
|                        | 093                               | 49,2                  |
|                        | 098                               | 53,9                  |
|                        | 624                               | 113,0                 |
|                        | 999                               | 82,4                  |

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

**COMMISSION REGULATION (EC) No 1421/2005****of 30 August 2005****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals <sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(2)</sup>.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 September 2005.

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

Done at Brussels, 30 August 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

## ANNEX

**to the Commission Regulation of 30 August 2005 fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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

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

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

**COMMISSION REGULATION (EC) No 1422/2005**  
**of 30 August 2005**  
**fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals <sup>(1)</sup>, and in particular Article 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(2)</sup>, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92 <sup>(3)</sup>. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 September 2005.

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

Done at Brussels, 30 August 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

<sup>(3)</sup> OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

## ANNEX

**to the Commission Regulation of 30 August 2005 fixing the corrective amount applicable to the refund on cereals**

| (EUR/t)         |             |              |                  |                  |                  |                 |                 |                 |
|-----------------|-------------|--------------|------------------|------------------|------------------|-----------------|-----------------|-----------------|
| Product code    | Destination | Current<br>9 | 1st period<br>10 | 2nd period<br>11 | 3rd period<br>12 | 4th period<br>1 | 5th period<br>2 | 6th period<br>3 |
| 1001 10 00 9200 | —           | —            | —                | —                | —                | —               | —               | —               |
| 1001 10 00 9400 | A00         | 0            | 0                | 0                | 0                | 0               | —               | —               |
| 1001 90 91 9000 | —           | —            | —                | —                | —                | —               | —               | —               |
| 1001 90 99 9000 | C01         | 0            | - 0,46           | - 0,92           | - 1,38           | - 1,84          | —               | —               |
| 1002 00 00 9000 | A00         | 0            | 0                | 0                | 0                | 0               | —               | —               |
| 1003 00 10 9000 | —           | —            | —                | —                | —                | —               | —               | —               |
| 1003 00 90 9000 | C02         | 0            | - 0,46           | - 0,92           | - 1,38           | - 1,84          | —               | —               |
| 1004 00 00 9200 | —           | —            | —                | —                | —                | —               | —               | —               |
| 1004 00 00 9400 | C03         | 0            | - 0,46           | - 0,92           | - 1,38           | - 1,84          | —               | —               |
| 1005 10 90 9000 | —           | —            | —                | —                | —                | —               | —               | —               |
| 1005 90 00 9000 | A00         | 0            | 0                | 0                | 0                | 0               | —               | —               |
| 1007 00 90 9000 | —           | —            | —                | —                | —                | —               | —               | —               |
| 1008 20 00 9000 | —           | —            | —                | —                | —                | —               | —               | —               |
| 1101 00 11 9000 | —           | —            | —                | —                | —                | —               | —               | —               |
| 1101 00 15 9100 | C01         | 0            | - 0,63           | - 1,26           | - 1,89           | - 2,52          | —               | —               |
| 1101 00 15 9130 | C01         | 0            | - 0,59           | - 1,18           | - 1,77           | - 2,36          | —               | —               |
| 1101 00 15 9150 | C01         | 0            | - 0,54           | - 1,09           | - 1,63           | - 2,17          | —               | —               |
| 1101 00 15 9170 | C01         | 0            | - 0,50           | - 1,00           | - 1,50           | - 2,00          | —               | —               |
| 1101 00 15 9180 | C01         | 0            | - 0,47           | - 0,94           | - 1,41           | - 1,88          | —               | —               |
| 1101 00 15 9190 | —           | —            | —                | —                | —                | —               | —               | —               |
| 1101 00 90 9000 | —           | —            | —                | —                | —                | —               | —               | —               |
| 1102 10 00 9500 | A00         | 0            | 0                | 0                | 0                | 0               | —               | —               |
| 1102 10 00 9700 | A00         | 0            | 0                | 0                | 0                | 0               | —               | —               |
| 1102 10 00 9900 | —           | —            | —                | —                | —                | —               | —               | —               |
| 1103 11 10 9200 | A00         | 0            | 0                | 0                | 0                | 0               | —               | —               |
| 1103 11 10 9400 | A00         | 0            | 0                | 0                | 0                | 0               | —               | —               |
| 1103 11 10 9900 | —           | —            | —                | —                | —                | —               | —               | —               |
| 1103 11 90 9200 | A00         | 0            | 0                | 0                | 0                | 0               | —               | —               |
| 1103 11 90 9800 | —           | —            | —                | —                | —                | —               | —               | —               |

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended. The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

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

C02: Algeria, Saudi Arabia, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Lybia, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.

C03: All third countries with the exception of Bulgaria, Norway, Romania, Switzerland and Lichtenstein.



**COMMISSION REGULATION (EC) No 1423/2005****of 30 August 2005****fixing the export refunds on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals <sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(2)</sup>.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on malt listed in Article 1(1)(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 September 2005.

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

Done at Brussels, 30 August 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

## ANNEX

**to the Commission Regulation of 30 August 2005 fixing the export refunds on malt**

| Product code    | Destination | Unit of measurement | Amount of refunds |
|-----------------|-------------|---------------------|-------------------|
| 1107 10 19 9000 | A00         | EUR/t               | 0,00              |
| 1107 10 99 9000 | A00         | EUR/t               | 0,00              |
| 1107 20 00 9000 | A00         | EUR/t               | 0,00              |

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

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

**COMMISSION REGULATION (EC) No 1424/2005**  
**of 30 August 2005**  
**fixing the corrective amount applicable to the refund on malt**

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 organization of the market in cereals <sup>(1)</sup>, and in particular Article 15(2),

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(2)</sup> allows for the fixing of a corrective amount for the malt referred

to in Article 1(1)(c) of Regulation (EEC) No 1766/92 <sup>(3)</sup>. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 September 2005.

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

Done at Brussels, 30 August 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

<sup>(3)</sup> OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

## ANNEX

**to the Commission Regulation of 30 August 2005 fixing the corrective amount applicable to the refund on malt**

(EUR/t)

| Product code    | Destination | Current<br>9 | 1st period<br>10 | 2nd period<br>11 | 3rd period<br>12 | 4th period<br>1 | 5th period<br>2 |
|-----------------|-------------|--------------|------------------|------------------|------------------|-----------------|-----------------|
| 1107 10 11 9000 | A00         | 0            | 0                | 0                | 0                | 0               | 0               |
| 1107 10 19 9000 | A00         | 0            | 0                | 0                | 0                | 0               | 0               |
| 1107 10 91 9000 | A00         | 0            | 0                | 0                | 0                | 0               | 0               |
| 1107 10 99 9000 | A00         | 0            | 0                | 0                | 0                | 0               | 0               |
| 1107 20 00 9000 | A00         | 0            | 0                | 0                | 0                | 0               | 0               |

(EUR/t)

| Product code    | Destination | 6th period<br>3 | 7th period<br>4 | 8th period<br>5 | 9th period<br>6 | 10th period<br>7 | 11th period<br>8 |
|-----------------|-------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|
| 1107 10 11 9000 | A00         | 0               | 0               | 0               | 0               | 0                | 0                |
| 1107 10 19 9000 | A00         | 0               | 0               | 0               | 0               | 0                | 0                |
| 1107 10 91 9000 | A00         | 0               | 0               | 0               | 0               | 0                | 0                |
| 1107 10 99 9000 | A00         | 0               | 0               | 0               | 0               | 0                | 0                |
| 1107 20 00 9000 | A00         | 0               | 0               | 0               | 0               | 0                | 0                |

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

The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

**COMMISSION REGULATION (EC) No 1425/2005****of 30 August 2005****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals <sup>(1)</sup> and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(2)</sup> and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid <sup>(3)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

(3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

(4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

(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*

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 1 September 2005.

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

Done at Brussels, 30 August 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

<sup>(3)</sup> OJ L 288, 25.10.1974, p. 1.

## ANNEX

**to the Commission Regulation of 30 August 2005 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

(EUR/t)

| Product code    | Refund |
|-----------------|--------|
| 1001 10 00 9400 | 0,00   |
| 1001 90 99 9000 | 0,00   |
| 1002 00 00 9000 | 0,00   |
| 1003 00 90 9000 | 0,00   |
| 1005 90 00 9000 | 0,00   |
| 1006 30 92 9100 | 0,00   |
| 1006 30 92 9900 | 0,00   |
| 1006 30 94 9100 | 0,00   |
| 1006 30 94 9900 | 0,00   |
| 1006 30 96 9100 | 0,00   |
| 1006 30 96 9900 | 0,00   |
| 1006 30 98 9100 | 0,00   |
| 1006 30 98 9900 | 0,00   |
| 1006 30 65 9900 | 0,00   |
| 1007 00 90 9000 | 0,00   |
| 1101 00 15 9100 | 5,48   |
| 1101 00 15 9130 | 5,12   |
| 1102 10 00 9500 | 0,00   |
| 1102 20 10 9200 | 53,76  |
| 1102 20 10 9400 | 46,08  |
| 1103 11 10 9200 | 0,00   |
| 1103 13 10 9100 | 69,12  |
| 1104 12 90 9100 | 0,00   |

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

**COMMISSION REGULATION (EC) No 1426/2005****of 30 August 2005****establishing a prohibition of fishing for anglerfish in ICES zones VIIIc, IX, X, CECAF 34.1.1  
(EC waters) by vessels flying the flag of Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy <sup>(1)</sup>, 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 <sup>(2)</sup>, 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 <sup>(3)</sup>, lays down quotas for 2005.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2005.

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 30 August 2005.

*For the Commission*

Jörgen HOLMQUIST

*Director-General for Fisheries and Maritime Affairs*

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59.

<sup>(2)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.05.2005, p. 1).

<sup>(3)</sup> OJ L 12, 14.01.2005, p. 1. Regulation as last amended by Regulation (EC) No 1300/2005 (OJ L 207, 10.08.2005, p. 1).

## ANNEX

|              |  |
|--------------|--|
| Member State | Portugal                               |
| Stock        | ANF/8C3411                             |
| Species      | Anglerfish ( <i>Lophiidae</i> )        |
| Zone         | VIIIc, IX, X, CECAF 34.1.1 (EC waters) |
| Date         | 29.7.2005                              |



**COMMISSION REGULATION (EC) No 1427/2005****of 30 August 2005****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

Commission Regulation (EC) No 1011/2005 <sup>(3)</sup>. These prices and duties were last amended by Regulation (EC) No 1324/2005 <sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 31 August 2005.

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

Done at Brussels, 30 August 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

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

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

<sup>(4)</sup> OJ L 210, 12.8.2005, p. 25.

## ANNEX

**Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 31 August 2005**

(EUR)

| CN code                   | Representative price per 100 kg of the product concerned | Additional duty per 100 kg of the product concerned |
|---------------------------|--|---|
| 1701 11 10 <sup>(1)</sup> | 21,62  | 5,49  |
| 1701 11 90 <sup>(1)</sup> | 21,62  | 10,81   |
| 1701 12 10 <sup>(1)</sup> | 21,62  | 5,30  |
| 1701 12 90 <sup>(1)</sup> | 21,62  | 10,29   |
| 1701 91 00 <sup>(2)</sup> | 27,43  | 11,52   |
| 1701 99 10 <sup>(2)</sup> | 27,43  | 7,00  |
| 1701 99 90 <sup>(2)</sup> | 27,43  | 7,00  |
| 1702 90 99 <sup>(3)</sup> | 0,27   | 0,38  |

<sup>(1)</sup> Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).<sup>(2)</sup> Fixed for the standard quality defined in Annex I.I to Regulation (EC) No 1260/2001.<sup>(3)</sup> Fixed per 1 % sucrose content.

**COMMISSION REGULATION (EC) No 1428/2005****of 30 August 2005****fixing the production refund for olive oil used in the manufacture of certain preserved foods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, and in particular Article 20a thereof,

Whereas:

- (1) Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry. Pursuant to paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months.
- (2) By virtue of Article 20a(2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing

the export refunds for those olive oils during the reference period. It is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund.

- (3) The application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the months of September and October 2005, the amount of the production refund referred to in Article 20a(2) of Regulation No 136/66/EEC shall be 44,00 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 1 September 2005.

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

Done at Brussels, 30 August 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 72, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 26 August 2005

establishing a Scientific, Technical and Economic Committee for Fisheries

(2005/629/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy <sup>(1)</sup>, and in particular Article 33(1) thereof,

Whereas:

(1) The implementation of Community policy for fisheries and aquaculture requires the assistance of highly qualified scientific personnel, particularly in the application of marine and fisheries biology, fishing technology, fisheries economics or similar disciplines, or in connection with the requirements of research and data collection in the fields of fishing and aquaculture.

(2) This assistance should be provided by a permanent Scientific, Technical and Economic Committee for Fisheries (STECF) set up within the Commission.

(3) In accordance with Article 33 of Regulation (EC) No 2371/2002, the Commission should consult the STECF at regular intervals on matters pertaining to the conservation and management of living aquatic resources, including biological, economic, environmental, social and technical considerations and it should take into account its advice when presenting proposals on fisheries management under that Regulation.

(4) The advice of the STECF on matters relating to fisheries must be based on the principles of excellence, independence, impartiality and transparency.

(5) It is essential that the STECF makes best use of external expertise from within and outside the Community as necessary to answer specific questions.

(6) In view of the number and importance of the changes to be made, Commission Decision 93/619/EC of 19 November 1993 relating to the institution of a Scientific, Technical and Economic Committee for Fisheries <sup>(2)</sup> should be repealed,

HAS DECIDED AS FOLLOWS:

*Article 1*

**Establishment of the Committee**

A Scientific, Technical and Economic Committee for Fisheries, hereinafter called 'STECF', is hereby established.

*Article 2*

**Role of STECF**

1. The Commission shall at regular intervals, or whenever it is deemed necessary, request advice in the form of opinions from the STECF on issues referred to in Article 33(1) of Regulation (EC) No 2371/2002. The Commission may require the adoption of such an opinion within a defined period.

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59.

<sup>(2)</sup> OJ L 297, 2.12.1993, p. 25.

2. The STECF may on its own initiative provide opinions to the Commission on issues referred to in Article 33(1) of Regulation (EC) No 2371/2002.

3. The STECF shall draw up an annual report on:

- (a) the situation as regards fishery resources relevant to the European Community;
- (b) the economic implications of the situation of those fishery resources;
- (c) the developments in fishing activities, with reference to biological, ecological, technical and economic factors;
- (d) other economic factors affecting fisheries.

#### Article 3

##### Structure

1. The STECF shall consist of not less than 30 members and not more than 35 members.

2. The members of the STECF shall be scientific experts in the fields of marine biology, marine ecology, fisheries science, nature conservation, population dynamics, statistics, fishing gear technology, aquaculture, and the economics of fisheries and aquaculture.

#### Article 4

##### Appointment of the STECF members and constitution of a reserve list

1. The Commission shall appoint the members of the STECF from a list of suitable candidates. This list shall be established following the publication of an open call for expressions of interest in the *Official Journal of the European Union* and on the Commission's website.

2. The members of the STECF shall be appointed on the basis of their expertise and consistent with a geographical distribution that reflects the diversity of scientific issues and approaches within the Community.

3. A list of members of the STECF shall be published in the *Official Journal of the European Union* and, together with a brief curriculum vitae of each member, shall be made available on the Commission's website.

4. Candidates who are found to be suitable to serve in the STECF but not appointed shall be included on a reserve list. The reserve list may be used by the Commission to find suitable candidates to replace members that leave the STECF in accordance with Article 6(3).

5. The reserve list shall be published in the *Official Journal of the European Union* and shall also be made available on the Commission's website.

#### Article 5

##### Election of the Chair and Vice-Chairs

The STECF shall elect a chairperson and two vice-chairpersons among its members for a period of three years. The chairperson and the vice-chairpersons of the STECF may not be elected for the same position for more than two consecutive periods.

#### Article 6

##### Terms of office

1. The term of office of a member of the STECF shall be three years, renewable for further periods of three years.

2. Following the expiry of a three-year period, the chairperson, vice-chairpersons and members of the STECF shall remain in office until their replacement or the renewal of their term of office.

3. If a member does not participate actively in the work of the STECF, shows a conflict of interest or wishes to resign, the Commission may terminate the membership of that member.

#### Article 7

##### External experts

The STECF may, with the approval of the Commission, invite experts who are not members of the STECF and who have the relevant scientific knowledge and expertise to contribute to its work.

#### Article 8

##### Working Groups

The STECF, with the approval of the Commission, may create specific working groups to carry out clearly defined tasks. The working groups shall consist of external experts and at least two STECF members. They shall report to the STECF within a given time frame.

#### Article 9

##### Reimbursements and allowances

1. Members of the STECF and the external experts shall be entitled to an allowance for their participation in meetings of the STECF and working groups as well as for serving as Rapporteur on a specific question, as provided for in the Annex.

2. Travel and subsistence costs for STECF members and for external experts shall be paid by the Commission.

#### Article 10

##### Relation between the STECF and the Commission

1. Meetings of the STECF and its working groups shall be approved and convened by the Commission.

2. The Commission may participate in meetings of the STECF and of its working groups.

3. The Commission may invite experts who are not members of STECF to participate in STECF meetings and its working groups.

#### Article 11

##### Rules of procedure

1. The STECF shall, with the approval of the Commission, adopt its rules of procedure. The rules of procedure shall ensure that the STECF performs its tasks in compliance with the principles of excellence, independence and transparency, whilst at the same time having due regard to legitimate requests for tax secrecy and commercial confidentiality.

2. The rules of procedure shall in particular cover the following:

(a) the election of the Chairperson and Vice-Chairpersons of the STECF;

(b) procedures for:

(i) handling requests for advice,

(ii) adopting opinions under normal conditions and, if the urgency of the matter requires, under an accelerated, written procedure by correspondence;

(c) the establishment and organisation of working groups, the appointment of chairpersons of working groups and the description of their tasks;

(d) the minutes of meetings, including details of opinions diverging from the adopted ones;

(e) the role of external experts;

(f) the appointment of rapporteurs and the description of their tasks;

(g) the format and content of scientific opinions and procedures for ensuring and improving their consistency;

(h) the responsibilities and obligations of STECF members and external experts in relation to their external contacts;

(i) the representation of the STECF in the Advisory Committee on Fisheries and Aquaculture (ACFA);

(j) the participation of STECF members in the Regional Advisory Committees (RACs).

3. The rules of procedure shall be published on the Commission's website.

#### Article 12

##### Decisions and opinions

1. The STECF shall act by a majority of its members present at the meeting. Decisions and opinions can be adopted only if 70 % of STECF members have cast their votes or abstained.

2. Reasoned minority opinions shall be included in the opinions of the STECF and shall be attributed to the members concerned.

3. Opinions of the STECF shall be published on the Commission's website without delay subject to the need for commercial confidentiality.

#### Article 13

##### Independence

1. The members of the STECF shall be appointed and the external experts shall be invited in their personal capacity. They may not delegate their responsibilities.

2. Members of the STECF and external experts shall act independently of Member States or stakeholders. They shall make a declaration of commitment to act in the public interest and a declaration of interests indicating either the absence or existence of any interest which might be considered prejudicial to their independence. These declarations shall be made in writing and be publicly available. Members of the STECF shall make annual declarations of commitment.

3. Members of the STECF and external experts shall declare at each meeting of the STECF and of working groups any specific interest which might be considered prejudicial to their independence in relation to specific items on the agenda.

*Article 14***Confidentiality**

1. Members of the STECF and external experts shall not divulge any information acquired as a result of the work either of the STECF or of the working groups other than divulging the opinions of the STECF.

2. If STECF is informed by the Commission that the opinion requested is of a confidential nature, only members of the STECF and Commission representative shall be present at that working group.

*Article 15***Secretariat of the STECF**

1. The Commission shall provide the secretariat for the STECF and its working groups.

2. The secretariat shall be responsible for providing technical and administrative support and coordination to facilitate the efficient functioning of the STECF and to organize meetings for its working groups.

3. Where necessary, the secretariat shall coordinate activities of STECF and its working groups with those of other Community and international bodies.

*Article 16***Final provisions**

1. Decision 93/619/EC is hereby repealed.

2. Members of STECF, appointed in accordance with Article 1 of Decision 93/619/EC shall remain in office as members of the Committee established by the present Decision until the new members of STECF are appointed in accordance with Article 3 of the present Decision.

3. The provisions of Article 5 shall apply *mutatis mutandis* following the expiry of the term of office of the members referred to in paragraph 2 of this article.

4. Decision 93/619/EC shall be repealed as from a date of the first meeting of the Committee established by the present Decision.

Done at Brussels, 26 August 2005.

*For the Commission*

Joe BORG

*Member of the Commission*

## ANNEX

**ALLOWANCES**

STECF members and external experts shall be entitled to allowances further to their participation in the activities of the STECF as follows:

— Attendance at STECF meetings and working groups

(EUR per full day)

|                                 | STECF meetings | Working Groups |
|---------------------------------|----------------|----------------|
| Chairperson                     | 300            | 300            |
| Vice Chairperson <sup>(1)</sup> | 300            | 0              |
| Other attendee                  | 250            | 250            |

<sup>(1)</sup> Only foreseen at STECF meeting

Should the participation only take place in a morning or in an afternoon, the allowance should be of 50 % of the full day allowance.

— Reports

(EUR)

|            | STECF opinions at plenary sessions or by correspondence <sup>(1)</sup> | Background reports <sup>(2)</sup> prior to STECF meetings and working groups |
|------------|--|--|
| Rapporteur | 300  | 300 <sup>(3)</sup>   |

<sup>(1)</sup> Allowance to be paid for the completion of the opinion.

<sup>(2)</sup> Summaries, inquiries and background information.

<sup>(3)</sup> With a maximum of 15 days, the allowance should be paid based on the timeframe decided by the Commission as specified in its prior written agreement. However the Commission may decide to extend the number of days if deemed necessary.



**COMMISSION DECISION**  
**of 26 August 2005**  
**establishing a form for the transmission of legal aid applications under Council Directive 2003/8/EC**  
**(2005/630/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes <sup>(1)</sup>, in particular Article 16(1) thereof,

After consulting the committee established by Article 17 of Directive 2003/8/EC,

Whereas:

- (1) Commission Decision 2004/844/EC <sup>(2)</sup> established the standard form for legal aid applications under Directive 2003/8/EC.
- (2) Under Directive 2003/8/EC the Commission should also establish a standard form to facilitate the transmission of legal aid applications between the judicial authorities of the Member States.
- (3) Under Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark did not participate in the adoption of Directive 2003/8/EC and is accordingly neither bound by it nor required to give effect to it,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The standard form for the transmission of legal aid applications set out in the Annex to this Decision is adopted.

Done at Brussels, 26 August 2005.

*For the Commission*  
Franco FRATTINI  
*Vice-President*

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<sup>(1)</sup> OJ L 26, 31.1.2003, p. 41.

<sup>(2)</sup> OJ L 365, 10.12.2004, p. 27.

ANNEX  
STANDARD FORM

**Form for the transmission of a legal aid application**



Special reasons, if any, for requesting urgent action on this application

Dossier reference: .....

Dossier transmitted by: ..... Date of transmission: .....

**Details of the transmitting authority**

Name of the transmitting authority: .....

Member State: .....

Person responsible for the dossier: .....

Address: .....

Telephone: .....

Fax: .....

Email: .....

To:

**Details of the receiving authority**

Name: .....

Member State: .....

Address: .....

Telephone: .....

Fax: .....

Email: .....

|  |
|--|
| <b>Details of the person or company applying for legal aid</b> |
|--|

Full name of person or company name: .....

Name and forename of person representing the applicant if the applicant is a minor or under incapacity: .....

.....

Name and forename of person representing the applicant if the applicant is of full age and not under incapacity (solicitor, agent, ...): .....

Address: .....

.....

Telephone: .....

Fax: .....

Email: .....

Languages: .....

|                                 |
|---------------------------------|
| <b>Details of the procedure</b> |
|---------------------------------|

1. Is the legal aid applicant the plaintiff or defendant?

2. Does the legal aid applicant want this aid in order to obtain:

(a) pre-litigation advice ..... O

(b) assistance (advice and/or representation) within the framework of extrajudicial procedures ..... O

(c) assistance (advice and/or representation) within the framework of envisaged legal proceedings ..... O

(d) assistance (advice and/or representation) within the framework of ongoing legal proceedings ..... O

If yes:

— Registration number: .....

— Dates of hearings: .....

— Name of the court: .....

— Address of the court: .....

(e) obtain advice and/or representation within the framework of legal proceedings relating to a decision which has already been taken by a judicial authority? ..... O

If yes:

— Name and address of the judicial authority: .....

— Date of the decision: .....

— Nature of the case: .....

— Appeal against the decision ..... O

— Enforcement of the decision ..... O

3. Opposing party: .....

4. Brief description of the nature of the case, including, in cases mentioned at point 2(a), (b) and (c), information that will help to identify the court probably having jurisdiction: .....

#### ACKNOWLEDGMENT OF RECEIPT

##### The receiving authority

Name: .....

Member State: .....

Dossier reference: .....

Received on: .....

Person responsible for the dossier: .....

Address: .....

Telephone: .....

Fax: .....

Email: .....

If applicable, dossier transmitted to: .....

Name: .....

Person responsible for the dossier: .....

Address: .....

Telephone: .....

Fax: .....

Email: .....

Acknowledgement of receipt of dossier transmitted by

| The transmitting authority                |
|---|
| Name: .....                               |
| Member State: .....                       |
| Dossier reference: .....                  |
| Person responsible for the dossier: ..... |

Done at: ..... Date: .....

Signature: .....

\_\_\_\_\_

## COMMISSION DECISION

of 29 August 2005

**concerning essential requirements as referred to in Directive 1999/5/EC of the European Parliament and of the Council ensuring access of Cospas-Sarsat locator beacons to emergency services**

*(notified under document number C(2005) 3059)***(Text with EEA relevance)**

(2005/631/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity <sup>(1)</sup>, and in particular Article 3(3)(e) thereof,

Whereas:

- (1) Certain locator beacons, the Emergency position-indicating radiobeacons (EPIRBs) operating on 406 MHz with the Cospas-Sarsat system, are an element of the Global Maritime Distress and Safety System (GMDSS).
- (2) In accordance with Commission Decision 2004/71/EC of 4 September 2003 on essential requirements relating to marine radio communication equipment which is intended to be used on non-Solas vessels and to participate in the Global Maritime Distress and Safety System (GMDSS) <sup>(2)</sup>, manufacturers of EPIRBs have to ensure that equipment is to be designed so as to function correctly, meet all the operational requirements of the GMDSS under distress conditions and provide clear and robust communications.
- (3) However, locator beacons intended for other purposes are not covered by Decision 2004/71/EC. Since those types of Cospas-Sarsat locator beacons are expected to be used in large numbers as distress beacons, it is necessary to provide that they, as far as they are covered by Directive 1999/5/EC, should be so designed as to function correctly according to accepted operational

requirements and to meet all the requirements of the Cospas-Sarsat system.

- (4) The measures set out in this Decision are in accordance with the opinion of the Telecommunications Conformity Assessment and Market Surveillance Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

This Decision shall apply to locator beacons intended to operate on 406 MHz with the Cospas-Sarsat system and which do not fall within the scope of Decision 2004/71/EC.

*Article 2*

The locator beacons referred to in Article 1 shall be designed so as to ensure correct functioning according to the accepted operational requirements under exposure to the environment in which they may be used. Under distress conditions they shall provide clear and robust communication with a high degree of fidelity by meeting all the requirements of the Cospas-Sarsat system.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 29 August 2005.

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

<sup>(1)</sup> OJ L 91, 7.4.1999, p. 10. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

<sup>(2)</sup> OJ L 16, 23.1.2004, p. 54.

**DECISION No 4/2005 OF THE EC/EFTA JOINT COMMITTEE ON COMMON TRANSIT**  
**of 15 August 2005**  
**amending the Convention of 20 May 1987 on a common transit procedure**  
(2005/632/EC)

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure <sup>(1)</sup>, and in particular Article 15(3)(a) thereof,

Whereas:

- (1) The computerised transit system is fully operational in all the Contracting Parties of the Convention on common transit and the system has been proven to be reliable and satisfactory both for customs administrations and for economic operators.
- (2) Under these circumstances it is no longer economically justified to permit formalities to be carried out on the basis of a transit declaration made in writing, the use of which implies that the competent authorities are obliged to enter manually the declaration data into the computerised system. In general, all transit declarations should therefore be lodged using data processing technology.
- (3) However, the decision to allow for transit declarations made in writing should be left within the discretion of each Contracting Party in order to allow for better compliance with the general requirements in the Contracting Party.
- (4) The use of transit declarations made in writing should be permitted in exceptional cases where customs' computerised transit system or the operator's application is not functioning in order to allow economic operators to carry out transit operations.
- (5) In order to allow travellers to carry out transit operations the competent authorities should authorise the use of transit declarations made in writing, where the travellers cannot directly access the computerised transit system.
- (6) Since some countries need to develop and implement necessary tools and links in order to allow all economic operators to be linked to the computerised transit system, a transitional period permitting the use of transit declarations made in writing should be envisaged.

- (7) Except in cases where customs' computerised transit system or the principal's application is not functioning, the competent authorities accepting transit declarations made in writing should ensure that the transit data is exchanged between the competent authorities using information technology and computer networks.

- (8) The Convention should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

*Article 1*

Appendix I of the Convention of 20 May 1987 shall be amended in accordance with the Annex to this Decision.

*Article 2*

This Decision shall enter into force on the date of its adoption.

It shall be applicable from 1 July 2005.

However, the competent authorities may continue to accept transit declarations made in writing until 31 December 2006 at the latest.

Where the competent authorities decide to accept transit declarations made in writing after 1 July 2005, the decision shall be communicated in advance to the Commission in writing. In this case the competent authorities of the countries concerned shall ensure that the transit data is exchanged between the competent authorities using information technology and computer networks.

Done at Bern, 15 August 2005.

*For the Joint Committee*

*The President*

Rudolf DIETRICH

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<sup>(1)</sup> OJ L 226, 13.8.1987, p. 2. Convention as last amended by Decision No 3/2005 (OJ L 189, 21.7.2005, p. 61).

## ANNEX

Appendix I is amended as follows:

1. Article 17 is replaced by the following:

*'Article 17*

1. Transit declarations shall be lodged at the office of departure by means of data processing technology.
2. Transit declarations lodged by the exchange of EDI standard messages shall comply with the structure and particulars set out in Appendix III.
3. Where a transit declaration is lodged by entering in the data processing system of the competent authorities the information required for completing formalities, the particulars of the written declaration referred to in Appendix III shall be replaced by transmission for computer processing, to the competent authorities designated for that purpose, of data in coded or any other form specified by those authorities and equivalent to the particulars required for written declarations.
4. Where the common transit procedure in the country of departure succeeds another customs approved treatment or use, the office of departure may request production of these documents.
5. The goods shall be presented together with the transport document. The office of departure may waive the requirement to produce this document when the customs formalities are completed, on condition the document is kept at its disposal.'

2. Article 18 is replaced by the following:

*'Article 18*

1. Goods may be placed under the common transit procedure by means of a transit declaration made out on a form corresponding to one of the specimens set out in Appendix III and in accordance with the procedure defined by the Contracting Parties in agreement with each other
  - (a) where the competent authorities' computerised transit system is not functioning;
  - (b) where the principal's application is not functioning.
2. The use of a written transit declaration under paragraph 1, point (b) shall be subject to the approval of the competent authorities.
3. The provisions of paragraph 1 shall also apply
  - (a) where a Contracting Party so decides;
  - (b) where the goods are transported by travellers who have no direct access to the customs' computerised system and so have no means of lodging the transit declaration using data processing technology at the office of departure. The competent authorities shall authorise the goods to be placed under the common transit procedure by means of a transit declaration made out on a form corresponding to one of the specimens set out in Appendix III.

In these cases, the competent authorities shall ensure that the transit data is exchanged between the competent authorities using information technology and computer networks.

4. The transit declaration may be supplemented by one or more continuation sheets corresponding to one of the specimens set out in Appendix III. The forms shall be an integral part of the declaration.



5. Loading lists drawn up in accordance with the specimen in Appendix III may be used instead of continuation sheets as the descriptive part of a transit declaration, of which they shall be an integral part.
  6. The forms referred to in paragraphs 1, 3 to 5 shall be completed in accordance with Appendix III. They shall be printed and completed in one of the official languages of the Contracting Parties accepted by the competent authorities of the country of departure. Where necessary, the competent authorities of a country concerned in the common transit operation may request a translation into the official language, or one of the official languages, of that country.
  7. Article 17(4) and (5) shall be applicable *mutatis mutandis*.
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