

Official Journal

of the European Union

L 82

English edition

Legislation

Volume 48

31 March 2005

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 493/2005 of 16 March 2005 amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff** 1
- Commission Regulation (EC) No 494/2005 of 30 March 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 3
- ★ **Commission Regulation (EC) No 495/2005 of 30 March 2005 derogating from Regulation (EC) No 824/2000 as regards the period for delivering cereals into intervention in some Member States in the 2004/2005 marketing year** 5

II Acts whose publication is not obligatory

Council

2005/266/EC:

- ★ **Council Decision of 16 March 2005 amending Decision 1999/70/EC concerning the external auditors of the national central banks as regards the external auditor of the Banco de Portugal** 6

Corrigenda

- ★ **Corrigendum to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products (OJ L 156, 23.6.1994)** 7

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 493/2005**of 16 March 2005****amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In the Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87⁽¹⁾, the CN codes for monitors are 8471 and 8528.
- (2) For the classification of monitors outside CN code 8528, certain conditions are to be met. The convergence of information technology, consumer electronics industries and new technologies has created a situation where it is becoming impossible, when classifying monitors, to determine, by reference to simple technical characteristics, the main purpose of a particular monitor. It follows from the case law of the Court of Justice of the European Communities that classification cannot be based on actual use. The correct classification of individual products is to be based on objective and quantifiable data. It is currently not feasible to establish unambiguous criteria meeting this requirement.
- (3) Trade data indicate that currently monitors using liquid crystal display technology, with a diagonal measurement of the screen of 48,5 cm or less and a screen aspect ratio of 4:3 or 5:4, are mainly used as output units of automatic data-processing machines. However, such monitors are frequently also capable of reproducing video images from a source other than an automatic data-processing machine and therefore do not meet the condition of being solely or principally for use with such machines. Such monitors are therefore not covered by the Agreement on trade in information technology products⁽²⁾ or by the Communication on its implemen-

tation, both of which were approved on behalf of the Community by Council Decision 97/359/EC of 24 March 1997 concerning the elimination of duties on information technology products⁽³⁾.

- (4) It is in the interest of the Community to suspend totally, for a limited period, the autonomous Common Customs Tariff duties for monitors using liquid crystal display technology, with a diagonal measurement of the screen of 48,5 cm or less and a screen aspect ratio of 4:3 or 5:4 and classifiable under CN code 8528 21 90. This measure should therefore expire by 31 December 2006, unless the Council decides to prolong it.
- (5) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (6) Since the amendment introduced by this Regulation is to be applied from the same date as the Combined Nomenclature for 2005 laid down in Commission Regulation (EC) No 1810/2004⁽⁴⁾, this Regulation should enter into force immediately and apply from 1 January 2005,

HAS ADOPTED THIS REGULATION:

Article 1

The text in column 3 for CN code 8528 21 90 in Chapter 85, Section XVI of Part Two, Schedule of Customs Duties, of Annex I to Regulation (EEC) No 2658/87 shall be replaced by the following:

‘14 (*)

(*) Customs duty autonomously suspended, until 31 December 2006, for monitors with a diagonal measurement of the screen of 48,5 cm or less and with an aspect ratio of 4:3 or 5:4 (TARIC code 8528 21 90 30).’

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1989/2004 (OJ L 344, 20.11.2004, p. 5).

⁽²⁾ OJ L 155, 12.6.1997, p. 3.

⁽³⁾ OJ L 155, 12.6.1997, p. 1.

⁽⁴⁾ OJ L 327, 30.10.2004, p. 1.

Article 2

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

It shall apply from 1 January 2005.

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

Done at Brussels, 16 March 2005.

For the Council
The President
J. ASSELBORN

COMMISSION REGULATION (EC) No 494/2005**of 30 March 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 31 March 2005.

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

Done at Brussels, 30 March 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 30 March 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	116,7
	204	62,3
	212	131,6
	624	129,4
	999	110,0
0707 00 05	052	144,6
	066	73,3
	068	87,2
	096	39,9
	204	90,9
	220	122,9
	999	93,1
0709 10 00	220	122,2
	999	122,2
0709 90 70	052	128,3
	204	50,7
	999	89,5
0805 10 20	052	38,8
	204	48,1
	212	51,4
	220	49,1
	400	53,9
	512	118,1
	624	56,9
	999	59,5
0805 50 10	052	60,0
	400	81,0
	624	64,3
	999	68,4
0808 10 80	388	83,6
	400	116,6
	404	106,2
	508	71,8
	512	77,2
	524	63,0
	528	70,6
	720	77,8
0808 20 50	999	83,4
	388	66,6
	508	129,9
	512	68,3
	528	56,1
	999	80,2

⁽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 495/2005**of 30 March 2005****derogating from Regulation (EC) No 824/2000 as regards the period for delivering cereals into intervention in some Member States in the 2004/2005 marketing year**

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 6 thereof,

Whereas:

- (1) Under Commission Regulation (EC) No 824/2000 of 19 April 2000 establishing procedures for the taking-over of cereals by intervention agencies and laying down methods of analysis for determining the quality of cereals⁽²⁾, should an offer be admissible, operators are to be informed as soon as possible of the delivery schedule. To this end, under Article 4(3) of that Regulation the final delivery to the intervention centre for which the offer is made must take place not later than the end of the fourth month following the month during which the offer was received.
- (2) The 2004/2005 marketing year is the first year of application of the intervention mechanism for cereals in the Member States which joined the European Community on 1 May 2004.
- (3) Good weather conditions led to a bumper harvest in 2004 in the new Member States, resulting in domestic market prices well below the intervention price. As a result, since the intervention period was opened in November 2004, relatively large quantities of cereals have been offered for intervention. Due to the large

quantities offered for intervention and their geographical spread, it is not possible to comply with the delivery deadline of 31 March 2005. To allow sufficient quantities of cereals offered to be taken over, the delivery period should be extended, and a derogation should therefore be made from Regulation (EC) No 824/2000.

- (4) Given the urgency of the market situation, which requires immediate measures, provision should be made for the immediate application of the measures provided for in this Regulation.
- (5) 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

Notwithstanding the third subparagraph of Article 4(3) of Regulation (EC) No 824/2000, in the 2004/2005 marketing year the last delivery of cereals offered for intervention in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia must take place not later than the end of the sixth month following the month during which the offer was received, and in any event not later than 31 July 2005.

Article 2

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

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

Done at Brussels, 30 March 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 100, 20.4.2000, p. 31. 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 16 March 2005

amending Decision 1999/70/EC concerning the external auditors of the national central banks as regards the external auditor of the Banco de Portugal

(2005/266/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, annexed to the Treaty establishing the European Community, and in particular to Article 27(1) thereof,

Having regard to Recommendation ECB/2005/3 of the European Central Bank (hereinafter referred to as 'ECB') of 11 February 2005 to the Council of the European Union on the external auditors of the Banco de Portugal ⁽¹⁾,

Whereas:

- (1) The accounts of the ECB and of the national central banks of the Eurosystem are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.
- (2) According to a recent change in Portuguese law the auditing of accounts must now be carried out exclusively by *revisores oficiais de contas* (certified auditors). The Governing Council of the ECB therefore recommended that the Council of the European Union approve the replacement of PricewaterhouseCoopers — Auditores e Consultores, Lda. as external auditor of the Banco de Portugal by PricewaterhouseCoopers & Associados — Sociedade de Revisores Oficiais de Contas, Lda., since the former does not have the status of certified auditor.
- (3) The Governing Council of the ECB recommended no change in the duration of the external auditor's mandate.

- (4) It is appropriate to follow the recommendation of the Governing Council of the ECB and to amend Decision 1999/70/EC of 25 January 1999 concerning the external auditors of the national central banks ⁽²⁾ accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Article 1(10) of Decision 1999/70/EC shall be replaced by the following:

'10. PricewaterhouseCoopers & Associados — Sociedade de Revisores Oficiais de Contas, Lda. is hereby approved as external auditor of the Banco de Portugal as from the financial year 2004 for a renewable period of one year.'

Article 2

This Decision shall be notified to the ECB.

Article 3

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

Done at Brussels, 16 March 2005.

For the Council
The President
J. ASSELBORN

⁽¹⁾ OJ C 50, 26.2.2005, p. 6.

⁽²⁾ OJ L 22, 29.1.1999, p. 69. Decision as last amended by Decision 2004/651/EC (OJ L 298, 23.9.2004, p. 23).

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products

(Official Journal of the European Communities L 156 of 23 June 1994)

On page 14, the following second paragraph is added to Article 1:

'The quantity of products which benefit from that regime and the level of customs duty are set out in Annex I';

on page 15, in the third subparagraph of Article 4(4):

for: 'The corresponding security shall be released immediately.'

read: 'The Member States shall inform the Commission within five days following the withdrawal of the application for certificates and the corresponding security shall be released immediately.'
