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Legislation

Contents	I	<i>Acts whose publication is obligatory</i>	
	★	Council Regulation (EC) No 1964/2005 of 29 November 2005 on the tariff rates for bananas	1
		Commission Regulation (EC) No 1965/2005 of 1 December 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables	3
	★	Commission Regulation (EC) No 1966/2005 of 1 December 2005 amending Regulation (EEC) No 2061/89 concerning the classification of certain goods in the Combined Nomenclature ...	5
	★	Commission Regulation (EC) No 1967/2005 of 1 December 2005 concerning the classification of certain goods in the Combined Nomenclature	7
		Commission Regulation (EC) No 1968/2005 of 1 December 2005 fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 1809/2005	10
		Commission Regulation (EC) No 1969/2005 of 1 December 2005 concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1058/2005	11
		Commission Regulation (EC) No 1970/2005 of 1 December 2005 fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1438/2005.....	12
		Commission Regulation (EC) No 1971/2005 of 1 December 2005 fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1059/2005	13

(Continued overleaf)

1

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission

2005/853/EC:

- ★ **Commission Decision of 30 November 2005 authorising France to prohibit the marketing to the end user, with a view to seeding or planting in certain regions of France, of reproductive material of *Pinus pinaster* Ait. of Iberian Peninsula origin, which is unsuitable for use in such territories under Council Directive 1999/105/EC (notified under document number C(2005) 4534)** 14

2005/854/EC:

- ★ **Commission Decision of 30 November 2005 amending Appendix B to Annex XII to the 2003 Act of Accession as regards certain establishments in the meat, milk and fish sectors in Poland (notified under document number C(2005) 4595) ⁽¹⁾** 17

2005/855/EC:

- ★ **Commission Decision of 30 November 2005 amending Decision 2005/734/EC laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by Influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk (notified under document number C(2005) 4687) ⁽¹⁾** 21

Corrigenda

- ★ **Corrigendum to Commission Decision 2005/629/EC of 26 August 2005 establishing a Scientific, Technical and Economic Committee for Fisheries (OJ L 225, 31.8.2005)** 23



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1964/2005
of 29 November 2005
on the tariff rates for bananas**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾ provides for the entry into force of a tariff only regime for imports of bananas no later than 1 January 2006.
- (2) On 12 July 2004, the Council authorised the Commission to open negotiations under Article XXVIII of the GATT 1994 with a view to modifying certain concessions for bananas. Accordingly, the Community notified the WTO on 15 July 2004 of its intention to modify concessions on item 0803 00 19 (bananas) in EC Schedule CXL. Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and the Special Committee on Agriculture and within the framework of the negotiating directives issued by the Council.
- (3) The Commission has not been able to negotiate an acceptable agreement with Ecuador and Panama, having a principal supplying interest, and Colombia and Costa Rica, having a substantial supplier interest, in products of HS subheading 0803 00 19 (bananas). Pursuant to the Annex to the Decision of the WTO Ministerial Conference of 14 November 2001 on the European Communities — the ACP-EC Partnership Agreement, the Commission has also held consultations with other WTO Members. These consultations did not lead to an acceptable agreement.
- (4) On 31 January 2005 the Community notified the WTO of its intention to replace its concessions on item 0803 00 19 (bananas) with a bound duty of EUR 230/tonne.

- (5) The arbitration procedure set out in the Annex to the Decision was initiated on 30 March 2005. The Arbitrator's Award issued on 1 August 2005 concluded that the MFN tariff rate of EUR 230/tonne proposed by the Community was not consistent with the abovementioned Annex as it would not result in at least maintaining total market access for MFN suppliers. The Commission revised the Community proposal in light of the arbitrator's findings. In a second arbitration award, issued on 27 October 2005, the Arbitrator concluded that the revised proposal for an MFN tariff rate of EUR 187 tonne fails to rectify the matter. The Commission has therefore further modified its proposal in order to rectify the matter.
- (6) A tariff rate quota for bananas originating in ACP countries should also be opened in accordance with the Community commitments under the ACP-EC Partnership Agreement.
- (7) The measures necessary for the implementation of this Regulation, as well as transitional measures relating in particular to the management of the tariff rate quota for bananas originating in ACP countries, should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. As from 1 January 2006 the tariff rate for bananas (CN code 0803 00 19) shall be EUR 176/tonne.
2. Each year from 1 January, starting from 1 January 2006, an autonomous tariff quota of 775 000 tonnes net weight subject to a zero-duty rate shall be opened for imports of bananas (CN code 0803 00 19) originating in ACP countries.

⁽¹⁾ OJ L 47, 25.2.1993, p. 1. Regulation last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

Article 2

The measures necessary for the implementation of this Regulation, and transitional measures necessary to facilitate the switch-over from the existing arrangements to those laid down in this Regulation, shall be adopted in accordance with the procedure referred to in Article 3(2).

Article 3

1. The Commission shall be assisted by the Management Committee for Bananas established by Article 26 of Regulation (EEC) No 404/93 (hereinafter referred to as the Committee).

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

Article 4

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

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

Done at Brussels, 29 November 2005.

For the Council

The President

A. JOHNSON

COMMISSION REGULATION (EC) No 1965/2005**of 1 December 2005****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 December 2005.

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

Done at Brussels, 1 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 1 December 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	60,8
	204	33,2
	999	47,0
0707 00 05	052	103,8
	204	33,6
	220	147,3
	999	94,9
0709 90 70	052	116,3
	204	102,4
	999	109,4
0805 20 10	204	67,5
	624	79,3
	999	73,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	69,1
	624	107,8
	999	88,5
0805 50 10	052	66,9
	220	47,3
	999	57,1
0808 10 80	052	78,2
	388	68,7
	400	93,6
	404	89,9
	720	60,6
0808 20 50	999	78,2
	052	101,8
	400	92,7
	720	49,3
	999	81,3

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

COMMISSION REGULATION (EC) No 1966/2005**of 1 December 2005****amending Regulation (EEC) No 2061/89 concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.

(3) Commission Regulation (EEC) No 2061/89 of 7 July 1989 concerning the classification of certain goods in the Combined Nomenclature⁽²⁾ classified product 5 set out in the Annex as a food supplement without taking account of its specific therapeutic and prophylactic properties in the treatment of vitamin C deficiency. Consequently, it is necessary to amend the classification of this product which should be considered as a medicament.

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

HAS ADOPTED THIS REGULATION:

Article 1

The classification of product No 5 in the Annex to Regulation (EEC) No 2061/89 shall be replaced by that in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth 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, 1 December 2005.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1719/2005 (OJ L 286, 28.10.2005, p. 1).

⁽²⁾ OJ L 196, 12.7.1989, p. 5. Regulation as amended by Regulation (EC) No 936/1999 (OJ L 117, 5.5.1999, p. 9).

ANNEX

Description	Classification (CN Code)	Reasons
(1)	(2)	(3)
<p>5. Preparation in the form of tablets put up in packages for retail sale with instructions on dosage and composition, to counter deficiency in vitamin C.</p> <p>Each tablet weighing 750 mg contains:</p> <ul style="list-style-type: none"> — Ascorbic acid: 500 mg — Rose hip powder, cellulose, vegetable stearine, botanical oil solids, magnesium stearate, silicon dioxide and food glaze containing protein: 250 mg. 	3004 50 10	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the combined nomenclature, Additional Note 1 to Chapter 30 and by the wording of the CN codes 3004, 3004 50 and 3004 50 10.</p> <p>See also the Combined Nomenclature Explanatory Notes to Chapter 30 (General).</p> <p>As regards the recommended daily allowance (RDA) for vitamin C (60 mg), each tablet clearly contains a much higher amount of vitamin C (500 mg).</p> <p>All conditions of Additional Note 1 to Chapter 30 are therefore met and the product is to be classified as a medicament of Heading 3004.</p>

COMMISSION REGULATION (EC) No 1967/2005
of 1 December 2005
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on the twentieth day following 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, 1 December 2005.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1719/2005 (OJ L 286, 28.10.2005, p. 1).

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

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>1. Product consisting of a clear, slightly foaming liquid of yellow to amber colour. It has an alcoholic strength of 5,9 % by volume.</p> <p>It is obtained from the fermentation of a wort of 15,3 degrees Plato. The fermented solution is submitted to clarification and filtration. To that solution 3,34 % sugar syrup, 0,14 % aromatic components (of which 75 % stem from Tequila), 0,11 % citric acid and 0,002 % ascorbic acid are added. The product has the smell and taste of beer.</p> <p>The product is intended for direct consumption. It is presented as beer in bottles containing 330 ml/0,33 l, which are labelled accordingly.</p>	2203 00 01	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 2203 00 and 2203 00 01.</p> <p>The product is a beverage and can be considered as a beer made from malt of heading 2203. The product cannot be excluded from position 2203 as the alcohol added via the aromatic components results in only 0,04 % alcohol by volume. Consequently, the product cannot be classified in heading 2208.</p> <p>The Harmonized System Explanatory Note to heading 2203 indicates that sugar, colouring matter, carbon dioxide and other substances may be added. Consequently, beer of heading 2203 can, <i>inter alia</i>, be aromatised.</p>
<p>2. Medical grade plastic seamless flexible tubing, constructed from frosted Poly (vinyl chloride) (PVC) with a wall thickness of approximately 0,6 mm and an external diameter of 5,7 mm. It has a minimum bursting pressure of 27,6 MPa and is imported on rolls of approximately 1 200 m in length.</p> <p>The product is of a kind generally used for conveying, conducting or distributing gases or liquids.</p> <p>Although the tube, when cut to the appropriate length, can be used as a part for medical equipment, including that for anaesthesia, critical care systems, catheters and arterial systems, it has no specific use as a part of medical equipment.</p>	3917 31 90	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 8 to Chapter 39 and by the wording of CN codes 3917, 3917 31 and 3917 31 90.</p> <p>As the product can be used other than for a specific medical use, with goods of Chapter 90, it cannot be considered as an instrument or appliance for medical science of heading 9018.</p> <p>The classification is based on the form and the constituent material of the product. By virtue of Note 8 to Chapter 39, it is classifiable under heading 3917.</p>
<p>3. Heat-shrinkable plastic tube of Poly (vinylidene fluoride) (PVDF), seamless, not reinforced, with a burst pressure of less than 27,6 MPa, approximately 25 mm in length and 9 mm in diameter.</p> <p>When heat is applied they shrink to fit perfectly around any object that has been inserted into them.</p> <p>The product is generally used to protect electrical wires.</p>	3917 32 39	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 8 to Chapter 39 and by the description of the CN codes 3917, 3917 32 and 3917 32 39.</p> <p>The classification is based on the constituent material of the product.</p> <p>These tubes can not be considered insulators of heading 8546. In accordance with the HS explanatory notes to heading 8546, insulators are devices which are used for the fixing, supporting or guiding of electric current conductors while at the same time insulating them electrically from each other and from earth. These tubes cannot be considered as insulating tubes of heading 8547.</p> <p>In accordance with the HS explanatory notes to heading 8547 (B), tubing wholly of insulating material (e.g., rubber, plastics, braided textile yarns or glass fibre yarns) without a metallic exterior are excluded and classified according to the constituent material.</p>

(1)	(2)	(3)
<p>4. Green coloured crushed avocado pulp (guacamole), with the following composition (% by weight):</p> <p>avocado 90,5</p> <p>other ingredients (e.g. salt, spices, citric acid, antioxidant, stabiliser, preservative) less than 1</p> <p>the content of various sugars according to Additional Note 2 (a) to Chapter 20 9,6</p> <p>The product is put up in packing of a net content not exceeding 1 kg.</p>	2008 99 67	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Additional Notes 2(a) and 3 to Chapter 20 and by the wording of CN codes 2008, 2008 99 and 2008 99 67.</p> <p>The preparation cannot be considered as a sauce or a mixed condiment of heading 2103 (see HSEN to heading 2103) as it does not contain significant quantities of seasoning ingredients.</p> <p>Being prepared beyond what is provided for in Chapter 8, the preparation is classifiable under heading 2008.</p> <p>The product is considered as 'containing added sugar' according to Additional Note 3 to Chapter 20.</p>

COMMISSION REGULATION (EC) No 1968/2005**of 1 December 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 1809/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 1809/2005⁽²⁾.
- (2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95⁽³⁾, the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

(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

For tenders notified from 25 November to 1st December 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1809/2005, the maximum reduction in the duty on maize imported shall be 22,95 EUR/t and be valid for a total maximum quantity of 47 800 t.

Article 2

This Regulation shall enter into force on 2 December 2005.

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

Done at Brussels, 1 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ 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).

⁽²⁾ OJ L 291, 5.11.2005, p. 4.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 2235/2005 (OJ L 256, 10.10.2005, p. 13).

COMMISSION REGULATION (EC) No 1969/2005**of 1 December 2005****concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1058/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1058/2005 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of 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 ⁽³⁾, and in particular Article 13(3) thereof,

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (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

No action shall be taken on the tenders notified from 25 November to 1st December 2005 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1058/2005.

Article 2

This Regulation shall enter into force on 2 December 2005.

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

Done at Brussels, 1 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ 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).

⁽²⁾ OJ L 174, 7.7.2005, p. 12.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1970/2005**of 1 December 2005****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1438/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of 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⁽²⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1438/2005 of 2 September 2005 on a special intervention measure for oats in Finland and Sweden for the 2005/2006 marketing year⁽³⁾,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries with the

exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1438/2005.

- (2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should be fixed.
- (3) 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 tenders notified from 25 November to 1st December 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1438/2005, the maximum refund on exportation of oats shall be 12,50 EUR/t.

Article 2

This Regulation shall enter into force on 2 December 2005.

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

Done at Brussels, 1 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ 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).

⁽²⁾ 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).

⁽³⁾ OJ L 228, 3.9.2005, p. 5.

COMMISSION REGULATION (EC) No 1971/2005**of 1 December 2005****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1059/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 1059/2005 ⁽²⁾.

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of 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 ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

(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

For tenders notified from 25 November to 1st December 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1059/2005, the maximum refund on exportation of common wheat shall be 5,00 EUR/t.

Article 2

This Regulation shall enter into force on 2 December 2005.

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

Done at Brussels, 1 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ 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).

⁽²⁾ OJ L 174, 7.7.2005, p. 15.

⁽³⁾ 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).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 November 2005

authorising France to prohibit the marketing to the end user, with a view to seeding or planting in certain regions of France, of reproductive material of *Pinus pinaster* Ait. of Iberian Peninsula origin, which is unsuitable for use in such territories under Council Directive 1999/105/EC

(notified under document number C(2005) 4534)

(Only the French text is authentic)

(2005/853/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material ⁽¹⁾, and in particular Article 17(2) thereof,

Whereas:

(1) France requested to be authorised to prohibit the marketing of reproductive material of *Pinus pinaster* Ait. of Iberian Peninsula origin (Spain and Portugal) to the end user with a view to seeding or planting in all administrative regions of France with the exception of Provence-Alpes-Côte-d'Azur, Languedoc-Roussillon and Corsica.

(2) France supported the request providing all the information listed under Article 17(2)(a) and (b) of the Directive 1999/105/EC as specified by Commission Regulation (EC) No 1602/2002 of 9 September 2002

laying down detailed rules for the application of Council Directive 1999/105/EC as regards the authorisation of a Member State to prohibit the marketing of specified forest reproductive material to the end user ⁽²⁾.

(3) France provided evidence from commercial forestry that trees of *Pinus pinaster* Ait. from seed originating from certain regions of the Iberian Peninsula and which were grown in French regions with the exception of the regions mentioned above, were not adapted to the low temperatures experienced in these regions. The evidence was the catastrophic effects of the heavy frosts on the survival of trees of these origins, in particular, in the years 1956, 1963 and 1985. A comparison of the climatic conditions of each individual region of provenance in the Iberian Peninsula with those in the regions of France except for Provence-Alpes-Côte-d'Azur, Languedoc-Roussillon and Corsica was properly carried out. The regions of provenance were as defined according to Article 2(g) of Directive 1999/105/EC, drawn up, published and sent to the Commission and the other Member States pursuant to Article 9 of Directive 1999/105/EC.

(4) France should be authorised to prohibit the marketing of that forest reproductive material to the end user.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

⁽¹⁾ OJ L 11, 15.1.2000, p. 17. Directive as amended by the 2003 Act of Accession.

⁽²⁾ OJ L 242, 10.9.2002, p. 18.

HAS ADOPTED THIS DECISION:

Article 1

France is authorised to prohibit the marketing of reproductive material of *Pinus pinaster* Ait. originating from the regions listed in the Annex, to the end user with a view to seeding or planting in all administrative regions of France with the exception of Provence-Alpes-Côte-d'Azur, Languedoc-Roussillon and Corsica.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 30 November 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Regions of provenance in the Iberian Peninsula for *Pinus pinaster* Ait.

(a) Spain:

Reference of the region of provenance in the official Spanish list of approved basic material published by Spain in accordance with Article 9 of Directive 1999/105/EC	Name of the region of provenance
1a	Noroeste-litoral
1b	Noroeste-interior
5	Bajo Tietar
15	Sierra de Espadan
16	Levante
18	Moratalla
19	Sierra Almjara-Nevada
20	Sierra Bermeja
A	Benicasim
C	Litoral Catalan
D	La Safor
E	Fuencaliente
F	Sierra de Oria
G	Serrania de Ronda

(b) Portugal:

— the entire territory.

COMMISSION DECISION

of 30 November 2005

amending Appendix B to Annex XII to the 2003 Act of Accession as regards certain establishments in the meat, milk and fish sectors in Poland*(notified under document number C(2005) 4595)***(Text with EEA relevance)**

(2005/854/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia ⁽¹⁾, and in particular Annex XII, Chapter 6, Section B, Subsection I(1), paragraph (e) thereto,

Whereas:

- (1) Poland has been granted transitional periods for certain establishments listed in Appendix B to Annex XII to the 2003 Act of Accession.
- (2) Appendix B to Annex XII to the 2003 Act of Accession has been amended by Commission Decisions 2004/458/EC ⁽²⁾, 2004/471/EC ⁽³⁾, 2004/474/EC ⁽⁴⁾, 2005/271/EC ⁽⁵⁾ and 2005/591/EC ⁽⁶⁾.
- (3) According to an official declaration from the Polish competent authority certain establishments in the meat, milk and fish sectors have completed their upgrading process and are now in full compliance with Community legislation. Those establishments should therefore be deleted from the list of establishments in transition.
- (4) Two meat establishments have resigned from upgrading process and applied for reclassification from high capacity to low capacity establishment. According to an official declaration from the Polish competent authority

these establishments are in full compliance with Community requirements regarding low capacity establishments. Two fish establishments have ceased their activities. Those establishments should therefore also be deleted from the list of establishments in transition.

- (5) Appendix B to Annex XII to the 2003 Act of Accession should therefore be amended accordingly.
- (6) The Standing Committee on the Food Chain and Animal Health has been informed of the measures provided for in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The establishments listed in the Annex to this Decision are deleted from Appendix B to Annex XII to the 2003 Act of Accession.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 236, 23.9.2003, p. 33.

⁽²⁾ OJ L 156, 30.4.2004, p. 53; corrected version in OJ L 202, 7.6.2004, p. 39.

⁽³⁾ OJ L 160, 30.4.2004, p. 56; corrected version in OJ L 212, 12.6.2004, p. 31.

⁽⁴⁾ OJ L 160, 30.4.2004, p. 73; corrected version in OJ L 212, 12.6.2004, p. 44.

⁽⁵⁾ OJ L 86, 5.4.2005, p. 13.

⁽⁶⁾ OJ L 200, 30.7.2005, p. 96.

ANNEX

List of establishments to be deleted from Appendix B to Annex XII to the 2003 Act of Accession

MEAT ESTABLISHMENTS

Initial list

No	Veterinary No	Name of the establishment
151	24020313	Przetwórstwo Mięсно-Wędliniarskie 'Musiał Bestwinka'
227	30220202	Zakład Rzeźniczo Wędliniarski Tadeusz Szczepaniak

Supplementary list

No	Veterinary No	Name of the establishment
2	02190117	Rolmeks, Spółka z o.o. ul. Kwiatowa 19, 58-130 Żarów, Buków
6	04050204	P.P.H.U. Irex, Irena Jasinska
10	06040201	Masarnia z Ubojnią Stanisław Kurantowicz
11	06050201	Zakład Przetwórstwa Mięsa 'MATTHIAS' Sp. z o.o.
13	06180201	Zakład Przetwórstwa Mięsnego sp. j. P. Zubrzycki, J. Zieliński
16	10030202	Zakład Wędliniarski i Ubojnia Grzegorz Kępa
19	10080209	P.P.H. 'Jamir' Skup, Ubój, Przetwórstwo Mięsa
20	10090302	Sp. j. LIWA Pajęczno
21	10120204	Ubojnia Zwierząt Rzeźnych Zofia Polcyn, Hucisko
25	10180302	Zakłady Mięsne Makro Walichnowy sp. z o.o.
40	12100113	Handel Zwierzętami Rzeźnymi i Ubój 'Antocel', Antoni Słaby
45	12133807	'Lepro.Pol' Sp. j. Ubój Zwierząt Rzeźnych, Hurtowa Sprzedaż Mięsa
58	16610301	Zakład Przetwórstwa Mięsnego Matejka Joachim
63	18110208	ZPM 'Kabanos', Sp. z o.o.
65	18160206	ZM 'Smak.Eko' sp. z o.o.
76	24150201	Zakład Rzeźniczo – Wędliniarski B. M. Janeta sp. j.
77	24690317	'Selgros' Sp. z o.o. Dział Produkcji Mięsa
98	30240204	Rolniczy Kombinat Spółdzielczy im. Ludowego Lotnictwa Polskiego w Wilczynie
99	32120201	Z.P.M. Eugeniusz Kowalczyk
101	06180201	Zakład Przetwórstwa Mięsnego Sp. J., Piotr Zubrzycki, Janusz Zieliński, w Kolonii Łaszczówka 49; 22-600 Tomaszów Lubelski
102	06040201	Masarnia z Ubojnią, Stanisław Kurantowicz, ul. Ceglana 25, 22-500 Hrubieszów

No	Veterinary No	Name of the establishment
104	06050201	ZPM 'MATTHIAS' Sp. z o.o. Kolonia Zamek 48, 23-310 Modliborzyce
124	12090225	Zakład Uboju i Przetwórstwa Mięsnego 'WĘDZONKA' Józef Górka, 32-400 Myślenice, ul. Słowackiego 100
131	18040202	Zakład Przetwórstwa Mięsnego 'SZAREK', 37-500 Jarosław, ul. Widna Góra 74A
152	24150101	P.P.H-U Rzeźnictwo – Wędliniarstwo, Handel i Gastronomia, Tadeusz Kaczyna Zakład nr 1, 44-373 Wodzisław – Zawada, ul. Szybowa 1
154	24150103	PPH 'ROMA' Romana Leks-Krzanowska 44-361 Syrynia, ul. 3 Maja 74
167	2040306	Masarnia i Ubojnia, Bernard Uchman, 72-132 Mosty 52E
168	2040202	ZPM Grupa 'Farmer', Ignacy Zaniewski, 72-200 Nowogard

POULTRY MEAT

Initial list

No	Veterinary No	Name of the establishment
44	30050503	'IKO' Kompania Drobiarska, Zakład Drobiarski Sp. z o.o

Supplementary list

No	Veterinary No	Name of the establishment
170	4010501	Zakład Przemysłu Mięsnego 'Dróbalex' s.c. w Rudnikach
174	6064301	Ubojnia i Handel Drobiem 'Ko-Ko' Sp. j. w Świerczowie
178	24690401	Firma Produkcyjno – Handlowa Hydro sp. z o.o. w Katowicach
190	24700401	PPH 'Szendera' S. Szendera 41-408 Mysłówice, ul. Morgowska 5b
196	30240501	Zakład Drobiarski ROWEX sp z o.o. Ostroróg
198	1661102	Chłodnia Olsztyn Sp. z o.o. Oddział Opole

MILK SECTOR

Initial list

No	Veterinary No	Name of the establishment
36	12081602	Oddz. Produkcyjny w Miechowie, ul. B. Prusa 5, 32-200 Miechów, OSM Miechów
71	24141602	OSM Bieruń

Supplementary list

No	Veterinary No	Name of the establishment
3	6081601	Okręgowa Spółdzielnia Mleczarska w Lubartowie
5	06641601	Zamojska Spółdzielnia Mleczarska; Zamość
8	12101602	Zakład Produkcji Mleczarskiej Z.J.J.Dominik Sp. j.
11	4031601	Okręgowa Spółdzielnia Mleczarska w Garwolinie
12	14091601	'Mleko' spółka z o.o. w Lipsku
16	8621604	'Olmlek' Sp. z o.o., Olsztyn
19	32091601	Spółdzielnia Mleczarska 'Mlekosz' w Koszalinie Serownia w Bobolicach
20	32611601	Spółdzielnia Mleczarska 'Mlekosz' Zakład Mleczarski w Koszalinie
21	04041602	Spółdzielnia Mleczarska w Lisewie, 86-230 Lisewo, ul. Chełmińska 48
22	04141602	Spółdzielnia Mleczarska ul. Podgórna 11, 86-140 Drzycim
23	10081603	Łódzka Spółdzielnia Mleczarska Oddział Produkcyjny Puczniew
31	32011601	Okręgowa Spółdzielnia Mleczarska, 78-200 Białogard, ul. Chocimska 2

FISH SECTOR

Initial list

No	Veterinary No	Name of the establishment
14	22111813	PPH 'Pikling' s.c. E. Kosecki & K. Strachanowski
21	24041802	PPHU 'Hur-Pol'

Supplementary list

No	Veterinary No	Name of the establishment
5	24091801	'SONA', Sp. z o.o.
21	32151801	'Rybpol' Spółka Jawna, 78-422 Gwda Wielka, Strażacko
22	06621801	Przedsiębiorstwo Produkcyjno – Handlowe 'AMIKA' Zakład Przetwórstwa Rybnego, 22-100 Chełm, ul. Rejowiecka 169
23	24141801	'ADMIRAL' Sp. z o.o. 43-143 Łędziny, ul. Pokoju 20
24	24141802	BIG _ FISH' Sp. z o.o. Zakład Produkcyjny, 43-143 Łędziny, ul. Pokoju 5

COMMISSION DECISION

of 30 November 2005

amending Decision 2005/734/EC laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by Influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk

(notified under document number C(2005) 4687)

(Text with EEA relevance)

(2005/855/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 10(4) thereof,

Whereas:

(1) To monitor the situation in the Member States, the Commission adopted Decision 2005/732/EC of 17 October 2005 approving the programmes for the implementation of Member States' surveys for avian influenza in poultry and wild birds during 2005 and laying down reporting and eligibility rules for the Community financial contribution to the implementation costs of those programmes ⁽²⁾.

(2) In order to reduce the risk of highly pathogenic avian influenza caused by Influenza A virus of subtype H5N1 being introduced into poultry farms and other premises where birds are kept in captivity via wild birds, Commission Decision 2005/734/EC of 19 October 2005 laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by Influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk ⁽³⁾ was adopted.

(3) Pursuant to that Decision, Member States are to identify individual holdings keeping poultry or other captive birds which, according to epidemiological and ornithological data, should be considered particularly at risk from the avian influenza A virus of subtype H5N1 spreading via wild birds.

(4) In the light of the epidemiological and ornithological developments, provision should be made to review such risks on a regular and ongoing basis with a view to adjusting the areas identified as particularly at risk.

(5) Clarification is necessary with regard to the epidemiological role of birds participating in point-to-point races within the framework of cultural events.

(6) In addition, provision should be made for the period of application of the measures provided for in Decision 2005/734/EC to be extended in the light of the epidemiological and ornithological developments.

(7) Decision 2005/734/EC should therefore be amended accordingly.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/734/EC is amended as follows:

1. in Article 1, the following paragraph 4 is added:

'4. Member States shall regularly review the measures they have taken pursuant to paragraph 1 and in the light of the surveys they have carried out in accordance with Decision 2005/732/EC in order to adjust to the changing epidemiological and ornithological situation the areas of their territory that they have identified as being particularly at risk from the introduction of avian influenza.'

⁽¹⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽²⁾ OJ L 274, 20.10.2005, p. 95.

⁽³⁾ OJ L 274, 20.10.2005, p. 105. Decision as amended by Decision 2005/745/EC (OJ L 279, 22.10.2005, p. 79).

2. in Article 2a, paragraph 2 of is replaced by the following:

‘2. Member States shall ensure that the bringing-together of poultry and other birds at markets, shows, exhibitions and cultural events, including point-to-point races of birds, is prohibited.

However, the competent authority may authorise such gatherings of poultry and other captive birds, provided that the result of a risk assessment is favourable.’;

3. in Article 4, ‘1 December 2005’ is replaced by ‘31 May 2006’;

4. Annex I is amended in accordance with the Annex to this Decision.

Article 2

Member States shall immediately take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

In Annex I to Decision 2005/734/EC, the first indent of Part I is replaced by the following:

‘— Location of the holding along migratory flight paths of birds, in particular where the birds are coming from central and eastern Asia, the Caspian Sea and the Black Sea areas, the Middle East and Africa.’.

CORRIGENDA

Corrigendum to Commission Decision 2005/629/EC of 26 August 2005 establishing a Scientific, Technical and Economic Committee for Fisheries*(Official Journal of the European Union L 225 of 31 August 2005)*

Decision 2005/629/EC should read as follows:

‘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 ⁽¹⁾, 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 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 ⁽²⁾ 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.
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;

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.⁽²⁾ OJ L 297, 2.12.1993, p. 25.

- (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 organise 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.

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 ⁽¹⁾	300	0
Other attendee	250	250

⁽¹⁾ Only foreseen at STECF meetings.

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 ⁽¹⁾	Background reports ⁽²⁾ prior to STECF meetings and working groups
Rapporteur	300	300 ⁽³⁾

⁽¹⁾ Allowance to be paid for the completion of the opinion.

⁽²⁾ Summaries, inquiries and background information.

⁽³⁾ With a maximum of 15 days, the allowance should be paid based on the time-frame 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.