

# Official Journal

## of the European Union

L 273

Volume 48

19 October 2005

English edition

### Legislation

Contents

#### I Acts whose publication is obligatory

Commission Regulation (EC) No 1699/2005 of 18 October 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables .....	1
★ <b>Commission Regulation (EC) No 1700/2005 of 18 October 2005 opening a standing invitation to tender for the resale on the Community market of maize held by the Slovak intervention agency .....</b>	<b>3</b>
★ <b>Commission Regulation (EC) No 1701/2005 of 18 October 2005 amending Regulation (EC) No 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers .....</b>	<b>6</b>
Commission Regulation (EC) No 1702/2005 of 18 October 2005 fixing the A1 and B export refunds for fruit and vegetables (tomatoes, oranges, lemons, table grapes and apples) .....	9
Commission Regulation (EC) No 1703/2005 of 18 October 2005 setting export refunds in the processed fruit and vegetable sector other than those granted on added sugar (provisionally preserved cherries, peeled tomatoes, sugar-preserved cherries, prepared hazelnuts, certain orange juices) .....	12
Commission Regulation (EC) No 1704/2005 of 18 October 2005 determining the extent to which applications lodged in September 2005 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Bulgaria and Romania can be accepted .....	14
Commission Regulation (EC) No 1705/2005 of 18 October 2005 determining the world market price for unginned cotton .....	16
★ <b>Commission Directive 2005/67/EC of 18 October 2005 amending, for the purposes of their adaptation, Annexes I and II to Council Directive 86/298/EEC, Annexes I and II to Council Directive 87/402/EEC and Annexes I, II and III to Directive 2003/37/EC of the European Parliament and of the Council, relating to the type-approval of agricultural or forestry tractors <sup>(1)</sup> .....</b>	<b>17</b>

<sup>(1)</sup> Text with EEA relevance

(Continued overleaf)

**Commission**

2005/726/EC:

- ★ **Commission Decision of 17 October 2005 amending Decision 2005/464/EC on the implementation of survey programmes for avian influenza in poultry and wild birds to be carried out in the Member States** (notified under document number C(2005) 3960) ..... 21
- 

*Acts adopted under Title VI of the Treaty on European Union*

- ★ **Council Decision 2005/727/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism** ..... 25
- ★ **Council Decision 2005/728/JHA of 12 October 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism** ..... 26

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1699/2005**  
**of 18 October 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 19 October 2005.

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

Done at Brussels, 18 October 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

---

<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

## ANNEX

**to Commission Regulation of 18 October 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables**

<i>(EUR/100 kg)</i>		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	45,3
	204	40,1
	999	42,7
0707 00 05	052	96,4
	999	96,4
0709 90 70	052	90,5
	999	90,5
0805 50 10	052	76,6
	388	60,9
	524	55,3
	528	67,6
	999	65,1
0806 10 10	052	89,1
	400	200,0
	508	210,4
	624	178,2
	999	169,4
0808 10 80	388	80,2
	400	118,7
	404	91,3
	512	43,0
	528	45,5
	720	48,5
	800	172,7
	804	82,9
999	85,4	
0808 20 50	052	93,1
	388	57,0
	720	55,8
	999	68,6

<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 1700/2005****of 18 October 2005****opening a standing invitation to tender for the resale on the Community market of maize 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 <sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies <sup>(2)</sup> provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

(2) Because of unfavourable weather conditions on the Iberian peninsula maize prices on the Community market are relatively high, causing difficulties for livestock farmers and the livestock feed industry alike in securing supplies at competitive prices.

(3) Slovakia has intervention stocks of maize, which should be used up.

(4) It is therefore appropriate to make the stocks of maize held by the Slovak intervention agency available on the internal market.

(5) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(6) It is also important for the Slovak intervention agency's notification to the Commission to maintain the anonymity of the tenderers.

(7) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

(8) 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 Slovak intervention agency shall open a standing invitation to tender for the sale on the Community market of 98 625 tonnes of maize held by it.

*Article 2*

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

(a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;

(b) the minimum selling price shall be set at a level which does not disturb the cereals market; it may not in any event be lower than the intervention price in force for the month in question, including any monthly increases.

*Article 3*

Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93 the tender security shall be set at EUR 10 per tonne.

*Article 4*

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 26 October 2005.

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

<sup>(2)</sup> 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).

The time limit for submitting tenders under subsequent partial invitations to tender shall be 15.00 (Brussels time) each Wednesday thereafter, with the exception of 2 November 2005, 28 December 2005, 12 April 2006 and 24 May 2006, there being no invitation to tender in the weeks concerned.

The closing date for the submission of tenders for the last partial invitation to tender shall be 28 June 2006 at 15.00 (Brussels time).

2. Tenders must be lodged with the Slovak intervention agency at the following address:

Pôdohospodárska platobná agentúra  
oddelenie obilnín a škrobu  
Dobrovičova 12  
SK-815 26 Bratislava  
Tel.: 421-2-58243271  
Fax: 421-2-58243362.

*Article 5*

The Slovak intervention agency shall send the Commission the tenders received, no later than two hours after expiry of the

time limit for submitting tenders. This notification shall be made by e-mail, using the form in the Annex hereto.

*Article 6*

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003, the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

*Article 7*

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, 18 October 2005.

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

---

## ANNEX

**Standing invitation to tender for the resale of 98 625 tonnes of maize held by the Slovak intervention agency**

Form (\*)

(Regulation (EC) No 1700/2005)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price (EUR/t)
1			
2			
3			
etc.			

(\*) To be sent to DG AGRI, Unit D.2.

**COMMISSION REGULATION (EC) No 1701/2005**  
**of 18 October 2005**

**amending Regulation (EC) No 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001<sup>(1)</sup>, and in particular Article 145(c), (d) and (f) thereof,

Whereas:

- (1) Commission Regulation (EC) No 795/2004<sup>(2)</sup> introduces the implementing rules for the single payment scheme as from 2005. Experience of the administrative and operational implementation of that scheme at national level has shown that in certain respects further detailed rules are needed and in other respects the existing rules need to be clarified and adapted.
- (2) In particular, it is appropriate to specify the application of the definition of permanent crops and multiannual crops in relation to the eligibility conditions for the single payment scheme in case of use of land set aside for the production of raw materials as laid down in Chapter 16 of Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials<sup>(3)</sup> and in relation to the energy crops aid scheme referred to in Article 88 of Regulation (EC) No 1782/2003.
- (3) In particular, under the previous regime for arable crops provided for by Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops<sup>(4)</sup>, set-aside land which was planted with permanent crops used for the production of raw materials or land planted with multi-annual crops were eligible to area payments. Article 54(2) of Regulation (EC) No 1782/2003 limits the eligibility to areas which were not under permanent crops at the date of application for 2003 whilst it does not exclude, in application of Article 53 of that Regulation those areas under permanent crops used for the production of raw materials from the establishment of the payment entitlements as those areas were granted direct payments in the reference period. It is therefore appropriate to allow farmers who cultivated in 2003 such crops under that specific regime for set-aside or multiannual crops to use that land respectively for the establishment of set-aside entitlements referred to in Article 53 of that Regulation and for the use of the established set-aside entitlements.
- (4) Moreover, as far as in the regional model provided for by Article 59 of Regulation (EC) No 1782/2003, the reference year for the establishment of the payment entitlements is the first year of application of the scheme as provided for by Article 38(1) of Regulation (EC) No 795/2004, it is appropriate to specify that set-aside land planted with permanent crops used for the purposes referred to in Article 55(b) of Regulation (EC) No 1782/2003 and land planted with permanent crops and which are also subject to an application for the aid for energy crops provided for in Article 88 of that Regulation should be considered as eligible hectares for the establishment and use of payment entitlements.
- (5) In addition, it is necessary to specify which crops are allowed on set-aside land and which crops are allowed for energy purposes on land subject to an application for the single payment scheme. It is therefore appropriate to provide for the possibility to use payment entitlements in accordance with the eligibility conditions set up for areas under permanent crops used for the production of raw materials as laid down in Chapter 16 of Regulation (EC) No 1973/2004 and for crops used for the production of energy products under the scheme provided for in Article 88 of Regulation (EC) No 1782/2003.

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 1. Regulation last amended by Commission Regulation (EC) No 118/2005 (OJ L 24, 27.1.2005, p. 15).

<sup>(2)</sup> OJ L 141, 30.4.2004, p. 1. Regulation last amended by Regulation (EC) No 1085/2005 (OJ L 177, 9.7.2005, p. 27).

<sup>(3)</sup> OJ L 345, 20.11.2004, p. 1. Regulation last amended by Regulation (EC) No 1044/2005 (OJ L 172, 5.7.2005, p. 76).

<sup>(4)</sup> OJ L 160, 26.6.1999, p. 1. Regulation last amended by Regulation (EC) No 1782/2003.



(6) Regulation (EC) No 795/2004 should therefore be amended accordingly.

(7) Due to the fact that Regulation (EC) No 795/2004 applies as from 1 January 2005, it is appropriate to provide that this Regulation applies retroactively from that date and consequently authorise farmers concerned by the application in 2005 to modify their single application.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 795/2004 is amended as follows:

1. In Article 2, points (c) and (d) are replaced by the following:

(c) "permanent crops" shall mean non-rotational crops other than permanent pasture that occupy the land for five years or longer and yield repeated harvests, including nurseries as defined in point G/05 of Annex I to Commission Decision 2000/115/EC (\*), and short rotation coppice (CN code ex 0602 90 41), with the exception of multiannual crops and nurseries of multiannual crops.

(d) "multiannual crops" shall mean crops of the following products and the nurseries of such multiannual crops:

CN code	
0709 10 00	Artichokes
0709 20 00	Asparagus
0709 90 90	Rhubarb
0810 20	Raspberries, blackberries, mulberries and loganberries
0810 30	Black-, white- or redcurrants and gooseberries
0810 40	Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i>

2. The following Article 3b is inserted:

'Article 3b

#### Eligibility

1. For the purpose of Article 44(2) of Regulation (EC) No 1782/2003, the following shall be considered as eligible hectares for the establishment and use of the payment entitlements:

(a) the areas planted with short rotation coppice (CN code ex 0602 90 41), *Miscanthus sinensis* (CN code ex 0602 90 51) or *Phalaris arundacea* (Reed canary grass) between 30 April 2004 and 10 March 2005;

(b) the areas planted with short rotation coppice (CN code ex 0602 90 41), *Miscanthus sinensis* (CN code ex 0602 90 51) or *Phalaris arundacea* (Reed canary grass) before 30 April 2004 and leased or acquired, between 30 April 2004 and 10 March 2005, in view of applying for the single payment scheme.

2. For the purpose of Article 51 of Regulation (EC) No 1782/2003, set-aside land planted with permanent crops used for the purposes referred to in Article 55(b) of that Regulation and land planted with permanent crops and which are also subject to an application for the aid for energy crops provided for in Article 88 of that Regulation shall be considered as eligible hectares for the use of, respectively, set-aside entitlements and payment entitlements.

3. For the purpose of Article 54(2) of Regulation (EC) No 1782/2003, set-aside land which was planted with permanent crops, to be used for the purposes referred to in Article 6(3) of Council Regulation (EC) No 1251/1999 (\*) and which was granted the area payment referred to in Article 2(2) of that Regulation for 2003 shall be considered as eligible hectares for the use of set-aside entitlements referred to in Article 53 of Regulation (EC) No 1782/2003.

4. Without prejudice to Article 51 of Regulation (EC) No 1782/2003, for the purpose of Article 54(2) of that Regulation, land which was planted with multiannual crops, at the date provided for the area aid applications for 2003, shall be considered as eligible hectares for the use of set-aside entitlements referred to in Article 53 of that Regulation.

5. Without prejudice to Article 60 of Regulation (EC) No 1782/2003, where a Member State makes use of the option referred to in Article 59 of that Regulation,

(\*) OJ L 38, 12.2.2000, p. 1.'

- (a) for the purpose of Article 63(2) of Regulation (EC) No 1782/2003 set-aside land which was planted with permanent crops, to be used for the purposes referred to in Article 6(3) of Regulation (EC) No 1251/1999 and which was granted the area payment referred to in Article 2(2) of that Regulation for 2003, shall be considered as eligible hectares for the establishment of set-aside entitlements;
- (b) for the purpose of Article 63(2) of Regulation (EC) No 1782/2003 land which is planted with permanent crops used for the purposes referred to in Article 55(b) of Regulation (EC) No 1782/2003 shall be considered as eligible hectares for the establishment of set-aside entitlements;
- (c) for the purpose of Article 59(4) of Regulation (EC) No 1782/2003 land planted with permanent crops and which is also subject to an application for the aid for energy crops provided for in Article 88 of Regulation (EC) No 1782/2003 shall be considered as eligible hectares for the establishment of payment entitlements;
- (d) for the purpose of Article 59(4) of Regulation (EC) No 1782/2003 land planted with multiannual crops, shall be considered as eligible hectares for the establishment of payment entitlements.

6. The farmers concerned by the application in 2005 of paragraphs 2 to 5 of this Article may modify their single application within four weeks starting from 19 October 2005 or a date to be fixed by the Member States concerned.

(\*) OJ L 160, 26.6.1999, p. 1.

3. Article 48a is amended as follows:

1. Paragraph 4 is replaced by the following text:

‘Any reference to Articles 58 and 59 or 58(1) and 59(1) of Regulation (EC) No 1782/2003 in Article 3b and

Chapters 6 and 7 of this Regulation shall be construed as a reference to Article 71e of Regulation (EC) No 1782/2003’.

2. Paragraph 6 is replaced by the following text:

‘Any reference to Article 60 of Regulation (EC) No 1782/2003 in Article 3b, Article 8(2), Article 9(1)(e), Article 41 and Article 50a of this Regulation shall be construed as a reference to Article 71g of Regulation (EC) No 1782/2003’.

3. Paragraph 7 is replaced by the following text:

‘Any reference to Article 63(2) of Regulation (EC) No 1782/2003 in Articles 39, 43 and 48b of this Regulation shall be construed as a reference to Article 71j(2) of Regulation (EC) No 1782/2003’.

4. Paragraph 8 is replaced by the following text:

‘Articles 3a, 3b(1), (3) and (4), 7, 10, 12 to 17, 27, 28, 30, 31, 31a, 40, 42, 45 to 46 and 49 shall not apply’.

5. A new Paragraph 10 is inserted as follows:

‘Any reference to Article 59(4) of Regulation (EC) No 1782/2003 in Article 3b of this Regulation shall be construed as a reference to Article 71f(2) of Regulation (EC) No 1782/2003’.

#### Article 2

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

It shall apply from 1 January 2005.

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

Done at Brussels, 18 October 2005.

For the Commission  
Mariann FISCHER BOEL  
Member of the Commission

## COMMISSION REGULATION (EC) No 1702/2005

of 18 October 2005

## fixing the A1 and B export refunds for fruit and vegetables (tomatoes, oranges, lemons, table grapes and apples)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, and in particular the third subparagraph of Article 35(3),

Whereas:

(1) Commission Regulation (EC) No 1961/2001 <sup>(2)</sup> lays down the detailed rules of application for export refunds on fruit and vegetables.

(2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant exports, the products exported by the Community may be covered by export refunds, within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Under Article 35(2) of Regulation (EC) No 2200/96, care must be taken to ensure that the trade flows previously brought about by the refund scheme are not disrupted. For this reason and because exports of fruit and vegetables are seasonal in nature, the quantities scheduled for each product should be fixed, based on the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 <sup>(3)</sup>. These quantities must be allocated taking account of the perishability of the products concerned.

(4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the

other hand. Account must also be taken of the transport and marketing costs and of the economic aspect of the exports planned.

(5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint.

(6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.

(7) Tomatoes, oranges, lemons, table grapes and apples of classes Extra, I and II of the common quality standards can currently be exported in economically significant quantities.

(8) In order to ensure the best use of available resources and in view of the structure of Community exports, it is appropriate to fix the A1 and B export refunds.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For system A1, the refund rates, the refund application period and the scheduled quantities for the products concerned are fixed in the Annex hereto. For system B, the indicative refund rates, the licence application period and the scheduled quantities for the products concerned are fixed in the Annex hereto.

2. The licences issued in respect of food aid as referred to in Article 16 of Commission Regulation (EC) No 1291/2000 <sup>(4)</sup> shall not count against the eligible quantities in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 9 November 2005.

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

<sup>(2)</sup> OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

<sup>(3)</sup> OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 558/2005 (OJ L 94, 13.4.2005, p. 22).

<sup>(4)</sup> OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

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

Done at Brussels, 18 October 2005.

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

---

## ANNEX

**to the Commission Regulation of 18 October 2005 fixing the export refunds on fruit and vegetables  
(tomatoes, oranges, lemons, table grapes and apples)**

Product code <sup>(1)</sup>	Destination <sup>(2)</sup>	System A1 Refund application period 9.11.2005 to 9.1.2006		System B Licence application period 16.11.2005 to 16.1.2006	
		Refund amount (EUR/t net weight)	Scheduled quantity (t)	Indicative refund amount (EUR/t net weight)	Scheduled quantity (t)
0702 00 00 9100	F08	30		30	5 072
0805 10 20 9100	A00	38		38	54 862
0805 50 10 9100	A00	60		60	13 048
0806 10 10 9100	A00	22		22	5 125
0808 10 80 9100	F04, F09	35		35	30 091

<sup>(1)</sup> The product codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

<sup>(2)</sup> The 'A' series destination codes are set out in Annex II to Regulation (EEC) No 3846/87.

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

The other destinations are defined as follows:

F03: All destinations except Switzerland.

F04: Sri Lanka, Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica and Japan.

F08: All destinations except Bulgaria.

F09: The following destinations:

- Norway, Iceland, Greenland, Faeroe Islands, Romania, Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah, Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia,
- African countries and territories except for South Africa,
- destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

## COMMISSION REGULATION (EC) No 1703/2005

of 18 October 2005

**setting export refunds in the processed fruit and vegetable sector other than those granted on added sugar (provisionally preserved cherries, peeled tomatoes, sugar-preserved cherries, prepared hazelnuts, certain orange juices)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

marketing and transport costs and of the economic aspects of the exportation envisaged.

Having regard to the Treaty establishing the European Community,

(5) Article 17(3) of Regulation (EC) No 2201/96 requires that when prices on the Community market are determined account is taken of the prices that are most favourable from the point of view of exportation.

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products <sup>(1)</sup>, and in particular the third subparagraph of Article 16(3) thereof,

(6) The international trade situation or specific requirements of certain markets may make it necessary to differentiate the refund on a given product by destination.

Whereas:

(1) Commission Regulation (EC) No 1429/95 <sup>(2)</sup> set implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugar.

(7) Economically significant exports can at present be made of provisionally preserved cherries, peeled tomatoes, sugar-preserved cherries, prepared hazelnuts and certain orange juices.

(2) Article 16(1) of Regulation (EC) No 2201/96 states that to the extent necessary to permit exportation of economically significant quantities export refunds can be granted on the products listed at Article 1(2)(a) of that Regulation within the limits ensuing from agreements concluded in line with Article 300 of the Treaty. Article 18(4) of that Regulation provides that if the refund on the sugar incorporated in the products listed in Article 1(2)(b) is insufficient to allow exportation of these products the refund set in line with Article 17 thereof shall apply to them.

(8) Export refund rates and quantities should therefore be set for these products.

(3) Article 16(2) of Regulation (EC) No 2201/96 requires that it be ensured that trade flows that have already arisen as a result of granting of export refunds are not disturbed. For that reason the quantities should be set product by product using the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 <sup>(3)</sup>.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Export refund rates in the processed fruit and vegetable sector, periods for lodging and for issuing licence applications and the quantities permitted are stipulated in the Annex hereto.

(4) Article 17(2) of Regulation (EC) No 2201/96 requires that when refunds are set account is taken of the existing situation and outlook for prices and availability on the Community market of products processed from fruit and vegetables and for international trade prices, of

2. Licences for food aid purposes issued as indicated in Article 16 of Commission Regulation (EC) No 1291/2000 <sup>(4)</sup> shall not be counted against the quantities indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 25 October 2005.

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 386/2004 (OJ L 64, 2.3.2004, p. 25).

<sup>(2)</sup> OJ L 141, 24.6.1995, p. 28. Regulation as last amended by Regulation (EC) No 498/2004 (OJ L 80, 18.3.2004, p. 20).

<sup>(3)</sup> OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 558/2005 (OJ L 94, 13.4.2005, p. 22).

<sup>(4)</sup> OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

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

Done at Brussels, 18 October 2005.

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

---

ANNEX

**to the Commission Regulation of 18 October 2005 setting export refunds for the processed fruit and vegetable sector other than those granted on added sugar (provisionally preserved cherries, peeled tomatoes, sugar-preserved cherries, prepared hazelnuts, certain orange juices)**

Period for lodging licence applications: 25 October 2005 to 23 February 2006.

Licence assignment period: November 2005 to February 2006.

Product code <sup>(1)</sup>	Destination code <sup>(2)</sup>	Refund rate (EUR/t net)	Permitted quantities (t)
0812 10 00 9100	F06	50	2 853
2002 10 10 9100	F10	45	42 477
2006 00 31 9000 2006 00 99 9100	F06	153	293
2008 19 19 9100 2008 19 99 9100	A00	59	344
2009 11 99 9110 2009 12 00 9111 2009 19 98 9112	A00	5	300
2009 11 99 9150 2009 19 98 9150	A00	29	301

<sup>(1)</sup> The descriptions corresponding to the product codes are contained in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

<sup>(2)</sup> The meanings of the A series destination codes are given in Annex II to Regulation (EEC) No 3846/87, as amended. The meanings of the numerical destination codes are given in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). The other destinations are:  
F06 All destinations except the countries of North America.  
F10 All destinations except the United States of America and Bulgaria.

---

**COMMISSION REGULATION (EC) No 1704/2005****of 18 October 2005****determining the extent to which applications lodged in September 2005 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Bulgaria and Romania can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1898/97 of 29 September 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by the Agreements concluded by the Community with the Republic of Bulgaria, the Czech Republic, Slovakia, Romania, the Republic of Poland and the Republic of Hungary<sup>(1)</sup>, and in particular Article 4(5) thereof,

Whereas:

- (1) The applications for import licences lodged for the fourth quarter of 2005 are for quantities less than or equal to the quantities available and can therefore be met in full.
- (2) The surplus to be added to the quantity available for the following period should be determined.
- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products which

comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for import licences for the period 1 October to 31 December 2005 submitted pursuant to Regulation (EC) No 1898/97 shall be met as referred to in Annex I.
2. For the period 1 January to 31 March 2006, applications may be lodged pursuant to Regulation (EC) No 1898/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

*Article 2*

This Regulation shall enter into force on 19 October 2005.

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

Done at Brussels, 18 October 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 267, 30.9.1997, p. 58. Regulation as last amended by Regulation (EC) No 1467/2003 (OJ L 210, 28.8.2003, p. 11).



## ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 2005
B1	—
15	—
16	—
17	—

## ANNEX II

Group	Total quantity available for the period 1 January to 31 March 2006
B1	3 000,0
15	843,8
16	1 593,8
17	11 718,8

(t)

**COMMISSION REGULATION (EC) No 1705/2005**  
**of 18 October 2005**  
**determining the world market price for unginmed cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 <sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginmed cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginmed cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme <sup>(3)</sup>. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginmed

cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginmed cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

*Article 1*

The world price for unginmed cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 22,439 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 19 October 2005.

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

Done at Brussels, 18 October 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 148, 1.6.2001, p. 1.

<sup>(2)</sup> OJ L 148, 1.6.2001, p. 3.

<sup>(3)</sup> OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

## COMMISSION DIRECTIVE 2005/67/EC

of 18 October 2005

**amending, for the purposes of their adaptation, Annexes I and II to Council Directive 86/298/EEC, Annexes I and II to Council Directive 87/402/EEC and Annexes I, II and III to Directive 2003/37/EC of the European Parliament and of the Council, relating to the type-approval of agricultural or forestry tractors**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/298/EEC of 26 May 1986 on rear-mounted roll-over protection structures of narrow-tracked wheeled agricultural or forestry tractors <sup>(1)</sup>, and in particular Article 12 thereof,

Having regard to Council Directive 87/402/EEC of 25 June 1987 on roll-over protection structures mounted in front of the driver's seat in wheeled agricultural or forestry tractors <sup>(2)</sup>, and in particular Article 11 thereof,

Having regard to Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Council Directive 74/150/EEC <sup>(3)</sup>, and in particular Article 19(1)(a) and (b) thereof,

Whereas:

(1) Directive 2003/37/EC introduced the fitting of seat belt anchorages as a new requirement for the agricultural or forestry whole vehicle type-approval in accordance with Council Directive 76/115/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to anchorages for motor vehicle safety belts <sup>(4)</sup>. Since Directive 76/115/EEC concerns the type-approval of different categories of non-agricultural motor vehicles, it is necessary to specify which requirements of that Directive shall apply to certain agricultural or forestry tractors.

<sup>(1)</sup> OJ L 186, 8.7.1986, p. 26. Directive as last amended by the 2003 Act of Accession.

<sup>(2)</sup> OJ L 220, 8.8.1987, p. 1. Directive as last amended by the 2003 Act of Accession.

<sup>(3)</sup> OJ L 171, 9.7.2003, p. 1. Directive as last amended by Commission Directive 2005/13/EC (OJ L 55, 1.3.2005, p. 35).

<sup>(4)</sup> OJ L 24, 30.1.1976, p. 6. Directive as last amended by Commission Directive 96/38/EC (OJ L 187, 26.1.1996, p. 95).

(2) The requirements in Appendix 1 of Annex I to Directive 76/115/EEC for forward facing centre seats of vehicle category N<sub>3</sub> are appropriate for tractors of a maximum design speed of 40 km/h or less.

(3) On 29 March 2005, the Council of the OECD approved Decision C(2005) 1, which establishes new versions of the OECD codes for the testing of agricultural and forestry tractors.

(4) It is appropriate to adapt the references to the OECD codes in Directives 2003/37/EC, 86/298/EEC and 87/402/EEC in order to take account of Decision C(2005) 1 of the OECD Council.

(5) Directives 86/298/EEC, 87/402/EEC and 2003/37/EC should therefore be amended accordingly.

(6) The measures provided for in this Directive are in accordance with the opinion of the Committee established under Article 20(1) of Directive 2003/37/EC,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annexes I, II and III to Directive 2003/37/EC are amended in accordance with Annex I to this Directive.

*Article 2*

Annexes I and II to Directive 86/298/EEC are amended in accordance with Annex II to this Directive.

*Article 3*

Annexes I and II to Directive 87/402/EEC are amended in accordance with Annex III to this Directive.

*Article 4*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2005 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 5*

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

*Article 6*

This Directive is addressed to the Member States.

Done at Brussels, 18 October 2005.

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

## ANNEX I

Annexes I, II and III to Directive 2003/37/EC are amended as follows:

1. In Annex I, Part 4, item 3.6.1, the words 'OECD Code 1 or 2' are replaced by 'OECD Code 2'.

2. Annex II is amended as follows:

(a) in line 26.1, Chapter B, Part I, the words 'Seat belt attachment points' are replaced by 'Seat belt anchorages' <sup>(3)</sup>.

<sup>(3)</sup> The minimum number of anchorage points required for tractors of categories T1, T2, T3, C1, C2 and C3 is two, established in Annex I, Appendix 1 to Directive 76/115/EEC for forward facing centre seats of vehicle category N<sub>3</sub>. The test loads laid down in points 5.4.3 and 5.4.4 of Annex I to that Directive for vehicles of category N<sub>3</sub> shall apply to those tractor categories.'

(b) Part II.C of Chapter B is replaced by the following:

*Part II. C*

**Correspondence with the OECD standardised codes**

The test bulletins (complete) which conform to the OECD codes given below may be used in place of the test reports drawn up in compliance with the corresponding separate directives.

Number given in the table in Part I (separate directives)		Subject	OECD codes (*)
10.1.	77/536/EEC	Official tests on the protection structures of agricultural or forestry tractors (dynamic testing)	Code 3
26.1.	76/115/EEC		
16.1.	79/622/EEC	Official tests on protective structures for agricultural or forestry tractors (static test)	Code 4
26.1.	76/115/EEC		
19.1.	86/298/EEC	Official tests on the rear-mounted protection structures of narrow-track wheeled agricultural or forestry tractors	Code 7
26.1.	76/115/EEC		
21.1.	87/402/EEC	Official tests on protection structures mounted on the front of narrow-track wheeled agricultural or forestry tractors	Code 6
26.1.	76/115/EEC		
	SD (**)	Official tests on the protection structures of agricultural or forestry track-laying tractors	Code 8
26.1.	76/115/EEC		

(\*) Test bulletins must be in conformity with OECD Decision C(2005) 1. The equivalence of the test bulletins can only be recognised for seat belt anchorages if these have been tested.

The test bulletins in conformity with the Codes following Decision C(2000) 59 as last amended by Decision C(2003) 252 may be also accepted during a transitional period of one year starting of the date of publication of Decision C(2005) 1 on the OECD website, i.e. up to 21 April 2006.

(\*\*) SD: to be covered by a separate directive.'

3. In Annex III, Part I.A, item 3.6.1, the words 'OECD Code 1 or 2' are replaced by 'OECD Code 2'.

---

*ANNEX II*

Annexes I and II to Directive 86/298/EEC are amended as follows:

1. In Annex I, point 1 is replaced by the following:

'1. The definitions and requirements of point 1 of Code 7 of OECD Decision C(2005) 1 of 29 March 2005, with the exception of point 1.1, shall apply.'

2. Annex II is replaced by the following text:

'ANNEX II

**Technical requirements**

The technical requirements for the EC type-approval of rear-mounted roll-over protection structures of narrow-track wheeled agricultural or forestry tractors shall be those set out in point 3 of Code 7 of the OECD Decision C(2005) 1 of 29 March 2005, with the exception of points 3.1.4 (Test reports), 3.4 (Minor modifications), 3.5 (Labelling) and 3.6 (Seat belt anchorage performance).'

---

*ANNEX III*

Annexes I and II to Directive 87/402/EEC are amended as follows:

1. In Annex I, point 1 is replaced by the following:

'The definitions and requirements of point 1 of Code 6 of OECD Decision C(2005) 1 of 29 March 2005, with the exception of point 1.1, shall apply.'

2. Annex II is replaced by the following text:

'ANNEX II

**Technical requirements**

The technical requirements for the EC type-approval of roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural or forestry tractors shall be those set out in point 3 of Code 6 of OECD Decision C(2005) 1 of 29 March 2005, with the exception of points 3.2.4 (Test reports), 3.5 (Minor modifications), 3.6 (Labelling) and 3.7 (Seat belt anchorage performance).'

---

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 17 October 2005

**amending Decision 2005/464/EC on the implementation of survey programmes for avian influenza in poultry and wild birds to be carried out in the Member States**

(notified under document number C(2005) 3960)

(2005/726/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>(1)</sup> and in particular Article 20 thereof,

Whereas:

- (1) Decision 90/424/EEC provides for a Community financial contribution for the undertaking of technical and scientific measures necessary for the development of Community veterinary legislation and for veterinary education and training.
- (2) The Scientific Committee on Animal Health and Animal Welfare, in a report of 27 June 2000, recommended that surveys be carried out on poultry flocks and wild birds for avian influenza, in particular to determine the prevalence of infections with avian influenza virus subtypes H5 and H7.
- (3) Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian

influenza <sup>(2)</sup>, defines Community control measures to be applied in the event of an outbreak of avian influenza in poultry. However, it does not provide for regular surveys of that disease in poultry and wild birds.

- (4) Commission Decision 2005/464/EC of 21 June 2005 on the implementation of survey programmes for avian influenza in poultry and wild birds to be carried out in the Member States <sup>(3)</sup> provides for the implementation in 2005 of surveys for avian influenza in poultry and wild birds in the Member States, subject to the survey plans being approved by the Commission. Such surveys should investigate the presence of infections in poultry, which could lead to a review of current legislation and contribute to the knowledge of the possible threats for animals and humans from wildlife. That Decision provides that, by 30 June 2005, Member States are to submit to the Commission for approval programmes for the implementation of those surveys in accordance with the guidelines set out in the Annex thereto.
- (5) Member States submitted those programmes by 30 June 2005. However, following the recent evolution of the avian influenza situation in Asia, and in particular as regards surveillance in migratory birds, an expert group meeting convened on 25 August 2005 and 6 September 2005 concluded that, taking into account the existing knowledge on the migratory routes of the species of birds proceeding from central and western Asia it is appropriate to improve surveillance in wild birds and intensify the surveillance programmes already planned for 2005/2006, by increasing sampling on migratory waterfowl along the flyways that could pose a risk for disease introduction.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 19. Decision as last amended by Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31).

<sup>(2)</sup> OJ L 167, 22.6.1992, p. 1. Directive as last amended by the 2003 Act of Accession.

<sup>(3)</sup> OJ L 164, 24.6.2005, p. 52.

- (6) In accordance with those conclusions, Member States have modified their programmes and have communicated those amendments to the Commission for approval. In order to allow those amended programmes to be approved and the Community's financial contribution to be decided in due time, the deadline for the submission of the programmes, the list of tests to be financed and the conditions set out in the Annex to Decision 2005/464/EC should be amended.
- (7) Decision 2005/464/EC should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee of the Food Chain and Animal Health,
1. in Article 1, '30 June 2005' is replaced by '13 September 2005';
  2. in Article 3, the following point (e) is added:  

'(e) PCR test: EUR 10 per test.;
  3. part D in the Annex is replaced by part D in the Annex to this Decision.
  4. part F is added to the Annex.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 17 October 2005.

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2005/464/EC is amended as follows:

*For the Commission*  
Markos KYPRIANOU  
*Member of the Commission*



## ANNEX

The Annex to Decision 2005/464/EC is amended as follows:

1. part D is replaced by the following:

D. SURVEY FOR AVIAN INFLUENZA IN WILD BIRDS

In those Member States where surveillance will also involve wild birds the following guidelines shall be followed.

D.1. *Survey design and implementation*

1. Liaisons with bird conservation/watching institutions and ringing stations will be necessary. Sampling where appropriate shall be carried out by staff from these groups/stations or by hunters.

2. Active surveillance on living or hunted birds shall be targeted on:

(a) the population of wild bird species presenting a higher risk to be identified, based upon:

- (i) origin and migratory flyways;
- (ii) numbers of wild birds in the Community; and
- (iii) likelihood of contact with domestic poultry;

(b) identify sites at risk, based upon:

- (i) mixing sites of high number of migratory birds involving different species and in particular those listed in part F;
- (ii) proximity to domestic poultry farms; and
- (iii) location along migratory flyways.

Sampling must take account of the seasonality of migration patterns, which may vary in different Member States and the species of birds listed in Annex F.

3. Passive surveillance on wild birds found dead shall primarily target the occurrence of abnormal mortality or significant disease outbreaks in:

- (a) wild birds species listed in part F and other wild birds living in contact with them; and
- (b) at sites as referred to in point 2(b)(i).

The occurrence of mortality in several species at the same site shall be an additional factor to be considered.

D.2. *Sampling procedures*

1. Cloacal swabs for virological examination shall be taken. In addition to "first year" birds in autumn, host species with high susceptibility and increased contact with poultry (such as Mallard ducks) may offer the highest chance of success.

2. In addition to cloacal swabs or faeces, tissues, (namely the brain, heart, lung, kidney and intestines from wild birds found dead or shot shall also be sampled for virus isolation and molecular detection (PCR). Molecular techniques shall only be carried out in laboratories able to guarantee quality assurance and using methods recognised by the CRL for avian influenza.
3. Samples shall be taken from different species of free living birds. Waterfowl and shorebirds shall be the main sampling targets.
4. Swabs containing faeces, or carefully collected fresh faeces shall be taken from wild birds trapped, hunted and found freshly dead.
5. Pooling of up to five samples from the same species collected at the same site and same time may be permitted. Specific care has to be taken for the storage and transport of samples. If rapid transport within 48 hours to the laboratory (in transport medium at 4 °Celsius) is not guaranteed, samples shall be stored and then transported in dry ice at -70 °Celsius.

2. the following part F is added:

F. LIST OF WILD BIRD SPECIES PRESENTING HIGHER RISK IN RELATION TO AVIAN INFLUENZA (\*)

	Latin name	English language name
1.	<i>Anser albifrons</i>	White-fronted goose
2.	<i>Anser fabalis</i>	Bean goose
3.	<i>Anas platyrhynchos</i>	Mallard
4.	<i>Anas strepera</i>	Gadwal
5.	<i>Anas acuta</i>	Northern Pintail
6.	<i>Anas clypeata</i>	Northern Shoveler
7.	<i>Anas Penelope</i>	Eurasian Wigeon
8.	<i>Anas crecca</i>	Common Teal
9.	<i>Anas querquedula</i>	Garganey
10.	<i>Aythya ferina</i>	Common Pochard
11.	<i>Aythya fuligula</i>	Tufted duck
12.	<i>Vanellus vanellus</i>	Northern Lapwing
13.	<i>Philomachus pugnax</i>	Ruff
14.	<i>Larus ribibundus</i>	Black-headed gull
15.	<i>Larus canus</i>	Common gull

(\*) All naturally occurring wild birds species in the Community, including the the species listed in the table in this part, are covered by the protection regime of Directive 79/409/EEC on the conservation of wild birds and therefore full regard shall be taken of the requirements of this Directive in any surveillance for avian influenza.'

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

## COUNCIL DECISION 2005/727/JHA

of 12 October 2005

**fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2005/211/JHA of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism <sup>(1)</sup>, and in particular to Article 2(4) thereof,

Whereas:

(1) Decision 2005/211/JHA specifies that the provisions of Article 1 of that Decision shall apply from a date fixed by the Council, as soon as the necessary preconditions have been fulfilled, and that the Council may decide to fix different dates for the application of different provisions. Those preconditions have been fulfilled in respect of Article 1(10) of Decision 2005/211/JHA.

(2) It is appropriate for Article 1(6) of Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism <sup>(2)</sup>, which is identical to Article 1(10) of Decision 2005/211/JHA, to apply from the same date.

(3) A separate Council Decision provides for the entry into force of Article 1(6) of Regulation (EC) No 871/2004.

(4) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis <sup>(3)</sup>, which falls in the area referred to in Article 1, point G of Decision 1999/437/EC <sup>(4)</sup> read in conjunction with Article 4(1) of Council Decisions 2004/849/EC <sup>(5)</sup> and 2004/860/EC <sup>(6)</sup> on the signing on behalf of the European Union, and on the signing on behalf of the European Community, and on the provisional application of certain provisions of that Agreement,

HAS DECIDED AS FOLLOWS:

### Article 1

Article 1(10) of Decision 2005/211/JHA shall apply from 1 January 2006.

### Article 2

This Decision shall take effect on the date of its adoption. It shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 12 October 2005.

For the Council

The President

C. CLARKE

<sup>(1)</sup> OJ L 68, 15.3.2005, p. 44.

<sup>(2)</sup> OJ L 162, 30.4.2004, p. 29.

<sup>(3)</sup> Council document 13054/04 accessible on <http://register.consilium.eu.int>

<sup>(4)</sup> OJ L 176, 10.7.1999, p. 31.

<sup>(5)</sup> OJ L 368, 15.12.2004, p. 26.

<sup>(6)</sup> OJ L 370, 17.12.2004, p. 78.

**COUNCIL DECISION 2005/728/JHA****of 12 October 2005****fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism <sup>(1)</sup>, and in particular to Article 2(2) thereof,

Whereas:

- (1) Regulation (EC) No 871/2004 specifies that the provisions of Article 1 of that Regulation shall apply from a date fixed by the Council, as soon as the necessary preconditions have been fulfilled, and that the Council may decide to fix different dates for the application of different provisions. Those preconditions have been fulfilled in respect of Article 1(6) of Regulation (EC) No 871/2004.
- (2) It is appropriate for Article 1(10) of Council Decision 2005/211/JHA of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism <sup>(2)</sup>, which is identical to Article 1(6) of Regulation (EC) No 871/2004, to apply from the same date.
- (3) A separate Council Decision provides for the entry into force of Article 1(10) of Decision 2005/211/JHA.
- (4) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement signed between the European Union, the European Community and the

Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis <sup>(3)</sup>, which falls in the area referred to in Article 1, point G of Decision 1999/437/EC <sup>(4)</sup> read in conjunction with Article 4(1) of Council Decisions 2004/849/EC <sup>(5)</sup> and 2004/860/EC <sup>(6)</sup> of 25 October 2004 on the signing on behalf of the European Union, and on the signing on behalf of the European Community, and on the provisional application of certain provisions of that Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

Article 1(6) of Regulation (EC) No 871/2004 shall apply from 1 January 2006.

*Article 2*

This Decision shall take effect on the date of its adoption. It shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 12 October 2005.

For the Council  
The President  
C. CLARKE

<sup>(1)</sup> OJ L 162, 30.4.2004, p. 29.

<sup>(2)</sup> OJ L 68, 15.3.2005, p. 44.

<sup>(3)</sup> Council document 13054/04 accessible on <http://register.consilium.eu.int>

<sup>(4)</sup> OJ L 176, 10.7.1999, p. 31.

<sup>(5)</sup> OJ L 368, 15.12.2004, p. 26.

<sup>(6)</sup> OJ L 370, 17.12.2004, p. 78.