

Official Journal

of the European Union

L 327

Volume 48

14 December 2005

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2025/2005
of 13 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 14 December 2005.

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

Done at Brussels, 13 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 13 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	67,9
	204	49,7
	212	88,1
	999	68,6
0707 00 05	052	140,7
	204	59,8
	999	100,3
0709 90 70	052	144,7
	204	107,8
	999	126,3
0805 10 20	052	69,7
	204	70,8
	388	22,0
	508	13,2
	999	43,9
0805 20 10	052	73,9
	204	59,3
	999	66,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	76,4
	400	82,8
	624	88,2
	999	82,5
0805 50 10	052	49,5
	999	49,5
0808 10 80	400	109,6
	404	93,2
	720	71,7
	999	91,5
0808 20 50	052	104,1
	400	104,5
	404	53,1
	720	63,7
	999	81,4

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

COMMISSION REGULATION (EC) No 2026/2005

of 13 December 2005

opening tariff quotas for 2006 and the following years for the importation into the European Community of certain goods from Turkey resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, in particular Article 7(2) thereof,

Whereas:

- (1) Decision (EC) No 1/97 of the EC-Turkey Association Council of 29 April 1997 on the arrangements applicable to certain processed agricultural products ⁽²⁾ establishes, in order to encourage the development of trade in accordance with the objectives of the Customs Union, an annual quota in terms of value in respect of certain pasta products imported into the Community from Turkey. This quota should be opened for 2006 and the years thereafter. The admission to its benefit should be subject to the A.TR. movement certificate provided for in Decision No 1/2001 of the EC-Turkey Customs Cooperation Committee of 28 March 2001 amending Decision No 1/96 laying down detailed rules for the application of Decision No 1/95 of the EC-Turkey Association Council ⁽³⁾.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁴⁾, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quotas opened by this Regulation are to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

The annual Community tariff quotas for the importation of the goods from Turkey set out in the Annex are opened for the period from 1 January to 31 December 2006 and from 1 January to 31 December of the following years under the conditions set out in that Annex.

Admission to the benefit of those tariff quotas shall be subject to the presentation of an A.TR. movement certificate in accordance with Decision No 1/2001 of the EC-Turkey Customs Cooperation Committee.

Article 2

The Community tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 January 2006.

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

Done at Brussels, 13 December 2005.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 126, 17.5.1997, p. 26.

⁽³⁾ OJ L 98, 7.4.2001, p. 31.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

ANNEX

Order number	CN code	Description	Quota	Rate of duty applicable
09.0205	1902 11 00 1902 19	Uncooked pasta, not stuffed or otherwise prepared	EUR 2,5 million	EUR 10,67/100 kg net

COMMISSION REGULATION (EC) No 2027/2005

of 13 December 2005

opening for the year 2006 a tariff quota applicable to the importation into the European Community of certain goods originating in Iceland resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and, in particular, Article 7(2) thereof,

Having regard to Council Decision 1999/492/EC of 21 June 1999 concerning the conclusion of an Agreement in the form of an exchange of letters between the European Community, of the one part, and the Republic of Iceland, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Republic of Iceland ⁽²⁾, and, in particular Article 2 thereof,

Whereas:

- (1) The Agreement in the form of an exchange of letters between the European Community, of the one part, and the Republic of Iceland, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Republic of Iceland, approved by Decision 1999/492/EC, provides for an annual tariff quota for imports from Iceland of sugar confectionery products and chocolate and other food preparations containing cocoa. It is necessary to open that quota for 2006.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation

of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quota opened by this Regulation is to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 2006, the goods originating in Iceland and imported into the Community which are listed in the Annex shall be subject to the duties set out in that Annex within the limits of the annual quota indicated therein.

Article 2

The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 January 2006.

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

Done at Brussels, 13 December 2005.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 192, 24.7.1999, p. 47.

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

ANNEX

Order No	CN code	Description	Quota	Rate of duty applicable
09.0799	1704 90 10	Sugar confectionary (including white chocolate) not containing cocoa, falling within CN code 1704 90	} 500 tonnes }	} 50 % of the rate of duty for third countries (*) up to a maximum of 35,15 EUR/100 kg }
	1704 90 30			
	1704 90 51			
	1704 90 55			
	1704 90 61			
	1704 90 65			
	1704 90 71			
	1704 90 75			
	1704 90 81			
	1704 90 99			
	1806 32 10	Chocolate and other food preparations containing cocoa falling within CN codes 1806 32, 1806 90, 1905 31 and 1905 32		
	1806 32 90			
	1806 90 11			
	1806 90 19			
	1806 90 31			
	1806 90 39			
	1806 90 50			
	1806 90 60			
	1806 90 70			
	1806 90 90			
	1905 31 11			
	1905 31 19			
	1905 31 30			
	1905 31 91			
	1905 31 99			
	1905 32 11			
	1905 32 19			
1905 32 91				
1905 32 99				

(*) Rate of duty for third countries: rate consisting of the *ad valorem* duty plus, where appropriate, the agricultural component, limited to the maximum rate where provided for in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 2028/2005

of 13 December 2005

opening the tariff quota for the year 2006 for the importation into the European Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and in particular, Article 7(2) thereof,

Having regard to Council Decision 2004/859/EC of 25 October 2004 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾, and in particular Article 3 thereof,

Whereas:

(1) Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽³⁾, and Protocol 3 to the EEA Agreement ⁽⁴⁾, determine the trade arrangements for certain agricultural and processed agricultural products between the Contracting Parties.

(2) Protocol 3 to the EEA Agreement, as amended by Decision 138/2004 of the EEA Joint Committee ⁽⁵⁾, provides for a zero duty applying to certain waters containing added sugar or other sweetening matter or flavoured, classified under CN code 2202 10 00 and certain other non-alcoholic beverages containing sugar, classified under CN code ex 2202 90 10.

(3) The zero duty for the waters and other beverages in question has been temporarily suspended for Norway by the Agreement in the form of an Exchange of

Letters between the European Community and the Kingdom of Norway on Protocol 2 to the bilateral free trade Agreement between the European Economic Community and the Kingdom of Norway ⁽⁶⁾, hereinafter referred to as 'the Agreement', approved by Decision 2004/859/EC. According to point IV of the Agreed Minutes of the Agreement, duty free imports of goods of the CN codes 2202 10 00 and ex 2202 90 10 originating in Norway are to be permitted only within the limits of a duty free quota while a duty is to be paid for imports outside the quota allocation.

(4) It is necessary to open the tariff quota for the year 2006 for the soft drinks in question. According to statistics provided to the Commission, the annual quota for 2005 for the products in question opened by Commission Regulation (EC) No 2185/2004 ⁽⁷⁾ has been exhausted on 31 October 2005. Pursuant to Point IV of the Agreed Minutes of the Agreement the tariff quota for 2006 should therefore be increased by 10 %.

(5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁸⁾, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quota opened by this Regulation is to be managed in accordance with those rules.

(6) To ensure an appropriate management of the tariff quota in the interest of operators, the benefit of the exoneration of the duties within the quota should be made temporarily conditional upon the presentation to the Community customs authorities of a certificate issued by the Norwegian authorities.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed products not listed in Annex I,

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 370, 17.12.2004, p. 70.

⁽³⁾ OJ L 171, 27.6.1973, p. 1.

⁽⁴⁾ OJ L 22, 24.1.2002, p. 37.

⁽⁵⁾ OJ L 342, 18.11.2004, p. 30.

⁽⁶⁾ OJ L 370, 17.12.2004, p. 72.

⁽⁷⁾ OJ L 373, 21.12.2004, p. 10.

⁽⁸⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

HAS ADOPTED THIS REGULATION:

Article 1

1. For 1 January to 31 December 2006, the Community tariff quota set out in Annex I is opened for the goods originating in Norway which are listed in that Annex under the conditions specified therein.

2. The rules of origin mutually applicable to the goods set out in Annex I shall be as set out in Protocol 3 of the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway.

3. The benefit from the exoneration of the duties within the tariff quota set out in Annex I shall be made conditional upon the presentation to the Community customs authorities of the certificate the form of which is set out in Annex II, as issued to

the exporters by the Norwegian authorities in one of the Community languages.

4. For quantities imported above the quota volume or for which the certificate referred to in paragraph 3 has not been presented, a duty of 0,047 EUR/litre shall apply.

Article 2

The Community tariff quota referred to in Article 1(1) shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 January 2006.

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

Done at Brussels, 13 December 2005.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX I

Tariff Quota applicable upon import into the Community of goods originating in Norway

Order No	CN code	Product description	Annual Quota Volume for 2006	Rate of duty applicable within the limits of the quota	Rate of the duty applicable above the quota volume
09.0709	2202 10 00	— Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured	15,73 million litres	Exemption	0,047 EUR/litre
	ex 2202 90 10	other non-alcoholic beverages containing sugar (sucrose or invert sugar)			

ANNEX II

Certificate for the duty free admission to the Community of waters classified under CN code 2202 10 00 and ex 2202 90 10

1. Exporter (name, full address)		2. Serial No of issue	ORIGINAL	
3. Consignee (name, full address)		CERTIFICATE For the duty free admission to the Community of waters classified under CN code 2202 10 00 and ex: 2202 90 10		
4. Number and date of invoice	5. Country of origin NORWAY		6. Member State of destination	
IMPORTANT The original and, where appropriate, a copy of the certificate must be presented to the customs office in the Community at the time when the product is being put into free circulation.				
7. CN code (10 digits)				
8. Marks, numbers, number and kind of packages in the exported quantity			9. Volume (litres)	
10. IT IS HEREBY CERTIFIED that the particulars set out above are accurate and comply with the Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway				
<div style="text-align: right;"> Place: Oslo 2006 xx xx Year Month Day </div>				
11. Issuing agency Norwegian Agricultural Authority Postboks 8140 Dep. N-0033 Oslo, Norway		(Signature and stamp of issuing agency)		

COMMISSION REGULATION (EC) No 2029/2005

of 13 December 2005

opening tariff quotas for 2006 for imports into the European Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and in particular Article 7(2) thereof,

Having regard to Council Decision 2004/859/EC of 25 October 2004 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾, and in particular Article 2 thereof,

Whereas:

- (1) The Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway provides in point III for annual tariff quotas for imports of certain goods originating in Norway. It is necessary to open these quotas for 2006.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation

of Council Regulation (EEC) No 2913/92 establishing the Common Customs Code ⁽³⁾, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quotas opened by this Regulation are to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

The Community tariff quotas for the goods originating in Norway which are listed in Annex shall be opened for 1 January to 31 December 2006.

Article 2

The Community tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 January 2006.

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

Done at Brussels, 13 December 2005.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 370, 17.12.2004, p. 70.

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

ANNEX

Annual tariff quotas applicable upon import into the Community of goods originating in Norway

Order No	CN Code	Description	Annual Quota Volume from 1.1.2006	Rate of duty applicable within the limits of the quota
09.0765	1517 10 90	Margarine, excluding liquid margarine, containing, by weight, not more than 10 % of milk fats	2 470 tonnes	Free
09.0771	ex 2207 10 00 (TARIC Code 90)	Undenatured ethyl alcohol of an alcohol strength by volume of 80 % vol. or higher, other than that obtained from agricultural products listed in Annex I to the EEC Treaty	164 000 hectolitres	Free
09.0772	ex 2207 20 00 (TARIC Code 90)	Ethyl alcohol and other spirits, denatured, of any strength, other than that obtained from agricultural products listed in Annex I to the EEC Treaty	14 340 hectolitres	Free
09.0774	2403 10	Smoking tobacco, whether or not containing tobacco substitutes in any proportion	370 tonnes	Free

COMMISSION REGULATION (EC) No 2030/2005

of 13 December 2005

opening for the year 2006 a tariff quota applicable to the importation into the European Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and, in particular, Article 7(2) thereof,

Having regard to Council Decision 96/753/EC of 6 December 1996 concerning the conclusion of an Agreement in the form of an exchange of letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾, and, in particular, Article 2 thereof,

Whereas:

- (1) The Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway, approved by Decision 96/753/EC, provides for an annual tariff quota for imports originating in Norway of chocolate and other food preparations containing cocoa. It is necessary to open that quota for 2006.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation

of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quota opened by this Regulation is to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 2006, the goods originating in Norway and imported into the Community which are listed in the Annex shall be subject to the duties set out in that Annex within the limits of the annual quota indicated therein.

Article 2

The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 January 2006.

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

Done at Brussels, 13 December 2005.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Commission Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 345, 31.12.1996, p. 78.

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

ANNEX

Order No	CN code	Description	Quota	Rate of duty applicable
09.0764	ex 1806 1806 20 1806 31 1806 32 1806 90	Chocolate and other food preparations containing cocoa with the exception of cocoa powder containing added sugar or other sweetening matter falling within CN code 1806 10	5 500 tonnes	35,15 EUR/100 kg

COMMISSION REGULATION (EC) No 2031/2005**of 12 December 2005****establishing a prohibition of fishing for alfonosinos in ICES zone III, IV, V, VI, VII, VIII, IX, X, XII
(Community waters and international waters) by vessels flying the flag of Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Community,

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

Having regard to 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 26(4) thereof,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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

*Article 2***Prohibitions**

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

*Article 3***Entry into force**This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Whereas:

- (1) Council Regulation (EC) No 2270/2004 of 22 December 2004 fixing for 2005 and 2006 the fishing opportunities for Community fishing vessels for certain deep sea stocks in waters where catch limitation are required ⁽³⁾, lays down quotas for 2005 and 2006.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of

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

Done at Brussels, 12 December 2005.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs⁽¹⁾ OJ L 358, 31.12.2002, p. 59.⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).⁽³⁾ OJ L 396, 31.12.2004, p. 4. Regulation as last amended by Regulation (EC) No 860/2005 (OJ L 144, 8.6.2005, p. 1).

ANNEX

Member State	Spain
Stock	ALF/3X12-
Species	Alfonsinos (<i>Beryx</i> spp.)
Zone	III, IV, V, VI, VII, VIII, IX, X, XII (Community waters and international waters)
Date	22 November 2005

COMMISSION REGULATION (EC) No 2032/2005**of 12 December 2005****establishing a prohibition of fishing for black scabbardfish in ICES zones V, VI, VII, XII (Community waters and international waters) by vessels flying the flag of Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2270/2004 of 22 December 2004 fixing for 2005 and 2006 the fishing opportunities for Community fishing vessels for certain deep sea stocks in waters where catch limitation are required ⁽³⁾, lays down quotas for 2005 and 2006.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2005.

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 12 December 2005.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

⁽³⁾ OJ L 396, 31.12.2004, p. 4. Regulation as last amended by Regulation (EC) No 860/2005 (OJ L 144, 8.6.2005, p. 1).

ANNEX

Member State	Spain
Stock	BSF/56712-
Species	Black scabbardfish (<i>Aphanopus carbo</i>)
Zone	V, VI, VII, XII (Community waters and international waters)
Date	22 November 2005

II

(Acts whose publication is not obligatory)

COUNCIL

Information concerning the declarations by the French Republic and the Republic of Hungary on their acceptance of the jurisdiction of the Court of Justice to give preliminary rulings on the acts referred to in Article 35 of the Treaty on European Union

The French Republic has declared that it accepts the jurisdiction of the Court of Justice of the European Communities in accordance with the arrangements laid down in Article 35(2) and (3)(b) of the Treaty on European Union.

The Republic of Hungary has declared that it accepts the jurisdiction of the Court of Justice of the European Communities in accordance with the arrangements laid down in Article 35(2) and (3) (a) of the Treaty on European Union.

Accordingly, the state of the declarations concerning acceptance of the jurisdiction of the Court of Justice to give preliminary rulings on the validity and interpretation of the acts referred to in Article 35 of the Treaty on European Union is as follows:

- the Kingdom of Spain and the Republic of Hungary have declared that they accept the jurisdiction of the Court of Justice of the European Communities in accordance with the arrangements laid down in Article 35(2) and (3)(a) ⁽¹⁾,
- the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Hellenic Republic, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland and the Kingdom of Sweden have declared that they accept the jurisdiction of the Court of Justice of the European Communities in accordance with the arrangements laid down in Article 35(2) and (3)(b) ⁽²⁾,
- when making the abovementioned declarations, the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria reserved the right to make provision in their national law that when a question concerning the validity or interpretation of an act referred to in Article 35(1) is raised in a case pending before a national court or tribunal against whose decisions there is no judicial remedy under national law, that court or tribunal is obliged to bring the matter before the Court of Justice.

⁽¹⁾ Notice of the declaration by the Kingdom of Spain was published in OJ L 114, 1.5.1999, p. 56 and OJ C 120, 1.5.1999, p. 24.

⁽²⁾ The declaration by the Czech Republic was published in OJ L 236, 23.9.2003, p. 980. Notice of the declaration by the other Member States mentioned, with the exception of the French Republic, was published in OJ L 114, 1.5.1999, p. 56 and OJ C 120, 1.5.1999, p. 24.

COMMISSION

COMMISSION DECISION

of 12 December 2005

amending Decisions 2004/695/EC and 2004/840/EC as regards the reallocation of the Community's financial contribution to certain Member States for their programmes for the eradication and monitoring of animal diseases and for checks aimed at the prevention of zoonoses for 2005

(notified under document number C(2005) 4792)

(2005/887/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 ⁽¹⁾, and in particular Article 24(5) and (6), and Articles 29 and 32 thereof,

Whereas:

- (1) Decision 90/424/EEC provides for the possibility of financial participation by the Community towards the programmes of Member States aimed at the eradication and monitoring of animal diseases and for checks aimed at the prevention of zoonoses.
- (2) Commission Decision 2004/695/EC of 14 October 2004 on the lists of programmes for the eradication and monitoring of animal diseases and of checks aimed at the prevention of zoonoses qualifying for a financial contribution from the Community in 2005 ⁽²⁾, sets out the proposed rate and maximum amount of the Community's financial contribution for each programme submitted by the Member States.
- (3) Commission Decision 2004/840/EC of 30 November 2004 approving programmes for the eradication and monitoring of certain animal diseases and of checks aimed at the prevention of zoonoses presented by the Member States for the year 2005 and fixing the level of

the Community's financial contribution ⁽³⁾, sets out the maximum amount of the Community's financial contribution for each programme submitted by the Member States.

- (4) The Commission has analysed the reports forwarded by the Member States on the expenditures of those programmes. The results of that analysis show that certain Member States will not utilise their full allocation for 2005 while others will spend in excess of the allocated amount.
- (5) The Community's financial contribution to certain of those programmes therefore needs to be adjusted. It is appropriate to reallocate funding from programmes of Member States, which are not using their full allocation to those that are exceeding it. The reallocation should be based on the most recent information on the expenditure actually incurred by the concerned Member States.
- (6) Decisions 2004/695/EC and 2004/840/EC should therefore be amended accordingly.
- (7) 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

Annexes I and II to Decision 2004/695/EC are amended in accordance with the Annex to this Decision.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 316, 15.10.2004, p. 87.

⁽³⁾ OJ L 361, 8.12.2004, p. 41.

Article 2

Decision 2004/840/EC is amended as follows:

1. in Article 3(2) 'EUR 400 000' is replaced by 'EUR 900 000';
2. in Article 5(2) 'EUR 900 000' is replaced by 'EUR 0';
3. in Article 6(2) 'EUR 1 500 000' is replaced by 'EUR 675 000';
4. in Article 7(2) 'EUR 200 000' is replaced by 'EUR 300 000';
5. in Article 8(2) 'EUR 400 000' is replaced by 'EUR 500 000';
6. in Article 9(2) 'EUR 100 000' is replaced by 'EUR 105 000';
7. in Article 11(2) 'EUR 5 000 000' is replaced by 'EUR 5 850 000';
8. in Article 12(2) 'EUR 5 000 000' is replaced by 'EUR 3 600 000';
9. in Article 13(2) 'EUR 3 000 000' is replaced by 'EUR 2 875 000';
10. in Article 14(2) 'EUR 800 000' is replaced by 'EUR 100 000';
11. in Article 15(2) 'EUR 1 800 000' is replaced by 'EUR 1 740 000';
12. in Article 16(2) 'EUR 5 000 000' is replaced by 'EUR 4 415 000';
13. in Article 19(2) 'EUR 4 000 000' is replaced by 'EUR 4 600 000';
14. in Article 20(2) 'EUR 2 500 000' is replaced by 'EUR 2 725 000';
15. in Article 21(2) 'EUR 700 000' is replaced by 'EUR 770 000';
16. in Article 22(2) 'EUR 250 000' is replaced by 'EUR 300 000';
17. in Article 24(2) 'EUR 250 000' is replaced by 'EUR 350 000';
18. in Article 27(2) 'EUR 200 000' is replaced by 'EUR 330 000';
19. in Article 28(2) 'EUR 175 000' is replaced by 'EUR 150 000';
20. in Article 30(2) 'EUR 6 500 000' is replaced by 'EUR 6 340 000';
21. in Article 31(2) 'EUR 300 000' is replaced by 'EUR 500 000';
22. in Article 32(2) 'EUR 4 500 000' is replaced by 'EUR 4 470 000';
23. in Article 33(2) 'EUR 1 700 000' is replaced by 'EUR 1 900 000';
24. in Article 34(2) 'EUR 25 000' is replaced by 'EUR 875 000';
25. in Article 35(2) 'EUR 50 000' is replaced by 'EUR 95 000';
26. in Article 36(2) 'EUR 400 000' is replaced by 'EUR 675 000';
27. in Article 37(2) 'EUR 70 000' is replaced by 'EUR 117 000';
28. in Article 38(2) 'EUR 400 000' is replaced by 'EUR 455 000';
29. in Article 40(2) 'EUR 600 000' is replaced by 'EUR 310 000';
30. in Article 41(2) 'EUR 50 000' is replaced by 'EUR 0';
31. in Article 42(2) 'EUR 600 000' is replaced by 'EUR 170 000';
32. in Article 43(2) 'EUR 350 000' is replaced by 'EUR 370 000';
33. in Article 44(2) 'EUR 100 000' is replaced by 'EUR 25 000';
34. in Article 45(2) 'EUR 200 000' is replaced by 'EUR 375 000';
35. in Article 46(2) 'EUR 15 000' is replaced by 'EUR 23 000';

36. in Article 47(2) 'EUR 100 000' is replaced by 'EUR 140 000';
37. in Article 48(2) 'EUR 800 000' is replaced by 'EUR 1 075 000';
38. in Article 49(2) 'EUR 150 000' is replaced by 'EUR 485 000';
39. in Article 50(2) 'EUR 100 000' is replaced by 'EUR 40 000';
40. in Article 51(2) 'EUR 10 000' is replaced by 'EUR 100 000';
41. in Article 52(2) 'EUR 200 000' is replaced by 'EUR 290 000';
42. in Article 53(2) 'EUR 300 000' is replaced by 'EUR 370 000';
43. in Article 54(2) 'EUR 250 000' is replaced by 'EUR 370 000';
44. in Article 55(2) 'EUR 50 000' is replaced by 'EUR 115 000';
45. in Article 57(2) 'EUR 25 000' is replaced by 'EUR 50 000'.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 12 December 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Annexes I and II to Decision 2004/695/EC are replaced by the following:

'ANNEX I

List of programmes for the eradication and monitoring of animal diseases (Article 1(1))

— Proposed rate and amount of the Community financial contribution —

Disease	Member State or Acceding Member State	Rate	Proposed amount (EUR)
Aujeszky's disease	Belgium	50 %	370 000
	Spain	50 %	370 000
	Hungary	50 %	115 000
	Ireland	50 %	50 000
	Portugal	50 %	50 000
	Slovak Republic	50 %	25 000
Bluetongue	Spain	50 %	875 000
	France	50 %	95 000
	Italy	50 %	675 000
Bovine brucellosis	Cyprus	50 %	105 000
	Greece	50 %	100 000
	Spain	50 %	5 850 000
	Ireland	50 %	3 600 000
	Italy	50 %	2 875 000
	Poland	50 %	100 000
	Portugal	50 %	1 740 000
	United Kingdom ⁽¹⁾	50 %	4 415 000
Bovine tuberculosis	Cyprus	50 %	5 000
	Greece	50 %	100 000
	Spain	50 %	4 600 000
	Ireland	50 %	0
	Italy	50 %	2 725 000
	Poland	50 %	770 000
	Portugal	50 %	300 000
	United Kingdom ⁽¹⁾	50 %	0
Classical swine fever	Belgium	50 %	23 000
	Czech Republic	50 %	140 000
	Germany	50 %	1 075 000
	France	50 %	485 000
	Luxembourg	50 %	40 000
	Slovenia	50 %	100 000
	Slovak Republic	50 %	290 000

Disease	Member State or Acceding Member State	Rate	Proposed amount (EUR)
Enzootic bovine leucosis	Estonia	50 %	25 000
	Italy	50 %	350 000
	Lithuania	50 %	200 000
	Latvia	50 %	100 000
	Portugal	50 %	330 000
Ovine and caprine brucellosis (B melitensis)	Cyprus	50 %	150 000
	Greece	50 %	800 000
	Spain	50 %	6 340 000
	France	50 %	500 000
	Italy	50 %	4 470 000
	Portugal	50 %	1 900 000
Poseidom ⁽²⁾	France ⁽³⁾	50 %	150 000
Rabies	Austria	50 %	180 000
	Czech Republic	50 %	400 000
	Germany	50 %	900 000
	Finland	50 %	100 000
	Lithuania	50 %	0
	Poland	50 %	675 000
	Slovenia	50 %	300 000
	Slovak Republic	50 %	500 000
Swine vesicular disease	Italy	50 %	375 000
Total			50 808 000

⁽¹⁾ United Kingdom only as regards Northern Ireland.

⁽²⁾ Heartwater, babesiosis and anaplasmosis transmitted by vector insects in the French overseas departments.

⁽³⁾ France only as regards Guadeloupe, Martinique and Réunion.

ANNEX II

List of programmes of checks aimed at the prevention of zoonoses (Articles 2(1))*— Proposed rate and amount of the Community financial contribution —*

Zoonosis	Member State or Acceding Member State	Rate	Proposed Amount (EUR)
Salmonella	Austria	50 %	117 000
	Belgium	50 %	455 000
	Denmark	50 %	110 000
	France	50 %	310 000
	Ireland	50 %	0
	Italy	50 %	170 000
	Netherlands	50 %	370 000
	Slovak Republic	50 %	25 000
Total			1 557 000'

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

COUNCIL COMMON POSITION 2005/888/CFSP

of 12 December 2005

concerning specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 31 October 2005, the United Nations Security Council adopted Resolution 1636 (2005), (UNSCR 1636 (2005)) acknowledging the report of the UN International Investigation Commission chaired by Mr Detlev Mehlis on the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed 23 people, including former Lebanese Prime Minister Rafiq Hariri, and caused injury to dozens of people (the Investigation Commission).
- (2) UNSCR 1636 (2005) imposes measures to prevent the entry into or transit through Member States' territories of, and the freezing of funds and economic resources of, persons registered by the Committee of the Security Council established by paragraph 3(b) of UNSCR 1636 (2005) (the Committee) as suspected of involvement in the planning, sponsoring, organising or perpetrating of the terrorist bombing.
- (3) On 7 November 2005, the Council adopted its conclusions on Syria and Lebanon. The Council deplored the clear indication that Syria had not cooperated fully with the investigating team and called upon Syria to cooperate unconditionally with the investigators.
- (4) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the natural persons listed in the Annex to this Common Position.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall not apply where the Committee determines, in advance and on a case by case basis, that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of UNSCR 1636 (2005).

4. In cases where, pursuant to paragraph 3 and in line with the determinations of the Committee, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by the natural persons listed in the Annex, or held by entities owned or controlled directly or indirectly by such persons or by any persons acting on their behalf or at their direction, as listed in the Annex, shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the persons and entities listed in the Annex.

3. Provided they have been approved by the Committee, exemptions may be made for funds and economic resources which are:

(a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for payment of fees or service charges, for routine holding or maintenance of frozen funds or economic resources.

4. Paragraph 2 shall not apply to the addition to frozen accounts of interest or other earnings on those accounts, provided that any such interest and other earnings continue to be subject to paragraph 1.

Article 3

1. Member States shall ensure, in accordance with applicable law, that if a natural person listed in the Annex is found within their territory, such person be available for interview by the Investigation Commission if that Commission so requests.

2. Member States shall cooperate fully, in accordance with applicable law, with any international investigation related to the funds or economic resources or financial transactions of persons or entities listed in the Annex, including through sharing of financial information.

Article 4

The Council shall establish the list of relevant persons and related entities and persons contained in the Annex and implement any modifications thereof on the basis of the determinations made by the Committee.

Article 5

This Common Position shall take effect on the date of its adoption.

Article 6

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 12 December 2005.

For the Council
The President
J. STRAW

ANNEX

List of natural persons and entities referred to in Articles 1, 2 and 3

(Annex to be completed after the persons and entities have been registered by the Committee established by paragraph 3(b) of UNSCR 1636 (2005))

COUNCIL JOINT ACTION 2005/889/CFSP**of 12 December 2005****on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah)**

THE COUNCIL OF THE EUROPEAN UNION,

(5) The opening of the Rafah Crossing Point has economic, security and humanitarian implications.

Having regard to the Treaty on European Union, and in particular Article 14 and the third subparagraph of Article 25 thereof,

(6) The EU has identified as a priority the building up of a Palestinian customs administration in EC-Palestinian cooperation. The Community has provided assistance to the Palestinian border management and has an established tripartite dialogue on customs issues with the Government of Israel and the Palestinian Authority. The Palestinian Authority is engaged in developing detailed plans for border security procedures with the support of the USA and Israel.

Whereas:

(1) The European Union, as part of the Quartet, is committed to assisting and facilitating the implementation of the Roadmap, which lays out reciprocal steps by the Israeli Government and the Palestinian Authority in the political, security, economic, humanitarian, and institution-building fields, that will result in the emergence of an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbours.

(7) On 24 October 2005 the Palestinian Prime Minister sent a letter to the European Commissioner for External Relations and European Neighbourhood Policy in which he requested the EC's assistance in such areas as capacity building of Palestinian personnel at the Rafah crossing point, the development and installation of needed systems and equipment, and providing advice and support of Palestinian officials on duty at the Rafah Crossing Point.

(2) Following Israel's unilateral disengagement from Gaza, the Government of Israel is no longer present at the Rafah Crossing Point and the terminal is closed apart from exceptional cases.

(8) On 15 November 2005 the Government of Israel and the Palestinian Authority concluded an Agreement on Movement and Access at border crossing points with Gaza, which, *inter alia*, indicated the role of the EU as a third party regarding the operation of the relevant crossing points.

(3) The European Council of 17 and 18 June 2004 reaffirmed the readiness of the EU to support the Palestinian Authority in taking responsibility for law and order, and in particular, in improving its civil police and law enforcement capacity.

(9) In letters of invitation, on 20 November 2005 and on 23 November 2005 respectively, the Palestinian Authority and the Government of Israel invited the EU to establish a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah).

(4) The Council of 7 November 2005 reiterated the EU's support for the work of the Quartet Special Envoy for Disengagement, and welcomed his recent report to members of the Quartet. The Council also noted his letter of 2 November 2005 in which he requested on behalf of the parties that the EU consider playing a Third Party monitoring role at the Rafah Crossing Point on the Gaza-Egypt border. The Council noted the EU's willingness in principle to provide assistance with the operation of crossings at Gaza's border on the basis of an agreement between the parties.

(10) The European Union mission will be complementary and will bring added value to current international efforts, as well as develop synergies with ongoing European Community and Member States efforts. The mission will seek coherence and coordination with the capacity-building actions of the Community, notably in the domain of customs administration.

- (11) The mission will be set in the wider context of the EU and of the international community's effort to support the Palestinian Authority in taking responsibility for law and order, and in particular, in improving its civil police and law enforcement capacity.
- (12) Appropriate liaison with the European Union Police Mission for the Palestinian Territories, referred to as the European Union Coordinating Office for Palestinian Police Support (EUPOL COPPS) ⁽¹⁾, should be ensured.
- (13) The mission will implement its mandate in the context of a situation which poses a threat to law and order, the security and safety of individuals, and to the stability of the area and which could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty.
- (14) Security is a prime and continuing concern and appropriate arrangements to ensure security should be adopted.
- (15) In conformity with the guidelines of the European Council meeting in Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary-General/High Representative, in accordance with Articles 18 and 26 of the Treaty.
- (16) Article 14(1) of the Treaty calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action. The indication of amounts to be financed by the Community budget illustrates the will of the political authority and is subject to the availability of commitment appropriations during the respective budget year,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. A European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) is hereby established, with an operational phase beginning on 25 November 2005.
2. EU BAM Rafah shall operate in accordance with the mission statement as set out in Article 2.

⁽¹⁾ Council Joint Action 2005/797/CFSP of 14 November 2005 (OJ L 300, 17.11.2005, p. 65).

Article 2

Mission statement

The aim of EU BAM Rafah is to provide a Third Party presence at the Rafah Crossing Point in order to contribute, in cooperation with the Community's institution-building efforts, to the opening of the Rafah Crossing Point and to build up confidence between the Government of Israel and the Palestinian Authority.

To this end, EU BAM Rafah shall:

- (a) actively monitor, verify and evaluate the Palestinian Authority's performance with regard to the implementation of the Framework, Security and Customs Agreements concluded between the Parties on the operation of the Rafah terminal;
- (b) contribute, through mentoring, to building up the Palestinian capacity in all aspects of border management at Rafah;
- (c) contribute to the liaison between the Palestinian, Israeli and Egyptian authorities in all aspects regarding the management of the Rafah Crossing Point.

EU BAM Rafah shall implement the responsibilities entrusted to it in the Agreements between the Government of Israel and the Palestinian Authority regarding the management of the Rafah Crossing Point. It shall not undertake substitution tasks.

Article 3

Duration

The mission will have a duration of 12 months.

Article 4

Structure of the mission

EU BAM Rafah shall consist of the following elements:

- (a) Head of Mission, assisted by an advisory staff;
- (b) Monitoring and Operations Department;
- (c) Administration Services Department.

These elements shall be developed in the Concept of Operations (CONOPS) and Operation Plan (OPLAN). The Council shall approve the CONOPS and the OPLAN.

*Article 5***Head of Mission**

1. Major General Pietro Pistolesse is hereby appointed Head of Mission of EU BAM Rafah.
2. The Head of Mission shall exercise Operational Control over EU BAM Rafah and assume the day-to-day management of EU BAM Rafah and coordination of EU BAM Rafah activities including the management of security of EU BAM Rafah personnel, resources and information.
3. The Head of Mission shall be responsible for disciplinary control over the EU BAM Rafah personnel. For seconded personnel, disciplinary action shall be exercised by the national or EU authority concerned.
4. The Head of Mission shall sign a contract with the Commission.
5. The Head of Mission shall ensure appropriate visibility of the EU presence.

*Article 6***Planning phase**

1. During the planning phase of the mission, a planning team shall be established and shall comprise the Head of Mission, who shall lead the planning team, and the necessary personnel to deal with functions ensuing from established needs of the mission.
2. A comprehensive risk assessment shall be carried out as a priority in the planning process and shall be updated as necessary.
3. The planning team shall draw up an OPLAN and develop all technical instruments necessary to execute the mission. The OPLAN shall take into account the comprehensive risk assessment and shall include a security plan.

*Article 7***EU BAM Rafah personnel**

1. The numbers and competence of EU BAM Rafah personnel shall be consistent with the mission statement set out in Article 2 and the structure set out in Article 4.

2. EU BAM Rafah personnel shall be seconded by Member States or EU institutions. Each Member State shall bear the costs related to EU BAM Rafah personnel seconded by it, including salaries, medical coverage, travel expenses to and from the mission area, and allowances other than per diems.

3. International and local staff shall be recruited on a contractual basis by EU BAM Rafah as required.

4. Third States may also, as appropriate, second mission personnel. Each seconding third State shall bear the costs related to any of the personnel seconded by it, including salaries, medical coverage, allowances, high-risk insurance and travel expenses to and from the mission area.

5. All personnel shall remain under the authority of the appropriate sending State or EU institution and shall carry out their duties and act in the interest of the mission. All personnel shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations ⁽¹⁾.

6. EU police officers will wear national uniforms and EU insignia as appropriate and other members of the mission will wear identification as appropriate, subject to the decision by the Head of Mission, taking into account security considerations.

*Article 8***Status of EU BAM RAFAH personnel**

1. Where required, the status of EU BAM Rafah personnel, including, where appropriate, the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EU BAM Rafah shall be subject of an agreement to be concluded in accordance with the procedure laid down in Article 24 of the Treaty. The Secretary-General/High Representative, assisting the Presidency, may negotiate such arrangements on its behalf.

2. Member State or EU institution having seconded a staff member shall be responsible for answering any claims, from or concerning the staff member, linked to the secondment. The Member State or EU institution in question shall be responsible for bringing any action against the secondee.

3. The conditions of employment and the rights and obligations of international and local staff shall be laid down in the contracts between the Head of Mission and the staff member.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2005/571/EC (OJ L 193, 23.7.2005, p. 31).

*Article 9***Chain of command**

1. EU BAM Rafah shall have a unified chain of command, as a crisis management operation.
2. The Political and Security Committee (PSC) shall provide the political control and strategic direction.
3. The Secretary-General/High Representative shall give guidance to the Head of Mission through the EU Special Representative.
4. The Head of Mission shall lead EU BAM Rafah and assume its day-to-day management.
5. The Head of Mission shall report to the Secretary-General/High Representative through the EU Special Representative.
6. The EU Special Representative shall report to the Council through the Secretary-General/High Representative.

*Article 10***Political control and strategic direction**

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of the mission.
2. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the Treaty. This authorisation shall include the power to amend the OPLAN and the chain of command. It shall also include powers to take subsequent decisions regarding the appointment of the Head of Mission. The Council, assisted by the Secretary-General/High Representative, shall decide on the objectives and termination of the mission.
3. The PSC shall report to the Council at regular intervals.
4. The PSC shall receive reports by the Head of Mission regarding contributions to and the conduct of the mission, at regular intervals. The PSC may invite the Head of Mission to its meetings, as appropriate.

*Article 11***Participation of third States**

1. Without prejudice to the decision-making autonomy of the EU and its single institutional framework, acceding States

shall be invited and third States may be invited to contribute to EU BAM Rafah, provided that they bear the cost of the staff seconded by them, including salaries, medical coverage, allowances, high-risk insurance and travel expenses to and from the mission area, and contribute to the running costs of EU BAM Rafah, as appropriate.

2. Third States making contributions to EU BAM Rafah shall have the same rights and obligations in terms of day-to-day management of the mission as Member States taking part in the mission.
3. The Council hereby authorises the PSC to take the relevant decisions regarding the participation of third States, including their proposed contributions and to establish a Committee of Contributors.
4. Detailed arrangements regarding the participation of third States shall be subject of an agreement to be concluded in accordance with the procedures laid down in Article 24 of the Treaty. The Secretary-General/High Representative, assisting the Presidency, may negotiate such arrangements on its behalf. Where the EU and a third State have concluded an agreement establishing a framework for the participation of this third State in the EU crisis management operations, the provisions of such an agreement shall apply in the context of EU BAM Rafah.

*Article 12***Security**

1. The Head of Mission shall be responsible for the security of EU BAM Rafah and shall, in consultation with the Security Office of the General Secretariat of the Council, be responsible for ensuring compliance with minimum security requirements in conformity with the Council's security regulations.
2. EU BAM Rafah shall have a dedicated mission Chief Security Officer, assisted by a security team, reporting to the Head of Mission.
3. The Head of Mission shall consult with the PSC on security issues affecting the deployment of EU BAM Rafah as directed by the Secretary-General/High Representative.
4. EU BAM Rafah staff members shall undergo mandatory security training and medical checks prior to any deployment or travel to the mission area.

*Article 13***Financial arrangements**

1. The financial reference amount intended to cover the expenditure related to the mission shall be EUR 1 696 659 for 2005 and EUR 5 903 341 for 2006.
2. The expenditure financed by the amount referred to in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the EU with the exception that any pre-financing shall not remain the property of the Community. Nationals of third States contributing financially to the mission, host parties and, if required for the operational needs of the mission, of neighbouring countries shall be allowed to tender for contracts.
3. The Head of Mission shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.
4. The financial arrangements shall respect the operational requirements of EU BAM Rafah, including compatibility of equipment and interoperability of its teams.
5. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

*Article 14***Community action**

1. The Council and the Commission shall, each in accordance with their respective powers, ensure consistency between the implementation of this Joint Action and the external activities of the Community in accordance with the second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end.
2. The necessary coordination arrangements shall be put in place in the mission area, as appropriate, as well as in Brussels.

*Article 15***Release of classified information**

1. The Secretary-General/High Representative is authorised to release to third States associated with this Joint Action, as appropriate and in accordance with the operational needs of the mission, EU classified information and documents up to

the level 'RESTREINT UE' generated for the purposes of the mission, in accordance with the Council's security regulations.

2. In the event of a specific and immediate operational need, the Secretary-General/High Representative is also authorised to release to the local authorities EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the mission, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the local authorities in accordance with the procedures appropriate to their level of cooperation with the EU.

3. The Secretary-General/High Representative is authorised to release to third States associated with this Joint Action and to the local authorities EU non-classified documents related to the deliberations of the Council with regard to the mission covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

*Article 16***Entry into force**

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

It shall expire on 24 November 2006.

*Article 17***Review**

This Joint Action shall be reviewed by 30 September 2006 at the latest.

*Article 18***Publication**

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 12 December 2005.

For the Council
The President
J. STRAW

⁽¹⁾ Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure (OJ L 106, 15.4.2004, p. 22). Decision as amended by Decision 2004/701/EC, Euratom (OJ L 319, 20.10.2004, p. 15).

COUNCIL DECISION 2005/890/CFSP**of 12 December 2005****implementing Common Position 2004/179/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova**

THE COUNCIL OF THE EUROPEAN UNION,

situation of Latin-script schools in some areas of the Transnistrian region,

Having regard to Common Position 2004/179/CFSP ⁽¹⁾, and in particular Article 2(1) thereof, in conjunction with Article 23(2) of the Treaty on European Union,

HAS DECIDED AS FOLLOWS:

Whereas:

Article 1

Annex II to Common Position 2004/179/CFSP shall be replaced by the Annex to this Decision.

(1) On 23 February 2004, the Council adopted Common Position 2004/179/CFSP.

Article 2

This Decision shall take effect on the date of its adoption.

(2) On 26 August 2004, the Council adopted Common Position 2004/622/CFSP in order to extend the scope of the restrictive measures imposed by Common Position 2004/179/CFSP to persons responsible for the design and implementation of the intimidation and closure campaign against Latin-script Moldovan schools in the Transnistrian region.

*Article 3*This Decision shall be published in the *Official Journal of the European Union*.(3) On 21 February 2005, the Council adopted Common Position 2005/147/CFSP ⁽²⁾ extending and amending Common Position 2004/179/CFSP.

Done at Brussels, 12 December 2005.

(4) Annex II to Common Position 2004/179/CFSP should be amended in recognition of the improvements in the

*For the Council**The President*

J. STRAW

⁽¹⁾ OJ L 55, 24.2.2004, p. 68. Common Position as amended by Common Position 2004/622/CFSP (OJ L 279, 28.8.2004, p. 47).

⁽²⁾ OJ L 49, 22.2.2005, p. 31.

ANNEX

'ANNEX II

LIST OF PERSONS REFERRED TO IN THE SECOND INDENT OF ARTICLE 1(1)

1. PLATONOV, Yuri Mikhailovich,
known as Yury Platonov,
Head of City Administration of Rybnitsa,
born on 16 January 1948,
Russian passport No 51 NO. 0527002,
issued by the Russian Embassy in Chisinau on 4 May 2001.

 2. CHERBULENKO, Alla Viktorovna,
Deputy Head of City Administration of Rybnitsa, responsible for education issues.'
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