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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2173/2005**of 20 December 2005****on the establishment of a FLEGT licensing scheme for imports of timber into the European Community**

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) The Council and the European Parliament welcomed the Communication from the Commission to the Council and the European Parliament on an EU Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT) as a first step towards tackling the urgent issue of illegal logging and associated trade.
- (2) The Action Plan puts emphasis on governance reforms and capacity building, supported by actions aimed at developing multilateral cooperation and complementary demand-side measures designed to reduce the consumption of illegally harvested timber and contributing to the wider objective of sustainable forest management in timber-producing countries.
- (3) The Action Plan identifies the setting up of a licensing scheme as a measure to ensure that only timber products that have been legally produced in accordance with the national legislation of the producing country may enter the Community, and emphasises that that licensing scheme should not impede legitimate trade.
- (4) Implementation of the licensing scheme requires that imports of relevant timber products into the Community be made subject to a system of checks and controls seeking to guarantee the legality of such products.
- (5) To this end the Community should conclude voluntary Partnership Agreements with countries and regional organisations, which are to place a legally binding obligation on a partner country or regional organisation to implement the licensing scheme within the schedule stipulated in each Partnership Agreement.
- (6) Under the licensing scheme, certain timber products exported from a partner country and entering the Community at any customs point designated for release for free circulation should be covered by a licence issued by the partner country, stating that the timber products have been produced from domestic timber that was legally harvested or from timber that was legally imported into a partner country in accordance with national laws as set out in the respective Partnership Agreement. Compliance with those rules should be subject to third-party monitoring.
- (7) The competent authorities of the Member States should verify that each shipment is covered by a valid licence prior to releasing the shipment covered by that licence for free circulation in the Community.
- (8) Each Member State should determine the penalties applicable in the event of infringements of this Regulation.
- (9) The licensing scheme should initially cover a limited range of timber products. When agreed, the range of products could be extended to other product categories.
- (10) It is important to revise the Annexes specifying the countries and products covered by the licensing scheme promptly. Those revisions should take into account the progress in implementation of Partnership Agreements. A partner country may be added to Annex I after it has notified the Commission and the Commission has confirmed that this partner country has put in place all the controls needed to be able to issue licences for all the products listed in Annex II. A partner country may be removed from Annex I either when it has given one year's notice of its intention to terminate its Partnership Agreement or with immediate effect, in the case of suspension of its Partnership Agreement.

- (11) Annex II may be amended after the Commission and all partner countries have agreed to such amendment. Annex III may be amended after the Commission and the partner country concerned have agreed to such amendment.
- (12) The amendments to Annexes I, II and III would be implementing measures of technical nature and in order to simplify and expedite the procedure, their adoption should be entrusted to the Commission. Such amendments should comprise commodity codes, at four-digit heading level or six-digit subheading level of the current version of Annex I to the Harmonised Commodity Description and Coding System.
- (13) The measures necessary for the implementation of this Regulation 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⁽¹⁾ with a distinction being made between those measures which are subject to the regulatory committee procedure and those which are subject to the management committee procedure, the management committee procedure being in certain cases, with a view to increased efficiency, the more appropriate,
2. 'partner country' means any State or regional organisation that enters into a Partnership Agreement, as listed in Annex I;
3. 'Partnership Agreement' means an agreement between the Community and a partner country by which the Community and that partner country undertake to work together in support of the FLEGT Action Plan and to implement the FLEGT licensing scheme;
4. 'regional organisation' means an organisation consisting of sovereign states that have transferred competence to that organisation, granting it the capacity to enter into a Partnership Agreement on their behalf, in respect of matters governed by the FLEGT licensing scheme, as listed in Annex I;
5. 'FLEGT licence' means a shipment-based or market participant-based document of a standard format which is to be forgery-resistant, tamper-proof, and verifiable, and which refers to a shipment as being in compliance with the requirements of the FLEGT licensing scheme, duly issued and validated by a partner country's licensing authority. Systems for issuing, recording and communicating licences may be paper-based or based on electronic means, as appropriate;

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

Article 1

1. This Regulation establishes a Community set of rules for the import of certain timber products for the purposes of implementing the FLEGT licensing scheme.
2. The licensing scheme shall be implemented through Partnership Agreements with timber producing countries.
3. This Regulation shall apply to imports of timber products set out in Annexes II and III from partner countries listed in Annex I.
6. 'market participant' means an actor, private or public, involved in forestry or transformation or trade of timber products;
7. 'licensing authority(ies)' means the authority(ies) designated by a partner country to issue and validate FLEGT licences;
8. 'competent authority(ies)' means the authority(ies) designated by Member States to verify FLEGT licences;
9. 'timber products' means the products set out in Annexes II and III, to which the FLEGT licensing scheme applies, and which, when imported into the Community, cannot be qualified as 'goods of a non-commercial nature' as defined in point 6 of Article 1 of 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⁽²⁾;

Article 2

For the purposes of this Regulation the following definitions shall apply:

1. 'Forest Law Enforcement, Governance and Trade licensing scheme' (hereinafter referred to as FLEGT licensing scheme) means the issuing of licences for timber products for export to the Community from partner countries and its implementation in the Community, in particular in Community provisions on border controls;
10. 'legally produced timber' means timber products produced from domestic timber that was legally harvested or timber that was legally imported into a partner country in accordance with national laws determined by that partner country as set out in the Partnership Agreement;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 48, 11.6.2005, p. 5).

11. 'imports' means the release for free circulation of timber products within the meaning of Article 79 of Council Regulation (EEC) No 2913/1992 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾

12. 'shipment' means a shipment of timber products;

13. 'export' means the physical leaving or taking out of timber products from any part of the geographical territory of a partner country to bring them into the Community;

14. 'third-party monitoring' means a system through which an organisation that is independent of a partner country's government authorities and its forest and timber sector monitors and reports on the operation of the FLEGT licensing scheme.

CHAPTER II

FLEGT LICENSING SCHEME

Article 3

1. The FLEGT licensing scheme shall apply only to imports from partner countries.

2. Each Partnership Agreement shall specify an agreed schedule for implementing the commitments entered into by that Agreement.

Article 4

1. Imports into the Community of timber products exported from partner countries shall be prohibited unless the shipment is covered by a FLEGT licence.

2. Existing schemes that guarantee the legality and reliable tracking of timber products exported from partner countries may form the basis of a FLEGT licence on condition that those schemes have been assessed and approved in accordance with the procedure referred to in Article 11(2), in order to provide the necessary assurance as to the legality of the timber products concerned.

3. Timber products of species listed in Annexes A, B and C to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating

trade therein ⁽²⁾ shall be exempt from the requirement laid down in paragraph 1 of this Article. The Commission shall review this exemption, in accordance with the procedure referred to in Article 11(3), by 30 December 2010.

Article 5

1. A FLEGT licence covering each shipment shall be available to the competent authority at the same time as the customs declaration for that shipment is presented for release for free circulation in the Community. The competent authorities shall keep a record — in electronic or paper format — of the original FLEGT licence together with the corresponding customs declaration.

Import of timber products under a FLEGT licence issued to a market participant shall be accepted as long as the market participant's licence remains valid.

2. The competent authorities shall provide the Commission, or persons or bodies designated by the Commission, with access to the relevant documents and data, should problems arise which impair the effective operation of the FLEGT licensing scheme.

3. The competent authorities shall grant to the persons or bodies designated by partner countries as being responsible for the third party monitoring of the FLEGT licensing scheme access to the relevant documents and data, but the competent authorities shall not be required to provide any information which they are not permitted to communicate pursuant to their national law.

4. The competent authorities shall decide on the need for further verification of shipments using a risk-based approach.

5. In case of doubt as to the validity of the licence, the competent authorities may ask the licensing authorities for additional verification and seek further clarification, as set out in the Partnership Agreement with the exporting partner country.

6. Member States may collect fees to cover the necessary expenses arising from official acts by competent authorities required for control purposes under this Article.

7. Customs authorities may suspend the release of or detain timber products where they have reason to believe that the licence may not be valid. Costs incurred while the verification is completed shall be at the expense of the importer, except where the Member State concerned determines otherwise.

⁽¹⁾ 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);

⁽²⁾ OJ L 61, 3.3.1997, p. 1. Regulation as last amended by Commission Regulation (EC) No 1332/2005 (OJ L 215, 19.8.2005, p. 1).

8. Each Member State shall determine the penalties to be imposed where the provisions of this Regulation are infringed. Such penalties shall be effective, proportionate and dissuasive.

9. The Commission shall adopt detailed requirements for application of this Article in accordance with the procedure referred to in Article 11(3).

Article 6

1. If competent authorities establish that the requirement laid down in Article 4(1) is not fulfilled, they shall act in accordance with national legislation in force.

2. Member States shall notify the Commission of any information suggesting that the provisions of this Regulation are being, or have been, circumvented.

Article 7

1. Member States shall designate the competent authorities responsible for implementing this Regulation and for communicating with the Commission.

2. The Commission shall provide all competent authorities of the Member States with the names and other relevant details of the licensing authorities designated by partner countries, authenticated specimens of stamps and signatures attesting that a licence has been legally issued, and any other relevant information received in respect of licences.

Article 8

1. Member States shall be required to submit by 30 April an annual report covering the previous calendar year, which shall include the following:

- (a) quantities of timber products imported into the Member State under the FLEGT licensing scheme, as per HS Heading specified in Annexes II and III and per each partner country;
- (b) the number of FLEGT licences received, as per HS Heading specified in Annexes II and III and per each partner country;
- (c) the number of cases and quantities of timber products involved where Article 6(1) has been applied.

2. The Commission shall lay down a format for annual reports in order to facilitate monitoring of the FLEGT licensing scheme.

3. The Commission shall prepare by 30 June an annual synthesis report based on the information submitted by the Member States in their annual reports covering the previous calendar year and shall make it accessible to the public in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽¹⁾.

CHAPTER III

GENERAL PROVISIONS

Article 9

Two years after the entry into force of the first Partnership Agreement the Commission shall present the Council with a report on the implementation of this Regulation, based in particular on the synthesis reports referred to in Article 8(3) and on the reviews of Partnership Agreements. This report shall be accompanied, where appropriate, by proposals for improvement of the FLEGT licensing scheme.

Article 10

1. The Commission may amend the list of partner countries and their designated licensing authorities as set out in Annex I in accordance with the procedure referred to in Article 11(3).

2. The Commission may amend the list of timber products as set out in Annex II to which the FLEGT licensing scheme applies in accordance with the procedure referred to in Article 11(3). Those amendments shall be adopted by the Commission taking into account the implementation of the FLEGT Partnership Agreements. Such amendments shall comprise commodity codes, at four-digit heading level or six-digit subheading level of the current version of Annex I to the Harmonised Commodity Description and Coding System.

3. The Commission may amend the list of timber products as set out in Annex III to which the FLEGT licensing scheme applies in accordance with the procedure referred to in Article 11(3). Those amendments shall be adopted by the Commission taking into account the implementation of the FLEGT Partnership Agreements. Such amendments shall comprise commodity codes, at four-digit heading level or six-digit subheading level of the current version of Annex I to the Harmonised Commodity Description and Coding System and shall only apply in relation to the corresponding partner countries as set out in Annex III.

⁽¹⁾ OJ L 145, 31.5.2001, p. 43.

Article 11

1. The Commission shall be assisted by the Forest Law Enforcement Governance and Trade (FLEGT) Committee (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 three months.

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4. The Committee shall adopt its Rules of Procedure.

Article 12

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

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

Done at Brussels, 20 December 2005.

For the Council
The President
M. BECKETT

ANNEX I

PARTNER COUNTRIES AND THEIR DESIGNATED LICENSING AUTHORITIES

ANNEX II

Timber products to which the FLEGT licensing scheme applies irrespective of the partner country

HS heading	Description
4403	Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared
4406	Railway or tramway sleepers (cross-ties) of wood
4407	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4408	Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm
4412	Plywood, veneered panels and similar laminated wood

ANNEX III

Timber products to which the FLEGT licensing scheme applies only in relation to the corresponding partner countries

Partner country	HS heading	Description

COUNCIL REGULATION (EC) No 2174/2005**of 21 December 2005****concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and Japan pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994**

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:

By Decision 2005/958/EC of 21 December 2005 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Japan pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 ⁽¹⁾, the Council approved, on behalf of the Community, the said Agreement with a view to

closing negotiations initiated pursuant to Article XXIV:6 of GATT 1994,

HAS ADOPTED THIS REGULATION:

Article 1

The duty rates shown in the Annex to this Regulation shall apply for the period indicated.

Article 2

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, 21 December 2005.

For the Council

The President

B. BRADSHAW

⁽¹⁾ See page 75 of this Official Journal.

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the concessions being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current regulation. Where ex CN codes are indicated, the concessions are to be determined by application of the CN code and corresponding description taken together.

Part two Schedule of Customs duties		
CN code	Description	Duty rate
3702 32 19	Photographic film in rolls; for colour photography; other	A lower applied rate of 1,3 % ⁽¹⁾
8525 40 19	Still image video cameras; other	A lower applied rate of 1,2 % ⁽¹⁾
8525 40 99	Still image video cameras; other video camera recorders; other	A lower applied rate of 12,5 % ⁽¹⁾

⁽¹⁾ The lower applied rates indicated above are to be applied for four years or until the implementation of the results of the Doha Development Agenda Round reaches the tariff level above, whichever comes first.

**COUNCIL REGULATION (EC) No 2175/2005
of 21 December 2005**

concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

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) Regulation (EEC) No 2658/87 ⁽¹⁾ established a goods nomenclature, hereinafter referred to as the 'Combined Nomenclature', and set out the conventional duty rates of the Common Customs Tariff.
- (2) By Decision 2005/959/EC of 21 December 2005 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and New Zealand pursuant to Article XXIV:6 and XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the

Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union ⁽²⁾, the Council approved, on behalf of the Community, the said Agreement with a view to closing negotiations initiated pursuant to Article XXIV:6 of GATT 1994.

- (3) Regulation (EEC) No 2658/87 should therefore be supplemented accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EEC) No 2658/87, Annex 7 entitled WTO Tariff Quotas to be opened by the competent Community authorities, of Section III of Part Three of Annex I, shall be supplemented with the volumes as shown in the Annex to this Regulation.

Article 2

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, 21 December 2005.

For the Council
The President
B. BRADSHAW

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 493/2005 (OJ L 82, 31.3.2005, p. 1).

⁽²⁾ OJ L 347, 30.12.2005, p. 78.

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the concessions being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current regulation. Where ex CN codes are indicated, the concessions are to be determined by application of the CN code and corresponding description taken together.

CN Code	Description	Other terms and conditions
Tariff item numbers ex 0201 20 90 ex 0201 30 00 ex 0202 20 90 ex 0202 30 ex 0206 10 95 ex 0206 29 91	'high quality' beef; 'selected chilled or frozen premium beef cuts derived from exclusively pasture-grazed bovine animals which do not have more than four permanent incisor teeth in wear, the carcasses of which have a dressed weight of not more than 325 kilograms, a compact appearance with a good eye of meat of light and uniform colour and adequate but not excessive fat cover. All cuts will be vacuum packaged and referred to as high quality beef'	add 1 000 tonnes
Tariff item number 0204	Quota for sheep meat; 'meat of sheep or goats, fresh, chilled or frozen'	add 1 154 tonnes (carcase weight) to the allocation for New Zealand
Tariff item number ex 0405 10	Butter of New Zealand origin, at least 6 weeks old, of a fat content by weight of not less than 80 % but less than 82 %, manufactured directly from milk or cream without the use of stored materials, in a single, self-contained and uninterrupted process	add 735 tonnes to the allocation for New Zealand

COMMISSION REGULATION (EC) No 2176/2005**of 23 December 2005****fixing the Community withdrawal and selling prices for the fishery products listed in Annex I to Council Regulation (EC) No 104/2000 for the 2006 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 20(3) and Article 22 thereof,

The conversion factors used for calculating the Community withdrawal and selling prices, as referred to in Article 20 and 22 of Regulation (EC) No 104/2000, for the 2006 fishing year for the products listed in Annex I to that Regulation, are set out in Annex I to this Regulation.

Whereas:

Article 2

(1) Regulation (EC) No 104/2000 provides that the Community withdrawal and selling prices for each of the products listed in Annex I thereto are to be fixed on the basis of the freshness, size or weight and presentation of the product by applying the conversion factor for the product category concerned to an amount not more than 90 % of the relevant guide price.

The Community withdrawal and selling prices applicable for the 2006 fishing year and the products to which they relate are set out in Annex II.

Article 3

(2) The withdrawal prices may be multiplied by adjustment factors in landing areas which are very distant from the main centres of consumption in the Community. The guide prices for the 2006 fishing year were fixed for all the products concerned by Council Regulation (EC) No .../... ⁽²⁾.

The withdrawal prices applicable for the 2006 fishing year in landing areas which are very distant from the main centres of consumption in the Community and the products to which those prices relate are set out in Annex III.

Article 4

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

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

It shall apply from 1 January 2006.

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

Done at Brussels, 23 December 2005.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22. Regulation as amended by the 2003 Act of Accession.

⁽²⁾ Not yet published in the Official Journal.

ANNEX I

Conversion factors for the products listed in points A, B and C of Annex I to Regulation (EC) No 104/2000

Species	Size (*)	Conversion factors	
		Gutted fish, with head (*)	Whole fish (*)
		Extra, A (*)	Extra, A (*)
Herring of the species <i>Clupea harengus</i>	1	0,00	0,47
	2	0,00	0,72
	3	0,00	0,68
	4a	0,00	0,43
	4b	0,00	0,43
	4c	0,00	0,90
	5	0,00	0,80
	6	0,00	0,40
	7a	0,00	0,40
	7b	0,00	0,36
	8	0,00	0,30
Sardines of the species <i>Sardina pilchardus</i>	1	0,00	0,51
	2	0,00	0,64
	3	0,00	0,72
	4	0,00	0,47
Dogfish <i>Squalus acanthias</i>	1	0,60	0,60
	2	0,51	0,51
	3	0,28	0,28
Dogfish <i>Scyliorhinus</i> spp.	1	0,64	0,60
	2	0,64	0,56
	3	0,44	0,36
Redfish <i>Sebastes</i> spp.	1	0,00	0,81
	2	0,00	0,81
	3	0,00	0,68
Cod of the species <i>Gadus morhua</i>	1	0,72	0,52
	2	0,72	0,52
	3	0,68	0,40
	4	0,54	0,30
	5	0,38	0,22
Coalfish <i>Pollachius virens</i>	1	0,72	0,56
	2	0,72	0,56
	3	0,71	0,55
	4	0,61	0,30
Haddock <i>Melanogrammus aeglefinus</i>	1	0,72	0,56
	2	0,72	0,56
	3	0,62	0,43
	4	0,52	0,36
Whiting <i>Merlangius merlangus</i>	1	0,66	0,50
	2	0,64	0,48
	3	0,60	0,44
	4	0,41	0,30

Species	Size (*)	Conversion factors	
		Gutted fish, with head (*)	Whole fish (*)
		Extra, A (*)	Extra, A (*)
Ling <i>Molva</i> spp.	1	0,68	0,56
	2	0,66	0,54
	3	0,60	0,48
Mackerel of the species <i>Scomber scombrus</i>	1	0,00	0,72
	2	0,00	0,71
	3	0,00	0,69

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

Species	Size (*)	Conversion factors	
		Gutted fish, with head (*)	Whole fish (*)
		Extra, A (*)	Extra, A (*)
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0,00	0,77
	2	0,00	0,77
	3	0,00	0,63
	4	0,00	0,47
Anchovies <i>Engraulis</i> spp.	1	0,00	0,68
	2	0,00	0,72
	3	0,00	0,60
	4	0,00	0,25
Plaice <i>Pleuronectes platessa</i>	1	0,75	0,41
	2	0,75	0,41
	3	0,72	0,41
	4	0,52	0,34
Hake of the species <i>Merluccius merluccius</i>	1	0,90	0,71
	2	0,68	0,53
	3	0,68	0,52
	4	0,56	0,43
	5	0,52	0,41
Megrims <i>Lepidorhombus</i> spp.	1	0,68	0,64
	2	0,60	0,56
	3	0,54	0,49
	4	0,34	0,29
Dab <i>Limanda limanda</i>	1	0,71	0,58
	2	0,54	0,42
Flounder <i>Platichthys flesus</i>	1	0,66	0,58
	2	0,50	0,42
Albacore or long finned tuna <i>Thunnus alalunga</i>	1	0,90	0,81
	2	0,90	0,77
Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>)	1	0,00	0,64
	2	0,00	0,64
	3	0,00	0,40

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

Species	Size (*)	Conversion factors		
		Whole fish Gutted fish, with head (*)	Fish without head (*)	
		Extra, A (*)	Extra, A (*)	
Monkfish <i>Lophius</i> spp.	1	0,61	0,77	
	2	0,78	0,72	
	3	0,78	0,68	
	4	0,65	0,60	
	5	0,36	0,43	
		All presentations		
		Extra, A (*)		
Shrimps of the species <i>Crangon crangon</i>	1	0,59		
	2	0,27		
		Cooked in water	Fresh or chilled	
		Extra, A (*)	Extra, A (*)	
Deep-water prawns <i>Pandalus borealis</i>	1	0,77	0,68	
	2	0,27	—	
		Whole (*)		
Edible crabs <i>Cancer pagurus</i>	1	0,72		
	2	0,54		
		Whole (*)		Tails (*)
		E' (*)	Extra, A (*)	Extra, A (*)
Norway lobster <i>Nephrops norvegicus</i>	1	0,86	0,86	0,81
	2	0,86	0,59	0,68
	3	0,77	0,59	0,50
	4	0,50	0,41	0,41
		Gutted fish, with head (*)	Whole fish (*)	
		Extra, A (*)	Extra, A (*)	
Sole (<i>Solea</i> spp.)	1	0,75	0,58	
	2	0,75	0,58	
	3	0,71	0,54	
	4	0,58	0,42	
	5	0,50	0,33	

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

ANNEX II

Withdrawal and selling prices in the Community of the products listed in points A, B and C of Annex I to Regulation (EC) No 104/2000

Species	Size (*)	Withdrawal price (EUR/tonne)	
		Gutted fish, with head (*)	Whole fish (*)
		Extra, A (*)	Extra, A (*)
Herring of the species <i>Clupea harengus</i>	1	0	125
	2	0	191
	3	0	180
	4a	0	114
	4b	0	114
	4c	0	239
	5	0	212
	6	0	106
	7a	0	106
	7b	0	95
	8	0	80
Sardines of the species <i>Sardina pilchardus</i>	1	0	292
	2	0	366
	3	0	412
	4	0	269
Dogfish <i>Squalus acanthias</i>	1	647	647
	2	550	550
	3	302	302
Dogfish <i>Scyliorhinus</i> spp.	1	488	458
	2	488	427
	3	336	275
Redfish <i>Sebastes</i> spp.	1	0	920
	2	0	920
	3	0	772
Cod of the species <i>Gadus morhua</i>	1	1 180	852
	2	1 180	852
	3	1 115	656
	4	885	492
	5	623	361
Coalfish <i>Pollachius virens</i>	1	538	418
	2	538	418
	3	530	411
	4	456	224
Haddock <i>Melanogrammus aeglefinus</i>	1	719	559
	2	719	559
	3	619	429
	4	519	359

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

Species	Size (*)	Withdrawal price (EUR/tonne)	
		Gutted fish, with head (*)	Whole fish (*)
		Extra, A (*)	Extra, A (*)
Whiting <i>Merlangius merlangus</i>	1	618	469
	2	600	450
	3	562	412
	4	384	281
Ling <i>Molva</i> spp.	1	813	670
	2	789	646
	3	718	574
Mackerel of the species <i>Scomber scombrus</i>	1	0	233
	2	0	229
	3	0	223
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0	226
	2	0	226
	3	0	185
	4	0	138
Anchovies <i>Engraulis</i> spp.	1	0	889
	2	0	942
	3	0	785
	4	0	327
Plaice <i>Pleuronectes platessa</i> — 1 January to 30 April 2006 — 1 May to 31 December 2006	1	806	440
	2	806	440
	3	773	440
	4	558	365
	1	1 113	608
	2	1 113	608
	3	1 068	608
	4	772	505
	1	3 308	2 609
	2	2 499	1 948
Hake of the species <i>Merluccius merluccius</i>	3	2 499	1 911
	4	2 058	1 580
	5	1 911	1 507
	1	1 694	1 594
	2	1 495	1 395
Megrims <i>Lepidorhombus</i> spp.	3	1 345	1 221
	4	847	722
	1	626	511
Dab <i>Limanda limanda</i>	2	476	370

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

Species	Size (*)	Withdrawal price (EUR/tonne)	
		Gutted fish, with head (*)	Whole fish (*)
		Extra, A (*)	Extra, A (*)
Flounder <i>Platichys flesus</i>	1	343	301
	2	260	218
Albacore or long-finned tuna <i>Thunnus alalunga</i>	1	2 229	1 798
	2	2 229	1 709
Cuttlefish <i>Sepia officinalis</i> and <i>Rossia macrosoma</i>	1	0	1 037
	2	0	1 037
	3	0	648
		Whole fish Gutted fish, with head (*)	Fish without head (*)
		Extra, A (*)	Extra, A (*)
Monkfish <i>Lophius</i> spp.	1	1 749	4 565
	2	2 236	4 268
	3	2 236	4 031
	4	1 864	3 557
	5	1 032	2 549
		All presentations	
		Extra, A (*)	
Shrimps of the species <i>Crangon crangon</i>	1	1 432	
	2	655	
		Cooked in water	Fresh or chilled
		Extra, A (*)	Extra, A (*)
Deep-water prawns <i>Pandalus borealis</i>	1	4 911	1 087
	2	1 722	—

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

Species	Size (*)	Selling prices (EUR/tonne)		
		Whole (*)		
Edible crabs <i>Cancer pagurus</i>	1	1 246		
	2	935		
		Whole (*)		Tails (*)
		E' (*)	Extra, A (*)	Extra, A (*)
Norway lobster <i>Nephrops norvegicus</i>	1	4 590	4 590	3 432
	2	4 590	3 149	2 881
	3	4 109	3 149	2 119
	4	2 669	2 188	1 737
		Gutted fish, with head (*)	Whole fish (*)	
		Extra, A (*)	Extra, A (*)	
Sole <i>Solea</i> spp.	1	5 009	3 874	
	2	5 009	3 874	
	3	4 742	3 607	
	4	3 874	2 805	
	5	3 340	2 204	

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

ANNEX III

Withdrawal prices in landing areas which are very distant from the main centres of consumption

Species	Landing area	Conversion factor	Size (*)	Withdrawal price (in EUR/tonne)	
				Gutted fish, with head (*)	Whole fish (*)
				Extra, A (*)	Extra, A (*)
Herring of the species <i>Clupea harengus</i>	Coastal regions and islands of Ireland	0,90	1	0	112
			2	0	172
			3	0	162
			4a	0	103
	Coastal regions of eastern England from Berwick to Dover Coastal regions of Scotland from Portpatrick to Eyemouth and the islands located west and north of those regions Coastal regions of County Down (Northern Ireland)	0,90	1	0	112
			2	0	172
			3	0	162
			4a	0	103
Mackerel of the species <i>Scomber scombrus</i>	Coastal regions and islands of Ireland	0,96	1	0	223
			2	0	220
			3	0	214
	Coastal regions and islands of Cornwall and Devon in the United Kingdom	0,95	1	0	221
			2	0	218
			3	0	212
Hake of the species <i>Merluccius merluccius</i>	Coastal regions from Troon (in South-western Scotland) to Wick (in north-eastern Scotland) and the Islands located west and north of those regions	0,75	1	2 481	1 957
			2	1 874	1 461
			3	1 874	1 433
			4	1 544	1 185
			5	1 433	1 130
Albacore or Long-finned tuna <i>Thunnus alalunga</i>	Islands of the Azores and Madeira	0,48	1	1 070	863
			2	1 070	821
Sardines of the species <i>Sardina pilchardus</i>	Canary Islands	0,48	1	0	140
			2	0	176
			3	0	198
			4	0	129
	Coastal regions and islands of Cornwall and Devon in the United Kingdom	0,74	1	0	216
			2	0	271
			3	0	305
			4	0	199
	Atlantic coastal regions of Portugal	0,93	2	0	340
			3	0	334

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

COMMISSION REGULATION (EC) No 2177/2005**of 23 December 2005****fixing the Community selling prices for the fishery products listed in Annex II to Council Regulation (EC) No 104/2000 for the 2006 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 25(1) and (6) thereof,

Whereas:

- (1) A Community selling price is to be fixed for each of the products listed in Annex II to Regulation (EC) No 104/2000 before the beginning of the fishing year, at a level at least equal to 70 % and not exceeding 90 % of the guide price.
- (2) Council Regulation (EC) No .../... ⁽²⁾ fixes the guide prices for the 2006 fishing year for all the products concerned.
- (3) Market prices vary considerably depending on the species and how the products are presented, particularly in the case of squid and hake.
- (4) Conversion factors should therefore be fixed for the different species and presentations of frozen products

landed in the Community in order to determine the price level that trigger the intervention measure provided for in Article 25(2) of Regulation (EC) No 104/2000.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Community selling prices, as referred to in Article 25(1) of Regulation (EC) No 104/2000, applicable during the 2006 fishing year for the products listed in Annex II to that Regulation and the presentations and conversion factors to which they relate are set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2006.

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

Done at Brussels, 23 December 2005.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22. Regulation as amended by the 2003 Act of Accession.

⁽²⁾ Not yet published in the Official Journal.

ANNEX

SELLING PRICES AND CONVERSION FACTORS

Species	Presentation	Conversion factor	Intervention level	Selling price (EUR/tonne)
Greenland halibut (<i>Reinhardtius hippoglossoides</i>)	Whole or gutted, with or without head	1,0	0,85	1 629
Hake (<i>Merluccius</i> spp.)	Whole or gutted, with or without head	1,0	0,85	1 043
	Individual fillets			
	— with skin	1,0	0,85	1 261
	— skinless	1,1	0,85	1 388
Sea-bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)	Whole or gutted, with or without head	1,0	0,85	1 362
Swordfish (<i>Xiphias gladius</i>)	Whole or gutted, with or without head	1,0	0,85	3 467
Shrimps and prawns <i>Penaeidae</i>	Frozen			
(a) <i>Parapenaeus Longirostris</i>		1,0	0,85	3 464
(b) Other <i>Penaeidae</i>		1,0	0,85	6 886
Cuttlefishes (<i>Sepia officinalis</i> , <i>Rossia macrosoma</i> and <i>Sepiola rondeletti</i>)	Frozen	1,0	0,85	1 654
Squid (<i>Loligo</i> spp.)				
(a) <i>Loligo patagonica</i>	— whole, not cleaned	1,00	0,85	993
	— cleaned	1,20	0,85	1 191
(b) <i>Loligo vulgaris</i>	— whole, not cleaned	2,50	0,85	2 482
	— cleaned	2,90	0,85	2 879
Octopus (<i>Octopus</i> spp.)	Frozen	1,00	0,85	1 819
<i>Illex argentinus</i>	— whole, not cleaned	1,00	0,80	696
	— tube	1,70	0,80	1 183

Forms of commercial presentation:

- whole, not cleaned: product which has not undergone any treatment,
- cleaned: product which has at least been gutted,
- tub: squid body which has at least been gutted and had the head removed.

COMMISSION REGULATION (EC) No 2178/2005**of 23 December 2005****fixing the reference prices for certain fishery products for the 2006 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 29(1) and (5) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that reference prices valid for the Community may be fixed each year, by product category, for products that are the subject of a tariff suspension under Article 28(1). The same holds for products which, by virtue of being either the subject of a binding tariff reduction under the WTO or some other preferential arrangements, must comply with a reference price.
- (2) For the products listed in Annex I, points A and B to Regulation (EC) No 104/2000, the reference price is the same as the withdrawal price fixed in accordance with Article 20(1) of that Regulation.
- (3) The Community withdrawal and selling prices for the products concerned are fixed for the 2006 fishing year by Commission Regulation (EC) No 2176/2005 ⁽²⁾.

- (4) The reference price for products other than those listed in Annexes I and II to Regulation (EC) No 104/2000 is established on the basis of the weighted average of customs values recorded on the import markets or in the ports of import in the three years immediately preceding the date on which the reference price is fixed.
- (5) There is no need to fix reference prices for all the species covered by the criteria laid down in Regulation (EC) No 104/2000, and particularly not for those imported from third countries in insignificant volumes.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The reference prices for the 2006 fishing year of fishery products, as referred to in Article 29 of Regulation (EC) No 104/2000, are set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2006.

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

Done at Brussels, 23 December 2005.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22. Regulation as amended by the 2003 Act of Accession.

⁽²⁾ See page 11 of this Official Journal.

ANNEX (*)

1. Reference prices for products referred to in Article 29(3)(a) of Regulation (EC) No 104/2000

Species	Size ⁽¹⁾	Reference price (EUR/tonne)			
		Gutted with head ⁽¹⁾		Whole fish ⁽¹⁾	
		Additional Taric code	Extra, A ⁽¹⁾	Additional Taric code	Extra, A ⁽¹⁾
Herring of the species <i>Clupea harengus</i> ex 0302 40 00	1		—	F011	125
	2		—	F012	191
	3		—	F013	180
	4a		—	F016	114
	4b		—	F017	114
	4c		—	F018	239
	5		—	F015	212
	6		—	F019	106
	7a		—	F025	106
	7b		—	F026	95
	8		—	F027	80
Redfish (<i>Sebastes spp.</i>) ex 0302 69 31 and ex 0302 69 33	1		—	F067	920
	2		—	F068	920
	3		—	F069	772
Cod of the species <i>Gadus morhua</i> ex 0302 50 10	1	F073	1 180	F083	852
	2	F074	1 180	F084	852
	3	F075	1 115	F085	656
	4	F076	885	F086	492
	5	F077	623	F087	361
		Boiled in water		Fresh or refrigerated	
		Additional Taric code	Extra, A ⁽¹⁾	Additional Taric code	Extra, A ⁽¹⁾
Deepwater prawns (<i>Pandalus borealis</i>) ex 0306 23 10	1	F317	4 911	F321	1 087
	2	F318	1 722	—	—

⁽¹⁾ The freshness, size and presentation categories are those laid down under Article 2 of Regulation (EC) No 104/2000.

(*) The additional code to be mentioned for all categories other than those explicitly referred to in points 1 and 2 of the Annex is 'F499: Other'.

2. Reference prices for fishery products referred to in Article 29(3)(d) of Regulation (EC) No 104/2000

Product	Additional Taric code	Presentation	Reference price (EUR/tonne)
1. Redfish (<i>Sebastes spp.</i>)			
ex 0303 79 35 ex 0303 79 37	F411	Whole: — with or without head	941
ex 0304 20 35 ex 0304 20 37	F412	Fillets: — with bones ('standard')	1 915
	F413	— without bones	2 075
	F414	— blocks in immediate packing weighing not more than 4 kg	2 262
2. Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> and <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i>			
ex 0303 60 11, ex 0303 60 19, ex 0303 60 90, ex 0303 79 41	F416	Whole, with or without head	1 095
ex 0304 20 29	F417	Fillets: — interleaved or in industrial blocks, with bones ('standard')	2 428
	F418	— interleaved or in industrial blocks, without bones	2 664
	F419	— individual or fully interleaved fillets, with skin	2 602
	F420	— individual or fully interleaved fillets, without skin	2 943
	F421	— blocks in immediate packing weighing not more than 4 kg	2 903
ex 0304 90 38	F422	Pieces and other meat, except minced blocks	1 406
3. Coalfish (<i>Pollachius virens</i>)			
ex 0304 20 31	F424	Fillets: — interleaved or in industrial blocks, with bones ('standard')	1 488
	F425	— interleaved or in industrial blocks, without bones	1 639
	F426	— individual or fully interleaved fillets, with skin	1 476
	F427	— individual or fully interleaved fillets, without skin	1 647
	F428	— blocks in immediate packing weighing not more than 4 kg	1 733
ex 0304 90 41	F429	Pieces and other meat, except minced blocks	967

Product	Additional Taric code	Presentation	Reference price (EUR/tonne)
4. Haddock (<i>Melanogrammus aeglefinus</i>)		Fillets:	
ex 0304 20 33	F431	— interleaved or in industrial blocks, with bones ('standard')	2 264
	F432	— interleaved or in industrial blocks, without bones	2 632
	F433	— individual or fully interleaved fillets, with skin	2 512
	F434	— individual or fully interleaved fillets, without skin	2 683
	F435	— blocks in immediate packing weighing not more than 4 kg	2 960
5. Alaska pollack (<i>Theragra chalcogramma</i>)		Fillets:	
ex 0304 20 85	F441	— interleaved or in industrial blocks, with bones ('standard')	1 136
	F442	— interleaved or in industrial blocks, without bones	1 298
6. Herring (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)		Herring flaps:	
ex 0304 10 97	F450	— exceeding 80 g a piece	510
ex 0304 90 22	F450	— exceeding 80 g a piece	464

COMMISSION REGULATION (EC) No 2179/2005**of 23 December 2005****fixing the amount of the carry-over aid and the flat-rate aid for certain fishery products for the 2006 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾,

Having regard to Commission Regulation (EC) No 2814/2000 of 21 December 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of carry-over aid for certain fishery products ⁽²⁾, and in particular Article 5 thereof,

Having regard to Commission Regulation (EC) No 939/2001 of 14 May 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of flat-rate aid for certain fishery products ⁽³⁾, and in particular Article 5 thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that aid may be granted for quantities of certain fresh products withdrawn from the market and either processed to stabilise them and stored or preserved.
- (2) The purpose of that aid is to give suitable encouragement to producers' organisations to process or preserve

products withdrawn from the market so that their destruction can be avoided.

- (3) The aid level should not be such as to disturb the balance of the market for the products in question or distort competition.
- (4) The aid level should not exceed the technical and financial costs associated with the operations essential to stabilising and storage recorded in the Community during the fishing year proceeding the year in question.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2006 fishing year, the amounts of the carry-over aid referred to in Article 23 of Regulation (EC) No 104/2000, and the amounts of the flat-rate aid referred to in Article 24(4) of that Regulation, are set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2006.

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

Done at Brussels, 23 December 2005.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22. Regulation amended by the 2003 Act of Accession.

⁽²⁾ OJ L 326, 22.12.2000, p. 34.

⁽³⁾ OJ L 132, 15.5.2001, p. 10.

ANNEX

1. Amount of the carry-over aid for products listed in Annex I, points A and B and for sole (*Solea spp.*) listed in Annex I, point C to Regulation (EC) No 104/2000

Processing methods listed in Article 23 of Regulation (EC) No 104/2000	Aid (EUR/tonne)
1	2
I. Freezing and storage of whole products, gutted and with head, or cut-up products	
— Sardines of the species <i>Sardina pilchardus</i>	330
— Other species	270
II. Filleting, freezing and storage	350
III. Salting and/or drying and storage of whole products, gutted and with head, or cut-up or filleted products	260
IV. Marinating and storage	240

2. Amount of the carry-over aid for the other products listed in Annex I, point C to Regulation (EC) No 104/2000

Processing and/or preservation methods listed in Article 23 of Regulation (EC) No 104/2000	Products	Aid (EUR/tonne)
1	2	3
I. Freezing and storage	Norway lobster <i>Nephrops norvegicus</i>	300
	Norway lobster tails <i>Nephrops norvegicus</i>	225
II. Removing the head, freezing and storage	Norway lobster <i>Nephrops norvegicus</i>	280
III. Cooking, freezing and storage	Norway lobster <i>Nephrops norvegicus</i>	300
	Edible crabs <i>Cancer pagurus</i>	225
IV. Pasteurisation and storage	Edible crabs <i>Cancer pagurus</i>	360
V. Live storage in fixed tanks or cages	Edible crabs <i>Cancer pagurus</i>	210

3. Amount of the flat-rate aid for products listed in Annex IV to Regulation (EC) No 104/2000

Processing methods	Aid (EUR/tonne)
I. Freezing and storage of whole products, gutted and with head, or cut-up products	270
II. Filleting, freezing and storage	350

COMMISSION REGULATION (EC) No 2180/2005**of 23 December 2005****fixing the amount of private storage aid for certain fishery products in the 2006 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾,

Having regard to Commission Regulation (EC) No 2813/2000 of 21 December 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of private storage aid for certain fishery products ⁽²⁾, and in particular Article 1 thereof,

Whereas:

- (1) The aid should not exceed the sum of technical and financial costs recorded in the Community during the fishing year proceeding the year in question.
- (2) To discourage long-term storage, to shorten payment times and to reduce the burden of controls, private storage aid should be paid in one single instalment.

- (3) The measures provided for in this Regulation are in accordance with the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2006 fishing year the amount of private storage aid, referred to in Article 25 of Regulation (EC) No 104/2000, for the products listed in Annex II to that Regulation shall be as follows:

— first month: EUR 200 per tonne,

— second month: EUR 0 per tonne.

Article 2

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

It shall apply from 1 January 2006.

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

Done at Brussels, 23 December 2005.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22. Regulation as amended by the 2003 Act of Accession.

⁽²⁾ OJ L 326, 22.12.2000, p. 30.

COMMISSION REGULATION (EC) No 2181/2005

of 23 December 2005

fixing the standard values to be used in calculating the financial compensation and the advance pertaining thereto in respect of fishery products withdrawn from the market during the 2006 fishing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 21(5) and (8) thereof,

Whereas:

(1) Regulation (EC) No 104/2000 provides for financial compensation to be paid to producer organisations which withdraw on certain conditions, the products listed in Annex I, points A and B to that Regulation. The amount of such financial compensation should be reduced by standard values in the case of products intended for purposes other than human consumption.

(2) Commission Regulation (EC) No 2493/2001 of 19 December 2001 on the disposal of certain fishery products which have been withdrawn from the market ⁽²⁾ specifies the ways of disposing of the products withdrawn from the market. The value of such products should be fixed at a standard level for each of these modes of disposal, taking into account the average revenues which may be obtained from such disposal in the various Member States.

(3) Under Article 7 of Commission Regulation (EC) No 2509/2000 of 15 November 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards granting financial compensation for withdrawals of certain fishery products ⁽³⁾, special rules provide that, where a producer organisation or one of its members puts its products up for sale in a Member State other than the country in which it is

recognised, that body responsible for granting the financial compensation must be informed. This body is the one in the Member State in which the producer organisation is recognised. The standard value deductible should therefore be the value applied in that Member State.

(4) The same method of calculation should be applied to advances on financial compensation as provided for in Article 6 of Regulation (EC) No 2509/2000.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 2006 fishing year, the standard values to be used in calculating financial compensation and associated advances for fishery products withdrawn from the market by producer organisations and intended for purposes other than human consumption, as referred to in Article 21(5) of Regulation (EC) No 104/2000, are set out in the Annex to this Regulation.

Article 2

The standard value to be deducted from financial compensation and associated advances shall be that applied in the Member State in which the producer organisation is recognised.

Article 3

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

⁽¹⁾ OJ L 17, 21.1.2000, p. 22. Regulation as amended by the 2003 Act of Accession.

⁽²⁾ OJ L 337, 20.12.2001, p. 20.

⁽³⁾ OJ L 289, 16.11.2000, p. 11.

It shall apply from 1 January 2006.

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

Done at Brussels, 23 December 2005.

For the Commission
Joe BORG
Member of the Commission

ANNEX

Standard values

Use of products withdrawn from the market	EUR/tonne
1. Use following processing into meal (animal feed):	
(a) Herring of the species <i>Clupea harengus</i> and mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> :	
— Denmark and Sweden	70
— United Kingdom	50
— other Member States	17
— France	1
(b) Shrimps of the species <i>Crangon crangon</i> and deep-water prawns (<i>Pandalus borealis</i>):	
— Denmark and Sweden	0
— other Member States	10
(c) Other products:	
— Denmark	40
— Sweden, Portugal and Ireland	17
— United Kingdom	28
— other Member States	1
2. Use fresh or preserved (animal feed):	
(a) Sardines of the species <i>Sardina pilchardus</i> and anchovies (<i>Engraulis</i> spp.):	
— all Member States	8
(b) Other products:	
— Sweden	0
— France	30
— other Member States	38
3. Use as bait:	
— France	45
— other Member States	10
4. Use for purposes other than animal feed	0

COMMISSION REGULATION (EC) No 2182/2005**of 22 December 2005****amending Regulation (EC) No 1973/2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 ⁽¹⁾, and in particular Articles 145 and 155 thereof,

Whereas:

- (1) Article 99(3) of Regulation (EC) No 1782/2003 provides that the amount of seed aid claimed shall not exceed a ceiling fixed by the Commission. When the total amount of aid claimed exceeds the fixed ceiling, the aid per farmer should be reduced proportionally.
- (2) Chapter 10 of Commission Regulation (EC) No 1973/2004 ⁽²⁾ provides for the conditions for receiving seed aid. Article 49 of that Regulation provides that seed aid is to be granted only on the condition that the seed has been marketed for sowing by the recipient by 15 June of the year following the harvest of the latest.
- (3) The need of applying an eventual reduction coefficient in the same year implies a serious difficulty for the implementation of the new scheme. In order to avoid the application of such reduction coefficient the only alternative would be to grant all the payments principally when all the seed is marketed, i.e. when the total quantity of seed is known. However, this would significantly delay the date of payment to the farmers and eventually cause financial problems for them. In order to avoid this situation a system of advances for seed aid should be introduced.
- (4) Regulation (EC) No 1782/2003 as amended by Council Regulation (EC) No 864/2004 ⁽³⁾ defines the rules for the coupled support for cotton, olive oil and raw tobacco.
- (5) In particular, Chapter 10a of Title IV of Regulation (EC) No 1782/2003 provides for the possibility of direct aid being granted for the production of cotton. It is therefore necessary to lay down detailed rules with regard to the granting of that aid.
- (6) Article 10b(1) of Regulation (EC) No 1782/2003 states that, in order to be eligible for the aid per hectare, the farmer must sow the area under cotton with authorised varieties and grow the cotton on land authorised by the Member States. The authorisation criteria must therefore be specified for both the varieties and lands suitable for cotton production.
- (7) In order to receive the aid per hectare for cotton, farmers must sow authorised lands. A criterion defining 'sowing' must be established. The Member States' fixing of the minimum planting density on these lands based on soil and climate conditions and specific regional features must be an objective criterion for establishing whether sowing has been conducted properly or not.
- (8) Exceeding the national base areas laid down for cotton in Article 110c(1) of Regulation (EC) No 1782/2003 shall result in a reduction of the amount of aid to be paid for each eligible hectare. In the case of Greece, however, the subdivision of the national area into sub-areas to which different aid rates apply means that the method for calculating the reduced amount should be specified.
- (9) The Member States must authorise inter-branch cotton-producing organisations on the basis of objective criteria relating to their scale, duties and internal organisation. The scale of an inter-branch organisation must be fixed, taking into account the requirement on the member ginning undertaking to be able to take delivery of sufficient quantities of unginned cotton. As the main purpose of the inter-branch organisation is to improve the quality of the cotton to be delivered, it must take appropriate measures along these lines for the benefit of its members.

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

⁽²⁾ OJ L 345, 20.11.2004, p. 1. Regulation as last amended by Regulation (EC) No 1044/2005 (OJ L 172, 5.7.2005, p. 76).

⁽³⁾ OJ L 161, 30.4.2004, p. 48, as corrected by OJ L 206, 9.6.2004, p. 20.

- (10) In order to avoid complications in managing the aid scheme, a producer may not be a member of more than one inter-branch organisation. For that same reason, where a producer belonging to an inter-branch organisation undertakes to supply the cotton he has produced, he can supply it only to the ginning undertaking belonging to that same organisation.
- (11) In accordance with Article 110e of Regulation (EC) No 1782/2003, the inter-branch organisations may decide to differentiate the aid to which their members are entitled. The differentiation scale must comply with criteria relating in particular to the quality of the cotton to be delivered, but excluding criteria involving increased production. To this end, the inter-branch organisations must establish parcel categories based in particular on criteria relating to the quality of the cotton produced thereon.
- (12) In order to establish the amount of aid to be paid to producers belonging to inter-branch cotton producing organisations, the scale must provide for a method of distributing the overall amount of differentiated aid among the various parcel categories, the procedures for evaluating and classifying each parcel into one of those categories, calculation of the amount of aid per eligible hectare based on the available budget for each category and the total number of hectares within each category.
- (13) In order to classify the parcels in one of the categories established by the scale the cotton delivered may be analysed in the presence of all the parties concerned.
- (14) As the member-producer is not obliged to deliver his cotton, he must be entitled at least to the non-differentiated part of the aid where the cotton is not delivered. The differential scale must make provision for this by fixing the minimum amount of aid per eligible hectare where delivery does not take place.
- (15) In order to apply the scale, and with a view to simplification, all the parcels belonging to a single producer may be considered as being of the same parcel category producing the same quality cotton.
- (16) Once it has received the inter-branch organisation's notification of the aid amounts payable to its producers, the paying agency must undertake the necessary checks and pay out the aid.
- (17) The scale must be approved by the Member State. In order to inform the member producers in good time, a deadline should be introduced by which the Member State must decide whether or not to approve the inter-branch organisation's scale, as well as any amendments subsequently made to it. As the inter-branch organisation is not required to adopt a differentiation scale, it can decide to suspend application of the scale and inform the Member State thereof.
- (18) The cotton aid scheme requires Member States to send their producers certain information on cotton growing, such as authorised varieties, the objective criteria for authorising land and the minimum plant density. In order to inform the farmers in good time, the Member State must send them this information by a specific date.
- (19) As the Commission is responsible for monitoring the proper application of the provisions on applying for the specific cotton aid, the Member States should provide it in good time with that same information and with information on the inter-branch organisations.
- (20) The introduction of the cotton aid scheme provided for in Regulation (EC) No 1782/2003 makes Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme⁽¹⁾ superfluous. That Regulation should therefore be repealed.
- (21) Chapter 10b of Title IV of Regulation (EC) No 1782/2003 provides for the possibility of direct aid being granted for olive groves. It is therefore necessary to lay down detailed rules with regard to the granting of the aid.
- (22) Article 110i of Regulation (EC) No 1782/2003 requires the Member States to identify up to five categories of olive grove and fixes an aid per olive GIS-hectare for each of those categories. To this end, the Commission must establish a common framework of social and environmental criteria, linked to the features of olive-growing landscapes and social traditions.
- (23) In order to improve the controls, the information on the categories of olive grove each farmer cultivates should be recorded in the geographical information system for olive cultivation. Provision should also be made to adjust the categories once a year, to take account of any changes in environmental or social conditions.
- (24) The aid for olive groves is granted per olive GIS-hectare. As a result, the area eligible for aid must be calculated for each farmer using a common method where the unit of area is expressed as olive GIS-ha. In order to facilitate administrative procedures, provision should be made for derogating measures both as regards the parcels with a minimum size to be determined by the Member States and the olive-growing parcels located within an administrative unit where the Member State has established an alternative system to the olive GIS.

⁽¹⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

- (25) For the purpose of paying the olive GIS-ha and in order to inform the farmers in good time, the Member States must first establish at the start of each year an indicative amount of aid per olive GIS-ha for each olive grove category. This indicative amount must be calculated on the basis of the data available on the number of farmers and areas qualifying for the aid for olive groves; the Member State will then fix the final aid amount using more accurate data.
- (26) One of the eligibility criteria established for the olive grove aid states that the number of olive trees in the grove must not differ by more than 10 % from the number recorded on 1 January 2005. In order to check compliance with this provision, the Member States must establish beforehand the information needed to identify the parcel concerned. In the case of France and Portugal, establishing the information on the parcels concerned must be postponed to a later date in order to take account of the areas planted with olive trees under the programmes approved under Article 4 of Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats ⁽¹⁾.
- (27) In order to allow the Commission to check the correct application of the finalised provisions for paying olive grove aid, the Member States should regularly transmit information on the areas under olive trees qualifying for the aid and on the level of aid to be granted for each olive grove category.
- (28) Chapter 10c of Title IV of Regulation (EC) No 1782/2003 provides for the possibility of direct aid being granted for the production of tobacco. It is therefore necessary to lay down detailed rules with regard to the granting of the aid.
- (29) For reasons of clarity, it is appropriate to provide for certain definitions.
- (30) Tobacco varieties should be classified in groups according to the curing method and production costs, taking account of the descriptions used in international trade.
- (31) Given their role as contracting partner, approval of first processing undertakings authorised to sign cultivation contracts is required. Such approval should be withdrawn where the rules are not observed and the special conditions governing the processing of tobacco should be laid down by the Member States.
- (32) In accordance with Article 110k of Regulation (EC) No 1782/2003 the recognised production areas should be fixed for each group of varieties of tobacco on the basis of the traditional production areas for the purposes of granting the aid. Member States should be permitted to limit production areas in order, in particular, to improve quality.
- (33) In order to make controls possible and to manage the payment of the aid efficiently, tobacco should be produced under cultivation contracts concluded between farmers and first processors. The main elements which have to figure in the cultivation contract for each harvest should be specified. Final dates for the conclusion and registration of contracts should be fixed sufficiently early, so as to guarantee, from the very beginning of the year of harvest, both stable outlets to farmers for the coming harvest and regular supplies to processors.
- (34) When a cultivation contract is concluded with a producer association, the essential details of each individual farmer should be notified to permit effective controls. In order to prevent distortion of competition and monitoring difficulties, producer associations should be debarred from engaging in first processing. In order to respect market structures, it should be laid down that a farmer may be a member of one producer association only.
- (35) Raw tobacco eligible for the aid should be of sound, fair and merchantable quality and free of certain characteristics which prevent normal marketing.
- (36) Given the particularities of the aid scheme, provision should be made for any disputes to be resolved through joint committees.
- (37) In order to be able to manage the financial envelope for raw tobacco appropriately, the Member States should fix an indicative aid amount by variety or variety groups early in the harvest year and a final aid amount after all deliveries have been made. The final aid amount should not exceed the premium level of 2005.
- (38) To encourage improvement of the quality and value of tobacco production, Member States should be allowed to differentiate the aid amount fixed for each variety or variety group in relation to the quality of the tobacco delivered.

⁽¹⁾ OJ L 210, 28.7.1998, p. 32. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97, as corrected by OJ L 206, 9.6.2004, p. 37).

- (39) Aid should be paid for the quantity of leaf tobacco delivered by farmers to first processors, provided that the minimum quality requirements are fulfilled. The aid should be adjusted where the moisture content of tobacco delivered differs from the moisture content fixed for each group of varieties on the basis of reasonable quality requirements. In order to simplify checks on delivery, sampling levels and frequency together with the method for calculating the adjusted weight for determining the moisture content should be fixed.
- (40) The period of delivery of the tobacco to processors should be limited in order to prevent fraudulent carry-over from one harvest to another. In several Member States checks are carried out at the place to which tobacco is delivered rather than that where it is processed. The places to which tobacco must be delivered and the checks to be carried out should be specified; Member States should approve such purchasing centres.
- (41) The conditions governing the payment of aid should be laid down in order to prevent fraud. However, it is the responsibility of the Member States to determine further management and control arrangements.
- (42) Aid may be paid only after a check on deliveries of all tobacco produced in a Member State, to guarantee that the operations concerned have actually been carried out. However, the payment of advances to producers of 50 % of the indicative aid amount due should be provided for on condition that an adequate security is lodged.
- (43) For administrative reasons, aid should, in each Member State, be granted only in respect of products produced on the territory of that Member State. Provisions are needed to take account of cases where tobacco is processed in Member States other than the Member State in which it has been produced. In such cases the quantity of raw tobacco in question should be taken over in the Member State where it was produced, for the benefit of producers in that Member State.
- (44) As a result of the tobacco policy reform, the buy-back programme for tobacco quotas will cease to apply. However, those producers who participated in the programme in 2002 and 2003 will continue to receive payments of the buy-back price until 2007 and 2008, respectively. At present, the buy-back price is fixed as a percentage of the tobacco premium in a given harvest year. The current tobacco premium system will no longer exist as from 1 January 2006, wherefore it is necessary to establish, as a transitional measure, a new basis for calculating the future quota buy-back price. Premium levels for raw tobacco have not changed during the harvest years 2002 to 2005. In the interest of continuity it is therefore appropriate to apply the premium level of 2005 as a basis for calculating the buy-back price.
- (45) Commission Regulation (EC) No 2848/98 of 22 December 1998 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the premium scheme, production quotas and the specific aid to be granted to producer groups in the raw tobacco sector⁽¹⁾ may be repealed, following the abolition of the guarantee threshold and the premium system provided for in Council Regulation (EEC) No 2075/92⁽²⁾. The provisions of Commission Regulation (EEC) No 85/93 of 19 January 1993 concerning control agencies in the tobacco sector⁽³⁾ have become obsolete and may therefore be repealed.
- (46) Regulation (EC) No 1973/2004 should therefore be amended accordingly.
- (47) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- Regulation (EC) No 1973/2004 is amended as follows:
- In Article 1(1), the following points are added:
 - '(q) crop specific payment for cotton provided for in Chapter 10a of Title IV of that Regulation;
 - (r) aid for olive groves provided for in Chapter 10b of Title IV of that Regulation;
 - (s) tobacco aid provided for in Chapter 10c of Title IV of that Regulation.'
 - In the first paragraph of Article 3, point (a) is replaced by the following:
 - '(a) by 15 September of the year concerned at the latest: the available data on the areas, or the quantities in the case of the dairy premium, additional payment, seeds and tobacco, provided for in Articles 95, 96, 99 and 110k of Regulation (EC) No 1782/2003, for which the aid has been claimed for that calendar year, where the case may be subdivided by sub-base area;'
- ⁽¹⁾ OJ L 358, 31.12.1998, p. 17. Regulation as last amended by Regulation (EC) No 1809/2004 (OJ L 318, 19.10.2004, p. 18).
⁽²⁾ OJ L 215, 30.7.1992, p. 70. Regulation as last amended by Regulation (EC) No 1679/2005 (OJ L 279, 15.10.2005, p. 1).
⁽³⁾ OJ L 12, 20.1.1993, p. 9.

3. In Article 21, paragraph 1 is replaced by the following:

‘1. Without prejudice to Article 28 of Regulation (EC) No 1782/2003, the aid for potato starch shall be paid, by the Member State on whose territory is situated the holding delivering the potatoes for the manufacturing of the potato starch, per farmer once all his quantities for the marketing year have been delivered to the starch-producing undertaking within four months from the date on which the proof referred to in Article 20 of this Regulation has been provided and the conditions referred to in Article 19 of this Regulation have been respected.’

4. The following Article 49a is inserted:

‘Article 49a

Advance payments

Member States may grant advance payments to seed growers as from 1 December of the marketing year. Such payment shall be proportional to the quantity of seeds already marketed for sowing within the meaning of Article 49 provided that all the conditions of Chapter 10 are complied with.’

5. The following Chapter 17a is inserted:

‘CHAPITRE 17a

CROP-SPECIFIC PAYMENTS FOR COTTON

Article 171a

Authorisation of agricultural land for cotton production

The Member States shall establish objective criteria on the basis of which land is authorised for the crop-specific payment for cotton provided for in Article 110a of Regulation (EC) No 1782/2003.

These criteria shall be based on one or more of the following:

- (a) the agricultural economy of those regions where cotton is a major crop;
- (b) the soil and climate in the areas in question;
- (c) the management of irrigation water;
- (d) rotation systems and cultivation methods likely to respect the environment.

Article 171aa

Authorisation of varieties for sowing

The Member States shall authorise the varieties registered in the Community catalogue that are adapted to market needs.

Article 171ab

Eligibility requirements

Sowing the areas referred to in Article 110b(1) of Regulation (EC) No 1782/2003 shall be done by achieving a minimum plant density, to be fixed by the Member State on the basis of the soil and weather conditions and specific regional characteristics, where appropriate.

Article 171ac

Agronomic practices

The Member States shall be authorised to establish specific rules on the agronomic practices needed to maintain the crops under normal growing conditions, with the exception of harvesting operations.

Article 171ad

Calculating the amount of aid per eligible hectare

1. Notwithstanding Article 171ag of this Regulation, in the case of Spain and Portugal, if the area under cotton eligible for the aid payment exceeds the national base area fixed in Article 110c(1) of Regulation (EC) No 1782/2003, the amount of aid laid down in paragraph 2 of that Article shall be multiplied by a reduction coefficient, obtained by dividing the base area by the eligible area.

2. Notwithstanding Article 171ag of this Regulation, in the case of Greece, if the area under cotton eligible for the aid payment exceeds 300 000 hectares, the amount of aid payable per hectare shall be obtained by multiplying EUR 594 by 300 000 hectares, adding an additional amount multiplied by the area exceeding 300 000 and then dividing that sum by the total area eligible.

The additional amount referred to in the first paragraph shall be:

- EUR 342,85 if the eligible area exceeds 300 000 but is equal to or less than 370 000 hectares,
- EUR 342,85 multiplied by a reduction coefficient equal to 70 000 divided by the number of eligible hectares exceeding 300 000, if the eligible area exceeds 370 000 hectares.

*Article 171ae***Authorisation of inter-branch organisations**

Before 31 December each year, Member States shall authorise for the following year any inter-branch cotton-producing organisation that applies to plant cotton and which:

- (a) covers a total area of at least 10 000 ha as established by the Member State and meeting the authorisation criteria laid down in Article 171a, and which includes at least one ginning undertaking;
- (b) conducts clearly identified measure geared in particular towards:
 - improving the commercial value of the unginced cotton produced,
 - improving the quality of unginced cotton meeting the ginner's needs,
 - using environmentally-sensitive production methods;
- (c) has adopted internal operating rules, in particular on:
 - membership conditions and fees, in accordance with national and Community rules and regulations,
 - where appropriate, a scale differentiating the aid by parcel category, established in particular on the basis of the quality of the unginced cotton to be supplied.

For 2006, however, Member States shall authorise the inter-branch cotton-producing organisations by 28 February 2006.

*Article 171af***The producers' obligations**

1. A producer shall not be a member of more than one inter-branch organisation.
2. A producer who is a member of an inter-branch organisation shall deliver his cotton to a ginner belonging to that same organisation.
3. The participation of producers in an approved inter-branch organisation must be the result of voluntary membership.

*Article 171ag***Aid differentiation**

1. By including the increase provided for in Article 110f(2) of Regulation (EC) No 1782/2003, the scale referred to in Article 110e of that Regulation (hereinafter the scale) shall establish:

- (a) the aid amounts per eligible hectare that a member producer is eligible to receive based on the classification of his parcels in the established categories referred to in paragraph 2;
- (b) the method for each parcel category, in accordance with paragraph 2, of allocating the entire sum reserved for differentiating the aid.

For the purposes of applying point (a) the basic amount shall be at least equal to the non-differentiated part of the eligible aid per hectare laid down in Article 110c(2) of Regulation (EC) No 1782/2003, adapted, if appropriate, in accordance with paragraph 3 of that Article.

The calculation referred to in point (a) shall also apply in cases where no cotton is delivered to the ginner. In that case the minimum aid per eligible hectare that the member producer is to receive shall be at least equal to the non-differentiated part of the aid per eligible hectare laid down in Article 110c(2) of Regulation (EC) No 1782/2003, adapted, if appropriate, in accordance with paragraph 3 of that Article.

2. The parcels shall be classified into several categories, established by the inter-branch organisations on the basis of at least one of the following quality criteria:

- (a) length of the cotton fibre produced;
- (b) the cotton's moisture content;
- (c) the cotton's average impurity content.

The scale shall lay down the procedures for evaluating each parcel against the criteria and for classifying it in one of the established categories.

In no case shall the scale include criteria associated with an increase in production or the cotton's placement on the market.

In order to apply the scale, all the parcels belonging to a single producer may be considered as being of the same average parcel category and producing the same quality cotton.

3. If necessary, in order to classify unginned cotton within the scale by parcel category, it shall be analysed on the basis of representative samples upon its delivery to the ginning undertaking, in the presence of all the parties concerned.

4. The inter-branch organisation shall notify the paying agency of the amount to be paid to each of its producers, based on the application of the scale. The paying agency shall make payment once it has checked the conformity and eligibility of the aid amounts in question.

Article 171ah

Approval and amendment of the scale

1. The scale shall be notified for the first time to the Member State in question, with a view to its approval by 28 February 2006 for the 2006 sowing season.

The Member State may decide to approve or reject the scale within one month of its transmission.

2. Before 31 January, approved inter-branch organisations shall notify the Member State concerned of amendments made to the scale for sowings in the current year.

The amendments made to the scale shall be deemed approved, unless the Member State receives objections within one month of the date laid down the first paragraph.

Should the amendments made to the scale not be approved, the aid payable shall be that calculated on the basis of the scale actually approved, with no account being taken of the unapproved amendments.

3. If the inter-branch organisation decides to suspend application of the scale, it shall inform the Member State accordingly. The suspension shall take effect for the following year's sowing season.

Article 171ai

Communications to the producers and Commission

1. Before January 31 of the year in question, Member States shall notify cotton growers and the Commission of:

- (a) the approved varieties; however, varieties approved in accordance with Article 171aa after that date must be notified to the growers before 15 March in the same year;
- (b) the criteria for approving land;
- (c) the minimum cotton plant density referred to in Article 171ab;

(d) the required agronomic practices.

2. Where approval for a variety is withdrawn, the Member States shall inform the growers no later than 31 January for the purposes of the following year's sowing season.

3. The Member States shall send the Commission the following information:

- (a) no later than 30 April of the year concerned, the names of the approved inter-branch organisations and their main features as regards their land area, production potential, number of growers, number of ginners and ginning potential;
- (b) no later than 15 September of the year concerned, the area planted to cotton for which applications for the crop-specific cotton payment have been lodged;
- (c) no later than 31 July of the following year, the final data corresponding to the areas or quantities planted for which the specific cotton aid has actually been paid for the year concerned, after, where applicable, the deduction of the reductions in area provided for in Part II, Title IV, Chapter 1 of Regulation (EC) No 796/2004.

6. The following Chapter 17b is inserted:

'CHAPTER 17b

AID FOR OLIVE GROVES

Article 171b

Categories of olive groves

1. The Member States shall identify the olive groves eligible for the aid laid down in Article 110g of Regulation (EC) No 1782/2003 and shall classify them in a maximum of five categories on the basis of criteria chosen from among the following:

- (a) environmental criteria:
 - (i) difficulty of access to the parcels;
 - (ii) risk of physical degradation of the land;
 - (iii) olive groves with special features: old trees, cultural value or value for the landscape, sloping land, traditional or rare varieties, or situated in protected natural areas;

(b) social criteria:

(i) areas with a heavy economic dependence on olive-growing;

(ii) areas with a tradition of olive cultivation;

(iii) areas with negative economic indicators;

(iv) holdings at risk of abandoning olive groves;

(v) the size of olive groves on a holding;

(vi) areas with special features such as PDO or PGI production, organic or integrated farming.

2. Member States shall determine, for each farmer concerned, which of the categories listed in paragraph 1 each olive-growing parcel eligible for aid belongs to. This information shall be recorded in the olive GIS.

3. Member States may adjust the categories of olive groves identified under paragraph 1 once a year.

Where the adjustment of categories results in a reclassification of the olive groves, the new classification shall apply from the year following that in which the adjustment takes place.

Article 171ba

Calculation of areas

1. The Member States shall calculate for each producer the area eligible for the aid using the common methodology set out in Annex XXIV.

The areas shall be declared in olive GIS-ha to two decimal places.

2. Notwithstanding paragraph 1, the common methodology set out in Annex XXIV shall not apply when:

(a) the olive-growing parcel is of a minimum size, to be determined by the Member State but not exceeding 0,1 hectare;

(b) the olive-growing parcel is located in an administrative unit that does not appear in the olive-GIS's graphical reference database.

In this case, the Member State shall determine the olive-growing area on the basis of objective criteria and in a manner ensuring equal treatment of farmers.

Article 171bb

Amount of aid

1. The Member States shall establish before 31 January each year the indicative amount of aid per olive GIS-ha for each category of olive grove.

2. The Member States shall fix, before 31 October of the year in question, the amount of aid per olive GIS-ha for each category of olive grove.

This amount shall be calculated by multiplying the indicative amount referred to in paragraph 1 by a coefficient which corresponds to the maximum amount of aid laid down in Article 110i(3) of Regulation (EC) No 1782/2003, taking into account, where applicable, the reduction provided for in paragraph 4 of that Article, divided by the sum of the amounts produced by multiplying the indicative aid amount referred to in paragraph 1 of this Article, laid down for each category, by the corresponding area.

3. Member States may apply paragraphs 1 and 2 on a regional basis.

Article 171bc

Establishing the basic data

1. For the purpose of applying Article 110h(c) of Regulation (EC) No 1782/2003, the Member States shall use data from the olive GIS and of farmers' declarations to establish on 1 January 2005 the following information for each olive-growing parcel: number and location of eligible olive trees, number and location of ineligible olive trees, the olive-growing area and eligible area of the olive-growing parcel as well as the relevant category referred to in Article 171b.

2. In the case of areas planted with olive trees under new plantation programmes in France and Portugal, approved by the Commission under Article 4 of Council Regulation (EC) No 1638/98 (*), and recorded in the olive GIS before 1 January 2007, the Member States shall establish the information referred to in paragraph 1, as at 1 January 2006 for parcels planted in 2005 and as at 1 January 2007 for parcels planted in 2006. This information shall be notified to farmers in the 2007 single application at the latest.

*Article 171bd***Communications**

Member States shall communicate to the Commission each year:

(a) not later than 15 September: information on the olive-growing areas for which aid has been applied for in the current year, by category;

(b) not later than 31 October:

(i) information on the areas referred to in point (a) considered eligible for aid, taking into account the reductions or corrections provided for in Article 51 of Regulation (EC) No 796/2004;

(ii) the amount of aid to be granted for each category of olive groves;

(c) not later than 31 July: the final data on the olive-growing areas for which aid was actually paid in the previous year, by category.

(*) OJ L 210, 28.7.1998, p. 32. Regulation repealed by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97, as corrected by OJ L 206, 9.6.2004, p. 37).'

7. The following Chapter 17c is inserted:

CHAPTER 17c**TOBACCO AID***Article 171c***Definitions**

For the purposes of this Chapter:

(a) "delivery" means any operation taking place on a given day which involves a farmer or a producer association handing over raw tobacco to a processing undertaking under a cultivation contract;

(b) "control certificate" means the document issued by the competent control body certifying that the quantity of tobacco concerned has been taken over by the first processor, that this quantity has been delivered under a registered contract and that the operations have been carried out in accordance with Articles 171cj and 171ck of this Regulation;

(c) "first processor" means any approved natural or legal person who carries out first processing of raw tobacco

by operation, in his own name and on his own account, of one or more first tobacco processing establishments suitably equipped for that purpose;

(d) "first processing" means the processing of raw tobacco delivered by a farmer into a stable, storable product put up in uniform bales or packages of a quality meeting final user (manufacturer) requirements;

(e) "producer association" means an association representing farmers producing tobacco.

*Article 171ca***Raw tobacco variety groups**

Raw tobacco varieties shall be classified in the following groups:

(a) flue-cured: tobacco dried in ovens with controlled air circulation, temperature and humidity;

(b) light air-cured: tobacco dried in the air under cover;

(c) dark air-cured: tobacco dried in the air under cover, fermented before being marketed;

(d) fire-cured: tobacco dried by fire;

(e) sun-cured: tobacco dried in the sun;

(f) Basmas (sun-cured);

(g) Katerini (sun-cured);

(h) Kaba-Koulak (classic) and similar (sun-cured).

The varieties in each group are listed in Annex XXV.

*Article 171cb***First processors**

1. Member States shall approve first processors established on their territory and shall establish the appropriate conditions for such approval.

An approved first processor is authorised to sign cultivation contracts, provided it sells at least 60 % of its marketed tobacco of Community origin to tobacco manufacturing undertakings either directly, or indirectly without further processing.

2. Approval shall be withdrawn by the Member State if the processor, deliberately or through serious negligence, fails to comply with the provisions concerning raw tobacco at Community or at national level.

Article 171cc

Production areas

For each group of varieties, the production areas referred to in Article 110k(a) of Regulation (EC) No 1782/2003 shall be those laid down in Annex XXVI to this Regulation.

Member States may specify more restricted production areas, especially in the interests of quality. Restricted production areas may not exceed the area of the administrative unit or, in France, the canton.

Article 171cd

Cultivation contracts

1. Cultivation contracts referred to in Article 110k(c) of Regulation (EC) No 1782/2003 shall be concluded between a first processor, on the one hand, and a farmer or a producer association representing him on the other hand, provided that the producer association is recognised by the Member State concerned.

2. Cultivation contracts shall be concluded by variety or group of varieties. They shall commit the first processor to taking delivery of the quantity of leaf tobacco provided for in the contract and the farmer or the producer association representing him to deliver that quantity to the first processor, to the extent that their actual production so allows.

3. For each harvest, cultivation contracts shall include at least the following details:

- (a) the names and addresses of the parties to the contract;
- (b) the variety and group of varieties of tobacco covered by the contract;
- (c) the maximum quantity to be delivered;
- (d) the exact location where the tobacco is produced: the production area as referred to in Article 171cc, province,

municipality, identification of the parcel under the integrated control system;

- (e) the area of the parcel concerned, excluding service roads and enclosures;
- (f) the purchase price according to quality grade, excluding the aid, any service charges and taxes;
- (g) the minimum quality requirements agreed per quality grade, with a minimum of three grades per position on the stalk, and an undertaking by the farmer to deliver to the processor raw tobacco by quality grade meeting at least those quality requirements;
- (h) a commitment by the first processor to pay the farmer the purchase price according to quality grade;
- (i) the time-limit for payment of the purchase price, which may not exceed 30 days from the date of delivery;
- (j) an undertaking by the farmer to replant the tobacco on the parcel concerned by 20 June of the harvest year.

4. If replanting is delayed beyond the date of 20 June, the farmer shall inform the processor and the competent authority of the Member State thereof by registered letter before that date, giving the reason for the delay and giving details of any change of parcel.

5. The parties to a cultivation contract may, by means of a written amendment, increase the quantities initially specified in the contract. The amendment shall be submitted for registration to the competent authority not later than the 40th day following the deadline for concluding cultivation contracts referred to in Article 171ce(1).

Article 171ce

Conclusion and registration of contracts

1. Cultivation contracts shall be concluded, except in cases of *force majeure*, by 30 April of the harvest year. Member States may fix an earlier date.

2. Except in cases of *force majeure*, cultivation contracts once concluded shall be submitted for registration to the competent body no later than 15 days after the deadline for concluding them referred to in paragraph 1.

The competent body shall be that of the Member State in which processing is to take place.

Where processing is to take place in a Member State other than that in which the tobacco was grown, the competent body of the Member State in which processing is to take place shall immediately send a copy of the registered contract to the competent body of the producer Member State. If that body does not itself carry out checks on the aid system, it shall send a copy of the registered contract to the competent control body.

3. If the deadline for the conclusion of contracts referred to in paragraph 1 or for the submission of cultivation contracts provided for in paragraph 2 is exceeded by a maximum of 15 days, the aid to be paid shall be reduced by 20 %.

Article 171f

Contracts with a producer association

1. Where a cultivation contract is concluded between a first processor and a producer association, it shall be accompanied by a list containing the names of the farmers concerned and their respective maximum quantity to be delivered, exact parcel location and the area of the parcels concerned, as referred to Article 171cd(3)(c), (d) and (e).

That list shall be submitted for registration to the competent body no later than 15 May of the harvest year.

2. Producer associations referred to in paragraph 1 may not carry out first processing of tobacco.

3. Farmers producing tobacco may not belong to more than one producer association.

Article 171g

Minimum quality requirements

Tobacco delivered to processors shall be of sound, fair and merchantable quality and free from any of the characteristics listed in Annex XXVII. Stricter quality requirements may be established by the Member State or may be agreed on by contracting parties.

Article 171h

Disputes

The Member States may provide that disputes concerning the quality of tobacco delivered to the first processor shall be submitted to an arbitration body. The Member States shall

lay down the rules governing the membership and the decision-making procedures of such bodies. Arbitration bodies must include one or more representatives of producers and processors, in equal numbers.

Article 171i

Aid level

In application of Article 110k(d) of Regulation (EC) No 1782/2003, Member States shall fix the indicative aid amount per kg by tobacco variety or group of varieties before 15 March of the harvest year. Member States may differentiate the aid level depending on the quality of the tobacco delivered. For each variety or group of varieties, the aid level shall not exceed the premium amount by group of varieties fixed for the 2005 harvest by Council Regulation (EC) No 546/2002 (*).

The Member States shall fix the final aid amount per kg by tobacco variety or group of varieties within 15 working days following the day on which all tobacco for the harvest concerned has been delivered. If the total amount of aid applied for in a Member State exceeds the national ceiling established in Article 110l of Regulation (EC) No 1782/2003, as adjusted in accordance with Article 110m of that Regulation, the Member State shall proceed to a linear reduction of the amounts paid to each farmer.

Article 171j

Calculation of the aid payment

1. The aid to be paid to farmers shall be calculated on the basis of the weight of leaf tobacco of the variety or group of varieties concerned corresponding to the minimum quality required and taken over by the first processor.

2. Where the moisture content differs from the level laid down in Annex XXVIII for the variety concerned, the weight shall be adjusted for each percentage point of difference, within the tolerances laid down in that Annex.

3. The methods for determining moisture content, sampling levels and frequency and the method for calculating the adjusted weight shall be as set out in Annex XXIX.

Article 171k

Delivery

1. Except in cases of *force majeure*, farmers shall deliver their entire production to the first processor by 30 April of the year following the year of harvest, failing which they shall lose their entitlement to the aid. Member States may fix an earlier date.

2. The delivery shall be made either directly to the place where the tobacco will be processed or, if the Member State so authorises, to an approved purchasing centre. The competent control body shall approve such purchasing centres, which shall have the appropriate facilities, weighing scales and premises.

3. If the unprocessed tobacco has not been delivered to the places referred to in paragraph 2, or the transporter conveying distinct quantities of tobacco from the purchasing centre to the processing plant does not have authorisation to effect transport, the first processing undertaking which received the tobacco concerned shall pay the Member State a sum of money equal to the aid for the quantity of tobacco in question. This amount shall be booked to the European Agricultural Guidance and Guarantee Fund (EAGGF).

Article 171cl

Payment

The Member State's competent body shall pay the aid to the farmer on the basis of a control certificate issued by the competent control body certifying that the tobacco has been delivered.

Article 171cm

Advances

1. By way of derogation from Article 10(1) of Regulation (EC) No 796/2004, Member States may apply a system of advances on tobacco aid for farmers.

2. Farmers' applications for an advance may be submitted after 16 September of the year of the harvest. They shall be accompanied by the following documents, save where a Member State provides otherwise on the grounds that they are already in its possession:

- (a) a copy of the cultivation contract or its registration number;
- (b) a written declaration from the farmer concerned specifying the quantities of tobacco he is in a position to deliver during the current harvest.

3. Payment of the advance, the maximum amount of which shall be equal to 50 % of the aid amount payable, based on the indicative aid level fixed in accordance with Article 171ci shall be subject to the lodging of a security equal to the amount of the advance plus 15 % of the amount of the advance.

The security shall be released when the total aid amount has been paid in accordance with Article 19 of Regulation (EEC) No 2220/85.

4. The advance shall be paid from 16 October of the year of the harvest and within 30 days of submission of the application referred to in paragraph 2 and of proof that the security referred to in paragraph 3 has been lodged.

The advance paid shall be deducted from the amount of the tobacco aid payable under Article 171cl .

5. Member States shall determine any further conditions governing the grant of advances, and in particular the final date for lodging applications. Farmers may not lodge an application for an advance once they have begun making deliveries.

Article 171cn

Cross-border processing

1. Aid shall be paid or advanced by the Member State in which the tobacco was produced.

2. Where tobacco is processed in a Member State other than that in which it was produced, the processing Member State shall, after carrying out the necessary checks, provide the producer Member State with all the information needed to enable it to pay the aid or release the security.

Article 171co

Notifications to the Commission

1. Each Member State concerned shall notify the Commission by 31 January of each harvest year at the latest of:

- (a) the names and addresses of the bodies responsible for the registration of cultivation contracts;
- (b) the names and addresses of the approved first-processing undertakings.

The Commission shall publish the list of the bodies responsible for the registration of cultivation contracts and of approved first-processing undertakings in the 'C' series of the *Official Journal of the European Union*.

2. Each Member State concerned shall immediately notify the Commission of the national measures taken to apply this Chapter.

Article 171cp

Transitional measure

Without prejudice to any future amendments, producers whose tobacco production quotas were bought back during the 2002 and 2003 harvests in accordance with Article 14 of Regulation (EEC) No 2075/92 shall be entitled as from 1 January 2006, for the remainder of the five harvest years following the year in which their quota is bought back, to receive an amount equal to a percentage of the premium granted in respect of the 2005 harvest, as shown in the tables in Annex XXX. These amounts shall be paid before 31 May each year.

(*) OJ L 84, 28.3.2002, p. 4.

8. Article 172 is amended as followed:

(a) The following paragraphs 3a and 3b are inserted:

‘3a. Regulation (EC) No 1591/2001 is hereby repealed. However, it shall continue to apply to the 2005/06 marketing year.

3b. Regulations (EEC) No 85/93 and (EC) No 2848/98 are repealed with effect from 1 January 2006. However they shall continue to apply in respect of the 2005 harvest.’

(b) Paragraph 4 is replaced by the following:

‘4. References to the repealed acts shall be construed as references to this Regulation except for Regulation (EEC) No 85/93.’

9. The text in the Annex to this Regulation is added as Annexes XXIV to XXX.

Article 2

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

It shall apply from 1 January 2006 with the exception of Article 1(4) which shall apply from 1 January 2005.

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

Done at Brussels, 22 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

'ANNEX XXIV

Common methodology for the calculation of the olive area in olive GIS-ha

The common methodology is based on an algorithm ⁽¹⁾ which derives the olive area from the position of olive trees using GIS-based automatic processing.

1. DEFINITIONS

For the purposes of this Annex:

- (a) "olive-growing parcel" means a continuous tract of land covered by eligible olive trees in production each of which is less than a specified maximum distance from another eligible olive tree;
- (b) "eligible olive tree" means an olive tree planted before 1 May 1998, or 31 December 2001 in the case of Cyprus and Malta, or a replacement olive tree or any olive tree planted under a programme approved by the Commission under Article 4 of Regulation (EC) No 1638/98 the existence of which is recorded in the geographical information system;
- (c) "scattered eligible olive tree" means an olive tree in production which does not fulfil the conditions necessary to constitute a group of trees on an olive-growing parcel;
- (d) "eligible olive tree in production" means a living eligible olive tree of a species classed as domestic, permanently established, irrespective of age or condition, possibly possessing several trunks separated from one another at the base by less than two metres.

2. STAGES OF THE ALGORITHM FOR THE AID FOR OLIVE GROVES**Stage 1: Neighbourhood analysis**

The neighbourhood analysis parameter (P1) defines a maximum distance of proximity between eligible olive trees, stating whether they are scattered or belong to the same olive-growing parcel. P1 is the radius that originates from an eligible olive tree and defines a circle in which other eligible olive trees must fall to be considered as belonging to the same "olive-growing perimeter".

P1 is set at 20 metres, which corresponds to an agronomic maximum value in most regions. In certain extensively cultivated regions, to be identified by the Member States, where average planting distances are more than 20 metres, the Member State may decide to fix P1 as twice the regional average planting distance. In this case, the Member State must keep the documents justifying the application of this exception.

Eligible olive trees belonging to olive groves with planting distances greater than P1 are regarded as eligible scattered olive trees.

A first pass of the P1 parameter determines the proximity of eligible olive trees. A buffer is placed around all points (the olive tree barycentres), the polygons created as a result are merged, and a search on polygon size then determines the scattered eligible olive trees.

Stage 2: Attribution of a standard area to the scattered eligible olive trees

After applying P1, eligible olive trees are divided into two classes:

- eligible olive trees belonging to an olive-growing perimeter,
- scattered eligible olive trees.

⁽¹⁾ A method called OLIAREA, developed by the Joint Research Centre of the European Commission.

The area attributed to a scattered eligible olive tree, P2, is set at 100 m², i.e. as a circle with radius of 5,64 m centred on the scattered eligible olive tree.

Stage 3: Application of the internal buffer P3

An area must be attributed to the olive-growing perimeter and a polygon, the shape of which represents the olive grove, must be determined.

First, a network of lines is created linking all the eligible olive trees in the group whose distance from one tree to another is less than the distance P1.

Then an area defined as an "internal buffer" is superimposed on each of these lines. The internal buffer is defined as the set of points whose distance from the network of lines is less than or equal to a value defined as the "width of internal buffer". In order to avoid the formation of islands which would be classified as "non-olive grove" within a regularly planted olive grove, the width of the internal buffer must be one half the distance P1.

The combination of all internal buffers constitutes a preliminary approximation of the area to be attributed to the group of olive trees, i.e. the area of the olive grove.

Stage 4: Application of the external buffer P4

The final area of the olive grove and the final shape of the polygon that represents that area, are attributed by using a second buffer called the "external buffer".

An "external buffer" is applied externally to the network of lines that link all the eligible olive trees bordering the olive grove. The external buffer is the set of points whose distance from a bordering line of the network is less than or equal to the value defined as the "width of external buffer". The external buffer is applied only to the outer side of each line bordering the network, while the internal buffer continues to be applied to the inner side.

The "external" buffer is defined as half of the mean planting distance of the olive-growing parcel (δ), with a minimum threshold of 2,5 m.

The mean planting distance among eligible olive trees is calculated using the following formula:

$$\text{Mean planting distance } \delta = \sqrt{\frac{A}{N}}$$

where A = the area of the group of olive trees and N = the number of olive trees.

The mean planting distance will be calculated by means of successive iterations:

- the first mean planting distance δ_1 will be calculated using the area (A_1) obtained applying only P3 (internal buffer),
- a new area A^2 will be then calculated using as external buffer $\delta_2 = \delta_1/2$,
- A_n will be obtained in this way, when the difference between A_{n-1} and A_n is no longer considered significant.

P4 thus becomes:

$$P4 = \max [2,5 \text{ m}; 1/2 \delta_n]$$

$$\text{where } \delta_n = \sqrt{\frac{A}{N}}$$

Stage 5: Determination of the surface area**— Stage 5a: Determination of the Voronoi polygon**

The external and internal buffers (P3 and P4) are combined to produce the final result. The output is a graphic layer, from which the olive-growing perimeter and the olive-growing area must be recorded in the olive GIS database.

Optionally, it may be converted to Voronoi polygons which attribute an area to each eligible olive tree. A Voronoi polygon is defined as “a polygon whose interior consists of all points in the plane which are closer to a particular lattice point than to any other”.

— Stage 5b: Exclusion of areas falling outside the boundaries of the reference parcel

First the olive-growing perimeters must be superimposed on the reference parcel boundaries.

After that, the parts of olive-growing perimeters falling outside the reference parcel boundaries must be eliminated.

— Stage 5c: Incorporation of islands smaller than 100 m²

A tolerance must be applied by means of a threshold on the size of “islands” (i.e. parts of the parcel which are not covered by eligible olive trees, once the method has been applied), in order to avoid the formation of insignificant “islands”. All “islands” under 100 m² may be incorporated. The “islands” to be considered are both:

- the “internal islands” (within the olive-growing perimeter generated by OLIAREA) resulting from the application of the P1 and P3 parameters,
- the “external islands” (inside the reference parcel but outside the olive-growing parcel) resulting from the application of P4 and the intersection between reference parcels and the olive-growing perimeters.

Stage 6: Exclusion of ineligible olive trees

Where ineligible olive trees are also present on the olive-growing parcel, the area obtained after stage 5 must be multiplied by the number of eligible olive trees and divided by the total number of olive trees on the olive-growing parcel. The area calculated in this way constitutes the olive-growing area eligible for the aid for olive groves.

3. STAGES OF THE ALGORITHM FOR THE SINGLE PAYMENT SCHEME

To determine the number of hectares to be taken into account for the purposes of Article 43(1) of and Annex VII(H) to Regulation (EC) No 1782/2003 (determination of the payment entitlements), stages 1 to 5 of the above algorithm shall apply, and stage 6 shall not apply. The area of the scattered olive trees referred to in stage 2 may not be considered, however.

In this case, at the end of stage 5, the Member States may decide to incorporate into the olive-growing area islands of agricultural land greater than 100 m² which have not produced any entitlement, during the reference period, to the direct payments listed in Annex VI to Regulation (EC) No 1782/2003, with the exclusion of areas under permanent crops and forests. If they decide to do this, this provision shall apply to all farmers in the Member State.

The Member States must keep a record of this derogation and of the checks carried out in the olive GIS.

The same approach shall apply when calculating the number of eligible hectares under Article 44 of Regulation (EC) No 1782/2003 (Use of payment entitlements).

4. IMPLEMENTATION

The Member States shall implement this algorithm as a functionality of their olive GIS, adapted to their own system environment. The results of each stage of the algorithm must be recorded for each olive-growing parcel in the olive GIS.

ANNEX XXV

CLASSIFICATION OF TOBACCO VARIETIES

as referred to in Article 171ca

I. FLUE-CURED

Virginia	Wisła
Virginia D and hybrids thereof	Wilia
Bright	Waleria
Wiślica	Watra
Virginia SCR IUN	Wanda
Wiktorja	Weneda
Wiecha	Wenus
Wika	DH 16
Wala	DH 17

II. LIGHT AIR-CURED

Burley	Tennessee 90
Badischer Burley and hybrids thereof	Baca
Maryland	Bocheński
Bursan	Bonus
Bachus	NC 3
Bożek	Tennessee 86
Boruta	

III. DARK AIR-CURED

Badischer Geudertheimer, Pereg, Korso	Goyano
Paraguay and hybrids thereof	Hybrids of Geudertheimer
Dragon Vert and hybrids thereof	Beneventano
Philippin	Brasile Selvaggio and similar varieties
Petit Grammont (Flobecq)	Fermented Burley
Semois	Havanna
Appelterre	Prezydent
Nijkerk	Mieszko
Misionero and hybrids thereof	Milenium
Rio Grande and hybrids thereof	Małopolanin
Forchheimer Havanna Ilc	Makar
Nostrano del Brenta	Mega
Resistente 142	

IV. FIRE-CURED

Kentucky and hybrids
Moro di Cori
Salento
Kosmos

V. SUN-CURED

Xanthi-Yaka

Perustitza

Samsun

Erzegovina and similar varieties

Myrodata Smyrnis, Trapezous and Phi I

Kaba Koulak (non-classic)

Tsebelia

Mavra

VI. BASMAS

VII. KATERINI AND SIMILAR VARIETIES

VIII. KABA KOULAK (CLASSIC)

Elassona

Myrodata Agrinion

Zichnomyrodata

ANNEX XXVI

RECOGNISED PRODUCTION AREAS

as referred to in Article 171cc

Group of varieties in accordance with Annex I	Member State	Production areas
I. Flue-cured	Germany	Schleswig-Holstein, Lower Saxony, Bavaria, Rheinland-Pfalz, Baden-Württemberg, Hessen, Saarland, Brandenburg, Mecklenburg-Pomerania, Saxony, Saxony-Anhalt, Thuringia
	Greece	
	France	Aquitaine, Midi-Pyrénées, Auvergne, Limousin, Champagne-Ardenne, Alsace, Lorraine, Rhône-Alpes, Franche-Comté, Provence-Alpes-Côte d'Azur, Pays-de-la-Loire, Centre, Poitou-Charentes, Brittany, Languedoc-Roussillon, Normandy, Burgundy, Nord-pas-de-Calais, Picardy, Île-de-France
	Italy	Friuli, Veneto, Lombardy, Piedmont, Tuscany, Marche, Umbria, Lazio, Abruzzi, Molise, Campania, Basilicata, Calabria
	Spain	Extremadura, Andalusia, Castile-Leon, Castile-La Mancha
	Portugal	Beiras, Ribatejo Oeste, Alentejo, Autonomous Region of the Azores
	Austria	
II. Light air-cured	Belgium	
	Germany	Rheinland-Pfalz, Baden-Württemberg, Hessen, Saarland, Bavaria, Brandenburg, Mecklenburg-Pomerania, Saxony, Saxony-Anhalt, Thuringia
	Greece	
	France	Aquitaine, Midi-Pyrénées, Languedoc-Roussillon, Auvergne, Limousin, Poitou-Charentes, Brittany, Pays-de-la-Loire, Centre, Rhône-Alpes, Provence-Alpes-Côte d'Azur, Franche-Comté, Alsace, Lorraine, Champagne-Ardenne, Picardy, Nord-Pas-de-Calais, Upper Normandy, Lower Normandy, Burgundy, Réunion, Île-de-France
	Italy	Veneto, Lombardy, Piedmont, Umbria, Emilia-Romagna, Lazio, Abruzzi, Molise, Campania, Basilicata, Sicily, Friuli, Tuscany, Marche
	Spain	Extremadura, Andalusia, Castile-Leon, Castile-La Mancha
	Portugal	Beiras, Ribatejo Oeste, Entre Douro e Minho, Trás-os-Montes, Autonomous Region of the Azores
	Austria	

Group of varieties in accordance with Annex I	Member State	Production areas
III. Dark air-cured	Belgium Germany France Italy Spain Austria	Rheinland-Pfalz, Baden-Württemberg, Hessen, Saarland, Bavaria, Brandenburg, Mecklenburg-Pomerania, Saxony, Saxony-Anhalt, Thuringia Aquitaine, Midi-Pyrénées, Languedoc-Roussillon, Auvergne, Limousin, Poitou-Charentes, Brittany, Pays-de-la-Loire, Centre, Rhône-Alpes, Provence-Alpes-Côte d'Azur, Franche-Comté, Alsace, Lorraine, Champagne-Ardenne, Picardy, Nord-Pas-de-Calais, Upper Normandy, Lower Normandy, Burgundy, Réunion Friuli, Trentino, Veneto, Tuscany, Lazio, Molise, Campania, Sicily Extremadura, Andalusia, Castile-Leon, Castile-La Mancha, Valencia (Autonomous Community), Navarre, Rioja, Catalonia, Madrid, Galicia, Asturia, Cantabria, area of Compezo in the Basque Country, La Palma (Canary Islands)
IV. Fire-cured	Italy Spain	Veneto, Tuscany, Umbria, Lazio, Campania, Marche Extremadura, Andalusia
V. Sun-cured	Greece Italy	Lazio, Abruzzi, Molise, Campania, Basilicata,, Sicily
VI. Basmás	Greece	
VII. Katerini and similar varieties	Greece Italy	Lazio, Abruzzi, Campania, Basilicata
VIII. Kaba Koulak (classic) Elassona, Myrodata Agrinion, Zichnomyrodata	Greece	

ANNEX XXVII

MINIMUM QUALITY REQUIREMENTS**as referred to in Article 171c*g***

Tobacco eligible for the premium referred to in Article 171c*i* must be of sound and fair merchantable quality having regard to the typical characteristics of the variety concerned and must not contain any of the following:

- (a) pieces of leaf;
 - (b) leaf badly worn by hail;
 - (c) leaf with serious damage on more than one third of the surface;
 - (d) leaf diseased or attacked by insects on more than 25 % of the surface;
 - (e) leaves marked by pesticides;
 - (f) leaf which is unripe or distinctly green in colour;
 - (g) leaf damaged by frost;
 - (h) leaf attacked by mould or rot;
 - (i) leaf with uncured veins, moist or attacked by rot or with pulpy or prominent stems;
 - (j) leaf from suckers or side-shoots;
 - (k) leaf having an unusual odour for the variety in question;
 - (l) leaf with soil still adhering;
 - (m) leaf with a moisture content exceeding the tolerances laid down in Annex XXVIII.
-

ANNEX XXVIII

MOISTURE CONTENT
as referred to in Article 171cj

Group of varieties	Moisture content (%)	Tolerances (%)
I. Flue-cured	16	4
II. Light air-cured		
Germany, France, Belgium, Austria, Portugal — Autonomous Region of the Azores	22	4
Other Member States and other recognised production areas in Portugal	20	6
III. Dark air-cured		
Belgium, Germany, France, Austria		
Other Member States	26	4
IV. Fire-cured	22	6
V. Sun-cured	22	4
VI. Basmás	16	4
VII. Katerini	16	4
VIII. Kaba Koulak (classic)		
Elassona, Myrodata	16	4
Agrinion, Zichnomyrodata	16	4

ANNEX XXIX

COMMUNITY METHODS FOR THE DETERMINATION OF THE MOISTURE CONTENT OF RAW TOBACCO

as referred to in Article 171cj

I. METHODS TO BE USED

A. Beaudesson method

1. Apparatus

Beaudesson EM10 drying oven

A warm air electric dryer in which the air is passed over the sample to be dried by forced convection by means of a special ventilation fan. The moisture content is determined by weighing before and after drying, the balance being calibrated in such a way that the reading given by the 10 g quantity used corresponds directly to the moisture content value in %.

2. Procedure

A 10 g quantity is weighted out in a pan with a perforated base and then put into the drying column, where it is supported by a spiral ring. The oven is turned on for five minutes, during which time the warm air causes the sample to dry at a temperature of about 100 °C.

At the end of five minutes, an automatic timer stops the process. The temperature of the air at the end of the drying process is recorded from a built-in thermometer. The sample is weighed and its moisture content is read directly and corrected if necessary by the addition or subtraction of a 10th of a percentage according to the temperature reading, using the scale provided with the apparatus.

B. Brabender method

1. Apparatus

Brabender oven

An electric dryer consisting of a thermostated cylindrical chamber, ventilated by forced convection, into which are simultaneously placed 10 metal pans, each containing 10 g of tobacco. These pans are put onto a table, which can be rotated by means of a central handwheel into 10 different positions, allowing each of the pans, after drying, to be placed in a position where it can be weighed within the apparatus: a system of levers allows each of the pans in turn to be placed on the arm of a built-in balance, without having to remove the samples from the chamber. The balance has an optical read-out scale, and gives a direct reading for the moisture content.

A second balance is attached to the apparatus, being used only to weigh out the initial quantities.

2. Procedure

The thermostat is set at 110 °C.

The chamber is set to preheat: minimum period 15 minutes.

10 quantities of 10 g are weighed out.

The oven is filled.

The samples are dried for 50 minutes.

Weights for determination of the gross moisture content are read.

C. Other methods

Member States may use other methods of measurement, based in particular on the determination of the electrical resistance or dielectric properties of the batch concerned, on condition that the results are calibrated on the basis of an examination of a representative sample using one of the methods referred to in A and B.

II. SAMPLING

The following is the procedure to be followed for the sampling of leaf tobacco for determination of its moisture content using one of the methods referred to in I.A and B:

1. Selection of samples

Select from each bale a number of leaves proportional to its weight. The number of leaves selected should be sufficient to be properly representative of the bale as a whole.

The sample must include equal quantities of leaf from the outside of the bale, leaf from the centre and leaf from a position intermediate to these.

2. Homogenisation

All the leaves selected are mixed together in a plastic bag and several kilograms of them are chopped up (cutting width 0,4 to 2 mm).

3. Sub-sampling

After chopping, mix the chopped leaves thoroughly and withdraw a representative sample.

4. Measurement

Measurement must be carried out on the whole of this reduced sample and precautions should be taken to ensure that:

- no variations in moisture content occur (air- and water-tight bag or container),
- the homogeneity of the sample is not affected by settling of waste.

III. SAMPLING LEVELS AND FREQUENCY AND THE METHOD FOR CALCULATING THE ADJUSTED WEIGHT

the number of samples to be taken to determine the moisture content of the raw tobacco must be equal to at least three per delivery for each group of varieties. Farmers and first processors may request on delivery for the number of samples taken to be increased,

the weight of the tobacco delivered per group of varieties in the course of the same day is to be adjusted according to the average moisture content measured. If the average moisture content is less than one point higher or lower than the reference moisture content, the weight of the tobacco eligible for the premium is not to be adjusted,

the adjusted weight is: the total net weight of the tobacco delivered per group of varieties in the course of the same day $\times (100 - \text{average moisture content}) / (100 - \text{reference moisture content for the variety in question})$. The average moisture content must be a whole number given by rounding down for decimals between 0,01 and 0,49 and rounding up for decimals between 0,50 and 0,99.

ANNEX XXX

QUOTA BUY-BACKS FOR THE 2002 AND 2003 HARVESTS

as referred to in Article 171cp

Producers with a production quota of less than 10 tonnes					
Group of varieties	Year				
	1 st	2 nd	3 rd	4 th	5 th
Group I quotas	25 %	25 %	25 %	15 %	10 %
Group II quotas	25 %	25 %	25 %	15 %	10 %
Group III quotas					
— 2002 harvest	40 %	40 %	25 %	25 %	20 %
— 2003 harvest	75 %	75 %	50 %	25 %	25 %
Group IV quotas	25 %	25 %	25 %	15 %	10 %
Group V quotas	100 %	100 %	75 %	50 %	50 %
Group VI quotas	25 %	25 %	25 %	15 %	10 %
Group VII quotas	25 %	25 %	25 %	15 %	10 %
Group VIII quotas	25 %	25 %	25 %	15 %	10 %
Producers with a production quota of 10 tonnes or more up to 40 tonnes					
Group of varieties	Year				
	1 st	2 nd	3 rd	4 th	5 th
Group I quotas	25 %	25 %	20 %	10 %	10 %
Group II quotas	25 %	25 %	20 %	10 %	10 %
Group III quotas					
— 2002 harvest	35 %	35 %	20 %	20 %	20 %
— 2003 harvest	75 %	50 %	40 %	20 %	20 %
Group IV quotas	25 %	25 %	20 %	10 %	10 %
Group V quotas	90 %	90 %	50 %	50 %	50 %
Group VI quotas	25 %	25 %	20 %	10 %	10 %
Group VII quotas	25 %	25 %	20 %	10 %	10 %
Group VIII quotas	25 %	25 %	20 %	10 %	10 %
Producers with a production quota of 40 tonnes or more					
Group of varieties	Year				
	1 st	2 nd	3 rd	4 th	5 th
Group I quotas	20 %	20 %	20 %	10 %	10 %
Group II quotas	20 %	20 %	20 %	10 %	10 %
Group III quotas					
— 2002 harvest	30 %	30 %	20 %	15 %	15 %
— 2003 harvest	65 %	65 %	20 %	20 %	20 %
Group IV quotas	20 %	20 %	20 %	10 %	10 %
Group V quotas	75 %	75 %	40 %	40 %	40 %
Group VI quotas	20 %	20 %	20 %	10 %	10 %
Group VII quotas	20 %	20 %	20 %	10 %	10 %
Group VIII quotas	20 %	20 %	20 %	10 %	10 %

COMMISSION REGULATION (EC) No 2183/2005**of 22 December 2005****amending Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulation (EC) No 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No 1782/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

national reserve referred to in Article 42 (1) and (8) of that Regulation.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 ⁽¹⁾, and in particular Article 145(c), (h), (i), and (s) and Article 155 thereof,

Whereas:

- (1) Commission Regulation (EC) No 795/2004 ⁽²⁾ introduces the implementing rules for the single payment scheme as from 2005.
- (2) Regulation (EC) No 1782/2003 as amended by Regulation (EC) No 864/2004 ⁽³⁾ defines the rules for the coupled support for cotton, olive oil, raw tobacco and hops as well as the de-coupled support and the integration of those sectors into the single payment scheme.
- (3) For the purposes of the establishment of the amount and the determination of payment entitlements in the framework of the integration of tobacco, olive oil, cotton and hops payments in the single payment scheme, specific rules should be established concerning the national ceilings referred to in Article 41 of Regulation (EC) No 1782/2003 and different aspects of the

- (4) In Member States that applied the single payment scheme in 2005, for farmers who were allocated, bought or received payment entitlements by the last date for applying for the establishment of payment entitlements for 2006, the value and number of their payment entitlements should be recalculated as a result of the reference amounts and hectares derived from the integration of tobacco, olive oil and cotton payments. Set-aside payment entitlements should not be taken into account in this calculation.
- (5) It should be allowed that the private contractual clause referred to in Article 27 of Regulation (EC) No 795/2004 be inserted or modified in a lease contract until the last date for lodging an application under the single payment scheme in 2006.
- (6) For Member States that apply the regional model established in Article 59(1) and (3) of Regulation (EC) No 1782/2003, all payment entitlements should be increased by a supplementary amount as a result of the reference amounts derived from the integration of tobacco, olive oil, cotton and hops payments.
- (7) In application of Article 71(1) of Regulation (EC) No 1782/2003, Malta and Slovenia have decided to apply the single payment scheme in 2007. The third subparagraph of Article 71(1) of that Regulation provides that the transitional period shall not apply in respect of cotton, olive oil and table olives and tobacco and shall apply only until 31 December 2005 in respect of hops. Malta and Slovenia would therefore be obliged to implement the single payment scheme only for those sectors and integrate all the other sectors in 2007. In order to facilitate the transition towards the single payment scheme, it is therefore appropriate to provide for transitional rules allowing them to continue the application, in 2006, of the current regimes for olive groves in Malta and Slovenia and for hops in Slovenia, which are the only sectors concerned in those Member States. Malta and Slovenia could therefore proceed to the implementation of the single payment scheme, in 2007, for all the sectors.

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

⁽²⁾ OJ L 141, 30.4.2004, p. 1. Regulation as last amended by Regulation (EC) No 1701/2005 (OJ L 273, 19.10.2005, p. 6).

⁽³⁾ OJ L 161, 30.4.2004, p. 48, corrected by OJ L 206, 9.6.2004, p. 20.

- (8) Article 37 of Regulation (EC) No 1782/2003 as amended by Regulation (EC) No 864/2004 provides that for the olive oil sector, the reference amount corresponding to the individual farmers is the four-year average of the total amount of payments which a farmer was granted under the olive oil production aid, calculated and adjusted according to Annex VII to that Regulation, during the marketing years 1999/2000, 2000/01, 2001/02 and 2002/03. At the time of adopting Regulation (EC) No 864/2004, the Commission had not fixed the definitive amount of aid for the marketing year 2002/03. It is appropriate to amend point H of Annex VII to Regulation (EC) No 1782/2003 in order to take into account the unit amount of the production aid for olives for the marketing year 2002/03 fixed in Commission Regulation (EC) No 1299/2004 ⁽¹⁾.

- (9) Article 43 of Regulation (EC) No 1782/2003 provides that the total number of payment entitlements is equal to the average number of hectares for which direct payments have been granted during the reference period. As regards the olive oil sector, the number of hectares is to be calculated on the basis of the common method referred to in point H of Annex VII to that Regulation. It is necessary to define the common method to determine the number of hectares as well as the payment entitlements and the utilisation of the payment entitlements in the olive oil sector.

- (10) Articles 44 and 51 of Regulation (EC) No 1782/2003 consider as eligible to the single payment scheme areas planted with olive trees after 1 May 1998 within approved planting schemes. Those plantings may be considered as investments in the framework of Article 21 of Regulation (EC) No 795/2004. The final date for the authorised plantings under those schemes has been fixed at 31 December 2006. It is necessary to fix a later date for the investments concerning olive-tree plantings.

- (11) Regulations (EC) No 1782/2003 and (EC) No 795/2004 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1782/2003 is amended as follows:

⁽¹⁾ OJ L 244, 16.7.2004, p. 16.

1. Annex I is amended as follows:

- (a) the entry for 'Olive oil' is replaced by the following:

Sector	Legal base	Notes
'Olive oil'	Title IV, Chapter 10b of this Regulation Article 48a (10) of Commission Regulation (EC) No 795/2004 ⁽¹⁾	Area aid For Malta and Slovenia in 2006

⁽¹⁾ OJ L 141, 30.4.2004, p. 1.;

- (b) the entry for 'Hops' is replaced by the following:

Sector	Legal base	Notes
'Hops'	Title IV, Chapter 10d of this Regulation ^(**) ^(****) Article 48a (11) of Commission Regulation (EC) No 795/2004	Area aid For Slovenia in 2006'

2. in Annex VII, in the first paragraph of point H, '(EC) No 1794/2003' and the corresponding footnote are replaced by the following:

'(EC) No 1299/2004 (*)

(*) OJ L 244, 16.7.2004, p. 16.'

Article 2

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

1. in Article 21(1), the following subparagraph is added:

'However for the investments consisting of the planting of olive trees in the context of programs approved by the Commission, the date referred to in the first subparagraph shall be 31.12.2006.;

2. in Article 21(2), the following subparagraph is added:

'However, for investments referred to in the second subparagraph of paragraph 1, the implementation of the plan or programme shall end by 31.12.2006 at the latest.;

3. the following Article 31b is added to Chapter 4:

'Article 31b

Determination and use of payment entitlements in the olive oil sector

1. The number of hectares to be taken into account for the determination of the number of payment entitlements referred to in Article 43 and Annex VII, point H, of Regulation (CE) No 1782/2003 is calculated by the Member States in olive GIS -ha according to the common method defined in annex XXIV of the Regulation (CE) No 1973/2004.

2. With regards to the parcels occupied partially by olive trees and partially by other crops covered by the single payment scheme, including set-aside areas, the calculation method to be used to determine the surface occupied by olive trees shall be the method referred to in paragraph 1. The surface of the part of the area planted with other crops covered by the single payment scheme is determined in accordance with the integrated system provided for in Title II, Chapter 4 of Regulation (CE) No 1782/2003.

The application of these two methods of calculation shall not result in a surface higher than the agricultural surface of the parcel.

3. By way of derogation to paragraph 1, the common method defined in Annex XXIV shall not be applicable in cases where:

- (a) The olive-grove parcel is of a minimum size, to be determined by the Member State within the limits of a size of 0,1 hectare.
- (b) The olive-grove parcel is situated in an administrative entity for which the Member State has established an alternative system of olive-grove GIS.

In those cases, Member States determine the eligible area according to objective criteria and in such a way as to ensure equal treatment between farmers.

4. The area to be considered for the use of payment entitlements for the purposes of Article 44 of Regulation (CE) No 1782/2003 shall be the one calculated in accordance with paragraphs 1, 2 and 3 of this Article.;

4. in Article 48a the following paragraphs are added:

'10. Malta and Slovenia may grant aid for olive groves per olive GIS-ha in 2006 up to a maximum of five categories of olive groves areas as defined in Article 110i(2) of Regulation (EC) No 1782/2003 and within the maximum amount fixed in paragraph 3 of that Article, in accordance with objective criteria and in such a way as to ensure equal treatment between the farmers.

11. For Slovenia, Articles 12 and 13 of Council Regulation (EEC) No 1696/71 (*) and Council Regulation (EC) No 1098/98 (**) shall continue to apply, respectively, in respect of the 2006 harvest and until 31 December 2006.

(*) OJ L 175, 4.8.1971, p. 1.

(**) OJ L 157, 30.5.1998, p. 7.;

5. the following Chapter is inserted:

'CHAPTER 6b

INTEGRATION OF TOBACCO, OLIVE OIL, COTTON AND HOPS PAYMENTS IN THE SINGLE PAYMENT SCHEME

Article 48c

General rules

1. Where a Member State has made use of the option provided for in Article 71 of Regulation (EC) No 1782/2003 and decided to apply the single payment scheme in 2006, the rules laid down in Title III of Regulation (EC) No 1782/2003 and in Chapters 1 to 6 of this Regulation shall apply.

2. Where a Member State has applied the single payment scheme in 2005 and without prejudice to the third subparagraph of Article 71(1) of Regulation (EC) No 1782/2003, for the purposes of the establishment of the amount and the determination of payment entitlements in 2006 in the framework of the integration of tobacco, olive oil, cottons payments in the single payment scheme, Articles 37 and 43 of that Regulation shall apply subject to the rules established in Article 48d of this Regulation and, in case the Member State has made use of the option provided for in Article 59 of Regulation (EC) No 1782/2003, in Article 48e of this Regulation.

3. Where a Member State has applied the single payment scheme in 2005, the Member State shall ensure the respect of the national ceiling fixed in Annex VIII to Regulation (EC) No 1782/2003.

4. Where the case may be, Article 41(2) of Regulation (EC) No 1782/2003 shall apply to the value of all the existing payment entitlements in 2006, before integration of tobacco, olive oil, cotton and/or dairy payments, and to the reference amounts calculated for tobacco, olive oil, cotton and/or dairy payments.

5. Where a Member State has applied the single payment scheme in 2005, the percentage of reduction fixed by the Member States in accordance with Article 42(1) of Regulation (EC) No 1782/2003 shall apply in 2006 to the tobacco, olive oil, cotton reference amounts to be integrated in the single payment scheme.

6. The five-year period provided for in Article 42(8) of Regulation (EC) No 1782/2003 shall not restart for the payment entitlements coming from the national reserve whose amount has been recalculated or increased in accordance with Articles 48d and 48e of this Regulation.

7. For the purpose of the establishment of the payment entitlements in relation to cotton, tobacco and olive oil, the first year of application of the single payment scheme referred to in Articles 7(1), 12 to 17 and 20 shall be 2006.

Article 48d

Specific rules

1. If the farmer has not been allocated or has not bought payment entitlements by the last date for applying for the establishment of payment entitlements for 2006, he shall receive payment entitlements calculated in accordance with Articles 37 and 43 of Regulation (EC) No 1782/2003 for tobacco, olive oil, cotton payments.

The first subparagraph shall apply also when the farmer has leased in payment entitlements for 2005 and/or 2006.

2. If the farmer has been allocated or has bought or received payment entitlements by the last date for applying for the establishment of payment entitlements for 2006, the value and number of his payment entitlements shall be recalculated as follows:

- (a) the number of payment entitlements shall be equal to the number of payment entitlements he owns, increased by the number of hectares established in accordance with Article 43 of Regulation (EC) No 1782/2003 for tobacco, olive oil, cotton payments granted in the reference period;
- (b) the value shall be obtained by dividing the sum of the value of the payment entitlements he owns and the

reference amount calculated in accordance with Article 37 of Regulation (EC) No 1782/2003 for the areas which were granted tobacco, olive oil, cotton payments in the reference period by the number established in accordance with point (a) of this paragraph.

Set-aside payment entitlements shall not be taken into account in the calculation referred to in the first subparagraph.

3. By way of derogation from Article 27, the contractual clause referred to in that Article may be inserted or modified in a lease contract by the date for lodging an application under the single payment scheme in 2006 at the latest.

4. Payment entitlements leased out before the date for lodging an application under the single payment scheme in 2006 shall be taken into account in the calculation referred to in paragraph 2. However, payment entitlements leased out via a contractual clause as referred to in Article 27 before 15 May 2004 shall be taken into account in the calculation referred to in paragraph 2 of this Article only if the lease conditions may be adjusted.

Article 48e

Regional implementation

1. Where a Member State has made use of the option provided for in Article 59(1) of Regulation (EC) No 1782/2003, all payment entitlements shall be increased by a supplementary amount corresponding to the increase of the regional ceiling in 2006, divided by the total number of payment entitlements allocated in 2005.

2. Where a Member State has made use of the option provided for in Article 59(1) and (3) of Regulation (EC) No 1782/2003, without prejudice to Article 48 of that Regulation, a farmer shall receive a supplementary amount per payment entitlement.

The supplementary amount shall consist of the sum of the following:

- (a) the corresponding part of the increase of the regional ceiling divided by the total number of payment entitlements allocated in 2005;
- (b) the reference amount corresponding for each farmer to the remaining part of the increase of the regional ceiling divided by the number of payment entitlements that the farmer owns by the date for lodging an application for the single payment scheme for 2006 at the latest.

However, in case of set aside entitlements, the farmer shall receive only the supplementary amount calculated according to point (a) per set aside entitlement.’;

6. the following Article 49a is inserted:

‘Article 49a

Integration of tobacco, cotton, olive oil and hops

1. Where a Member State has made use of the option provided for in Article 59(1) and (3) of Regulation (EC) No 1782/2003, it shall communicate to the Commission, by 1 October 2005 at the latest, the justification of the partial division of the increase of the ceiling.

2. Member State shall communicate to the Commission, by 1 October 2005 at the latest, the decision it has taken by

1 August as regards the options provided for in Article 68a of Regulation (EC) No 1782/2003, in points H and I of Annex VII to that Regulation, and in Article 69 of that Regulation as far as cotton, tobacco, olive oil and hops are concerned.’

Article 3

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

It shall apply from 1 January 2006.

However point 6 of Article 2 of this Regulation and paragraph 7 of Article 48c of Regulation (EC) No 795/2004 as added by Article 2 point 5 of this Regulation shall apply from 1 October 2005.

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

Done at Brussels, 22 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 2184/2005

of 23 December 2005

amending Regulations (EC) No 796/2004 and (EC) No 1973/2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 ⁽¹⁾, and in particular of Article 7(1), 24(1), 145(c), (l), (m), (n), (p), (r), thereof,

Whereas:

- (1) Following the introduction of the support schemes for cotton, olive oil and tobacco into the single payment scheme, Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers ⁽²⁾ needs to be amended in several respects, in particular with regard to the application procedure and the control measures to be carried out with regard to those aid schemes. Moreover, the provisions of that Regulation need to be clarified with regard to certain aspects.
- (2) There is a need to clarify the concept of the term 'agricultural parcel' for the purpose of the application of Regulation (EC) No 796/2004 as referring to a continuous area of land on which a single crop group is cultivated by a single farmer. Such definition read in conjunction with Article 49(3) of that Regulation should make it clear, however, that crops of different crop groups may be cultivated on the same continuous area of land where the different aid schemes so allow. In such cases the same area would have to be taken into account as several agricultural parcels.
- (3) Due to the particularities of olive parcels, there is a need to provide for a particular definition in that respect.
- (4) In accordance with Article 66(2) of Regulation (EC) No 796/2004, the non-respect of various cross-compliance obligations, all falling within the same area of cross-compliance within the meaning of Article 2(31) of that Regulation, are to be considered as one non-compliance when fixing the respective sanctions. It should be clarified that the non-respect of the obligations for individual farmers in the context of the maintenance of land under permanent pasture referred to in Article 4 of that Regulation fall within the same area of cross-compliance as the respect of the 'good agricultural and environmental condition'. The respective definitions should be adapted accordingly.
- (5) Any specific information relating to the production of cotton, olive oil and tobacco should be requested as part of the single application.
- (6) Farmers are furnished with pre-printed application forms and graphic material. Whilst farmers should indicate the correct size of the area if the pre-printed material is incorrect, this would be very difficult in respect of the size of the area resulting from changes of the positioning of olive trees. In that respect the obligation of the farmer to indicate any changes regarding the positioning of the olive trees should suffice to give the competent authority the necessary information to re-calculate the exact resulting size of the area.
- (7) In accordance with Article 14(2) of Regulation (EC) No 796/2004, the Member States may derogate from certain provisions concerning the single application during the first year of application of the single payment scheme. That derogation should also apply whenever new elements are introduced into the single application scheme.
- (8) The cross-checks to be carried out on the single application should be extended to certain particular checks with regard to various conditions to be respected by the farmer when applying for the crop specific payment for cotton.

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

⁽²⁾ OJ L 141, 30.4.2004, p. 18. Regulation as last amended by Regulation (EC) No 1954/2005 (OJ L 314, 30.11.2005, p. 10).

- (9) A frequent error when performing the cross-checks is a minor over-declaration of the total agricultural area within a reference parcel. For reasons of simplification, where a reference parcel is subject to an aid application of two or more farmers applying for aid under the same aid scheme and where the overall area declared exceeds the agricultural area with a difference which falls within the tolerance defined pursuant to Article 30(1) of Regulation (EC) No 796/2004, Member States should be authorised to provide for a proportional reduction of the areas concerned. However, in certain situations, the farmers concerned should be entitled to appeal against such decisions.
- (10) In order to guarantee effective controls on the tobacco aid scheme provided for in Chapter 10c of Title IV of Regulation (EC) No 1782/2003, a particular control sample should be provided for on-the-spot checks.
- (11) Experience shows that certain adaptations may be made to the minimum sample to be selected for on-the-spot checks of farmers applying for aid for nuts provided for in Chapter 4 of Title IV of Regulation (EC) No 1782/2003.
- (12) As regards payments of tobacco aid under Chapter 10c of Title IV of Regulation (EC) No 1782/2003, there is a need to provide for a particular control sample for the selection of first processors to be checked on-the-spot during first processing and market preparation.
- (13) Since not only farmers are subject to the sampling provisions of Regulation (EC) No 796/2004, Article 27 of that Regulation should be adapted accordingly.
- (14) The elements to be taken into account for the risk analysis when selecting control samples for on-the-spot checks should be extended for the purposes of the new aid schemes to be controlled under Regulation (EC) No 796/2004.
- (15) The control report to be prepared after each on-the-spot check should provide the relevant information regarding olive trees.
- (16) Given the particularities of the aid schemes for cotton, olive oil and tobacco in accordance with Chapters 10a, 10b and 10c of Title IV of Regulation (EC) No 1782/2003, special control provisions should be established.
- (17) Following the introduction of approved inter-branch organisations in the context of the production of cotton, specific conditions for the on-the-spot checks should be laid down.
- (18) In accordance with of Article 110k(a) and (c) of Regulation (EC) No 1782/2003, the granting of the tobacco aid is subject to the condition that the raw tobacco comes from a specified production area and is delivered on the basis of a cultivation contract. Aid for tobacco production may be paid only after a check on deliveries to guarantee that the operations concerned have actually been carried out. In several Member States checks are carried out at the place to which tobacco is delivered rather than that where it is processed. In order to prevent irregularities the checks to be carried out at those places and conditions for the transfer of the raw tobacco should be specified.
- (19) For the purpose of guaranteeing effective checks during first processing and market preparation, the raw tobacco should be placed under supervision when the farmer delivers it to the first-processing undertaking. For that reason, the tobacco from both the Community and third countries should remain under supervision until first processing and market preparation have taken place.
- (20) As regards both the basis of calculation in respect of areas declared and reductions and exclusions, special provisions are necessary to take into account the particularities of aid applications under the aid schemes for tobacco and cotton.
- (21) Special provisions are needed as regards additional payments to be granted in the case of the optional implementation for specific types of farming and quality production.
- (22) Aid schemes which are not established under Titles III or IV of Regulation (EC) No 1782/2003 but which are listed in Annex I to that Regulation also form part of the direct payment schemes. Cross-compliance is therefore also relevant, and applications for aid under such aid schemes should also be subject to sampling.
- (23) Given the particularities of the aid schemes for cotton and tobacco provided for in Chapters 10a and 10c of Title IV of Regulation (EC) No 1782/2003, special penalties should be established.
- (24) Experience gained shows that a clarification and specifications of the information to be communicated to the Commission is needed.

(25) Article 171ae of Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials ⁽¹⁾ establishes the procedure for the approval of inter-branch organisations of farmers producing cotton referred to in Article 110d of Regulation (EC) No 1782/2003. Provisions should be made in case an approved inter-branch organisation does no longer fulfil the relevant criteria.

(26) Regulations (EC) No 796/2004 and (EC) No 1973/2004 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 796/2004 is amended as follows:

1. Article 2 is amended as follows:

(a) the following points are inserted after point (1):

‘(1a) “Agricultural parcel”: shall mean a continuous area of land on which a single crop group is cultivated by a single farmer;

(1b) “Olive parcel” shall mean an agricultural parcel with olive trees, as defined in point 1(a) of Annex XXIV to Commission Regulation (EC) No 1973/2004 ^(*);

^(*) OJ L 345, 20.11.2004, p. 1.’;

(b) point (31) is replaced by the following:

‘(31) “Areas of cross-compliance” shall mean the different areas of statutory management requirements within the meaning of Article 4(1) of Regulation (EC) No 1782/2003 and the good agricultural and environmental condition in accordance with Article 5 of that Regulation;’

(c) point (33) is replaced by the following:

‘(33) “Standards”: shall mean the standards as defined by the Member States in accordance with Article 5 of Regulation (EC) No 1782/2003 and Annex IV thereto as well as the obligations in relation to permanent pasture as laid down in Article 4 of this Regulation;’

(d) point (35) is replaced by the following:

‘(35) “Non-compliance”: shall mean any non-compliance with the requirements and standards;’

2. Article 12 is amended as follows:

(a) in paragraph 1, point (e) is replaced by the following:

‘(e) where appropriate, the olive area expressed in olive GIS-ha, in accordance with points 2 and 3 of Annex XXIV to Regulation (EC) No 1973/2004;

(f) a statement by the farmer that he is aware of the conditions pertaining to the aid schemes in question.’;

(b) in paragraph 2, the second subparagraph is deleted;

(c) paragraph 3 is replaced by the following:

‘3. For the purpose of the identification of all agricultural parcels on the holding referred to in paragraph 1(d), the pre-printed forms distributed to the farmer in accordance with Article 22(2) of Regulation (EC) No 1782/2003 shall mention the maximum eligible area per reference parcel for the purposes of the single payment scheme. Moreover, the graphical material supplied to the farmer in accordance with that provision shall indicate the boundaries of the reference parcels and their unique identification and the farmer shall indicate the location of each agricultural parcel.

As regards olive parcels, the graphical material supplied to the farmer shall include for each olive parcel the number of eligible olive trees and their positioning in the parcel as well as the olive area expressed in olive GIS-ha in accordance with point 3 of Annex XXIV to Regulation (EC) No 1973/2004.

In the case of an application for aid for olive groves provided for in Chapter 10b of Title IV of Regulation (EC) No 1782/2003, the graphical material supplied to the farmer shall include for each olive parcel:

(a) the number of non eligible olive trees and their positioning in the parcel;

⁽¹⁾ OJ L 345, 20.11.2004, p. 1. Regulation as last amended by Regulation (EC) No 2182/2005 (See p. 31 of this Official Journal).

(b) the olive area expressed in olive GIS-ha, in accordance with point 2 of Annex XXIV to Regulation (EC) No 1973/2004;

(c) the category under which aid is claimed, as established in accordance with Article 110i(2) of Regulation (EC) No 1782/2003;

(d) where appropriate, an indication that the parcel is covered by a programme approved by the Commission as referred to in Article 4 of Council Regulation (EC) No 1638/98 (*), and the number of olive trees concerned and their positioning in the parcel.

4. When submitting the application form, the farmer shall correct the pre-printed form referred to in paragraphs 2 and 3 if any amendments, in particular transfers of payment entitlements in accordance with Article 46 of Regulation (EC) No 1782/2003, have occurred or if any of the information contained in the pre-printed forms is incorrect.

If the correction relates to the size of the area, the farmer shall indicate the actual size of the area concerned. However, where the positioning of olive trees indicated in the graphical material is incorrect, the farmer shall not be obliged to indicate the resulting correct size of the area expressed in olive GIS-ha but shall only indicate the actual position of the trees.

(*) OJ L 210 28.7.1998, p 32.;

3. in Article 13, the following paragraphs are added:

‘10. In the case of an application for the specific payment for cotton provided for in Chapter 10a of Title IV of Regulation (EC) No 1782/2003, the single application shall contain:

(a) the name of the variety of cotton seed used;

(b) where appropriate, the name and address of the approved inter-branch organisation of which the farmer is a member.

11. In the case of an application for the aid for olive groves provided for in Chapter 10b of Title IV of Regulation (EC) No 1782/2003, the single application shall, for each olive parcel, contain the number and the positioning in the parcel:

(a) of the olive trees grubbed and replaced;

(b) of the olive trees grubbed and not replaced;

(c) of supplementary olive trees planted.

12. In the case of an application for the tobacco aid provided for in Chapter 10c of Title IV of Regulation (EC) No 1782/2003, the single application shall contain:

(a) a copy of the cultivation contract referred to in Article 110k(c) of Regulation (EC) No 1782/2003 or a reference to its registration number;

(b) an indication of the tobacco variety grown on each agricultural parcel;

(c) a copy of the supporting control certificate issued by the competent authority indicating the quantity of dried tobacco leaves which has been delivered to the first processor, expressed in kilogram.

Member States may provide that the information referred to in point (c) may be submitted separately by a later date which shall not be later than 15 May of the year following the harvest.;

4. in Article 14(2), the following subparagraph is added:

‘The derogation provided for in the first subparagraph shall also apply with regard to the first year when new sectors are introduced to the single payment scheme and the payment entitlements are not yet definitely established for the farmers concerned by this introduction.;

5. Article 24 is amended as follows:

(a) in paragraph 1, the following points are added:

(i) between the agricultural parcels as declared in the single application and the parcels authorised for cotton production by the Member State in accordance with Article 110b of Regulation (EC) No 1782/2003;

(j) between the declarations of the farmers in the single application to be a member of an approved inter-branch organisation, the information under Article 13(10)(b) of this Regulation and the information transmitted by the approved inter-branch organisations concerned, to verify eligibility for the increase of the aid provided for in Article 110f(2) of Regulation (EC) No 1782/2003.;

(b) in paragraph 2, the following subparagraph is added:

'Where a reference parcel is subject to an aid application of two or more farmers under the same aid scheme and where the overall area declared exceeds the agricultural area with a difference which falls within the measurement tolerance defined in accordance with Article 30(1), Member States may provide for a proportional reduction of the areas concerned. In that case, farmers concerned may appeal against the decision of reduction on the grounds that any of the other farmers concerned over-declared their areas beyond that tolerance to his detriment.';

6. in Article 26, paragraph 1 is amended as follows:

(a) point (c) is replaced by the following:

'(c) 5 % of all farmers applying for the tobacco aid provided for in Chapter 10c of Title IV of Regulation (EC) No 1782/2003;

(d) 10 % of all farmers applying for the aid for nuts provided for in Chapter 4 of Title IV of Regulation (EC) No 1782/2003, in the case where a Member State makes use of the possibility not to introduce, in accordance with Article 6(3) of this Regulation, an additional layer of GIS information;

with regard to all other Member States, in respect of year 2006, of at least 10 % of all farmers applying for the aid for nuts provided for in Chapter 4 of Title IV of Regulation (EC) No 1782/2003, where the additional layer of GIS information provided for in Article 6(3) of this Regulation does not offer the level of assurance and implementation necessary for the proper management of the aid scheme.';

(b) the last subparagraph is replaced by the following:

'Where the control sample drawn under the first subparagraph already contains applicants for the aids referred to in points (a) to (d) of the second subparagraph, those applicants may be counted towards the control rates stipulated therein.';

(c) in paragraph 2, the following points are added:

'(f) as regards aid applications for the crop specific payment for cotton in accordance with Chapter 10a of Title IV of Regulation (EC) No 1782/2003, 20 % of the inter-branch organisations approved in accordance with Article 110d of that Regulation and of which farmers declare to be a member in their single applications;

(g) as regards applications for the tobacco aid in accordance with Chapter 10c of Title IV of Regulation (EC) No 1782/2003, 5 % of first processors as regards checks during first processing and market preparation.'

7. Article 27 is amended as follows:

(a) in paragraph 1, the first subparagraph is replaced by the following:

'Control samples for on-the-spot checks under this Regulation shall be selected by the competent authority on the basis of a risk analysis and representativeness of the aid applications submitted. The effectiveness of risk analysis parameters used in previous years shall be assessed on an annual basis.';

(b) in paragraph 2, point (k) is replaced by the following:

'(k) in the case of applications for the tobacco aid provided for in Chapter 10c of Title IV of Regulation (EC) No 1782/2003, the quantities of raw tobacco, by variety, covered by cultivation contracts in relation to the areas declared as under tobacco;

(l) in the case of checks on first processing undertakings in the framework of applications for the tobacco aid provided for in Chapter 10c of Title IV of Regulation (EC) No 1782/2003, the different sizes of undertakings;

(m) other factors to be defined by the Member States.'

8. in Article 28(1), point (c) is replaced by the following:

'(c) the agricultural parcels checked, the agricultural parcels measured including, where applicable, the number of olive trees and their positioning in the parcel, the result of the measurements per measured agricultural parcel and the measuring methods used.'

9. in Article 30, paragraph 1 is replaced by the following:

‘1. Agricultural parcel areas shall be determined by any appropriate means defined by the competent authority which ensure measurement of a precision at least equivalent to that required for official measurements under the national rules. A measurement tolerance may be defined by the competent authority that shall not exceed:

- (a) for parcels of less than 0,1 ha, a buffer of 1,5 m applied to the perimeter of the agricultural parcel;
- (b) for other parcels, 5 % of the agricultural parcel area or a buffer of 1,5 m applied to the perimeter of the agricultural parcel. However, the maximum tolerance with regard to each agricultural parcel shall not, in absolute terms, exceed 1,0 ha.

The tolerance provided for in the first subparagraph shall not apply to olive parcels for which the area is expressed in olive GIS-ha in accordance with points 2 and 3 of Annex XXIV to Regulation (EC) No 1973/2004.’;

10. the following Article is inserted after Article 31:

‘Article 31a

On-the-spot checks on approved inter-branch organisations

On-the-spot checks on approved inter-branch organisations in the framework of applications for aid under the crop specific payment for cotton provided for in Chapter 10a of Title IV of Regulation (EC) No 1782/2003 shall verify the respect of the criteria for approval of those organisations, the list of their members and the scale referred to in Article 110e of that Regulation.’;

11. the following subsection is inserted in Section II of Chapter II of Title III:

‘Subsection IIB

On-the-spot checks related to the applications for tobacco aid

Article 33b

Checks of deliveries

1. With regard to applications for the aid for tobacco provided for in Chapter 10c of Title IV of Regulation (EC) No 1782/2003, all deliveries shall be checked. Each

delivery shall be authorised by the competent authority which shall be informed in advance so that it can determine the date of delivery. During a check, the competent authority shall verify that it has authorised the delivery in advance.

2. If delivery is made to an approved purchasing centre as provided for in Article 171ck(2) of Regulation (EC) No 1973/2004, unprocessed tobacco, once checked, may leave the purchasing centre solely for the purpose of being transferred to the processing plant. After the checks have been made, the tobacco shall be assembled in distinct quantities.

The transfer of those quantities to the processing plant shall be authorised in writing by the competent authority which shall be informed in advance so that it can accurately identify the means of transport used, the route, the time of departure and arrival and the quantities of tobacco transported in each separate instance.

3. When the tobacco reaches the processing plant, the competent control body shall verify that the separate quantities checked in the purchasing centres are those actually delivered, in particular by weighing them.

The competent authority may lay down any special conditions it deems necessary for checking the operations.

Article 33c

Placing under supervision and checks during first processing and market preparation

1. Member States shall take the appropriate measures to ensure that raw tobacco is placed under supervision at the moment when it is delivered from the farmer to the first-processing undertaking.

Placing under supervision shall ensure that raw tobacco cannot be released before the first processing and market preparation operations are completed and that no raw tobacco is submitted more than once for checking.

2. Checks during first processing and market preparation of the tobacco shall verify compliance with Article 171cb of Regulation (EC) No 1973/2004, in particular relating to the quantities of raw tobacco in each undertaking being checked, distinguishing between raw tobacco produced in the Community and raw tobacco originating in or coming from third countries. To that end, those checks shall include:

- (a) checks of the processing undertaking's stocks;

- (b) checks when the tobacco leaves the place in which it was under supervision, having undergone first processing and market preparation;
- (c) all additional control measures that Member States deem necessary, in particular to ensure that no premium is paid for raw tobacco originating in or coming from third countries.

3. Checks pursuant to this Article shall be undertaken in the place where the raw tobacco is processed. Within a time-limit to be determined by the Member State, the undertakings involved shall notify their competent bodies, in writing, of the places where processing will take place. To that end, Member States may specify the information to be provided by the first-processing undertakings to the competent bodies.

4. Checks pursuant to this Article shall in all cases be unannounced.;

12. Article 38 is replaced by the following:

'Article 38

Special provisions as regards additional payments

As regards the additional payment to be granted for specific types of farming or for quality production as provided for in Article 69 of Regulation (EC) No 1782/2003 and the additional payment provided for in Articles 119 and 133 of that Regulation, the Member States shall, where appropriate, apply the provisions of this Title. If this is not appropriate because of the structure of the scheme concerned, the Member States shall provide controls ensuring a control level equivalent to that laid down in this Title.;

13. in Article 44(1), the first subparagraph is replaced by the following:

'The competent control authority shall, with regard to the requirements or standards for which it is responsible, carry out checks on at least 1 % of all farmers submitting aid applications under support schemes for direct payments within the meaning of Article 2(d) of Regulation (EC) No 1782/2003 and for which the competent control authority in question is responsible.;

14. Article 50 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. In the case of applications for aid under area-related aid schemes, except for starch potato, seed and

tobacco as provided for in Chapters 6, 9 and 10c respectively of Title IV of Regulation (EC) No 1782/2003, if the area of a crop group determined is found to be greater than that declared in the aid application, the area declared shall be used for calculation of the aid.;

(b) paragraph 3 is replaced by the following:

'3. Without prejudice to reductions and exclusions in accordance with Articles 51 and 53, in the case of applications for aid under area-related aid schemes, except for starch potato, seed and tobacco as provided for in Chapters 6, 9 and 10c respectively of Title IV of Regulation (EC) No 1782/2003, if the area declared in a single application exceeds the area determined for that crop group, the aid shall be calculated on the basis of the area determined for that crop group.;

15. Article 51 is amended as follows:

(a) in paragraph 1, the first subparagraph is replaced by the following:

'If, in respect of a crop group, the area declared for the purposes of any area-related aid schemes, except those for starch potato, seed and tobacco as provided for in Chapters 6, 9 and 10c respectively of Title IV of Regulation (EC) No 1782/2003, exceeds the area determined in accordance with Article 50(3), (4) and (5) of this Regulation, the aid shall be calculated on the basis of the area determined reduced by twice the difference found if that difference is more than either 3 % or two hectares, but no more than 20 % of the area determined.;

(b) in paragraph 2, the first subparagraph is replaced by the following:

'If, in respect of the overall area determined covered by the single application, except for starch potato, seed and tobacco as provided for in Chapters 6, 9 and 10c respectively of Title IV of Regulation (EC) No 1782/2003, the area declared exceeds the area determined in accordance with Article 50(3), (4) and (5) of this Regulation by more than 30 %, the aid to which the farmer would have been entitled pursuant to Article 50(3), (4) and (5) of this Regulation shall be refused for the calendar year in question under those aid schemes.;

16. Article 52 is amended as follows:

- (a) the title is replaced by the following:

'Article 52

Reductions in cases of irregularities concerning the size of the areas declared for the payment of aid for starch potato, seed and tobacco'

- (b) paragraphs 1 and 2 are replaced by the following:

1. If it is found that the area actually cultivated with potatoes or tobacco is more than 10 % lower than the area declared for the payment of aid for starch potato or tobacco as provided for in Chapters 6 and 10c respectively of Title IV of Regulation (EC) No 1782/2003, the aid to be paid shall be reduced by twice the difference found.

2. If it is found that the area actually cultivated with seeds is more than 10 % higher than the area declared for the payment of seed aid as provided for in Chapter 9 of Title IV of Regulation (EC) No 1782/2003, the aid to be paid shall be reduced by twice the difference found.;

17. the following Articles are inserted after Article 54:

'Article 54a

Reductions and exclusions concerning tobacco aid applications

Without prejudice to any reductions and exclusions to be applied in accordance with Article 51 or 53, where it is found that tobacco was not replanted on the parcel indicated in the cultivation contract by 20 June of the year of harvest:

- (a) 50 % of the aid for the current harvest shall be refused, if replanting is carried out by 30 June at the latest;
- (b) entitlement to the aid for the current harvest shall be refused, if replanting is carried out after 30 June.

However, the reductions or exclusions referred to under points (a) and (b) of the first subparagraph shall not apply in cases where, in accordance with Article 171cd(4) of Regulation (EC) No 1973/2004, the farmer can give a justification for the delay to the satisfaction of the competent authority.

Where it is found that the parcel on which the tobacco is grown is different from the parcel indicated in the cultivation contract, the aid to be paid to the farmer concerned for the current harvest shall be reduced by 5 %.

Article 54b

Reductions and exclusions concerning the crop specific payment for cotton

Without prejudice to any reductions and exclusions to be applied in accordance with Article 51 or 53, where it is found that the farmer does not respect the obligations resulting from Article 171af(1) and (2) of Regulation (EC) No 1973/2004, the farmer shall lose the right to the increase of the aid provided for in Article 110f(2) of Regulation (EC) No 1782/2003. Moreover, the aid for cotton per eligible hectare pursuant to Article 110c shall be reduced by the amount of the increase provided for in Article 110f(2) of Regulation (EC) No 1782/2003 for that farmer.;

18. Article 63 is replaced by the following:

'Article 63

Findings in relation to additional payment

As regards the additional payment to be granted for specific types of farming or for quality production as provided for in Article 69 of Regulation (EC) No 1782/2003 and the additional payment provided for in Articles 119 and 133 of that Regulation, the Member States shall provide for reductions and exclusions which shall, in substance, be equivalent to those provided for in this Title.;

19. in Article 64, the second paragraph is replaced by the following:

'Where, in the case referred to in Article 22 of Regulation (EC) No 1973/2004, the person concerned does not take up production by the deadline for the application, the individual reference quantity determined shall be deemed to be zero. In that case, the aid application of the person concerned for the year in question shall be refused. An amount equal to the amount covered by the refused application shall be off-set against aid payments under any of the aid schemes established in Titles III and IV of Regulation (EC) No 1782/2003 to which the person is entitled in the context of applications he lodges in the course of the calendar year following the calendar year of the finding.;

20. in Article 76, paragraph 1 is amended as follows:

- (a) points (b) and (c) are replaced by the following:

'(b) the number of applications as well as the total area, total number of animals and the total of quantities, broken down by individual aid scheme;

(c) the number of applications as well as the total area, the total number of animals and the total of quantities, covered by checks;

(b) the second subparagraph is replaced by the following:

‘At the same time as the communication referred to in the first subparagraph in respect of animal premiums are sent to the Commission, Member States shall notify the total number of beneficiaries who received aid under aid schemes falling within the scope of the integrated system and the results of the checks relating to cross-compliance in accordance with Chapter III of Title III.’

Article 2

Article 171ae of Regulation (EC) No 1973/2004 is replaced by the following:

‘Article 171ae

Authorisation of inter-branch organisations

1. Before 31 December each year, Member States shall authorise for the following year any inter-branch cotton-producing organisation that applies to plant cotton and which:

(a) covers a total area of at least 10 000 ha as established by the Member State and meeting the authorisation criteria laid down in Article 171a, and which includes at least one ginning undertaking;

(b) conducts clearly identified measure geared in particular towards:

- improving the commercial value of the unginned cotton produced,
- improving the quality of unginned cotton meeting the ginner’s needs,
- using environmentally-sensitive production methods;

(c) has adopted internal operating rules, in particular on:

- membership conditions and fees, in accordance with national and Community rules and regulations;
- where appropriate, a scale differentiating the aid by parcel category, established in particular on the basis of the quality of the unginned cotton to be supplied.

However, for 2006, Member States shall authorise the inter-branch cotton-producing organisations by 28 February 2006.

2. Where it is found that an approved inter-branch organisation does not respect the criteria for approval provided for in paragraph 1, the Member State shall withdraw the approval unless the non-respect of the criteria concerned is remedied within a reasonable period of time. Where it is planned to withdraw the approval, the Member State shall notify that intention to the inter-branch organisation, together with the reasons for the withdrawal. The Member State shall allow the inter-branch organisation to submit its observations within a specified period. In case of withdrawal, the Member States shall provide for the application of appropriate sanctions.

Farmers who are members of an approved inter-branch organisation whose approval is withdrawn in accordance with the first subparagraph shall lose their right to the increase of the aid provided for in Article 110f(2) of Regulation (EC) No 1782/2003.’

Article 3

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

It shall apply to aid applications relating to years or premium periods starting as of 1 January 2006.

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

Done at Brussels, 23 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 2185/2005**of 27 December 2005****opening Community tariff quotas for 2006 for sheep, goats, sheepmeat and goatmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat⁽¹⁾, and in particular Article 16(1) thereof,

Whereas:

(1) Community tariff quotas for sheepmeat and goatmeat should be opened for 2006. The duties and quantities referred to in Regulation (EC) No 2529/2001 should be fixed in accordance with the respective international agreements in force during the year 2006.

(2) Council Regulation (EC) No 312/2003 of 18 February 2003 implementing for the Community the tariff provisions laid down in the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part⁽²⁾ has provided for an additional bilateral tariff quota of 2 000 tonnes with a 10 % annual increase of the original quantity to be opened for product code 0204 from 1 February 2003. That quota was added to the GATT/WTO quota for Chile and both quotas should continue to be managed in the same way during 2006. Moreover, a quota calculation error occurred when attributing the quota for the year 2005 under Commission Regulation (EC) No 2202/2004 of 21 December 2004 opening Community tariff quotas for 2005 for sheep, goats, sheepmeat and goatmeat⁽³⁾ and a quantity of 5 417 tonnes instead of 5 400 tonnes was attributed. A quantity of 17 tonnes should therefore be deducted from the quantity available for 2006.

(3) Council Regulation (EC) No 992/95 of 10 April 1995 opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in Norway⁽⁴⁾, as amended by Regulation (EC) No 1329/2003⁽⁵⁾, grants additional bilateral trade concessions concerning agricultural products.

(4) Council Regulation (EC) No 2175/2005 of 21 December 2005 concerning the implementation of the Agreements concluded by the EC following negotiations in the framework of Article XXIV:6 of GATT 1994, amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽⁶⁾ grants an additional tariff quota quantity of 1 154 tonnes for New Zealand as from 1 January 2006, which should be added to the quantity available for 2006.

(5) Certain tariff quotas for sheep and goat meat products have been granted to the ACP States under the Cotonou Agreement⁽⁷⁾.

(6) Certain quotas are defined for a period running from 1 July of a given year to 30 June of the following year. Since imports under this present Regulation should be managed on a calendar-year basis, the corresponding quantities to be fixed for the calendar year 2006 with regard to the quotas concerned are the sum of half of the quantity for the period from 1 July 2005 to 30 June 2006 and half of the quantity for the period from 1 July 2006 to 30 June 2007.

(7) A carcase-weight equivalent needs to be fixed in order to ensure a proper functioning of the Community tariff quotas. Furthermore, since certain tariff quotas provide for the option of importing either the live animals or their meat, a conversion factor is required.

⁽¹⁾ OJ L 341, 22.12.2001, p. 3. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 46, 20.2.2003, p. 1. Regulation as amended by Commission Regulation (EC) No 305/2005 (OJ L 52, 25.2.2005, p. 6).

⁽³⁾ OJ L 374, 22.12.2004, p. 31.

⁽⁴⁾ OJ L 101, 4.5.1995, p. 1. Regulation as last amended by Regulation (EC) No 1920/2004 (OJ L 331, 5.11.2004, p. 1).

⁽⁵⁾ OJ L 187, 26.7.2003, p. 1.

⁽⁶⁾ See page 9 of this Official Journal.

⁽⁷⁾ OJ L 317, 15.12.2000, p. 3.

(8) Experience with the management of the Community tariff quotas under the first-come, first-served system in sheepmeat and goatmeat products has been positive during the year 2005. Therefore, quotas concerning those products should, by way of derogation from Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector⁽⁸⁾, be managed in conformity with Article 16(2)(a) of Regulation (EC) No 2529/2001. This should be done in accordance with Articles 308a, 308b and 308c(1) of 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⁽⁹⁾.

(9) In order to avoid any discrimination among exporting countries, and given that equivalent tariff quotas have not been quickly exhausted in the last two years, tariff quotas under this Regulation should be regarded initially as non-critical within the meaning of Article 308c of Regulation (EEC) No 2454/93 when managed under the first-come, first-served system. Therefore, customs authorities should be authorised to waive the requirement for security in respect of goods initially imported under those quotas in accordance with Articles 308c(1) and 248(4) of Regulation (EEC) No 2454/93. Due to the particularities of the transfer from one management system to the other, Article 308c(2) and (3) of that Regulation should not apply.

(10) It should be clarified which kind of proof certifying the origin of products has to be provided by operators in order to benefit from the tariff quotas under the first-come, first served system.

(11) When sheepmeat products are presented by operators to the customs authorities for import, it is difficult for those authorities to establish whether they originate from domestic sheep or other sheep, which determines the application of different duty rates. It is therefore appropriate to provide that the proof of origin contains a clarification to that end.

(12) In accordance with Chapter II of Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁽¹⁰⁾ and with Council

Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽¹¹⁾, imports may be authorised only for products meeting the requirements of the food chain procedures, rules and checks in force in the Community.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheep and Goats,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation opens Community tariff quotas for sheep, goats, sheepmeat and goatmeat for the period from 1 January to 31 December 2006.

Article 2

The customs duties applicable to imports into the Community of sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90, 0210 99 21, 0210 99 29 and 0204 originating in the countries indicated in the Annex shall be suspended or reduced in accordance with this Regulation.

Article 3

1. The quantities, expressed in carcase-weight equivalent, for the import of meat falling within CN code 0204 and of live animals falling within CN codes 0104 10 30, 0104 10 80 and 0104 20 90, as well as the customs duty applicable shall be those as laid down in the Annex.

2. For the purpose of calculating the quantities of 'carcase-weight equivalent' referred to in paragraph 1 the net weight of sheep and goat products shall be multiplied by the following coefficients:

(a) for live animals: 0,47;

(b) for boneless lamb and boneless goatmeat of kid: 1,67;

(c) for boneless mutton, boneless sheep and boneless goatmeat other than of kid and mixtures of any of these: 1,81;

(d) for bone-in products: 1,00.

'Kid' shall mean goats of up to one year old.

⁽⁸⁾ OJ L 143, 27.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 272/2001 (OJ L 41, 10.2.2001, p. 3).

⁽⁹⁾ 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).

⁽¹⁰⁾ OJ L 18, 23.1.2003, p. 11.

⁽¹¹⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1. Corrected by OJ L 191, 28.5.2004, p. 1).

Article 4

By way of derogation from Title II(A) and (B) of Regulation (EC) No 1439/95, the tariff quotas set out in the Annex to this Regulation shall be managed on a first-come, first-served basis in accordance with Articles 308a, 308b and 308c(1) of Regulation (EEC) No 2454/93 from 1 January to 31 December 2006. Article 308c(2) and (3) of that Regulation shall not apply. No import licences shall be required.

Article 5

1. In order to benefit from the tariff quotas set out in the Annex, a valid proof of origin issued by the competent authorities of the third country concerned together with a customs declaration for release for free circulation for the goods concerned shall be presented to the Community customs authorities. The origin of products subject to tariff quotas other than those resulting from preferential tariff agreements shall be determined in accordance with the provisions in force in the Community.

2. The proof of origin referred to in paragraph 1 shall be as follows:

- (a) in the case of a tariff quota which is part of a preferential tariff agreement, it shall be the proof of origin laid down in that agreement;
- (b) in the case of other tariff quotas, it shall be a proof established in accordance with Article 47 of Regulation (EEC) No 2454/93 and, in addition to the elements provided for in that Article, the following data:

— the CN code (at least the first four digits),

— the order number or order numbers of the tariff quota concerned,

— the total net weight per coefficient category as provided for in Article 3(2) of this Regulation;

- (c) in the case of a country whose quota falls under points (a) and (b) and are merged, it shall be the proof referred to in point (a).

Where the proof of origin referred to in point (b) is presented as supporting document for only one declaration for release for free circulation, it may contain several order numbers. In all other cases, it shall only contain one order number.

3. In order to benefit from the tariff quota set out in the Annex for Country Group 4 in respect of products falling under CN codes ex 0204, ex 0210 99 21 and ex 0210 99 29 the proof of origin shall contain in the box concerning the description of the products one of the following:

(a) 'sheep product/s from the species domestic sheep';

(b) 'product/s from the species other than domestic sheep'.

Those indications shall correspond to the indications in the veterinary certificate accompanying those products.

Article 6

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

It shall apply from 1 January 2006.

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

Done at Brussels, 27 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

**SHEEPMET AND GOATMEAT (in tonnes (t) of carcase weight equivalent) COMMUNITY TARIFF QUOTAS
FOR 2006**

Country group No	CN codes	Ad valorem duty %	Specific duty EUR/100 Kg	Order number under 'first-come, first-served'				Origin	Annual volume in tonnes of carcase weight equivalent
				Live animals (Coefficient = 0,47)	Boneless lamb ⁽¹⁾ (Coefficient = 1,67)	Boneless mutton/sheep ⁽²⁾ (Coefficient = 1,81)	Bone-in and carcasses (Coefficient = 1,00)		
1	0204	Zero	Zero	—	09.2101	09.2102	09.2011	Argentina	23 000
				—	09.2105	09.2106	09.2012	Australia	18 650
				—	09.2109	09.2110	09.2013	New Zealand	227 854
				—	09.2111	09.2112	09.2014	Uruguay	5 800
				—	09.2115	09.2116	09.1922	Chile	5 600
				—	09.2119	09.2120	09.0790	Iceland	1 350
2	0204	Zero	Zero	—	09.2121	09.2122	09.0781	Norway	300
3	0204	Zero	Zero	—	09.2125	09.2126	09.0693	Greenland	100
				—	09.2129	09.2130	09.0690	Faeroes	20
				—	09.2131	09.2132	09.0227	Turkey	200
4	0104 10 30, 0104 10 80 and 0104 20 90. For the species 'other than domestic sheep' only: ex 0204, ex 0210 99 21 and ex 0210 99 29	Zero	Zero	09.2141	09.2145	09.2149	09.1622	ACP States	100
	For the species 'domestic sheep' only: ex 0204, ex 0210 99 21 and ex 0210 99 29	Zero	65 % reduction of specific duties	—	09.2161	09.2165	09.1626	ACP States	500
5 ⁽³⁾	0204	Zero	Zero	—	09.2171	09.2175	09.2015	Others	200
	0104 10 30 0104 10 80 0104 20 90	10 %	Zero	09.2181	—	—	09.2019	Others	49

⁽¹⁾ And goatmeat of kid.⁽²⁾ And goatmeat other than of kid.⁽³⁾ 'Others' shall refer to all origins including the ACP States and excluding the other countries mentioned in the current table.

COMMISSION REGULATION (EC) No 2186/2005**of 27 December 2005****amending Regulation (EC) No 936/97 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EC) No 936/97 is amended as follows:

Having regard to Council Decision 2005/959/EC of 21 December 2005 on the conclusion of Agreements in the form of an Exchange of Letters between the European Community and Japan and between the European Community and New Zealand, and in particular Article 2 thereof ⁽¹⁾,

1. Article 1(1) is amended as follows:

- (a) in the first indent of the first subparagraph, '59 100 tonnes' is replaced by '60 100 tonnes';
- (b) the second subparagraph is replaced by the following:

'However, the total volume of tariff quotas shall be 59 600 tonnes in the 2005/2006 import year.'

Whereas:

2. In Article 2, the point (e) is amended as follows:

- (1) Commission Regulation (EC) No 936/97 ⁽²⁾ provides for the opening and administration, on a multiannual basis, of a number of quotas of high-quality beef.
- (2) As a result of the negotiations between the Community and New Zealand under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the schedules of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia in the course of their accession to the European Union, the Community agreed to incorporate in its schedule for all Member States an increase of 1 000 tonnes of the annual import tariff quota of high-quality beef.
- (3) Regulation (EC) No 936/97 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

- (a) in the first subparagraph, '300 tonnes' is replaced by '1 300 tonnes';

- (b) the following third subparagraph is added:

'However, for the 2005/2006 import year the tariff quota shall be 800 tonnes product weight for meat corresponding to the CN codes and the definition referred to in the first and in the second subparagraphs.'

Article 2

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

It shall apply from 1 January 2006.

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

Done at Brussels, 27 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ See page 78 of this Official Journal.

⁽²⁾ OJ L 137, 28.5.1997, p. 10. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 December 2005

on the conclusion of an agreement in the form of an Exchange of Letters between the European Community and Japan pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994

(2005/958/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 22 March 2004 the Council authorised the Commission to open negotiations with certain other Members of the WTO under Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994, in the course of the accessions to the European Union of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.
- (2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.
- (3) The Commission has finalised negotiations for an agreement in the form of an Exchange of Letters between the European Community and Japan pursuant to Article XXIV:6 and Article XXVIII of the GATT 1994. The said agreement should therefore be approved,

Article 1

The agreement in the form of an Exchange of Letters between the European Community and Japan pursuant to Article XXIV:6 and Article XXVIII of the GATT 1994 with respect to the withdrawal of specific concessions in relation to the withdrawal of the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union is hereby approved on behalf of the Community.

The text of the agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the agreement in order to bind the Community ⁽¹⁾.

Done at Brussels, 21 December 2005.

For the Council
The President
B. BRADSHAW

⁽¹⁾ The date of entry into force of the agreement will be published in the *Official Journal of the European Union*.

A. Letter from the European Community

Negotiations between the European Community and Japan under GATT Article XXIV:6 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union.

Brussels, 21 December 2005

Sir,

I have the honour to refer the recent negotiations between the European Communities (EC) and the Government of Japan under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the schedules of Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the EC, which opened following the EC's notification of 19 January 2004 pursuant to Article XXIV:6 (GATT).

I have further the honour to convey you the view of the European Community that the following has been achieved as the result of the said negotiations:

85254099: A lower applied rate of 12,5 %,

37023219: A lower applied rate of 1,3 %,

85254019: A lower applied rate of 1,2 %.

The lower applied rates indicated above are to be applied for four years or until the implementation of the results of the Doha Development Agenda Round reaches the tariff level above, whichever comes first. The period of four years indicated above will begin at the date when the measures described in this letter will be implemented.

The EC will incorporate in its schedule, for the customs territory of EC 25, the concessions that were included in its previous schedule.

After the EC and the Government of Japan confirm to share the view with the above result of the negotiation, following consideration in accordance with their own procedures, the EC will implement the above results as soon as possible in accordance with its domestic procedures, and in any case no later than 1 January 2006.

Please confirm that the Government of Japan shares the view with the above.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the European Community



B. Letter from Japan

Brussels, 21 December 2005

Sir,

I have the honour to acknowledge the receipt of your letter saying:

“Negotiations between the European Community and Japan under GATT Article XXIV:6 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union.

I have the honour to refer the recent negotiations between the European Communities (EC) and the Government of Japan under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the schedules of Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the EC, which opened following the EC's notification of 19 January 2004 pursuant to Article XXIV:66 (GATT).

I have further the honour to convey you the view of the European Community that the following has been achieved as the result of the said negotiations:

85254099: A lower applied rate of 12,5 %,

37023219: A lower applied rate of 1,3 %,

85254019: A lower applied rate of 1,2 %.

The lower applied rates indicated above are to be applied for four years or until the implementation of the results of the Doha Development Agenda Round reaches the tariff level above, whichever comes first. The period of four years indicated above will begin at the date when the measures described in this letter will be implemented.

The EC will incorporate in its schedule, for the customs territory of EC 25, the concessions that were included in its previous schedule.

After the EC and the Government of Japan confirm to share the view with the above result of the negotiation, following consideration in accordance with their own procedures, the EC will implement the above results as soon as possible in accordance with its domestic procedures, and in any case no later than 1 January 2006.”.

I hereby have the honour to inform you that my government shares the view of the European Community, and that further domestic procedure is not necessary at the side of the Government of Japan.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Government of Japan



COUNCIL DECISION

of 21 December 2005

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union

(2005/959/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 22 March 2004 the Council authorised the Commission to open negotiations with certain other Members of the WTO under Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994, in the course of the accessions to the European Union of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.
- (2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.
- (3) The Commission has finalised negotiations for an Agreement in the form of an Exchange of Letters between the European Community and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the GATT 1994. The said Agreement should therefore be approved.
- (4) The measures necessary for the implementation of this Decision 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 ⁽¹⁾,

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, with respect to the withdrawal of specific concessions in relation to the withdrawal of the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union, is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

The Commission shall adopt the detailed rules for implementing this Agreement in the form of an Exchange of Letters in accordance with the procedure laid down in Article 3 of this Decision.

Article 3

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 25 of Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽²⁾ or the relevant committee instituted by the corresponding article of the Regulation for the common market organisation for the product concerned.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

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

The period provided for 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

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community ⁽¹⁾.

Done at Brussels, 21 December 2005.

For the Council

The President

B. BRADSHAW

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union*.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union

A. Letter from the European Community

Brussels,

Sir,

Following the initiation of negotiations between the European Communities (EC) and New Zealand under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the schedules of Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the EC, the following is agreed between the EC and New Zealand with a view to concluding the negotiations opened following the EC's notification of 19 January 2004 to the WTO pursuant to Article XXIV:6 of GATT 1994.

The EC agrees to incorporate in its schedule for the customs territory of EC 25, the concessions that were included in its previous schedule.

The EC agrees that it will incorporate in its schedule for the EC 25 the concessions contained in the annex to this agreement.

New Zealand accepts the basic components of the EC's approach to adjusting the GATT obligations of the EC-15 and those of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic following the recent enlargement of the EC: netting out of export commitments; netting out of tariff quotas; and aggregation of domestic support commitments. The applicable legal modalities for implementation shall draw on the precedent from the last EU enlargement.

This agreement shall enter into force on the date of New Zealand's letter in reply indicating its agreement, following consideration by the parties in accordance with their own procedures. The EC undertakes to use its best endeavours to ensure that the appropriate implementing measures are in place as soon as possible, though no later than 1 January 2006.

Consultations may be held at any time with regard to any matter in this Agreement at the request of either Party.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the European Community



ANNEX

- add 1 154 tonnes (carcase weight) to the allocation for New Zealand under the EC tariff rate quota for sheep meat; 'meat of sheep or goats, fresh, chilled or frozen',
 - add 735 tonnes to the allocation for New Zealand under the EC tariff rate quota for butter; 'butter of New Zealand origin, at least 6 weeks old, with a fat content of not less than 80 % but less than 82 % by weight, manufactured directly from milk or cream',
 - add 1 000 tonnes to the tariff rate quota for 'high quality' beef; 'selected chilled or frozen premium beef cuts derived from exclusively pasture-grazed bovine animals which do not have more than four permanent incisor teeth in wear, the carcasses of which have a dressed weight of not more than 325 kilograms, a compact appearance with a good eye of meat of light and uniform colour and adequate but not excessive fat cover. All cuts will be vacuum packaged and referred to as high quality beef'.
-

B. Letter from New Zealand

Brussels,

Sir,

Reference is made to your letter stating:

'Following the initiation of negotiations between the European Communities (EC) and New Zealand under Article XXIV:6 and Article XXVIII of GATT 1994 for the modification of concessions in the schedules of Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the EC, the following is agreed between the EC and New Zealand with a view to concluding the negotiations opened following the EC's notification of 19 January 2004 to the WTO pursuant to Article XXIV:6 of GATT 1994.

The EC agrees to incorporate in its schedule for the customs territory of EC 25, the concessions that were included in its previous schedule.

The EC agrees that it will incorporate in its schedule for the EC 25 the concessions contained in the annex to this agreement.

New Zealand accepts the basic components of the EC's approach to adjusting the GATT obligations of the EC-15 and those of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic following the recent enlargement of the EC: netting out of export commitments; netting out of tariff quotas; and aggregation of domestic support commitments. The applicable legal modalities for implementation shall draw on the precedent from the last EU enlargement.

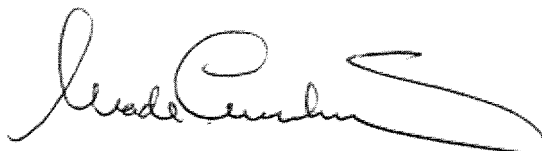

This agreement shall enter into force on the date of New Zealand's letter in reply indicating its agreement, following consideration by the parties in accordance with their own procedures. The EC undertakes to use its best endeavours to ensure that the appropriate implementing measures are in place as soon as possible, though no later than 1 January 2006.

Consultations may be held at any time with regard to any matter in this Agreement at the request of either Party.'

I hereby have the honour to express my government's agreement.

Please accept, Sir, the assurance of my highest consideration.

On behalf of The Government of New Zealand

COMMISSION

COMMISSION DECISION of 15 November 2005 amending its Rules of Procedure (2005/960/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 218(2) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 131 thereof,

Having regard to the Treaty on European Union, and in particular Article 28(1) and Article 41(1) thereof,

HAS DECIDED AS FOLLOWS:

Article 1

Articles 1 to 28 of the Rules of Procedure of the Commission ⁽¹⁾ shall be replaced by the text in the Annex to this Decision.

Article 2

This Decision shall enter into force on 1 January 2006.

Article 3

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

Done at Brussels, 15 November 2005.

For the Commission
José Manuel BARROSO
The President

⁽¹⁾ OJ L 308, 8.12.2000, p. 26. Rules of Procedure as last amended by Commission Decision 2004/563/EC, Euratom (OJ L 251, 27.7.2004, p. 9).

ANNEX

CHAPTER I

THE COMMISSION

SECTION 1

General provisions*Article 1***The principle of collective responsibility**

The Commission shall act collectively in accordance with these Rules of Procedure and in compliance with the political guidelines laid down by the President.

*Article 2***Priorities and work programme**

In compliance with the political guidelines laid down by the President, the Commission shall establish its multiannual strategic objectives and its Annual Policy Strategy, on the basis of which it shall each year adopt its work programme and the preliminary draft budget for the following year.

*Article 3***The President**

1. The President may assign to Members of the Commission special fields of activity with regard to which they shall be specifically responsible for the preparation of the work of the Commission and the implementation of its decisions.

He may change these assignments at any time.

2. The President may set up standing or ad hoc groups of Members of the Commission, designating their chairpersons and deciding on their membership. He shall lay down the mandate of these groups and approve their operating rules.

3. The President shall represent the Commission. He shall designate Members of the Commission to assist him in this task.

*Article 4***Decision-making procedures**

Commission decisions shall be taken:

- (a) at Commission meetings by oral procedure; or
- (b) by written procedure in accordance with Article 12; or
- (c) by empowerment procedure in accordance with Article 13; or
- (d) by delegation procedure in accordance with Article 14.

SECTION 2

Commission meetings*Article 5***Convening Commission meetings**

1. Meetings of the Commission shall be convened by the President.

2. The Commission shall, as a general rule, meet at least once a week. It shall hold additional meetings whenever necessary.

3. Members of the Commission shall be required to attend all meetings. The President shall judge whether Members may be released from this obligation in certain circumstances.

Article 6

Agenda of Commission meetings

1. The President shall adopt the agenda of each Commission meeting.
2. Without prejudice to the prerogative of the President to adopt the agenda, any proposal involving significant expenditure must be presented in agreement with the Member of the Commission responsible for the budget.
3. If a Member of the Commission proposes the inclusion of an item on the agenda, the President must be notified as prescribed by the Commission in accordance with the implementing rules referred to in Article 28, hereinafter referred to as "the implementing rules".
4. The agenda and the necessary documents shall be circulated to the Members of the Commission as prescribed by the Commission in accordance with the implementing rules.
5. Where a Member of the Commission requests that an item be withdrawn from the agenda, the item shall, provided the President agrees, be held over for the next meeting.
6. The Commission may, on a proposal from the President, discuss any question which is not on the agenda or for which the necessary working documents have been distributed late. It may decide not to discuss an item on the agenda.

Article 7

Quorum

The number of Members whose presence is necessary to constitute a quorum shall be equal to a majority of the number of Members specified in the Treaty.

Article 8

Decision-making

1. The Commission shall take decisions on the basis of proposals from one or more of its Members.
2. A vote shall be taken if any Member so requests. The vote may be on the original draft text or on an amended draft text by the Member or Members responsible for the initiative or by the President.
3. Commission decisions shall be adopted if a majority of the number of Members specified in the Treaty vote in favour.
4. The President shall formally note the outcome of discussions, which shall be recorded in the minutes of the meeting provided for in Article 11.

Article 9

Confidentiality

Meetings of the Commission shall not be public. Discussions shall be confidential.

Article 10

Attendance of officials or other persons

1. Unless the Commission decides otherwise, the Secretary-General and the President's Head of Cabinet shall attend meetings. The circumstances in which other persons may attend Commission meetings shall be determined in accordance with the implementing rules.
2. In the absence of a Member of the Commission, his Head of Cabinet may attend the meeting and, at the invitation of the President, state the views of the absent Member.
3. The Commission may decide to hear any other person.

*Article 11***Minutes**

1. Minutes shall be taken of all meetings of the Commission.
2. The draft minutes shall be submitted to the Commission for approval at a subsequent meeting. The approved minutes shall be authenticated by the signatures of the President and the Secretary-General.

*SECTION 3****Other decision-making procedures****Article 12***Decisions taken by written procedure**

1. The agreement of the Members of the Commission to a draft text from one or more of its Members may be obtained by written procedure, provided the prior approval of the Legal Service and the agreement of the departments consulted in accordance with Article 23 has been obtained.

Such approval and/or agreement may be replaced by an agreement between the Heads of Cabinet under the finalisation written procedure as provided for in the implementing rules.

2. The draft text shall be circulated in writing to all Members of the Commission as laid down by it in accordance with the implementing rules, with a time-limit within which Members must make known any reservations they may have or amendments they wish to make.

3. Any Member of the Commission may, in the course of the written procedure, request that the draft text be discussed. He shall send a reasoned request to that effect to the President.

4. A draft text on which no Member has made and maintained a request for suspension up to the time-limit set for the written procedure shall stand adopted by the Commission.

*Article 13***Decisions taken by empowerment procedure**

1. The Commission may, provided the principle of collective responsibility is fully respected, empower one or more of its Members to take management or administrative measures on its behalf and subject to such restrictions and conditions as it shall impose.

2. The Commission may also instruct one or more of its Members, with the agreement of the President, to adopt the definitive text of any instrument or of any proposal to be presented to the other institutions, the substance of which has already been determined in discussion.

3. Powers conferred in this way may be subdelegated to the Directors-General and Heads of Department unless this is expressly prohibited in the empowering decision.

4. The provisions of paragraphs 1, 2 and 3 shall be without prejudice to the rules concerning delegation in respect of financial matters or the powers conferred on the appointing authority and the authority empowered to conclude contracts of employment.

*Article 14***Decisions taken by delegation procedure**

The Commission may, provided the principle of collective responsibility is fully respected, delegate the adoption of management or administrative measures to the Directors-General and Heads of Department, acting on its behalf and subject to such restrictions and conditions as it shall impose.

*Article 15***Subdelegation for individual decisions awarding grants and contracts**

A Director-General or Head of Department who has received delegated or subdelegated powers under Articles 13 and 14 for the adoption of financing decisions may decide to subdelegate the adoption of certain individual decisions on the award of grants and contracts to the competent Director or, in agreement with the Member of the Commission responsible, to the competent Head of Unit, subject to the restrictions and conditions laid down in the implementing rules.

*Article 16***Information concerning decisions adopted**

Decisions adopted by written procedure, empowerment procedure or delegation procedure shall be recorded in a day note which shall be recorded in the minutes of the next Commission meeting.

*SECTION 4****Provisions common to all decision-making procedures****Article 17***Authentication of acts adopted by the Commission**

1. Instruments adopted in the course of a meeting shall be attached, in the authentic language or languages, in such a way that they cannot be separated, to a summary note prepared at the end of the Commission meeting at which they were adopted. They shall be authenticated by the signatures of the President and the Secretary-General on the last page of the summary note.

2. Instruments adopted by written procedure or empowerment procedure in accordance with Article 12 and Article 13(1) and (2) shall be attached, in the authentic language or languages, in such a way that they cannot be separated, to the day note referred to in Article 16. They shall be authenticated by the signature of the Secretary-General on the last page of the day note.

3. Instruments adopted by delegation procedure or by subdelegation shall be attached in the authentic language or languages, in such a way that they cannot be separated, to the day note referred to in Article 16. They shall be authenticated by a certifying statement signed by the official to whom the powers have been delegated or subdelegated in accordance with Article 13(3) and Articles 14 and 15.

4. For the purposes of these Rules of Procedure, "instrument" means any instrument referred to in Article 249 of the EC Treaty and Article 161 of the Euratom Treaty.

5. For the purposes of these Rules of Procedure, "authentic languages" means all the official languages of the Communities, without prejudice to the application of Council Regulation (EC) No 930/2004 ⁽¹⁾, in the case of instruments of general application, and the language or languages of those to whom they are addressed, in other cases.

*SECTION 5****Preparation and implementation of Commission decisions****Article 18***Groups of Members of the Commission**

Groups of Commission Members shall contribute to the coordination and preparation of the work of the Commission within the context of the strategic objectives and priorities laid down by the Commission and in accordance with the mandate and political guidelines laid down by the President.

⁽¹⁾ OJ L 169, 1.5.2004, p. 1.

*Article 19***Members' cabinets and relations with departments**

1. Members of the Commission shall have their own cabinet to assist them in their work and in preparing Commission decisions. The rules governing the composition of the cabinets shall be laid down by the President.
2. Members of the Commission shall approve their working arrangements with the departments for which they are responsible. In particular, these arrangements must specify the way in which Members of the Commission give instructions to the departments concerned, which will regularly provide them with all the information on their area of activity necessary for them to exercise their responsibilities.

*Article 20***The Secretary-General**

1. The Secretary-General shall assist the President in preparing the proceedings and conducting the meetings of the Commission. He shall also assist the Members chairing groups of Members set up under Article 3(2) in preparing and conducting their meetings.
2. He shall ensure that decision-making procedures are properly implemented and that effect is given to the decisions referred to in Article 4.
3. He shall help to ensure the necessary coordination between departments in the preparatory stages, in accordance with Article 23, and shall see that documents submitted to the Commission are of good quality in terms of substance and comply with the rules as to form.
4. Except in specific cases he shall take the necessary steps to ensure that Commission instruments are officially notified to those concerned and are published in the *Official Journal of the European Union* and that documents of the Commission and its departments are transmitted to the other institutions of the European Communities.
5. He shall be responsible for official relations with the other institutions of the European Communities, subject to any decisions by the Commission to exercise any function itself or to assign it to its Members or departments. He shall monitor the proceedings of the other institutions of the European Communities and keep the Commission informed.

CHAPTER II

COMMISSION DEPARTMENTS*Article 21***Structure of departments**

A number of Directorates-General and equivalent departments forming a single administrative service shall assist the Commission in the performance of its tasks.

The Directorates-General and equivalent departments shall normally be divided into directorates, and directorates into units.

*Article 22***Creation of specific functions and structures**

In special cases the Commission may create specific functions or structures to deal with particular matters and shall determine their responsibilities and method of operation.

*Article 23***Cooperation and coordination between departments**

1. In order to ensure the effectiveness of Commission action, departments shall work in close cooperation and in coordinated fashion from the outset in the preparation or implementation of Commission decisions.
2. The department responsible for preparing an initiative shall ensure from the beginning of the preparatory work that there is effective coordination between all the departments with a legitimate interest in the initiative by virtue of their powers or responsibilities or the nature of the subject.

3. Before a document is submitted to the Commission, the department responsible shall, in accordance with the implementing rules, consult the departments with a legitimate interest in the draft text in sufficient time.

4. The Legal Service shall be consulted on all drafts or proposals for legal instruments and on all documents which may have legal implications.

The Legal Service must always be consulted before initiating any of the decision-making procedures provided for in Articles 12, 13 and 14, except for decisions concerning standard instruments where its agreement has already been secured (repetitive instruments). Such consultation is not required for the decisions referred to in Article 15.

5. The Secretariat-General shall be consulted on all initiatives which:

(a) are of political importance; or

(b) are part of the Commission's annual work programme or the programming instrument in force; or

(c) concern institutional issues; or

(d) are subject to impact assessment or public consultation.

6. With the exception of the decisions referred to in Article 15, the Directorates-General responsible for the budget and for personnel and administration shall be consulted on all documents which may have implications for the budget and finances or for personnel and administration respectively. The department responsible for combating fraud shall likewise be consulted where necessary.

7. The department responsible shall endeavour to frame a proposal that has the agreement of the departments consulted. In the event of a disagreement it shall append to its proposal the differing views expressed by these departments, without prejudice to Article 12.

CHAPTER III

DEPUTISING

Article 24

Continuity of service

The Members of the Commission and the departments shall ensure they take all appropriate measures to ensure continuity of service, in compliance with the provisions adopted for that purpose by the Commission or the President.

Article 25

Deputising for the President

Where the President is prevented from exercising his functions, they shall be exercised by one of the Vice-Presidents or Members in the order of precedence laid down by the President.

Article 26

Deputising for the Secretary-General

Where the Secretary-General is prevented from exercising his functions, they shall be exercised by the most senior Deputy Secretary-General present or, in the event of equal seniority, by the eldest or by an official designated by the Commission.

If there is no Deputy Secretary-General present and no official has been designated by the Commission, the most senior subordinate official present in the highest category and grade or, in the event of equal seniority, the one who is eldest, shall deputise.

*Article 27***Deputising for hierarchical superiors**

1. Where a Director-General is prevented from exercising his functions, they shall be exercised by the most senior Deputy Director-General present or, in the event of equal seniority, by the eldest or by an official designated by the Commission.

If there is no Deputy Director-General present and no official has been designated by the Commission, the most senior subordinate present in the highest category and grade or, in the event of equal seniority, the one who is eldest, shall deputise.

2. Where a Head of Unit is prevented from exercising his functions, they shall be exercised by the Deputy Head of Unit or an official designated by the Director-General.

If there is no Deputy Head of Unit present and no official has been designated by the Director-General, the most senior subordinate present in the highest category and grade or, in the event of equal seniority, the one who is eldest, shall deputise.

3. Where any other hierarchical superior is prevented from exercising his functions, they shall be exercised by an official designated by the Director-General in agreement with the Member of the Commission responsible. If no replacement has been designated, the most senior subordinate present in the highest category and grade, or in the event of equal seniority, the one who is eldest, shall deputise.

CHAPTER IV

FINAL PROVISIONS*Article 28***Implementing rules and supplementary measures**

The Commission shall, as necessary, lay down implementing rules to give effect to these Rules of Procedure.

The Commission may adopt supplementary measures relating to the functioning of the Commission and of its departments, taking into account developments in technology and information technology.

*Article 29***Entry into force**

These Rules of Procedure shall enter into force on 1 January 2006.'

**DECISION No 2/2005 OF THE COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE
of 25 November 2005**

**amending the Annex to the Agreement between the European Community and the Swiss
Confederation on Air Transport**

(2005/961/EC)

THE COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE,

Article 2

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport, hereinafter referred to as 'the Agreement', and in particular Article 23(4) thereof,

HAS DECIDED AS FOLLOWS:

Article 1

1. The following shall be added to point 1 (Third aviation package of liberalisation and other civil aviation rules) of the Annex to the Agreement, after the reference to Council Directive 93/104/ES of the Council, as inserted by Article 1(3) of Decision No 3/2004 of the Community/Switzerland Air Transport Committee ⁽¹⁾:

'No 437/2003

Regulation (EC) No 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air'.

2. The following shall be added to point 1 (Third aviation package of liberalisation and other civil aviation rules) of the Annex to the Agreement, after the inclusion referred to in Article 1(1) of this Decision:

'No 1358/2003

Commission Regulation (EC) No 1358/2003 of 31 July 2003 implementing Regulation (EC) No 437/2003 of the European Parliament and of the Council on statistical returns in respect of the carriage of passengers, freight and mail by air and amending Annexes I and II thereto'.

3. The following shall be added to point 1 (Third aviation package of liberalisation and other civil aviation rules) of the Annex to the Agreement, after the inclusion referred to in Article 1(2) of this Decision:

'No 785/2004

Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators'.

1. The following shall be added to point 1 (Third aviation package of liberalisation and other civil aviation rules) of the Annex to the Agreement, after the reference to Council Regulation (EEC) No 2408/92:

'(The modifications to Annex I, stemming from Annex II, chapter 8 (Transport policy), section G (Air Transport), number 1 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, are applicable)'.

2. The following shall be added to point 3 (Technical harmonisation) of the Annex to the Agreement, after the reference to Council Directive 93/65/EEC:

'(The modifications to Annex II, stemming from Annex II, chapter 8 (Transport policy), section G (Air Transport), number 2 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, are applicable)'.

3. The following shall be added to point 1 (Third aviation package of liberalisation and other civil aviation rules) of the Annex to the Agreement, after the reference to Directive (2002/30/EC) of the European Parliament and of the Council, as inserted by Article 1(1) of Decision No 3/2004 of the Community/Switzerland Air Transport Committee:

'(The modifications to Annex I, stemming from Annex II, Chapter 8 (Transport policy), section G (Air Transport), number 2 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, are applicable)'.

⁽¹⁾ OJ L 151, 30.4.2004, p. 9, corrected by OJ L 208, 10.6.2004, p. 7.

Article 3

The following shall be added to point 4 (Air safety) of the Annex to the Agreement, after the reference to Commission Regulation (EC) No 2042/2003:

‘No 36/2004

Directive (2004/36/EC) of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports

(Articles 1 to 9 and 11 to 14)’.

Article 4

This Decision shall be published in the *Official Journal of the European Union*, and the *Official Compendium of Swiss Federal Law*. It will enter into force on the first day of the second month following its adoption.

Done at Brussels, 25 November 2005.

For the Joint Committee

*The Head of the Community
Delegation*

Daniel CALLEJA CRESPO

*The Head of the Swiss
Delegation*

Raymond CRON

**DECISION No 1/2005 OF THE JOINT VETERINARY COMMITTEE SET UP UNDER THE
AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION
ON TRADE IN AGRICULTURAL PRODUCTS**

of 21 December 2005

on the amendment to Appendix 6 to Annex 11 to the Agreement

(2005/962/EC)

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter called the Agriculture Agreement), and in particular Article 19(3) of Annex 11 thereto,

Whereas:

(1) The Agreement with Switzerland entered into force on 1 June 2002.

(2) Appendices 1, 2, 3, 4, 5, 6 and 11 of Annex 11 to the Agriculture Agreement were amended for the first time by Decision No 2/2003 of the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 25 November 2003 amending Appendices 1, 2, 3, 4, 5, 6 and 11 to Annex 11 to the Agreement ⁽¹⁾.

(3) Appendices 1, 2, 3, 4, 5, 6 and 11 to Annex 11 to the Agriculture Agreement were last amended by Decision No 2/2004 of the Joint Veterinary Committee set up under the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 9 December 2004 amending Appendices 1, 2, 3, 4, 5, 6 and 11 to Annex 11 to the Agreement ⁽²⁾.

(4) The Swiss Confederation has given an undertaking to incorporate in its national legislation the provisions of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽³⁾, Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽⁴⁾, Regulation (EC)

No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽⁵⁾ and Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽⁶⁾.

(5) The animal-health measures provided for under Swiss law are recognised as equivalent for trade purposes for milk and products of milk of the bovine species intended for human consumption.

(6) Appendix 6 to Annex 11 to the Agriculture Agreement, together with its effects on the checks, will be reviewed by the Joint Veterinary Committee not later than one year following the entry into force of this Decision in order to examine equivalence for all livestock products intended for human consumption other than milk and products of milk of the bovine species, in accordance with the provisions of Chapter III of Appendix 6 to Annex 11.

(7) Appendix 6 to Annex 11 to the Agriculture Agreement should be amended to take account of the changes in Community and Swiss legislation in force on 1 January 2006,

HAS DECIDED AS FOLLOWS:

Article 1

The first table (Products: Milk and products of milk of the bovine species intended for human consumption) in Chapter 1 of Appendix 6 to Annex 11 to the Agriculture Agreement is hereby replaced by the table shown in the Annex to this Decision.

⁽¹⁾ OJ L 23, 28.1.2004, p. 27.

⁽²⁾ OJ L 17, 20.1.2005, p. 1.

⁽³⁾ OJ L 139, 30.4.2004, p. 1, as corrected by OJ L 226, 25.6.2004, p. 3.

⁽⁴⁾ OJ L 139, 30.4.2004, p. 55, as corrected by OJ L 226, 25.6.2004, p. 22.

⁽⁵⁾ OJ L 139, 30.4.2004, p. 206, as corrected by OJ L 226, 25.6.2004, p. 83.

⁽⁶⁾ OJ L 165, 30.4.2004, p. 1, as corrected by OJ L 191, 28.5.2004, p. 1.

Article 2

The equivalence of animal-health measures provided for under Swiss law for all livestock products intended for human consumption other than milk and products of milk of the bovine species shall be examined in the Joint Veterinary Committee with a view to being recognised for trade purposes not later than one year following the entry into force of this Decision.

Article 3

This Decision, drawn up in duplicate, shall be signed by the joint chairmen or other persons empowered to act in the name of the Parties.

Article 4

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

It shall take effect on 1 January 2006.

Signed at Brussels, 21 December 2005.

For the Joint Veterinary Committee

*Head of delegation
of the Swiss Confederation*
Hans WYSS

*Head of delegation
of the European Community*
Jaana HUSU-KALLIO

ANNEX

'Animal products for human consumption

<i>Exports from the European Community to Switzerland and Exports from Switzerland to the European Community</i>			
	Trade conditions		Special requirements
	EC standards	Swiss standards	
	<p>Federal Law of 9 October 1992 on foodstuffs and consumer products (Law on foodstuffs), as last amended on 18 June 2004 (RS 817.0)</p> <p>Order of 27 May 1981 on the protection of animals, as last amended on 27 June 2001 (RS 455.1)</p> <p>Order of 1 March 1995 on the setting up of bodies responsible for checking meat hygiene (OFHV) (RS 817.191.54)</p> <p>Order of 27 June 1995 on epizootic diseases (OFE), as last amended on 18 August 2004 (RS 916.401)</p> <p>Order of 23 November 2005 on primary production (RS 916.020)</p> <p>Order of 23 November 2005 on the slaughter of livestock and the checking of meat (OABCV) (RS 817.190)</p> <p>Order of 23 November 2005 on foodstuffs and consumer products (ODAI(OU)s) (RS 817.02)</p> <p>DFI Order of 23 November 2005 on the implementation of foodstuffs legislation (RS 817.025.21)</p> <p>DFF Order of 23 November 2005 on hygiene in primary production (RS 916.020.1)</p> <p>DFI Order of 23 November 2005 on hygiene (RS 817.024.1)</p> <p>DFF Order of 23 November 2005 on hygiene on the slaughter of livestock (OHvAb) (RS 817.190.1)</p> <p>DFI Order of 23 November 2005 on foodstuffs of animal origin (RS 817.022.108)</p>	<p>Under this Appendix, in the light of the development of Community legislation in this field (implementing instruments) and of Community legislation on the control of imports from third countries, the Swiss authorities undertake to amend their legislation in order to adopt equivalent trade legislation. The Swiss authorities have drawn up and submitted draft ordinances for consultation.</p> <p>The provisions of this Appendix will be reviewed by the Joint Veterinary Committee not later than one year following the entry into force of this amendment in order to examine the equivalence of all animal products intended for human consumption other than milk and products of milk of the bovine species, in accordance with Chapter III of this Appendix.</p> <p>Until the corresponding amendment of this Appendix has been made, all animal products other than milk products and products of milk of the bovine species and animal by-products not intended for human consumption, including milk and products of milk of the bovine species not intended for human consumption will continue to come within Chapter II of this Appendix.</p>	<p>yes</p> <p>with special conditions</p>

Exports from the European Community to Switzerland and Exports from Switzerland to the European Community					
		Trade conditions		Equivalence	Special requirements
		EC standards	Swiss standards		
Milk and products of milk of the bovine species					
Animal health — Bovine animals	Directive 64/432/EEC	Order of 27 June 1995 on epizootic diseases (OFE), as last amended on 23 June 2004 (RS 916.401), and in particular Articles 47, 61, 65, 101, 155, 163, 169, 173, 177, 224 and 295 thereof	yes		
Public health — Bovine animals	Regulations (EC) No 852/2004 No 853/2004 No 854/2004 No 882/2004	Order of 23 November 2005 on foodstuffs and consumer products (ODAI0Us) (RS 817.02) Order of 23.11.2005 on ensuring quality in the dairy sector (Ordinance on milk quality, OQL) (RS 916.351.0) DFI Order of 23 November 2005 on foodstuffs of animal origin (RS 817.022.108) DFI Order of 23 November 2005 on hygiene (RS 817.024.1) DFE Order of 23 November 2005 on hygiene in primary production (OHyPL) (RS 916.351.021.1)	yes	Milk and products of milk of the bovine species intended for human consumption which are the subject of trade between the Community Member States and Switzerland will only move on the same conditions as milk and products of milk of the bovine species intended for human consumption which are the subject of trade between EU Member States. The requirements of Swiss legislation concerning the processes and heat treatment used for milk and milk products, and their implications regarding labelling, do not apply to products manufactured and/or traded lawfully in a European Union Member State or lawfully manufactured in a State signatory to the European Free Trade Association (EFTA), which is a contracting party to the Agreement on the European Economic Area (EEA). Switzerland will draw up a list of its establishments approved in accordance with Article 31 (registration/approval of establishments) of Regulation (EC) No 882/2004.	

DOCUMENTS ANNEXED TO THE GENERAL BUDGET FOR THE EUROPEAN UNION

Statement of revenue and expenditure of the European Network and Information Security Agency
for the financial year 2005

(2005/963/EC)

STATEMENT OF REVENUE

Title	Heading	Appropriations 2003 (EUR)	Appropriations 2004 (EUR)	Appropriations 2005 (EUR)	Remarks
1	European Communities subsidy	—	3 500 000	6 800 000	Total subsidy of the European Communities
2	Third countries contribution	—	—	p.m.	Contributions from third countries
3	Other contributions	—	—	p.m.	Subsidy from the Government of Greece
4	Administrative operations	—	—	p.m.	Other expected income
	Grand Total	—	3 500 000	6 800 000	

STATEMENT OF EXPENDITURE

Title	Heading	Appropriations 2003 (EUR)	Appropriations 2004 (EUR)	Appropriations 2005 (EUR)	
1	Staff	—	1 620 000	3 060 000	Total funding for covering personnel costs
2	Buildings, equipment and miscellaneous operating expenditure	—	1 380 000	2 430 000	Total funding for covering general administrative costs
3	Operating expenditure	—	500 000	1 310 000	Total funding for operational expenditures
	Grand Total	—	3 500 000	6 800 000	
1	Staff				
1 1	Staff in active employment				
	Chapter 1 1	—	—	2 068 307	
1 2	Recruitment expenditure				
	Chapter 1 2	—	—	564 804	
1 3	Socio-medical services and training				
	Chapter 1 3	—	—	63 000	
1 4	Temporary assistance				
	Chapter 1 4	—	—	363 889	
	Total Title 1	—	—	3 060 000	

Title	Heading	Appropriations 2003 (EUR)	Appropriations 2004 (EUR)	Appropriations 2005 (EUR)	
2	Functioning of the Agency				
2 0	<i>Buildings and associated costs</i>				
	<i>Chapter 2 0</i>	—	—	804 430	
2 1	<i>Movable property and associated costs</i>				
	<i>Chapter 2 1</i>	—	—	340 000	
2 2	<i>Current administrative expenditure</i>				
	<i>Chapter 2 2</i>	—	—	189 436	
2 3	<i>ICT</i>				
	<i>Chapter 2 3</i>	—	—	600 000	
2 4 0	<i>Management Board</i>				
	<i>Chapter 2 4</i>	—	—	438 134	
2 5 0	<i>CDT Luxembourg</i>				
	<i>Chapter 2 5</i>	—	—	58 000	
	Total Title 2	—	—	2 430 000	
3	Operating expenditure				
3 0	<i>Group activities</i>				
	<i>Chapter 3 0</i>	—	—	571 561	
3 1	<i>Operational activities</i>				
	<i>Chapter 3 1</i>	—	—	688 439	
3 4	<i>Internal audit capability</i>				
	<i>Chapter 3 4</i>	—	—	50 000	
	Title 3	—	—	1 310 000	
	Grand Total	—	—	6 800 000	

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 2163/2005 of 22 December 2005 providing for the rejection of applications for export licences for beef and veal products**

(Official Journal of the European Union L 342 of 24 December 2005)

On the cover in the Contents, on page 70 in the title and in the signature:

for: '22 December 2005',

read: '23 December 2005'.
