

Official Journal

of the European Union

L 52

Volume 48

25 February 2005

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 303/2005 of 24 February 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

Commission Regulation (EC) No 304/2005 of 24 February 2005 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty 3

★ **Commission Regulation (EC) No 305/2005 of 19 October 2004 amending Council Regulation (EC) No 312/2003 as regards tariff quotas for certain products originating in Chile 6**

★ **Commission Regulation (EC) No 306/2005 of 24 February 2005 amending Annex I to Regulation (EC) No 138/2004 of the European Parliament and of the Council on the economic accounts for agriculture in the Community ⁽¹⁾ 9**

Commission Regulation (EC) No 307/2005 of 24 February 2005 opening a preferential tariff quota for imports of raw cane sugar originating in the ACP States for supply to refineries in the period from 1 March to 30 June 2005 11

Commission Regulation (EC) No 308/2005 of 24 February 2005 fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004..... 13

Commission Regulation (EC) No 309/2005 of 24 February 2005 fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004 15

Commission Regulation (EC) No 310/2005 of 24 February 2005 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty 16

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

Commission Regulation (EC) No 311/2005 of 24 February 2005 fixing the export refunds on products processed from cereals and rice	20
Commission Regulation (EC) No 312/2005 of 24 February 2005 fixing the export refunds on cereal-based compound feedingstuffs	23
Commission Regulation (EC) No 313/2005 of 24 February 2005 fixing production refunds on cereals	25
Commission Regulation (EC) No 314/2005 of 24 February 2005 fixing the export refunds on rice and broken rice and suspending the issue of export licences	26
Commission Regulation (EC) No 315/2005 of 24 February 2005 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	29
Commission Regulation (EC) No 316/2005 of 24 February 2005 concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1757/2004	31
Commission Regulation (EC) No 317/2005 of 24 February 2005 concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1565/2004	32
Commission Regulation (EC) No 318/2005 of 24 February 2005 fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 115/2005	33
Commission Regulation (EC) No 319/2005 of 24 February 2005 concerning tenders notified in response to the invitation to tender for the import of sorghum issued in Regulation (EC) No 2275/2004	34
Commission Regulation (EC) No 320/2005 of 24 February 2005 fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2277/2004	35
Commission Regulation (EC) No 321/2005 of 24 February 2005 fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2276/2004	36

II Acts whose publication is not obligatory

Council

2005/157/EC:

- ★ **Council Decision of 17 February 2005 appointing two German members and two German alternate members of the Committee of the Regions** 37

2005/158/EC:

- ★ **Council Decision of 17 February 2005 appointing a Spanish alternate member of the Committee of the Regions** 39

2005/159/EC:

- ★ **Council Decision of 17 February 2005 appointing six Belgian members and eight Belgian alternate members of the Committee of the Regions** 40



Commission

2005/160/EC:

- ★ **Commission Decision of 27 October 2004 approving the exchange of letters between the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) and the Commission of the European Communities concerning their cooperation in the framework of disaster response (in case of simultaneous interventions in a country affected by a disaster) ⁽¹⁾** 42

2005/161/EC:

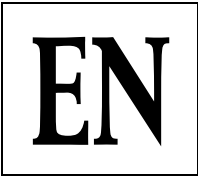
- ★ **Commission Decision of 24 February 2005 as regards Community financial aid for the year 2005, to certain Community reference laboratories in the veterinary public health field of residues (notified under document number C(2005) 392)** 49

2005/162/EC:

- ★ **Commission Recommendation of 15 February 2005 on the role of non-executive or supervisory directors of listed companies and on the committees of the (supervisory) board ⁽¹⁾** ... 51

Corrigenda

- ★ **Corrigendum to Commission Regulation (EC) No 453/2002 of 13 March 2002 adapting Council Regulation (EC) No 2201/96 and Commission Regulations (EC) No 1799/2001, (EC) No 2125/95 and (EC) No 3223/94 as regards the combined nomenclature codes for certain fruits and vegetables (OJ L 72, 14.3.2002)** 64



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 303/2005
of 24 February 2005
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 February 2005.

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

Done at Brussels, 24 February 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 24 February 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	114,2
	204	68,7
	212	151,1
	624	185,9
	999	130,0
0707 00 05	052	161,5
	068	116,1
	204	111,5
	999	129,7
0709 10 00	220	36,6
	999	36,6
0709 90 70	052	171,8
	204	181,8
	999	176,8
0805 10 20	052	49,3
	204	43,0
	212	51,0
	220	45,3
	624	66,6
	999	51,0
0805 20 10	204	82,8
	624	84,0
	999	83,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	62,4
	204	86,7
	400	78,2
	464	56,0
	624	86,4
	662	49,9
	999	69,9
0805 50 10	052	56,3
	999	56,3
0808 10 80	400	102,0
	404	97,8
	508	80,2
	512	112,1
	528	91,2
	720	58,9
	999	90,4
0808 20 50	388	74,7
	400	97,8
	512	66,4
	528	61,7
	999	75,2

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 304/2005**of 24 February 2005****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e) and (g) of that Regulation and prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds⁽²⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kg for each of the basic products in question must be fixed for each month.
- (4) However in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

- (5) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to Regulation (EC) No 1520/2000 or to assimilated products.
- (6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.
- (7) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999 shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 February 2005.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

⁽³⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Commission Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

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

Done at Brussels, 24 February 2005.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 25 February 2005 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	26,53	28,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	33,12	35,31
	(b) on exportation of other goods	61,57	65,60
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	42,55	46,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	128,43	138,25
	(c) on exportation of other goods	121,18	131,00

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, and to the goods listed in Tables I and II to Protocol No 2 the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 305/2005**of 19 October 2004****amending Council Regulation (EC) No 312/2003 as regards tariff quotas for certain products originating in Chile**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

- (3) The volume of the tariff quotas for garlic (order No 09.1925), table grapes (order No 09.1929) and kiwifruit (order No 09.1939) should be increased annually by five percent of the original quantity.

Having regard to the Treaty establishing the European Community,

- (4) For 2004, the volume of the new Community tariff quotas should be limited in proportion to the period during which the new tariff quotas are open.

Having regard to 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⁽¹⁾, and in particular Article 5 thereof,

- (5) Since the Protocol provides that the new Community tariff concessions have to be applied from 1 May 2004, this Regulation should apply from the same date and enter into force as soon as possible.

Whereas:

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

- (1) Regulation (EC) No 312/2003 implements for the Community the tariff provisions laid down in the Agreement establishing an association between the Community and its Member States, of the one part, and the Republic of Chile, of the other part⁽²⁾.

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 312/2003 is amended as set out in the Annex to this Regulation.

- (2) By Council Decision 2005/106/EC⁽³⁾ has approved a Protocol to the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union (hereinafter referred to as the Protocol). The Protocol includes new Community tariff concessions, some of which are limited by tariff quotas. Implementation of these tariff quotas requires the amendment of Regulation (EC) No 312/2003.

Article 2

1. For 2004, the volumes of the tariff quotas at order Nos 09.1937, 09.1939 and 09.1941 shall be limited to the eight twelfths of each respective annual volume. Fractions of a kilogram shall be rounded up to the next complete kilogram.

2. For 2004, supplementary quantities of 20 tonnes and 1 000 tonnes shall be added, respectively, to the tariff quotas at order Nos 09.1925 and 09.1929.

⁽¹⁾ OJ L 46, 20.2.2003, p. 1.

⁽²⁾ OJ L 352, 30.12.2002, p. 3.

⁽³⁾ OJ L 38, 10.2.2005, p. 1.

Article 3

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

Except for points 1 and 2 of the Annex, it shall apply from 1 May 2004.

Points 1 and 2 of the Annex shall apply from 1 January 2005.

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

Done at Brussels, 19 October 2004.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

ANNEX

In the Annex to Regulation (EC) No 312/2003, the table is amended as follows:

1. At Order No 09.1925, fourth column, the volume is replaced by 530 tonnes.

After 2005, the annual volume of the tariff quota shall be increased successively each year by five per cent of this volume.

2. At Order No 09.1929, fourth column, the volume is replaced by 38 500 tonnes.

After 2005, the annual volume of the tariff quota shall be increased successively each year by five per cent of this volume.

3. The following rows are inserted:

‘09.1937 (*)	0303 29 00	Fish, frozen	725 tonnes	100
	0303 78 12			
	0303 78 19			
	0304 20 53	Fish fillets and other fish meat, frozen		
	0304 20 56			
	0304 20 58			
	0304 20 91			
	0304 20 94			
0304 90 05				
09.1939	0810 50 00	Kiwifruit	1 000 tonnes ⁽²⁾	100
09.1941 (**)	1604 15 19	Prepared or preserved mackerel	90 tonnes	100

(*) This tariff quota will apply for 2004 and each calendar year thereafter beginning on 1.1.2005 until its expiry on 31.12.2012.

(**) This tariff quota will apply for 2004 and each calendar year thereafter beginning on 1.1.2005 until its expiry on 31.12.2006.'

COMMISSION REGULATION (EC) No 306/2005**of 24 February 2005****amending Annex I to Regulation (EC) No 138/2004 of the European Parliament and of the Council
on the economic accounts for agriculture in the Community****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 138/2004 of the European Parliament and of the Council of 5 December 2003 on the economic accounts for agriculture in the Community⁽¹⁾, and in particular Article 2(2) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 138/2004 of the European Parliament and of the Council sets out the methodology of the economic accounts for agriculture in the Community (hereinafter referred as the EAA methodology). Paragraphs 3.056 and 3.064 of that Annex provide examples of, respectively, subsidies on products and other subsidies on production, with reference to specific budget lines. Some of those references are no longer valid, and an update of both paragraphs is necessary.

- (2) The task of updating the EAA methodology is assigned to the Commission.

- (3) Regulation (EC) No 138/2004 should therefore be amended accordingly.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Agricultural Statistics set up by Council Decision 72/279/EEC⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 138/2004 is amended as shown in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 February 2005.

For the Commission

Joaquín ALMUNIA

Member of the Commission

⁽¹⁾ OJ L 33, 5.2.2004, p. 1.

⁽²⁾ OJ L 179, 7.8.1972, p. 1.

ANNEX

Annex I to Regulation (EC) No 138/2004 is amended as follows:

1. Paragraph 3.056 is replaced by the following:

'3.056. The method of valuation of output at basic prices requires a fundamental distinction between subsidies on products and other subsidies on production. Subsidies on agricultural products⁽¹⁾ can be paid either to agricultural producers or to other economic operators. Only subsidies on products which are paid to agricultural producers are added to the market price received by producers to obtain the basic price. Subsidies on agricultural products paid to economic operators other than agricultural producers are not entered in the EAA.

⁽¹⁾ Subsidies on agricultural products paid to agricultural producers include any subsidy in the form of a deficiency payment to holders (i.e. in cases where general government pays the producers of agricultural products the difference between the average market prices and the guarantee prices of agricultural products).'

2. Paragraph 3.064 is replaced by the following:

'3.064. In the case of agriculture, the most important types of other subsidy linked to production are:

- wage and payroll subsidies,
- grants for interest relief (cf. ESA 95, 4.37(c)) made to resident producer units, even when they are intended to encourage capital formation⁽²⁾. In effect, these are current transfers designed to reduce producers' operating costs. They are treated in the accounts as subsidies to the producers benefiting from them, even when the difference in the interest is, in practice, paid directly by the government to the credit institution making the loan (by way of derogation from the payment criterion),
- over-compensation of VAT resulting from the application of the flat-rate systems (cf. 3.041 and 3.042),
- the assumption of social security contributions and real-estate taxes,
- the assumption of other costs such as private storage aid for wine and grape must and the re-storage of table wines (in so far as the stocks are owned by an agricultural unit),
- various other subsidies on production:
- grants for land set-aside (compulsory set-aside linked to acreage-based grants and voluntary set-aside),
- financial compensation for withdrawals of fresh market fruit and vegetables. These payments are often made to groups of market producers, and should be treated as subsidies to agriculture, since they are direct compensation for loss of production,
- cattle premiums for seasonal adjustment (deseasonalisation) and extensification,
- grants for agricultural production in less-favoured and/or mountainous areas,
- other grants intended to influence methods of production (extensification, techniques designed to reduce pollution, etc.),
- amounts paid to holders as compensation for recurrent losses of goods in inventories such as crop or livestock products which are considered to be work in progress and plantations in so far as they are still in their growth period (see 2.040 to 2.045). By contrast, compensatory transfers for losses of goods in inventories and/or plantations used as factors of production are recorded as other capital transfers in the capital account.

⁽²⁾ However, when a grant serves the dual purpose of financing both the amortisation of the debt and the payment of interest on it, and when it is not possible to apportion it between the two elements, the whole of the grant is treated as an investment grant.'

COMMISSION REGULATION (EC) No 307/2005**of 24 February 2005****opening a preferential tariff quota for imports of raw cane sugar originating in the ACP States for supply to refineries in the period from 1 March to 30 June 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular Article 39(6) thereof,

Whereas:

- (1) Article 39(1) of Regulation (EC) No 1260/2001 provides that, during the marketing years 2001/02 to 2005/06 and in order to ensure adequate supplies to Community refineries, a special reduced rate of duty is to be levied on imports of raw cane sugar originating in States with which the Community has concluded supply agreements on preferential terms. At present such agreements have been concluded by Council Decision 2001/870/EC⁽²⁾ with the African, Caribbean and Pacific States (ACP countries) listed in Protocol No 3 on ACP sugar attached to Annex V to the ACP-EC Partnership Agreement⁽³⁾ and with the Republic of India.
- (2) Under the agreements in the form of an exchange of letters concluded by Decision 2001/870/EC the refiners in question must pay a minimum purchase price equal to the guaranteed price for raw sugar, less the adjustment aid set for the marketing year concerned. This minimum price should therefore be set by taking account of the factors applicable in the 2004/05 marketing year.
- (3) The quantities of special preferential sugar to be imported are calculated in accordance with Article 39 of Regulation (EC) No 1260/2001 on the basis of an annual Community forecast supply balance.
- (4) This supply balance indicated the need to import raw sugar and open at this stage for the 2004/05 marketing year tariff quotas at a special reduced rate of duty provided for in the above agreements so that the Community refineries' supply needs can be met for part of the year. Quotas have been opened therefore, by Commission Regulation (EC) No 1213/2004⁽⁴⁾, for the period from 1 July 2004 to 28 February 2005.

(5) Since the production estimates for raw cane sugar are available for the 2004/05 marketing year, a quota should be opened for the second part of the year.

(6) It should be stipulated that Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96⁽⁵⁾ applies to the new quota.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the period from 1 March to 30 June 2005, a tariff quota is hereby opened under Decision 2001/870/EC for imports of raw cane sugar for refining falling within CN code 1701 11 10, amounting to 17 824 tonnes expressed as white sugar originating in the ACP States signatory to the agreement in the form of an exchange of letters approved by that Decision.

Article 2

1. A special reduced duty of EUR 0 per 100 kg of standard-quality raw sugar shall apply to imports of the quantity referred to in Article 1.
2. The minimum purchase price to be paid by Community refiners for the period referred to in Article 1 shall be EUR 49,68 per 100 kg of standard quality raw sugar.

Article 3

Regulation (EC) No 1159/2003 shall apply to the tariff quota opened by this Regulation.

Article 4

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 March 2005.

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

⁽²⁾ OJ L 325, 8.12.2001, p. 21.

⁽³⁾ OJ L 317, 15.12.2000, p. 3.

⁽⁴⁾ OJ L 232, 1.7.2004, p. 17.

⁽⁵⁾ OJ L 162, 1.7.2003, p. 25. Regulation as last amended by Regulation (EC) No 1409/2004 (OJ L 256, 3.8.2004, p. 11).

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

Done at Brussels, 24 February 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 308/2005**of 24 February 2005****fixing the maximum export refund for butter in the framework of the standing invitation to tender
provided for in Regulation (EC) No 581/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products⁽³⁾ and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 22 February 2005.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 22 February 2005, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 February 2005.

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

Done at Brussels, 24 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 90, 27.3.2004, p. 64.

⁽³⁾ OJ L 90, 27.3.2004, p. 58.

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund	
		For export to the destination referred to in the first indent of Article 1(1) of Regulation (EC) No 581/2004	For export to the destinations referred to in the second indent of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—	134,00
Butter	ex 0405 10 19 9700	131,00	136,50
Butteroil	ex 0405 90 10 9000	156,00	166,00

COMMISSION REGULATION (EC) No 309/2005**of 24 February 2005****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds for skimmed milk powder⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products⁽³⁾ and following an examination of the tenders submitted in response to the invitation to

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 22 February 2005.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 22 February 2005, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 31,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 25 February 2005.

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

Done at Brussels, 24 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 90, 27.3.2004, p. 67.

⁽³⁾ OJ L 90, 27.3.2004, p. 58.

COMMISSION REGULATION (EC) No 310/2005**of 24 February 2005****fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations

without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 to the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1(1) of Regulation (EC) No 1785/2003, exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, are fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 February 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 270, 21.10.2003, p. 96.

⁽³⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 24 February 2005.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 25 February 2005 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description of products ⁽²⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	—	—
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	3,708	3,708
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,047	1,047
	– – in other cases	4,000	4,000
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁵⁾ :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	2,708	2,708
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	0,785	0,785
	– – in other cases	3,000	3,000
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,047	1,047
	– other (including unprocessed)	4,000	4,000
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	3,275	3,275
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,047	1,047
	– in other cases	4,000	4,000

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, and to the goods listed in Tables I and II to Protocol No 2 the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

(EUR/100 kg)			
CN code	Description of products ⁽²⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽²⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E to Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽³⁾ The goods concerned fall in under CN code 3505 10 50.

⁽⁴⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁵⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 311/2005**of 24 February 2005****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95⁽³⁾ on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of

the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EC) No 1784/2003 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 February 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

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

⁽³⁾ OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

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

Done at Brussels, 24 February 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

to Commission Regulation of 24 February 2005 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	56,00	1104 23 10 9300	C10	EUR/t	46,00
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	48,00	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	48,00	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C11	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	10,00
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	72,00	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	56,00	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	48,00	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	48,00	1108 12 00 9200	C10	EUR/t	64,00
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	64,00
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	64,00
1103 20 60 9000	C12	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	64,00
1103 20 20 9000	C11	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	62,70
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	48,00
1104 19 50 9110	C10	EUR/t	64,00	1702 30 91 9000	C10	EUR/t	62,70
1104 19 50 9130	C10	EUR/t	52,00	1702 30 99 9000	C10	EUR/t	48,00
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	48,00
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	62,70
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	48,00
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	65,70
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	45,60
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	48,00
1104 23 10 9100	C10	EUR/t	60,00				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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

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

The other destinations are as follows:

C10: All destinations

C11: All destinations except for Bulgaria

C12: All destinations except for Romania

C13: All destinations except for Bulgaria and Romania

COMMISSION REGULATION (EC) No 312/2005**of 24 February 2005****fixing the export refunds on cereal-based compound feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽²⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds

and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 February 2005.

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

Done at Brussels, 24 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 24 February 2005 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000,

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

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

C10: All destinations.

COMMISSION REGULATION (EC) No 313/2005**of 24 February 2005****fixing production refunds on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003, on the common organisation of the market in cereals⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively⁽²⁾ lays down the conditions for granting production refunds. The basis for calculating the refund is laid down in Article 3 of that Regulation. The refund thus calculated, differentiated where necessary for potato starch, must be fixed once a month and may be amended if the price of maize and/or wheat changes significantly.

- (2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.

- (3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The refund per tonne of starch referred to in Article 3(2) of Regulation (EEC) No 1722/93, is hereby fixed at:

- (a) EUR 0,00/tonne for starch from maize, wheat, barley and oats;
- (b) EUR 8,75/tonne for potato starch.

Article 2

This Regulation shall enter into force on 25 February 2005.

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

Done at Brussels, 24 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

COMMISSION REGULATION (EC) No 314/2005**of 24 February 2005****fixing the export refunds on rice and broken rice and suspending the issue of export licences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽¹⁾, and in particular Article 14(3) and 19 thereof,

Whereas:

- (1) Article 14 of Regulation (EC) No 1785/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 14 of Regulation (EC) No 1785/2003, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availability of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 ⁽²⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) The maximum export refund for rend, medium and long A rice was fixed at a relatively low level. Consequently, it is not justified for the moment to fix a common right to refund for rice.
- (5) Article 14(5) of Regulation (EC) No 1785/2003 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.
- (8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.
- (9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.
- (10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 1785/2003 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

The issue of export licences with advance fixing of the refund is hereby suspended.

Article 3

This Regulation shall enter into force on 25 February 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 154, 15.6.1976, p. 11.

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

Done at Brussels, 24 February 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

to the Commission Regulation of 24 February 2005 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾	Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾
1006 20 11 9000	R01	EUR/t	0	1006 30 65 9900	R01	EUR/t	0
1006 20 13 9000	R01	EUR/t	0		066	EUR/t	0
1006 20 15 9000	R01	EUR/t	0		A97	EUR/t	0
1006 20 17 9000	—	—	—	1006 30 67 9100	021 and 023	EUR/t	0
1006 20 92 9000	R01	EUR/t	0		066	EUR/t	0
1006 20 94 9000	R01	EUR/t	0	1006 30 67 9900	066	EUR/t	0
1006 20 96 9000	R01	EUR/t	0	1006 30 92 9100	R01	EUR/t	0
1006 20 98 9000	—	—	—		R02	EUR/t	0
1006 30 21 9000	R01	EUR/t	0		R03	EUR/t	0
1006 30 23 9000	R01	EUR/t	0		066	EUR/t	0
1006 30 25 9000	R01	EUR/t	0		A97	EUR/t	0
1006 30 27 9000	—	—	—		021 and 023	EUR/t	0
1006 30 42 9000	R01	EUR/t	0	1006 30 92 9900	R01	EUR/t	0
1006 30 44 9000	R01	EUR/t	0		A97	EUR/t	0
1006 30 46 9000	R01	EUR/t	0		066	EUR/t	0
1006 30 48 9000	—	—	—	1006 30 94 9100	R01	EUR/t	0
1006 30 61 9100	R01	EUR/t	0		R02	EUR/t	0
	R02	EUR/t	0		R03	EUR/t	0
	R03	EUR/t	0		066	EUR/t	0
	066	EUR/t	0		A97	EUR/t	0
	A97	EUR/t	0		021 and 023	EUR/t	0
	021 and 023	EUR/t	0	1006 30 94 9900	R01	EUR/t	0
1006 30 61 9900	R01	EUR/t	0		A97	EUR/t	0
	A97	EUR/t	0		066	EUR/t	0
	066	EUR/t	0	1006 30 96 9100	R01	EUR/t	0
1006 30 63 9100	R01	EUR/t	0		R02	EUR/t	0
	R02	EUR/t	0		R03	EUR/t	0
	R03	EUR/t	0		066	EUR/t	0
	066	EUR/t	0		A97	EUR/t	0
	A97	EUR/t	0		021 and 023	EUR/t	0
	021 and 023	EUR/t	0	1006 30 96 9900	R01	EUR/t	0
1006 30 63 9900	R01	EUR/t	0		A97	EUR/t	0
	066	EUR/t	0		066	EUR/t	0
	A97	EUR/t	0	1006 30 98 9100	021 and 023	EUR/t	0
1006 30 65 9100	R01	EUR/t	0	1006 30 98 9900	—	—	—
	R02	EUR/t	0	1006 40 00 9000	—	—	—
	R03	EUR/t	0				
	066	EUR/t	0				
	A97	EUR/t	0				
	021 and 023	EUR/t	0				

⁽¹⁾ The procedure laid down in Article 8(3) of Commission Regulation (EC) No 1342/2003 (OJ L 189, 29.7.2003, p. 12) applies to licences applied for under that Regulation for quantities according to the destination:

destination R01: 0 t,
destinations R02 and R03: 0 t,
destinations 021 and 023: 0 t,
destination 066: 0 t,
destination A97: 0 t.

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

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

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, former Yugoslav Republic of Macedonia, Albania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40 except the Netherlands Antilles, Aruba, Turks and Caicos Islands, A11 except Suriname, Guyana, Madagascar.

COMMISSION REGULATION (EC) No 315/2005**of 24 February 2005****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 February 2005.

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

Done at Brussels, 24 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

ANNEX

to the Commission Regulation of 24 February 2005 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	10,24
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	9,44
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	8,72
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	C01	EUR/t	8,16
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	10,96				

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

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

COMMISSION REGULATION (EC) No 316/2005**of 24 February 2005****concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1757/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1757/2004 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 18 to 24 February 2005 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1757/2004.

Article 2

This Regulation shall enter into force on 25 February 2005.

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

Done at Brussels, 24 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 313, 12.10.2004, p. 10.

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

COMMISSION REGULATION (EC) No 317/2005**of 24 February 2005****concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1565/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1565/2004 of 3 September 2004 on a special intervention measure for cereals in Finland and Sweden for the 2004/2005 marketing year⁽³⁾,

Whereas:

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

Finland and Sweden to all third countries, with the exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1565/2004.

- (2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 18 February to 24 February 2005 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1565/2004.

Article 2

This Regulation shall enter into force on 25 February 2005.

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

Done at Brussels, 24 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

⁽³⁾ OJ L 285, 4.9.2004, p. 3.

COMMISSION REGULATION (EC) No 318/2005**of 24 February 2005****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 115/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 115/2005 ⁽²⁾.
- (2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

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

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified on 18 to 24 February 2005, pursuant to the invitation to tender issued in Regulation (EC) No 115/2005, the maximum refund on exportation of common wheat shall be 8,00 EUR/t.

Article 2

This Regulation shall enter into force on 25 February 2005.

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

Done at Brussels, 24 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 24, 27.1.2005, p. 3.

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

COMMISSION REGULATION (EC) No 319/2005**of 24 February 2005****concerning tenders notified in response to the invitation to tender for the import of sorghum
issued in Regulation (EC) No 2275/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the maximum reduction from third countries in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 2275/2004⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1839/95⁽³⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 25 of Regulation (EC) No 1784/2003 and on the basis of the tenders notified to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 18 to 24 February 2005 in response to the invitation to tender for the reduction in the duty on imported sorghum issued in Regulation (EC) No 2275/2004.

Article 2

This Regulation shall enter into force on 25 February 2005.

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

Done at Brussels, 24 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 396, 31.12.2004, p. 32.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 320/2005**of 24 February 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2277/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 2277/2004⁽²⁾.

(2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95⁽³⁾ the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 18 to 24 February 2005, pursuant to the invitation to tender issued in Regulation (EC) No 2277/2004, the maximum reduction in the duty on maize imported shall be 30,99 EUR/t and be valid for a total maximum quantity of 139 000 t.

Article 2

This Regulation shall enter into force on 25 February 2005.

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

Done at Brussels, 24 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 396, 31.12.2004, p. 35.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 321/2005**of 24 February 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2276/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 2276/2004⁽²⁾.
- (2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95⁽³⁾, the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 18 to 24 February 2005, pursuant to the invitation to tender issued in Regulation (EC) No 2276/2004, the maximum reduction in the duty on maize imported shall be 31,69 EUR/t and be valid for a total maximum quantity of 43 700 t.

Article 2

This Regulation shall enter into force on 25 February 2005.

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

Done at Brussels, 24 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 396, 31.12.2004, p. 34.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 February 2005

appointing two German members and two German alternate members of the Committee of the Regions

(2005/157/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the German Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) Two seats as members of the Committee of the Regions have become vacant following the expiry of the mandates of Ms Barbara RICHSTEIN and Mr Manfred LENZ, notified to the Council on 12 January 2005, one seat as an alternate member of the Committee of the Regions has become vacant following the expiry of the mandate of Mr Wolfgang KLEIN, notified to the Council on 7 December 2004, and one seat as an alternate member of the Committee of the Regions has become vacant following the resignation of Mr Hans-Georg KLUGE, notified to the Council on 21 December 2004,

HAS DECIDED AS FOLLOWS:

Sole Article

The following are hereby appointed to the Committee of the Regions

(a) as members:

Mr Gerd HARMS
Bevollmächtigter des Landes Brandenburg für Bundes- und Europaangelegenheiten,
Staatssekretär in der Staatskanzlei
in place of Ms Barbara RICHSTEIN

Ms Barbara RICHSTEIN
Abgeordnete des Landtages Brandenburg
in place of Mr Manfred LENZ

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

(b) as alternate members:

Mr Markus KARP
Staatssekretär im Ministerium für Wissenschaft, Forschung und Kultur
in place of Mr Hans-Georg KLUGE

Mr Steffen REICHE
Mitglied des Landtages
in place of Mr Wolfgang KLEIN

for the remainder of their term of office, which runs until 25 January 2006.

Done at Brussels, 17 February 2005.

For the Council
The President
J.-C. JUNKER

COUNCIL DECISION
of 17 February 2005
appointing a Spanish alternate member of the Committee of the Regions
(2005/158/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) A seat as an alternate member of the Committee of the Regions has become vacant following the resignation of Mr Pere ESTEVE i ABAD, notified to the Council on 19 January 2005,

HAS DECIDED AS FOLLOWS:

Sole Article

Ms Anna TERRÓN i CUSÍ, Secretaria General del Patronat Català Pro Europa — Delegada del Gobierno de la Generalidad de Cataluña en Bruselas, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Pere ESTEVE i ABAD for the remainder of their term of office, which runs until 25 January 2006.

Done at Brussels, 17 February 2005.

For the Council
The President
J.-C. JUNKER

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION**of 17 February 2005****appointing six Belgian members and eight Belgian alternate members of the Committee of the Regions**

(2005/159/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Belgian Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) One seat as a member and one seat as an alternate member of the Committee of the Regions have become vacant following the resignation of Mr Frans RAMON, member, notified to the Council on 8 September 2004 and of Mr Jos BEX, alternate member, notified to the Council on 3 February 2005, and five seats as members and seven seats as alternate members of the Committee of the Regions have become vacant following the expiry of the mandates of Mr Paul VAN GREMBERGEN (BE), Mr Bart SOMERS (BE), Mr Stefaan PLATTEAU (BE), Mr Xavier DESGAIN (BE) and Mr Hervé HASQUIN (BE), members, and of Mr Jacques TIMMERMANS (BE), Mr André DENYS, Ms Josée VERCAMMEN, Mr Serge KUBLA, Mr Rudy DEMOTTE, Mr Jean-Marc NOLLET and Mr Bernd GENTGES, alternate members, notified to the Council on 24 January 2005,

HAS DECIDED AS FOLLOWS:

Sole Article

The following are hereby appointed to the Committee of the Regions:

a) as members:

Mr Yves LETERME
Minister-President van de Vlaamse Regering en Vlaams Minister van Institutionele Hervormingen,
Landbouw, Zeevisserij en Plattelandsbeleid
to replace Mr Frans RAMON

Mr Bart SOMERS
Vlaams Volksvertegenwoordiger
(on the basis of his new mandate as a member of the Flemish Parliament)

Ms Fientje MOERMAN
Vice-Minister-President van de Vlaamse Regering en Vlaams Minister van Economie, Ondernemen,
Wetenschap, Innovatie en Buitenlandse Handel
to replace Mr Stefaan PLATTEAU

Mr Geert BOURGEOIS
Vlaams Minister van Bestuurszaken, Buitenlands Beleid, Media en Tourisme
to replace Mr Paul VAN GREMBERGEN

Mr Michel LEBRUN
Député wallon
to replace Mr Xavier DESGAIN

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

Mr Jean-François ISTASSE
Président du Parlement de la Communauté française
to replace Mr Hervé HASQUIN;

b) as alternate members:

Mr Johan SAUWENS
Vlaams Volksvertegenwoordiger
to replace Mr André DENYS

Mr Bart CARON
Vlaams Volksvertegenwoordiger
to replace Mr Jacques TIMMERMANS

Mr Stefaan PLATTEAU
Burgemeester,
to replace Ms Josée VERCAMMEN

Ms Marie-Dominique SIMONET
Ministre de la Recherche, des Technologies nouvelles et des relations extérieures du Gouvernement wallon
to replace Mr Serge KUBLA

Mr Maurice BAYENET
Député au Parlement de la Communauté française
to replace Mr Jean-Marc NOLLET

Mr Béa DIALLO
Député au Parlement de la Communauté française
to replace Mr Rudy DEMOTTE

Mr Claude DESAMA
Bourgmestre de Verviers
to replace Mr Bernd GENTGES

Mr Jan ROEGIERS
Vlaams Volksvertegenwoordiger
to replace Mr Jos BEX

for the remainder of their term of office, which runs until 25 January 2006.

Done at Brussels, 17 February 2005.

For the Council
The President
J.-C. JUNKER

COMMISSION

COMMISSION DECISION

of 27 October 2004

approving the exchange of letters between the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) and the Commission of the European Communities concerning their cooperation in the framework of disaster response (in case of simultaneous interventions in a country affected by a disaster)

(Text with EEA relevance)

(2005/160/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 302 thereof,

Whereas:

(1) The establishment of cooperation with the United Nations Office for Coordination of Humanitarian Affairs (UNOCHA) in the field of civil protection and humanitarian affairs is a reflection of a consistent policy of seeking a stronger relationship and co-operation with the United Nations, as underlined in the Commission's Communication to the Council and the European Parliament on 'Building an effective partnership with the United Nations in the fields of Development and Humanitarian Affairs' of 2 May 2001 ⁽¹⁾, as well as the Commission's Communication to the Council and the European Parliament on 'the European Union and the United Nations: The choice of multilateralism' of 10 September 2003 ⁽²⁾,

(2) Past experience emphasised the need to establish the basic principles for further cooperation and coordination between UNOCHA (including its emergency response system and coordination tools) and the European

Commission (in the framework of the activities of the Community Civil Protection Mechanism as set up by the Council Decision 2001/792/EC, Euratom ⁽³⁾ and the activities of ECHO- the European Community Humanitarian Department ⁽⁴⁾) when both simultaneously provide or facilitate assistance to a country affected by a natural or man-made disaster, in an attempt to cooperate efficiently, maximise the use of available resources and avoid any unnecessary duplication of effort.

(3) The Commission and UNOCHA have negotiated a text of an exchange of letters concerning their cooperation in the framework of disaster response (in case of simultaneous interventions in a country affected by a disaster), which is proposed for approval,

HAS DECIDED AS FOLLOWS:

Single Article

1. The exchange of letters between the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) and the Commission of the European Communities concerning their cooperation in the framework of disaster response (in case of simultaneous interventions in a country affected by a disaster), contained in the Annex, is hereby approved.

⁽³⁾ OJ L 297, 15.11.2001, p. 7.

⁽⁴⁾ Council Regulation (EC) No 1257/96 (OJ L 163, 2.7.1996, p. 1). Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽¹⁾ COM(2001) 231, 2.5.2001.

⁽²⁾ COM(2003) 526, 10.9.2003.

2. The Member of the Commission responsible for Environment and the Member of the Commission responsible for Development and Humanitarian Aid, or the persons designated by them for this purpose, are authorised to sign the exchange of letters on behalf of the Commission of the European Communities.

Done at Brussels, 27 October 2004.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX

Exchange of letters between the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) and the Commission of the European Communities concerning their cooperation in the framework of disaster response (in case of simultaneous interventions in a country affected by a disaster)

Dear Sir,

The European Commission (Directorate General for Environment and the Community Humanitarian Aid Office, ECHO) welcomes the existing cooperation between the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) and the European Commission in the area of humanitarian assistance and disaster relief.

The United Nations have a central role in providing leadership and coordinating efforts of the international community in delivering international humanitarian assistance in accordance with the global mandate entrusted by the General Assembly (as per G.A. Resolution 46/182 its annexe and preceding G.A. Resolutions as referred to therein).

The Community Civil Protection Mechanism reflects the collective will to facilitate reinforced cooperation between the European Community and its Member States in civil protection assistance interventions to respond to disaster situations.

The recent Communication from the Commission entitled 'The European Union and the United Nations: the choice of multilateralism' (COM(2003) 526 final) highlighting 'the importance of enhancing cooperation with the UN, and of strengthening the EU's voice in the UN', the Communication from the Commission entitled 'Building an Effective Partnership with the United Nations in the fields of Development and Humanitarian Affairs' (COM(2001) 231 final), and the EU Guidelines on Children and Armed Conflict adopted in December 2003 confirm the importance which the Commission attaches to close cooperation with the UN generally and in particular in the area of response to natural and man-made disasters. Furthermore, the Secretary-General of the United Nations, in a policy document⁽¹⁾ addressed on 8 January 2002 to the President of the European Commission, recommends the two parties to work together to support the UN's role in ensuring a coherent coordination framework for the provision of humanitarian assistance.

UNOCHA has, for several years, enjoyed a close relationship with ECHO⁽²⁾, *inter alia*, through the so-called 'Strategic Programming Dialogue'. The establishment of the Community Civil Protection Mechanism in October 2001⁽³⁾ calls for further cooperation with UNOCHA in the field of civil protection. It is important for the two systems, in the spirit of the Fribourg Process⁽⁴⁾, to operate in a coherent and complementary manner in supporting States and populations affected by disasters and emergencies.

This Exchange of letters aims at establishing the basic principles for further cooperation and coordination between, on the one hand, UNOCHA (including its emergency response system and coordination tools) and, on the other hand, the European Commission (in the framework of the Community Civil Protection Mechanism and ECHO) when both simultaneously provide or facilitate assistance to a country affected by a natural or man-made disaster, in an attempt to cooperate efficiently, maximise the use of available resources and avoid any unnecessary duplication of effort. UNOCHA and the European Commission are of the opinion that a coordinated approach will best serve the victims of any disaster. Therefore, they acknowledge the following:

1. Providing protection and assistance to its citizens, in times of disasters and emergencies, is the fundamental responsibility of each State. However, when relief needs are beyond the response capacity of the affected State, the international community must be prepared and able to assist.
2. National and international assets available for disaster response are limited and it is important that the UNOCHA and the European Commission cooperate fully to optimise their use.
3. Further practical steps should be taken to build on the momentum of the positive cooperation between the UNOCHA and the European Commission. Thus, both will regularly exchange information, maintain a continued dialogue at policy and operational levels and aim to ensure, as far as possible, complementarity between their respective training and exercise activities, as well as in the planning for and delivery of disaster relief assistance.

To this end, UNOCHA and the European Commission agree on the Standard Operational Procedures (SOPs) annexed to the present Exchange of letters and will implement them to facilitate effective coordination. The SOPs may be further developed and/or adapted at technical level in the light of the experience, where necessary.

⁽¹⁾ A Vision of Partnership: The United Nations and the European Union in Humanitarian Affairs and Development, New York, December 2001.

⁽²⁾ ECHO's legal mandate derives from Council Regulation (EC) No 1257/96 concerning humanitarian aid of 20 June 1996.

⁽³⁾ Council Decision 2001/792/EC, Euratom of 23 October 2001 establishing a Community Mechanism to facilitate reinforced cooperation in Civil Protection Assistance Interventions (OJ L 297, 15.11.2001, p. 5).

⁽⁴⁾ Communiqué and Framework for Action of the Fribourg Forum, Switzerland, 15-16 June 2000.

The present Exchange of letters shall not affect the role assigned to the Member State entrusted with the Presidency of the Council of the European Union by Article 6, paragraph 2, of Council Decision 2001/792/EC.

Furthermore, it shall not affect the arrangements for cooperation and co-ordination such as those between the UNOCHA and ECHO, which go wider than the matters described in the attached SOPs (Annex 2).

We would like to propose that this letter with the SOPs, and the letter with your reply, would be regarded as approval by both sides of measures mentioned above.

Margot Wallström

Poul Nielson

Annex 1 SOPs for Civil Protection aspects**UNOCHA — Community Mechanism for Civil Protection****Joint Standard Operating Procedures for coordination in disaster response**

I. Preparedness Phase (i.e. the period between disasters)

UNOCHA and the European Commission will:

- work according to a jointly developed and agreed upon methodology and terminology, building on internationally accepted concepts, especially those agreed upon in the UN framework⁽¹⁾. This will be of particular importance insofar as field coordination structures are concerned.
- ensure regular information exchanges. This should include alert notification, policy and operational issues, as well as scheduled meetings and workshops.
- ensure mutual participation in and contribution to training, exercises and lessons learnt workshops organised by each party and organisation of joint exercises, where necessary;
- agree upon generic Terms of Reference for assessment/coordination teams and experts.

II. Response Phase — Headquarters Level:

UNOCHA and the European Commission will:

- alert each other as a disaster emerges and provide information on their intended response. When the activation of the Mechanism is envisaged for disasters occurring outside the EU, and where the UN and EC response systems might both be deployed, the European Commission and UNOCHA will exchange views at the earliest possible stage on the preliminary assessment of situation, relief needs and intended response, with an aim to maximize the use of available resources and ensure a coordinated approach based on the concepts and framework referred to above.
- ensure and sustain information exchanges during the response phase on the following issues:
 - Situation reports and situation updates
 - Identification of priority needs and resource requirements
 - Planned and scheduled deployment of resources
 - Resource mobilization (including support modules) to avoid overlap and duplication of efforts.
 - Details of the coordinators and assets which could be available
 - Any updates to Terms of Reference for assessment/coordination teams being deployed.
 - Information policy vis-à-vis the media.

III. Response Phase — in the Field:

UNOCHA and the European Commission agree that:

- all international responders should be encouraged to coordinate their activities in the On Site Operations Coordination Centre (OSOCC) in support of the national/local emergency management authorities.
- the UNOCHA and European Commission coordinators are to assist the national/local emergency management authorities with the coordination of international responders according to the existing methodology as defined in the INSARAG Guidelines.

⁽¹⁾ Such as the 'International Search and Rescue Advisory Group (INSARAG) Guidelines' and the 'OSLO Guidelines on The Use of Military and Civil Defence Assets in Disaster Relief', May 1994, etc.

Annex 2 SOPs for Humanitarian aspects**UN/OCHA — Community Humanitarian Aid Office ECHO****Joint Standard Operating Procedures for coordination in disaster response**

1. Preparedness/Routine phase (i.e. the period between the disasters)

UNOCHA and the European Commission will:

- continue ongoing strategic dialogue on the preparation for emergencies to develop close co-operation to improve overall response capacity to emergencies. This includes both operational and financial aspects.
- ensure mutual inclusion of staff from the two parties in training schemes and seminars organised by ECHO and OCHA.
- organise lessons learnt exercises whenever appropriate, possibly leading to improvement of co-operation schemes (SOPs).
- ensure regular exchange of information on standard methodology used with respect to need-assessment and co-ordination of aid with a view to improve their coherence and convergence.
- conduct regular joint review of and update on respective Emergency duty systems (organisation, contact points, co-ordinates) to ensure connectivity and compatibility at all times.
- exchange of background and reflection papers, stock-taking analyses concerning emergencies.

2. Response/Emergency phase**2.1. Headquarters level**

UNOCHA and the European Commission will:

- ensure exchange of information on the dispatching of assessment teams to the scene of an emergency (inclusion of ECHO in the UNDAC e-mail alert list (messages M1 to M3); setting-up of fixed communication/contact points at HQ level — like ECHO Emergency e-mail box — as well as field level).
- ensure the liaison between ECHO and UNDAC in the field.
- ensure exchange of reports and briefings on ongoing emergencies (including ECHO access to OSOCC).

2.2. At field level

UNOCHA and the European Commission will:

- facilitate the participation of ECHO teams in the co-ordination mechanism set up by OCHA/UNDAC.
 - ensure exchange of information at field level on findings and ongoing or planned actions.
 - ensure that, whenever possible and appropriate, the teams will share analyses and draft reports and provide joint recommendations to the respective HQs.
 - ensure that, whenever possible, ECHO and UNDAC conduct joint assessments and promote information sharing amongst the different actors in the emergency (by setting up HIC centres).
 - to the best of their abilities, share or provide access to logistical facilities (e.g. transport, communication).
-

UNITED NATIONS



NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE:

28 October 2004

Dear Commissioners Wallström and Nielson,

I have the honour to acknowledge receipt of your letter of 27 October 2004 in which the establishment of a structured dialogue and closer cooperation is proposed between the European Commission and the United Nations in the field of disaster response, field coordination and humanitarian action.

I am pleased to confirm the agreement of the United Nations, and I look forward to meeting both you and your successors at your earliest convenience to discuss rapid and effective implementation.

I would like to take this opportunity to express my satisfaction at the results of the discussions held between our Offices over the past eighteen months, which have led to the conclusion of the present text of the agreement, in the spirit of the Guiding Principles contained in the Annex to General Assembly Resolution 46/182. I would like also to acknowledge the excellent work done by our respective teams, as well as the facilitation role provided by the three nations which have held the European Presidency during this period.

Yours sincerely,

A handwritten signature in dark ink, reading "Jan Egeland".

Jan Egeland
Under-Secretary-General for Humanitarian Affairs
Emergency Relief Coordinator

Commissioner Margot Wallström
Directorate-General Environment
Brussels

Commissioner Poul Nielson
Humanitarian Aid Office (ECHO)
Brussels

COMMISSION DECISION

of 24 February 2005

as regards Community financial aid for the year 2005, to certain Community reference laboratories in the veterinary public health field of residues

*(notified under document number C(2005) 392)***(Only the German, French, Italian and Dutch texts are authentic)**

(2005/161/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC⁽³⁾.

Having regard to the Treaty establishing the European Community,

(5) Further aid should also be granted for the organisation of workshops in the areas falling under the responsibility of the Community reference laboratories.

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, and in particular Article 28(2) thereof,

(6) Sound financial management requires that recurring difficulties which have occurred in the operation of the Community reference laboratory in Rome be taken into account when providing the Community financial aid to it. In December 2004, that laboratory has been audited to further verify compliance with the functions, duties and eligibility conditions laid down by Community rules.

Whereas:

(1) Decision 90/424/EEC provides that the Community is to contribute towards improving the efficiency of veterinary inspections by granting financial aid to reference laboratories. Any reference laboratory designated as such, in accordance with Community veterinary legislation may receive Community aid, subject to certain conditions.

(7) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy⁽⁴⁾, veterinary and plant health measures undertaken in accordance with Community rules are financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund. For financial control purposes, Articles 8 and 9 of Regulation (EC) No 1258/1999 apply to this Decision.

(2) Commission Regulation (EC) No 156/2004 of 29 January 2004 on the Community's financial assistance to the Community reference laboratories pursuant to Article 28 of Decision 90/424/EEC⁽²⁾ provides that the financial contribution from the Community is to be granted if the approved work programmes are efficiently carried out and that the beneficiaries supply all the necessary information within certain time limits.

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

HAS ADOPTED THIS DECISION:

Article 1

(3) The Commission has assessed the work programmes and corresponding budget estimates submitted by the concerned Community reference laboratories for the year 2005.

1. The Community grants financial aid to Germany for the functions and duties provided for in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (formerly the Bundesinstitut für gesundheitlichen Verbraucherschutz und Veterinärmedizin (BGVV)), Berlin, Germany, for the detection of residues of certain substances.

(4) Accordingly, Community financial aid should be granted to designed Community reference laboratories for the functions and duties provided for in Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives

For the period from 1 January 2005 to 31 December 2005, that financial aid shall not exceed EUR 420 000.

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

⁽²⁾ OJ L 27, 30.1.2004, p. 5.

⁽³⁾ OJ L 125, 23.5.1996, p. 10. 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).

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to Germany for the organisation of a workshop by the laboratory referred to in paragraph 1. That aid shall not exceed EUR 30 000.

Article 2

1. The Community grants financial aid to France for the functions and duties provided for in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Laboratoire d'études et de recherches sur les médicaments vétérinaires et les désinfectants de L'Agence française de sécurité sanitaire des aliments, (formerly the Laboratoire des médicaments vétérinaires (CNEVA-LMV)), Fougères, France, for the detection of residues of certain substances.

For the period from 1 January 2005 to 31 December 2005, that financial aid shall not exceed EUR 420 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to France for the organisation of a workshop by the laboratory referred to in paragraph 1. That aid shall not exceed EUR 30 000.

Article 3

1. The Community grants financial aid to Italy for the functions and duties provided for in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Istituto Superiore di Sanità, Rome, Italy, for the detection of residues of certain substances.

For the period from 1 January 2005 to 31 December 2005, that financial aid shall not exceed EUR 420 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to Italy for the organisation of two workshops by the laboratory referred to in paragraph 1. That aid shall not exceed EUR 30 000.

Article 4

1. The Community grants financial aid to the Netherlands for the functions and duties referred to in Annex V, Chapter 2, to Directive 96/23/EC to be carried out by the Rijksinstituut voor Volksgezondheid en Milieuhygiëne (RIVM), Bilthoven, the Netherlands, for the detection of residues of certain substances.

For the period from 1 January 2005 to 31 December 2005, that financial aid shall not exceed EUR 420 000.

2. In addition to the maximum amount provided for in paragraph 1, the Community grants financial aid to the Netherlands for the organisation of a workshop by the laboratory referred to in paragraph 1. That aid shall not exceed EUR 30 000.

Article 5

This Decision is addressed to the Federal Republic of Germany, the French Republic, the Italian Republic and the Kingdom of the Netherlands.

Done at Brussels, 24 February 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION RECOMMENDATION

of 15 February 2005

on the role of non-executive or supervisory directors of listed companies and on the committees of the (supervisory) board

(Text with EEA relevance)

(2005/162/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 211 thereof,

Whereas:

(1) In a Communication adopted on 21 May 2003, the Commission presented its Action Plan 'Modernising Company Law and Enhancing Corporate Governance in the European Union — A Plan to Move Forward' ⁽¹⁾. The main objectives of the Action Plan are to strengthen shareholders' rights and protection for employees, creditors and the other parties with which companies deal, while adapting company law and corporate governance rules appropriately for different categories of company, and to foster the efficiency and competitiveness of businesses, with special attention to some specific cross-border issues.

(2) In its Resolution of 21 April 2004, the European Parliament welcomed the Action Plan and expressed strong support for most of the initiatives announced. The European Parliament called on the Commission to propose rules to eliminate and prevent conflicts of interest, and stressed in particular the need for listed companies to have an audit committee, whose functions should include overseeing the external auditor's independence, objectivity and effectiveness.

(3) Non-executive or supervisory directors are recruited by companies for a variety of purposes. Of particular importance is their role in overseeing executive or managing directors and dealing with situations involving conflicts of interests. It is vital to foster that role in order to restore confidence in financial markets. Member States should therefore be invited to adopt measures which would be applicable to listed companies, defined as companies whose securities are

admitted to trading on a regulated market in the Community. When implementing this Recommendation, Member States should consider the specificities of collective investment undertakings of the corporate type and prevent the various types of collective investment undertaking from being subjected, unnecessarily, to unequal treatment. As regards collective investment undertakings as defined in Council Directive 85/611/EEC of 20 December 1985 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) ⁽²⁾, that Directive already provides for a set of specific governance mechanisms. However, in order to prevent the unnecessarily unequal treatment of those collective investment undertakings of the corporate type not subject to harmonisation at Community level, Member States should take into account whether and to what extent these non-harmonised collective investment undertakings are subject to equivalent governance mechanisms.

(4) In view of the complexity of many of the issues at stake, the adoption of detailed binding rules is not necessarily the most desirable and efficient way of achieving the objectives pursued. Many corporate governance codes adopted in Member States tend to rely on disclosure to encourage compliance, based on the 'comply or explain' approach: companies are invited to disclose whether they comply with the code and to explain any material departures from it. This approach enables companies to reflect sector- and enterprise-specific requirements, and the markets to assess the explanations and justifications provided. With a view to fostering the role of non-executive or supervisory directors, it is therefore appropriate that all Member States be invited to take the steps necessary to introduce at national level a set of provisions based on the principles set out in this Recommendation, to be used by listed companies either on the basis of the 'comply or explain' approach or pursuant to legislation.

(5) If Member States decide to use the 'comply or explain' approach (whereby companies are required to explain their practices by reference to a set of designated best practice recommendations), they should be free to do so on the basis of relevant recommendations developed by market participants.

⁽¹⁾ COM(2003) 284 final.

⁽²⁾ OJ L 375, 31.12.1985, p. 3. Directive as last amended by Directive 2004/39/EC of the European Parliament and of the Council (OJ L 145, 30.4.2004, p. 1).

- (6) Any measures adopted by Member States in line with this Recommendation should aim fundamentally at improving the corporate governance of listed companies. Since that objective is relevant to the protection of investors, actual or potential, in all companies listed in the Community, whether or not they are incorporated in one of the Member States, the measures should also cover companies incorporated in third countries but listed in the Community.
- (7) The presence of independent representatives on the board, capable of challenging the decisions of management, is widely considered as a means of protecting the interests of shareholders and other stakeholders. In companies with a dispersed ownership, the primary concern is how to make managers accountable to weak shareholders. In companies with controlling shareholders, the focus is more on how to make sure that the company will be run in a way that sufficiently takes into account the interests of minority shareholders. Ensuring adequate protection for third parties is relevant in both cases. Whatever the formal board structure of a company, the management function should therefore be subject to an effective and sufficiently independent supervisory function. Independence should be understood as the absence of any material conflict of interest; in this context, proper attention should be paid namely to any threats which might arise from the fact that a representative on the board has close ties with a competitor of the company.
- (8) In order to ensure that the management function will be submitted to an effective and sufficiently independent supervisory function, the (supervisory) board should comprise a sufficient number of committed non-executive or supervisory directors, who play no role in the management of the company or its group and who are independent in that they are free of any material conflict of interest. In view of the different legal systems existing in Member States, the proportion of (supervisory) board members to be made up of independent directors should not be defined precisely at Community level.
- (9) The supervisory role of non-executive or supervisory directors is commonly perceived as crucial in three areas, where the potential for conflict of interest of management is particularly high, especially when such matters are not a direct responsibility for shareholders: nomination of directors, remuneration of directors, and audit. It is therefore appropriate to foster the role of non-executive or supervisory directors in these areas and to encourage the creation within the (supervisory) board of committees responsible respectively for nomination, remuneration and audit.
- (10) In principle, and without prejudice to the powers of the general meeting, only the (supervisory) board as a whole has statutory decision-making authority and, as a collegiate body, is collectively accountable for the performance of its duties. The (supervisory) board has the power to determine the number and structure of the committees which it deems to be appropriate to facilitate its own work, but these committees are in principle not to be a substitute for the (supervisory) board itself. As a general rule, therefore, the nomination, remuneration and audit committees should make recommendations aimed at preparing the decisions to be taken by the (supervisory) board. However, the (supervisory) board should not be precluded from delegating part of its decision-making powers to committees when it considers it appropriate and when this is permissible under national law, even though the (supervisory) board remains fully responsible for the decisions taken in its field of competence.
- (11) Since the identification of candidates to fill unitary or dual board vacancies raises issues relevant to the selection of non-executive or supervisory directors who are to oversee management or relevant to the continuation in office of management, the nomination committee should be composed mainly of independent non-executive or supervisory directors. That would leave room on the nomination committee for non-executive or supervisory directors who do not meet the independence criteria. It would also leave room for executive/managing directors (in companies where the nomination committee is created within the unitary board and as long as executive/managing directors do not form a majority on that committee).
- (12) Given the different approaches in the Member States with respect to the bodies responsible for appointing and removing directors, the role of a nomination committee created within the (supervisory) board should essentially be to make sure that, where the (supervisory) board plays a role in the appointment and removal process (either through a power to table proposals or to make decisions, as defined by national law), this role is performed in as objective and professional a way as possible. The nomination committee should therefore essentially make recommendations to the (supervisory) board with respect to the appointment and removal of directors by the body competent under national company law.

- (13) In the area of remuneration, corporate governance codes adopted in Member States tend to focus primarily on the remuneration of executive or managing directors, since the potential for abuse and conflicts of interest is essentially located there. Many codes also recognise that some consideration should be given at board level to the remuneration policy for senior management. Finally, the issue of stock options is granted special attention. Given the different approaches in the Member States with respect to the bodies responsible for setting the remuneration of directors, the role of a remuneration committee created within the (supervisory) board should essentially be to make sure that, where the (supervisory) board plays a role in the remuneration setting process (either through a power to table proposals or to make decisions, as defined by national law), this role is performed in as objective and professional a way as possible. The remuneration committee should therefore essentially make recommendations to the (supervisory) board with respect to those remuneration issues for decision by the body competent under national company law.
- (14) Two key responsibilities of the (supervisory) board seem to ensure that the financial reports and other related information disseminated by the company present an accurate and complete picture of the company's position and to monitor the procedures established for the evaluation and management of risks. In this context, most corporate governance codes assign to the audit committee an essential role in assisting the (supervisory) board to fulfil these duties. In some Member States, such responsibilities are attributed, wholly or partly, to corporate bodies external to the (supervisory) board. It is therefore appropriate to provide that an audit committee created within the (supervisory) board should, as a general rule, make recommendations to the (supervisory) board with respect to those audit issues, and that such functions may be performed by other structures — external to the (supervisory) board — which would be equally effective.
- (15) In order for non-executive or supervisory directors to play an effective role, they should have the right background and sufficient time for the job. In addition, a sufficient number of them should meet appropriate independence criteria. Before the appointment of non-executive or supervisory directors, adequate information should be provided on these issues and that information should be updated with sufficient frequency.
- (16) With respect to the qualifications of directors, most corporate governance codes insist on the need to have qualified individuals on the board, but at the same time recognise that the definition of what constitutes proper qualifications should be left to the company itself, because such qualifications will depend, *inter alia*, on its activities, size and environment and because they should be met by the board as a whole. There is nevertheless one issue which usually raises particular concern, namely the need for particular competence in the audit committee where some specific knowledge is deemed to be indispensable. The (supervisory) board should therefore determine the desired composition of the audit committee and evaluate it periodically, devoting specific attention to the experience necessary in that committee.
- (17) With respect to the commitment of directors, most corporate governance codes seek to make sure that directors devote sufficient time to their duties. Some of these codes limit the number of directorships that may be held in other companies: the positions of chairman or of executive or managing director are usually recognised as more demanding than those of non-executive or supervisory director, but the precise numbers of other directorships acceptable vary widely. However, the involvement required from a director may vary widely depending on the company and its environment; in such a situation, each director should undertake to strike a proper balance between his various engagements.
- (18) Generally, corporate governance codes adopted in the Member States recognise the need for a significant proportion of non-executive or supervisory directors to be independent, that is to say, free of any material conflict of interest. Independence is most often understood as the absence of close ties with management, controlling shareholders or the company itself. In the absence of any common understanding of what independence precisely entails, it is appropriate to provide a general statement describing what the general objective is. Provision should also be made to cover a (non-exhaustive) number of situations, involving the relationships or circumstances usually recognised as likely to generate a material conflict of interest, which Member States must duly consider when introducing at national level the criteria to be used by the (supervisory) board. The determination of what constitutes independence should principally be an issue for the (supervisory) board itself to determine. When the (supervisory) board applies the independence criteria, it should focus on substance rather than form.
- (19) In view of the importance attaching to the role of non-executive or supervisory directors with respect to the restoration of confidence, and more generally to the development of sound corporate governance practices, the steps taken for the implementation of this Recommendation in Member States should be monitored closely,

HEREBY RECOMMENDS:

SECTION I

SCOPE AND DEFINITIONS

1. Scope

- 1.1. Member States are invited to take the steps necessary to introduce, at national level, a set of provisions concerning the role of non-executive or supervisory directors and the committees of the (supervisory) board to be used by listed companies, either through a 'comply or explain' approach or through legislation, and with the instruments best suited to their legal environment.

They should take due account of the specificities of collective investment undertakings of the corporate type, as covered by Directive 85/611/EEC. Member States should also consider the specificities of collective investment undertakings of the corporate type which are not covered by that Directive and the sole purpose of which is to invest money raised from investors in a diversified range of assets and which do not seek to take legal or management control over any of the issuers of their underlying investments.

- 1.2. If Member States decide to use the 'comply or explain' approach, whereby companies are required to explain their practices by reference to a set of designated best practice recommendations, they should require companies to specify annually the recommendations with which they have not complied (and, in the case of recommendations whose requirements are of a continuing nature, for what part of the accounting period such non-compliance occurred), and explain in a substantial and specific manner the extent of, and the reasons for, any material non-compliance.

- 1.3. In their consideration of the principles set out in this Recommendation, Member States should, in particular, take into account the following:

- 1.3.1. the functions and characteristics assigned by Member States to any of the committees created within the (supervisory) board and proposed in this Recommendation should duly take into account the rights and duties of relevant corporate bodies as defined under national law;

- 1.3.2. Member States should be allowed to choose, in whole or in part, between the creation within the (supervisory) board of any of the committees with the characteristics advocated in this Recommendation, and the use of other structures — external to the (supervisory) board — or procedures. Such structures or procedures, which could be either mandatory for companies under national law or best practice recommended at national level through a 'comply or explain' approach, should be functionally equivalent and equally effective.

- 1.4. With respect to listed companies incorporated in one of the Member States, the set of provisions to be introduced by Member States should cover at least those listed companies which are incorporated within their territory.

With respect to listed companies not incorporated in one of the Member States, the set of provisions to be introduced by Member States should cover at least those listed companies which have their primary listing on a regulated market established in their territory.

2. Definitions for the purposes of this Recommendation

- 2.1. 'Listed companies' means companies whose securities are admitted to trading on a regulated market, within the meaning of Directive 2004/39/EC, in one or more Member States.

- 2.2. 'Director' means any member of any administrative, managerial or supervisory body of a company.

- 2.3. 'Executive director' means any member of the administrative body (unitary board) who is engaged in the daily management of the company.

- 2.4. 'Non-executive director' means any member of the administrative body (unitary board) of a company other than an executive director.

- 2.5. 'Managing director' means any member of the managerial body (dual board) of a company.

- 2.6. 'Supervisory director' means any member of the supervisory body (dual board) of a company.

SECTION II

PRESENCE AND ROLE OF NON-EXECUTIVE OR SUPERVISORY DIRECTORS ON (SUPERVISORY) BOARDS

3. Presence of non-executive or supervisory directors

3.1. The administrative, managerial and supervisory bodies should include in total an appropriate balance of executive/managing and non-executive/supervisory directors such that no individual or small group of individuals can dominate decision-making on the part of these bodies.

3.2. The present or past executive responsibilities of the (supervisory) board's chairman should not stand in the way of his ability to exercise objective supervision. On a unitary board, one way to ensure this is that the roles of chairman and chief executive are separate; in the case of unitary and dual boards, one option may be that the chief executive does not immediately become the chairman of the (supervisory) board. In cases where a company chooses to combine the roles of chairman and chief executive or to immediately appoint as chairman of the (supervisory) board the former chief executive, this should be accompanied with information on any safeguards put in place.

4. Number of independent directors

A sufficient number of independent non-executive or supervisory directors should be elected to the (supervisory) board of companies to ensure that any material conflict of interest involving directors will be properly dealt with.

5. Organisation in board committees

Boards should be organised in such a way that a sufficient number of independent non-executive or supervisory directors play an effective role in key areas where the potential for conflict of interest is particularly high. To this end, but subject to point 7, nomination, remuneration and audit committees should be created within the (supervisory) board, where that board plays a role in the areas of nomination, remuneration and audit under national law, taking into account Annex I.

6. Role of the committees vis-à-vis the (supervisory) board

6.1. The nomination, remuneration and audit committees should make recommendations aimed at preparing

the decisions to be taken by the (supervisory) board itself. The primary purpose of the committees should be to increase the efficiency of the (supervisory) board by making sure that decisions are based on due consideration, and to help organise its work with a view to ensuring that the decisions it takes are free of material conflicts of interest. The creation of the committees is not intended, in principle, to remove the matters considered from the purview of the (supervisory) board itself, which remains fully responsible for the decisions taken in its field of competence.

6.2. The terms of reference of any committee created should be drawn up by the (supervisory) board. Where permissible under national law, any delegation of decision-making power should be explicitly declared, properly described and made public in a fully transparent way.

7. Flexibility in setting up the committees

7.1. Companies should make sure that the functions assigned to the nomination, remuneration and audit committees are carried out. However, companies may group the functions as they see fit and create fewer than three committees. In such a situation, companies should give a clear explanation both of the reasons why they have chosen an alternative approach and how the approach chosen meets the objective set for the three separate committees.

7.2. In companies where the (supervisory) board is small, the functions assigned to the three committees may be performed by the (supervisory) board as a whole, provided that it meets the composition requirements advocated for the committees and that adequate information is provided in this respect. In such a situation, the national provisions relating to board committees (in particular with respect to their role, operation, and transparency) should apply, where relevant, to the (supervisory) board as a whole.

8. Evaluation of the (supervisory) board

Every year, the (supervisory) board should carry out an evaluation of its performance. This should encompass an assessment of its membership, organisation and operation as a group, an evaluation of the competence and effectiveness of each board member and of the board committees, and an assessment of how well the board has performed against any performance objectives which have been set.

9. Transparency and communication

- 9.1. The (supervisory) board should make public at least once a year (as part of the information disclosed by the company annually on its corporate governance structures and practices) adequate information about its internal organisation and the procedures applicable to its activities, including an indication of the extent to which the self-evaluation performed by the (supervisory) board has led to any material change.
- 9.2. The (supervisory) board should ensure that shareholders are properly informed as regards the affairs of the company, its strategic approach, and the management of risks and conflicts of interest. The roles of directors regarding communication and engagement with shareholders should be clearly delineated.

SECTION III

PROFILE OF NON-EXECUTIVE OR SUPERVISORY DIRECTORS

10. Appointment and removal

Non-executive or supervisory directors should be appointed for specified terms subject to individual re-election, at maximum intervals to be determined at national level with a view to enabling both the necessary development of experience and sufficiently frequent reconfirmation of their position. It should also be possible to remove them, but their removal should not be easier than for an executive or managing director.

11. Qualifications

- 11.1. In order to maintain a proper balance in terms of the qualifications possessed by its members, the (supervisory) board should determine its desired composition in relation to the company's structure and activities, and evaluate it periodically. The (supervisory) board should ensure that it is composed of members who, as a whole, have the required diversity of knowledge, judgement and experience to complete their tasks properly.
- 11.2. The members of the audit committee, should, collectively, have a recent and relevant background in and experience of finance and accounting for listed companies appropriate to the company's activities.
- 11.3. All new members of the (supervisory) board should be offered a tailored induction programme covering to the extent necessary their responsibilities and the

company's organisation and activities. The (supervisory) board should conduct an annual review to identify areas where directors need to update their skills and knowledge.

- 11.4. When the appointment of a director is proposed, disclosure should be made of his particular competences which are relevant to his service on the (supervisory) board. To enable markets and the public to assess whether these competences remain appropriate over time, the (supervisory) board should disclose every year a profile of the board's composition and information on the particular competences of individual directors which are relevant to their service on the (supervisory) board.

12. Commitment

- 12.1. Each director should devote to his duties the necessary time and attention, and should undertake to limit the number of his other professional commitments (in particular any directorships held in other companies) to such an extent that the proper performance of his duties is assured.
- 12.2. Where the appointment of a director is proposed, his other significant professional commitments should be disclosed. The board should be informed of subsequent changes. Every year, the board should collect data on such commitments, and make the information available in its annual report.

13. Independence

- 13.1. A director should be considered to be independent only if he is free of any business, family or other relationship, with the company, its controlling shareholder or the management of either, that creates a conflict of interest such as to impair his judgement.
- 13.2. A number of criteria for assessment of the independence of directors should be adopted at national level, taking into account the guidance set out in Annex II, which identifies a number of situations reflecting the relationships or circumstances usually recognised as likely to generate material conflict of interest. The determination of what constitutes independence is fundamentally an issue for the (supervisory) board itself to determine. The (supervisory) board may consider that, although a particular director meets all the criteria laid down at national level for assessment of the independence of directors, he cannot be considered independent owing to the specific circumstances of the person or the company, and the converse also applies.

13.3. Proper information should be disclosed on the conclusions reached by the (supervisory) board in its determination of whether a particular director should be regarded as independent.

13.3.1. When the appointment of a non-executive or supervisory director is proposed, the company should disclose whether it considers him to be independent; if one or more of the criteria laid down at national level for assessment of independence of directors is not met, the company should disclose its reasons for nevertheless considering that director to be independent. Companies should also disclose annually which directors they consider to be independent.

13.3.2. If one or more of the criteria laid down at national level for assessment of independence of directors has not been met throughout the year, the company should disclose its reasons for considering that director to be independent. To ensure the accuracy of the information provided on the independence of directors, the company should require the independent directors to have their independence periodically re-confirmed.

SECTION IV FINAL PROVISIONS

14. Follow-up

Member States are invited to take the necessary measures to promote the application, by 30 June 2006, of the principles set out in this Recommendation and to notify the Commission of the measures taken in accordance with this Recommendation, in order to enable the Commission to monitor closely the situation and, on that basis, to assess the need for further measures.

15. Addressees

This Recommendation is addressed to the Member States.

Done at Brussels, 15 February 2005.

For the Commission
Charlie McCREEVY
Member of the Commission

The following Annexes provide additional guidance for the interpretation of the principles set out in the Recommendation.

ANNEX I

Committees of the (supervisory) board**1. COMMON FEATURES****1.1. Size**

When committees are created within the (supervisory) board, they should normally be composed of at least three members. In companies with small (supervisory) boards, they could exceptionally be composed of two members only.

1.2. Composition

Chairmanship and membership of the committees should be decided with due regard to the need to ensure that committee membership is refreshed and that undue reliance is not placed on particular individuals.

1.3. Terms of reference

The exact mandate of each committee created should be described in the terms of reference drawn up by the (supervisory) board.

1.4. Available resources

Companies should ensure that committees are provided with sufficient resources to discharge their duties, which includes the right to obtain — in particular from officers of the company — all the necessary information or to seek independent professional advice on issues falling in their area of competence.

1.5. Attendance at committee meetings

With a view to ensuring the autonomy and objectivity of the committees, directors other than the committee members should normally be entitled to attend its meetings only at the invitation of the committee. The committee may invite or require certain officers or experts to attend.

1.6. Transparency

1. Committees should discharge their duties within the set terms of reference, and ensure that they regularly report to the (supervisory) board about their activities and results.
2. The terms of reference set for any committee created, explaining its role and any authority delegated to it by the (supervisory) board where permissible under national law, should be made public at least once a year (as part of the information disclosed by the company annually on its corporate governance structures and practices). Companies should also make public annually a statement by existing committees about their membership, the number of their meetings and attendance over the year, and their main activities. In particular, the audit committee should confirm that it is satisfied with the independence of the audit process and describe briefly the steps it has taken to reach this conclusion.
3. The chairman of each committee should be able to communicate directly with shareholders. The circumstances in which this should happen should be spelled out in the committee's terms of reference.

2. THE NOMINATION COMMITTEE**2.1. Creation and composition**

1. Where, under national law, the (supervisory) board is playing a role, either by making decisions itself or by making proposals for consideration by another corporate body, in the process for appointment and/or removal of directors, a nomination committee should be set up within the (supervisory) board.
2. The nomination committee should be composed of at least a majority of independent non-executive or supervisory directors. When a company deems it appropriate for the nomination committee to comprise a minority of non-independent members, the Chief Executive Officer could be a member of such a committee.

2.2. Role

1. The nomination committee should at least:

- identify and recommend, for the approval of the (supervisory) board, candidates to fill board vacancies as and when they arise. In doing so, the nomination committee should evaluate the balance of skills, knowledge and experience on the board, prepare a description of the roles and capabilities required for a particular appointment, and assess the time commitment expected,
- periodically assess the structure, size, composition and performance of the unitary or dual board, and make recommendations to the (supervisory) board with regard to any changes,
- periodically assess the skills, knowledge and experience of individual directors, and report on this to the (supervisory) board,
- properly consider issues related to succession planning.

2. In addition, the nomination committee should review the policy of the (management) board for selection and appointment of senior management.

2.3. Operation

1. The nomination committee should consider proposals made by relevant parties, including management and shareholders⁽¹⁾. In particular, the Chief Executive Officer should be adequately consulted by, and entitled to submit proposals to the nomination committee, especially when dealing with issues related to executive/managing directors or senior management.
2. In performing its duties, the nomination committee should be able to use any forms of resources it deems appropriate, including external advice or advertising, and should receive appropriate funding from the company to this effect.

3. THE REMUNERATION COMMITTEE

3.1. Creation and composition

1. Where, under national law, the (supervisory) board is playing a role, either by making decisions itself or by making proposals for consideration by another corporate body, in the process for setting remuneration of directors, a remuneration committee should be set up within the (supervisory) board.
2. The remuneration committee should be composed exclusively of non-executive or supervisory directors. At least a majority of its members should be independent.

3.2. Role

1. With respect to executive or managing directors, the committee should at least:

- make proposals, for the approval of the (supervisory) board, on the remuneration policy for executive or managing directors. Such policy should address all forms of compensation, including in particular the fixed remuneration, performance-related remuneration schemes, pension arrangements, and termination payments. Proposals related to performance-related remuneration schemes should be accompanied with recommendations on the related objectives and evaluation criteria, with a view to properly aligning the pay of executive or managing directors with the long-term interests of the shareholders and the objectives set by the (supervisory) board for the company,

⁽¹⁾ When proposals are submitted by shareholders for the consideration of the nomination committee and the latter decides not to recommend these candidates for the approval of the (supervisory) board, this does not prevent shareholders from proposing the same candidates directly to the general meeting when they have the right to table draft resolutions to this effect under national law.

- make proposals to the (supervisory) board on the individual remuneration to be attributed to executive or managing directors, ensuring that they are consistent with the remuneration policy adopted by the company and the evaluation of the performance of the directors concerned. In doing so, the committee should be properly informed as to the total compensation obtained by the directors from other companies affiliated to the group,
 - make proposals to the (supervisory) board on suitable forms of contract for executive or managing directors,
 - assist the (supervisory) board in overseeing the process whereby the company complies with existing provisions regarding disclosure of remuneration-related items (in particular the remuneration policy applied and the individual remuneration attributed to directors).
2. With respect to senior management (as defined by the (supervisory) board), the committee should at least:
- make general recommendations to the executive or managing directors on the level and structure of remuneration for senior management,
 - monitor the level and structure of remuneration for senior management, on the basis of adequate information provided by executive or managing directors.
3. With respect to stock options and other share-based incentives which may be granted to directors, managers, or other employees, the committee should at least:
- debate the general policy regarding the granting of such schemes, in particular stock options, and make any related proposals to the (supervisory) board,
 - review the information provided on this topic in the annual report and to the shareholders meeting where relevant,
 - make proposals to the (supervisory) board concerning the choice between granting options to subscribe shares or granting options to purchase shares, specifying the reasons for its choice as well as the consequences that this choice has.

3.3. Operation

1. The remuneration committee should consult at least the chairman and/or chief executive about their views relating to the remuneration of other executive or managing directors.
2. The remuneration committee should be able to avail itself of consultants, with a view to obtaining the necessary information on market standards for remuneration systems. The committee should be responsible for establishing the selection criteria, selecting, appointing and setting the terms of reference for any remuneration consultants who advise the committee, and should receive appropriate funding from the company to this effect.

4. THE AUDIT COMMITTEE

4.1. Composition

The audit committee should be composed exclusively of non-executive or supervisory directors. At least a majority of its members should be independent.

4.2. Role

1. With respect to the internal policies and procedures adopted by the company, the audit committee should assist the (supervisory) board to at least:

- monitor the integrity of the financial information provided by the company, in particular by reviewing the relevance and consistency of the accounting methods used by the company and its group (including the criteria for the consolidation of the accounts of companies in the group),
- review at least annually the internal control and risk management systems, with a view to ensuring that the main risks (including those related to compliance with existing legislation and regulations) are properly identified, managed and disclosed,
- ensure the effectiveness of the internal audit function, in particular by making recommendations on the selection, appointment, reappointment and removal of the head of the internal audit department and on the department's budget, and by monitoring the responsiveness of management to its findings and recommendations. If the company does not have an internal audit function, the need for one should be reviewed at least annually.

2. With respect to the external auditor engaged by the company, the audit committee should at least:

- make recommendations to the (supervisory) board in relation to the selection, appointment, reappointment and removal of the external auditor by the body competent under national company law, and to the terms and conditions of his engagement,
- monitor the external auditor's independence and objectivity, in particular by reviewing the audit firm's compliance with applicable guidance relating to the rotation of audit partners, the level of fees paid by the company, and other related regulatory requirements,
- keep the nature and extent of non-audit services under review, based inter alia on disclosure by the external auditor of all fees paid by the company and its group to the audit firm and network, with a view to preventing any material conflicts of interest from arising. The committee should set and apply a formal policy specifying, in accordance with the principles and guidance provided in Commission Recommendation 2002/590/EC⁽¹⁾, the types of non-audit services which are (a) excluded, (b) permissible after review by the committee, and (c) permissible without referral to the committee,
- review the effectiveness of the external audit process, and the responsiveness of management to the recommendations made in the external auditor's management letter,
- investigate the issues giving rise to any resignation of the external auditor, and make recommendations as to any required action.

4.3. Operation

1. The company should provide an induction programme for new audit committee members, and subsequent relevant training on an ongoing and timely basis. All committee members should be provided in particular with full information relating to the company's specific accounting, financial and operational features.

⁽¹⁾ OJ L 191, 19.7.2002, p. 22.

2. The management should inform the audit committee of the methods used to account for significant and unusual transactions where the accounting treatment may be open to different approaches. In this respect, particular attention should be paid to both the existence of, and the justification for, any activity carried out by the company in offshore centres and/or through special purpose vehicles.
 3. The audit committee shall decide whether and, if so, when the chief executive officer or chairman of the managing board, the chief financial officer (or senior employees responsible for finance, accounting, and treasury matters), the internal auditor and the external auditor, should attend its meetings. The committee should be entitled to meet with any relevant person outside the presence of executive or managing directors, if it so wishes.
 4. The internal and external auditors should, in addition to maintaining an effective working relationship with management, be guaranteed free access to the (supervisory) board. To this effect, the audit committee shall act as the principal contact point for the internal and external auditors.
 5. The audit committee should be informed of the internal auditor's work programme, and receive internal audit reports or a periodic summary.
 6. The audit committee should be informed of the external auditor's work programme, and should obtain a report by the external auditor describing all relationships between the independent auditor and the company and its group. The committee should obtain timely information about any issues arising from the audit.
 7. The audit committee should be free to obtain advice and assistance from outside legal, accounting or other advisors as it deems necessary to carry out its duties, and should receive appropriate funding from the company to this effect.
 8. The audit committee should review the process whereby the company complies with existing provisions regarding the possibility for employees to report alleged significant irregularities in the company, by way of complaints or through anonymous submissions, normally to an independent director, and should ensure that arrangements are in place for the proportionate and independent investigation of such matters and for appropriate follow-up action.
 9. The audit committee should report to the (supervisory) board on its activities at least once every six months, at the time the yearly and half-yearly statements are approved.
-

ANNEX II

Profile of independent non-executive or supervisory directors

1. It is not possible to list comprehensively all threats to directors' independence; the relationships or circumstances which may appear relevant to its determination may vary to a certain extent across Member States and companies, and best practices in this respect may evolve over time. However, a number of situations are frequently recognised as relevant in helping the (supervisory) board to determine whether a non-executive or supervisory director may be regarded as independent, even though it is widely understood that assessment of the independence of any particular director should be based on substance rather than form. In this context, a number of criteria, to be used by the (supervisory) board, should be adopted at national level. Such criteria, which should be tailored to the national context, should be based on due consideration of at least the following situations:
 - (a) not to be an executive or managing director of the company or an associated company, and not having been in such a position for the previous five years;
 - (b) not to be an employee of the company or an associated company, and not having been in such a position for the previous three years, except when the non-executive or supervisory director does not belong to senior management and has been elected to the (supervisory) board in the context of a system of workers' representation recognised by law and providing for adequate protection against abusive dismissal and other forms of unfair treatment;
 - (c) not to receive, or have received, significant additional remuneration from the company or an associated company apart from a fee received as non-executive or supervisory director. Such additional remuneration covers in particular any participation in a share option or any other performance-related pay scheme; it does not cover the receipt of fixed amounts of compensation under a retirement plan (including deferred compensation) for prior service with the company (provided that such compensation is not contingent in any way on continued service);
 - (d) not to be or to represent in any way the controlling shareholder(s) (control being determined by reference to the cases mentioned in Article 1(1) of Council Directive 83/349/EEC⁽¹⁾);
 - (e) not to have, or have had within the last year, a significant business relationship with the company or an associated company, either directly or as a partner, shareholder, director or senior employee of a body having such a relationship. Business relationships include the situation of a significant supplier of goods or services (including financial, legal, advisory or consulting services), of a significant customer, and of organisations that receive significant contributions from the company or its group;
 - (f) not to be, or have been within the last three years, partner or employee of the present or former external auditor of the company or an associated company;
 - (g) not to be executive or managing director in another company in which an executive or managing director of the company is non-executive or supervisory director, and not to have other significant links with executive directors of the company through involvement in other companies or bodies;
 - (h) not to have served on the (supervisory) board as a non-executive or supervisory director for more than three terms (or, alternatively, more than 12 years where national law provides for normal terms of a very small length);
 - (i) not to be a close family member of an executive or managing director, or of persons in the situations referred to in points (a) to (h);
2. The independent director undertakes (a) to maintain in all circumstances his independence of analysis, decision and action, (b) not to seek or accept any unreasonable advantages that could be considered as compromising his independence, and (c) to clearly express his opposition in the event that he finds that a decision of the (supervisory) board may harm the company. When the (supervisory) board has made decisions about which an independent non-executive or supervisory director has serious reservations, he should draw all the appropriate consequences from this. If he were to resign, he should explain his reasons in a letter to the board or the audit committee, and, where appropriate, to any relevant body external to the company.

⁽¹⁾ OJ L 193, 18.7.1983, p. 1. Directive as last amended by Directive 2003/51/EC of the European Parliament and of the Council (OJ L 178, 17.7.2003, p. 16).

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 453/2002 of 13 March 2002 adapting Council Regulation (EC) No 2201/96 and Commission Regulations (EC) No 1799/2001, (EC) No 2125/95 and (EC) No 3223/94 as regards the combined nomenclature codes for certain fruits and vegetables

(Official Journal of the European Communities L 72 of 14 March 2002)

On page 10, in Article 1, second indent, last line:

for: '... ex 0812 90 95',

read: '... ex 0812 90 99'.
