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### Legislation

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#### I Acts whose publication is obligatory

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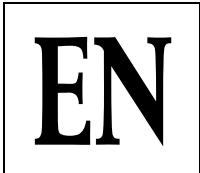
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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 496/2005**  
**of 31 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<sup>(1)</sup>, 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 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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 31 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 <sup>(1)</sup> | Standard import value |
| 0702 00 00   | 052                               | 107,3                 |
|              | 204                               | 56,3                  |
|              | 212                               | 144,6                 |
|              | 624                               | 129,4                 |
|              | 999                               | 109,4                 |
| 0707 00 05   | 052                               | 148,1                 |
|              | 066                               | 73,3                  |
|              | 068                               | 87,2                  |
|              | 096                               | 39,9                  |
|              | 204                               | 59,9                  |
|              | 220                               | 122,9                 |
|              | 999                               | 88,6                  |
| 0709 10 00   | 220                               | 125,5                 |
|              | 999                               | 125,5                 |
| 0709 90 70   | 052                               | 124,2                 |
|              | 204                               | 51,6                  |
|              | 999                               | 87,9                  |
| 0805 10 20   | 052                               | 69,6                  |
|              | 204                               | 47,8                  |
|              | 212                               | 50,5                  |
|              | 220                               | 49,9                  |
|              | 400                               | 60,3                  |
|              | 512                               | 118,1                 |
|              | 624                               | 57,8                  |
|              | 999                               | 64,9                  |
| 0805 50 10   | 052                               | 64,9                  |
|              | 400                               | 81,0                  |
|              | 624                               | 64,3                  |
|              | 999                               | 70,1                  |
| 0808 10 80   | 388                               | 75,2                  |
|              | 400                               | 124,7                 |
|              | 404                               | 106,2                 |
|              | 508                               | 69,2                  |
|              | 512                               | 78,1                  |
|              | 524                               | 65,4                  |
|              | 528                               | 70,2                  |
|              | 720                               | 87,2                  |
| 0808 20 50   | 999                               | 84,5                  |
|              | 388                               | 63,2                  |
|              | 508                               | 129,9                 |
|              | 512                               | 78,8                  |
|              | 528                               | 58,9                  |
|              | 720                               | 52,2                  |
|              | 999                               | 76,6                  |

<sup>(1)</sup> 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 497/2005****of 31 March 2005****fixing the representative prices and the additional import duties for molasses in the sugar sector  
applicable from 1 April 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 market in sugar <sup>(1)</sup>, and in particular Article 24(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 <sup>(2)</sup>, stipulates that the cif import price for molasses established in accordance with Commission Regulation (EEC) No 785/68 <sup>(3)</sup>, is to be considered the representative price. That price is fixed for the standard quality defined in Article 1 of Regulation (EEC) No 785/68.
- (2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 3 of Regulation (EEC) No 785/68, except in the cases provided for in Article 4 of that Regulation and those prices should be fixed, where appropriate, in accordance with the method provided for in Article 7 of that Regulation.
- (3) Prices not referring to the standard quality should be adjusted upwards or downwards, according to the

quality of the molasses offered, in accordance with Article 6 of Regulation (EEC) No 785/68.

- (4) Where there is a difference between the trigger price for the product concerned and the representative price, additional import duties should be fixed under the terms laid down in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (5) The representative prices and additional import duties for the products concerned should be fixed in accordance with Articles 1(2) and 3(1) of Regulation (EC) No 1422/95.
- (6) 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*

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 141, 24.6.1995, p. 12. Regulation as amended by Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

<sup>(3)</sup> OJ 145, 27.6.1968, p. 12. Regulation as amended by Regulation (EC) No 1422/95.

## ANNEX

**Representative prices and additional duties for imports of molasses in the sugar sector applicable from 1 April 2005**

(EUR)

| CN code                   | Amount of the representative price in 100 kg net of the product in question | Amount of the additional duty in 100 kg net of the product in question | Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 <sup>(1)</sup> |
|---------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1703 10 00 <sup>(2)</sup> | 10,66                                                                       | —                                                                      | 0                                                                                                                                                                                   |
| 1703 90 00 <sup>(2)</sup> | 11,10                                                                       | —                                                                      | 0                                                                                                                                                                                   |

<sup>(1)</sup> This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

<sup>(2)</sup> For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

**COMMISSION REGULATION (EC) No 498/2005****of 31 March 2005****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

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<sup>(1)</sup>, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector<sup>(2)</sup>. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.

- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (10) 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*

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 214, 8.9.1995, p. 16.

## ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING  
APPLICABLE FROM 1 APRIL 2005 <sup>(1)</sup>**

| Product code    | Destination | Unit of measurement                        | Amount of refund     |
|-----------------|-------------|--------------------------------------------|----------------------|
| 1701 11 90 9100 | S00         | EUR/100 kg                                 | 32,40 <sup>(2)</sup> |
| 1701 11 90 9910 | S00         | EUR/100 kg                                 | 32,40 <sup>(2)</sup> |
| 1701 12 90 9100 | S00         | EUR/100 kg                                 | 32,40 <sup>(2)</sup> |
| 1701 12 90 9910 | S00         | EUR/100 kg                                 | 32,40 <sup>(2)</sup> |
| 1701 91 00 9000 | S00         | EUR/1 % of sucrose × 100 kg product net    | 0,3522               |
| 1701 99 10 9100 | S00         | EUR/100 kg                                 | 35,22                |
| 1701 99 10 9910 | S00         | EUR/100 kg                                 | 35,22                |
| 1701 99 10 9950 | S00         | EUR/100 kg                                 | 35,22                |
| 1701 99 90 9100 | S00         | EUR/1 % of sucrose × 100 kg of net product | 0,3522               |

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).

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:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

<sup>(1)</sup> The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

<sup>(2)</sup> This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

**COMMISSION REGULATION (EC) No 499/2005****of 31 March 2005****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

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<sup>(1)</sup>, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector<sup>(2)</sup>, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.
- (3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry<sup>(3)</sup>, to the products listed in the Annex to the last mentioned Regulation.
- (4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said Regulation exported in the natural state must be equal to one-hundredth of an amount which takes

account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward-processing arrangements.

- (5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.
- (6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.
- (7) The abovementioned refunds must be fixed every month; they may be altered in the intervening period.
- (8) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (9) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial in nature.

<sup>(1)</sup> 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. 6).

<sup>(2)</sup> OJ L 214, 8.9.1995, p. 16.

<sup>(3)</sup> OJ L 178, 30.6.2001, p. 63.

- (10) In order to prevent any abuses associated with the reimportation into the Community of sugar sector products that have qualified for export refunds, refunds for the products covered by this Regulation should not be fixed for all the countries of the western Balkans.
- (11) In view of the above, refunds for the products in question should be fixed at the appropriate amounts.
- (12) 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*

The export refunds on the products listed in Article 1(1)(d), (f), (g) and (h) of Regulation (EC) No 1260/2001, exported in the natural state, shall be set out in the Annex hereto to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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## ANNEX

**EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 1 APRIL 2005 <sup>(1)</sup>**

| Product code    | Destination | Unit of measurement                     | Amount of refund                     |
|-----------------|-------------|-----------------------------------------|--------------------------------------|
| 1702 40 10 9100 | S00         | EUR/100 kg dry matter                   | 35,22 <sup>(2)</sup>                 |
| 1702 60 10 9000 | S00         | EUR/100 kg dry matter                   | 35,22 <sup>(2)</sup>                 |
| 1702 60 80 9100 | S00         | EUR/100 kg dry matter                   | 66,92 <sup>(3)</sup>                 |
| 1702 60 95 9000 | S00         | EUR/1 % sucrose × net 100 kg of product | 0,3522 <sup>(4)</sup>                |
| 1702 90 30 9000 | S00         | EUR/100 kg dry matter                   | 35,22 <sup>(2)</sup>                 |
| 1702 90 60 9000 | S00         | EUR/1 % sucrose × net 100 kg of product | 0,3522 <sup>(4)</sup>                |
| 1702 90 71 9000 | S00         | EUR/1 % sucrose × net 100 kg of product | 0,3522 <sup>(4)</sup>                |
| 1702 90 99 9900 | S00         | EUR/1 % sucrose × net 100 kg of product | 0,3522 <sup>(4)</sup> <sup>(5)</sup> |
| 2106 90 30 9000 | S00         | EUR/100 kg dry matter                   | 35,22 <sup>(2)</sup>                 |
| 2106 90 59 9000 | S00         | EUR/1 % sucrose × net 100 kg of product | 0,3522 <sup>(4)</sup>                |

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).

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:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, except for sugar incorporated into the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

<sup>(1)</sup> The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

<sup>(2)</sup> Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

<sup>(3)</sup> Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

<sup>(4)</sup> The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

<sup>(5)</sup> The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

**COMMISSION REGULATION (EC) No 500/2005****of 31 March 2005****fixing the maximum export refund for white sugar to certain third countries for the 22nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004**

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<sup>(1)</sup> and in particular the second indent of Article 27(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 1327/2004 of 19 July 2004 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar<sup>(2)</sup>, for the 2004/2005 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1327/2004 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) 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 22nd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1327/2004 the maximum amount of the export refund shall be 38,359 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 246, 20.7.2004, p. 23. Regulation as amended by Regulation (EC) No 1685/2004 (OJ L 303, 30.9.2004, p. 21).

**COMMISSION REGULATION (EC) No 501/2005****of 31 March 2005****fixing the production refund on white sugar used in the chemical industry for the period from 1 to 30 April 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<sup>(1)</sup>, and in particular the fifth indent of Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of

Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry<sup>(2)</sup> provides that these refunds shall be determined according to the refund fixed for white sugar.

- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of each month.
- (4) 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*

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 33,012 EUR/100 kg net for the period from 1 to 30 April 2005.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 178, 30.6.2001, p. 63.

**COMMISSION REGULATION (EC) No 502/2005****of 31 March 2005****amending Council Regulation (EC) No 1362/2000 as regards the opening and management of tariff quotas for certain products originating in Mexico**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Article 4 of Council Regulation (EC) No 1362/2000 of 29 June 2000 implementing for the Community the tariff provisions of Decision No 2/2000 of the Joint Council under the Interim Agreement on Trade and Trade-related matters between the European Community and the United Mexican States<sup>(1)</sup>,

Whereas:

- (1) The European Union-Mexico Joint Council has, by its Decision No 1/2005 of 21 February 2005 introducing a corrigendum in Decision No 3/2004 of the EU-Mexico Joint Council<sup>(2)</sup> amending Joint Council Decision No 2/2000 of 23 March 2000, amended the period for which the two Community tariff quotas provided for in Decision No 3/2004 are to be opened.
- (2) Regulation (EC) No 1362/2000 should therefore be amended accordingly.
- (3) Since the period for which the quotas in question are to be opened should start on 1 January 2005, this Regulation should apply from the same date.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2(6) of Regulation (EC) No 1362/2000 is replaced by the following:

‘6. With the exception of the tariff quotas at order No 09.1854, No 09.1871, No 09.1873 and order No 09.1899, the tariff quotas referred to in the Annex to this Regulation shall be opened each year for a 12-month period from 1 July to 30 June. These quotas shall be opened for the first time on 1 July 2000.

The tariff quotas at order No 09.1871 and No 09.1873 shall be opened from 1 May 2004 to 31 December 2004 and from 1 January to 31 December of each calendar year thereafter, for as long as the quota remains applicable.’

*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, 31 March 2005.

*For the Commission*

László KOVÁCS

*Member of the Commission*

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<sup>(1)</sup> OJ L 157, 30.6.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 1553/2004 (OJ L 282, 1.9.2004, p. 3).

<sup>(2)</sup> OJ L 66, 12.3.2005, p. 27.

**COMMISSION REGULATION (EC) No 503/2005****of 31 March 2005****amending Council Regulation (EC) No 747/2001 as regards Community tariff quotas and a reference quantity for certain products originating in Morocco**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain Mediterranean countries and repealing Regulations (EC) No 1981/94 and (EC) No 934/95 <sup>(1)</sup>, and in particular Article 5(1)(b) thereof,

Whereas:

(1) By its Decision of 16 March 2005 <sup>(2)</sup>, the Council has given authorisation for the signing and has provided for the provisional application from 1 May 2004 of a Protocol to the Euro-Mediterranean Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, 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.

(2) This Protocol provides for certain products originating in Morocco, for new tariff quotas and for a new reference quantity as well as for changes to the existing tariff quotas laid down in Regulation (EC) No 747/2001.

(3) To implement the new tariff quotas and reference quantity and the changes to the existing tariff quotas, it is necessary to amend Regulation (EC) No 747/2001.

(4) For the year 2004 the volumes of the new tariff quotas and reference quantity and the increases of the volumes of existing tariff quotas should be calculated as a portion of the basic volumes specified in the Protocol, in proportion to the part of the period elapsed before 1 May 2004.

(5) In order to facilitate the management of certain existing tariff quotas provided for in Regulation (EC) No 747/2001, the quantities imported within the framework of those quotas should be charged against the respective tariff quotas opened in accordance with Regulation (EC) No 747/2001, as amended by this Regulation.

(6) Since the Protocol applies from 1 May 2004, this Regulation should apply from the same date and should enter into force as soon as possible.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 747/2001 is amended as set out in the Annex to this Regulation.

*Article 2*

The quantities which, pursuant to Annex II to Regulation (EC) No 747/2001, have been put into free circulation in the Community within the tariff quotas with order numbers 09.1104, 09.1112, 09.1122, 09.1130 and 09.1137, shall be charged against the respective tariff quotas opened pursuant to Annex II to Regulation (EC) No 747/2001, as amended by this Regulation.

<sup>(1)</sup> OJ L 109, 19.4.2001, p. 2. Regulation as last amended by Commission Regulation (EC) No 241/2005 (OJ L 42, 12.2.2005, p. 11).

<sup>(2)</sup> Not yet published in the Official Journal.

*Article 3*

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

It shall apply from 1 May 2004.

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

Done at Brussels, 31 March 2005.

*For the Commission*  
László KOVÁCS  
*Member of the Commission*

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## ANNEX

Annex II to Regulation (EC) No 747/2001 is amended as follows:

1. The title of the table is replaced by 'PART A: Tariff quotas';

2. The table set out in Part A is amended as follows:

(a) the row for the tariff quota with order number 09.1110 is deleted;

(b) the following new rows are inserted:

|         |                                                      |  |                                                                                                                                                            |                                                                          |      |            |
|---------|------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|------|------------|
| 09.1150 | 0603 10 10<br>0603 10 20<br>0603 10 40<br>0603 10 50 |  | Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes:<br>— Roses<br>— Carnations<br>— Gladioli<br>— Chrysanthemums | From 1.6. to 30.6.2004                                                   | 51,5 | Exemption  |
|         |                                                      |  |                                                                                                                                                            | From 1.6. to 30.6.2005                                                   | 53   |            |
|         |                                                      |  |                                                                                                                                                            | From 1.6. to 30.6.2006                                                   | 54,5 |            |
|         |                                                      |  |                                                                                                                                                            | From 1.6. to 30.6.2007 and for each period thereafter from 1.6. to 30.6. | 56   |            |
| 09.1118 | 0810 10 00                                           |  | Fresh strawberries                                                                                                                                         | From 1.4. to 30.4.                                                       | 100  | Exemption' |

(c) the rows for the tariff quotas with order numbers 09.1104, 09.1112, 09.1137, 09.1122 and 09.1130 are replaced, respectively, by the following rows:

|         |            |  |                            |                                                                                |                       |                                         |
|---------|------------|--|----------------------------|--------------------------------------------------------------------------------|-----------------------|-----------------------------------------|
| 09.1104 | 0702 00 00 |  | Tomatoes, fresh or chilled | From 1.10. to 31.10.                                                           | 10 600                | Exemption <sup>(1)</sup> <sup>(2)</sup> |
| 09.1104 | 0702 00 00 |  | Tomatoes, fresh or chilled | From 1.11. to 30.11.                                                           | 27 700                | Exemption <sup>(1)</sup> <sup>(2)</sup> |
| 09.1104 | 0702 00 00 |  | Tomatoes, fresh or chilled | From 1.12. to 31.12.                                                           | 31 300                | Exemption <sup>(1)</sup> <sup>(2)</sup> |
| 09.1104 | 0702 00 00 |  | Tomatoes, fresh or chilled | From 1.1. to 31.1.                                                             | 31 300                | Exemption <sup>(1)</sup> <sup>(2)</sup> |
| 09.1104 | 0702 00 00 |  | Tomatoes, fresh or chilled | From 1.2. to 28/29.2.                                                          | 31 300                | Exemption <sup>(1)</sup> <sup>(2)</sup> |
| 09.1104 | 0702 00 00 |  | Tomatoes, fresh or chilled | From 1.3. to 31.3.                                                             | 31 300                | Exemption <sup>(1)</sup> <sup>(2)</sup> |
| 09.1104 | 0702 00 00 |  | Tomatoes, fresh or chilled | From 1.4. to 30.4.                                                             | 16 500                | Exemption <sup>(1)</sup> <sup>(2)</sup> |
| 09.1104 | 0702 00 00 |  | Tomatoes, fresh or chilled | From 1.5. to 31.5.2004                                                         | 4 000                 | Exemption <sup>(1)</sup> <sup>(2)</sup> |
|         |            |  |                            | From 1.5. to 31.5.2005 and for each period thereafter from 1.5. to 31.5.       | 5 000                 | Exemption <sup>(1)</sup> <sup>(2)</sup> |
| 09.1112 | 0702 00 00 |  | Tomatoes, fresh or chilled | From 1.11.2003 to 31.5.2004                                                    | 15 000                | Exemption <sup>(1)</sup> <sup>(2)</sup> |
|         |            |  |                            | From 1.11.2004 to 31.5.2005                                                    | 28 000 <sup>(3)</sup> | Exemption <sup>(1)</sup> <sup>(2)</sup> |
|         |            |  |                            | From 1.11.2005 to 31.5.2006                                                    | 38 000 <sup>(4)</sup> | Exemption <sup>(1)</sup> <sup>(2)</sup> |
|         |            |  |                            | From 1.11.2006 to 31.5.2007 and for each period thereafter from 1.11. to 31.5. | 48 000 <sup>(5)</sup> | Exemption <sup>(1)</sup> <sup>(2)</sup> |

|         |                                                                                                      |    |                             |                                                                                                                      |                                                                                     |                                          |
|---------|------------------------------------------------------------------------------------------------------|----|-----------------------------|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------|
| 09.1137 | 0707 00 05                                                                                           |    | Cucumbers, fresh or chilled | From 1.11.2003 to 31.5.2004<br><br>From 1.11.2004 to 31.5.2005 and for each period thereafter from 1.11. to 31.5.    | 5 429 + 85,71 tonnes net weight increase from 1.5. to 31.5.2004<br><br>6 200        | Exemption <sup>(1)</sup> <sup>(6)</sup>  |
| 09.1122 | 0805 10 10 <sup>(i)</sup><br>0805 10 30 <sup>(i)</sup><br>0805 10 50 <sup>(i)</sup><br>ex 0805 10 80 | 10 | Fresh oranges               | From 1.12.2003 to 31.5.2004<br><br>From 1.12.2004 to 31.5.2005 and for each period thereafter from 1.12. to 31.5.    | 300 000 + 1 133,33 tonnes net weight increase from 1.5. to 31.5.2004<br><br>306 800 | Exemption <sup>(1)</sup> <sup>(9)</sup>  |
| 09.1130 | ex 0805 20 10                                                                                        | 05 | Fresh clementines           | From 1.11.2003 to 29.2.2004<br><br>From 1.11.2004 to 28.2.2005 and for each period thereafter from 1.11. to 28/29.2. | 120 000<br><br>143 700                                                              | Exemption <sup>(1)</sup> <sup>(10)</sup> |

<sup>(3)</sup> This quota volume shall be reduced to 8 000 tonnes net weight if the total volume of tomatoes originating in Morocco put into free circulation in the Community during the period of 1 October 2003 to 31 May 2004 exceeds the volume of 191 900 tonnes net weight.

<sup>(4)</sup> This quota volume shall be reduced to 18 000 tonnes net weight if the total volume of tomatoes originating in Morocco put into free circulation in the Community during the period of 1 October 2004 to 31 May 2005 exceeds the sum of the volumes of the monthly tariff quotas with order number 09.1104 applicable during the period of 1 October 2004 to 31 May 2005 and the volume of the additional tariff quota with order number 09.1112 applicable during the period of 1 November 2004 to 31 May 2005. For the determination of the total imported volume a maximum tolerance of 1 % shall be allowed.

<sup>(5)</sup> This quota volume shall be reduced to 28 000 tonnes net weight if the total volume of tomatoes originating in Morocco put into free circulation in the Community during the period of 1 October 2005 to 31 May 2006 exceeds the sum of the volumes of the monthly tariff quotas with order number 09.1104 applicable during the period of 1 October 2005 to 31 May 2006 and the volume of the additional tariff quota with order number 09.1112 applicable during the period of 1 November 2005 to 31 May 2006. For the determination of the total imported volume a maximum tolerance of 1 % shall be allowed. These provisions will apply to the volume of each thereafter provided additional tariff quota that will apply from 1.11. to 31.5.

<sup>(i)</sup> From 1 January 2005 the CN codes 0805 10 10, 0805 10 30 and 0805 10 50 will be replaced by 0805 10 20.;

3. the following PART B is added:

**'PART B: Reference quantity**

| Order No | CN code    | Description of goods                                                                                       | Reference quantity period                                                                            | Reference quantity volume (in tonnes net weight) | Reference quantity duty |
|----------|------------|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------------------|
| 18.0105  | 0705 19 00 | — Lettuce ( <i>Lactuca sativa</i> ), fresh or chilled, other than cabbage lettuce                          | From 1.5. to 31.12.2004                                                                              | 2 060                                            | Exemption'              |
|          | 0705 29 00 | — Chicory ( <i>Cichorium</i> spp.), fresh or chilled, other than witloof chicory                           |                                                                                                      |                                                  |                         |
|          | 0706       | — Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled |                                                                                                      |                                                  |                         |
|          |            |                                                                                                            | From 1.1. to 31.12.2005<br>From 1.1. to 31.12.2006<br>For each period thereafter from 1.1. to 31.12. | 3 180<br>3 270<br>3 360                          |                         |

**COMMISSION REGULATION (EC) No 504/2005****of 31 March 2005****amending Council Regulation (EC) No 2793/1999 as regards the adjustment of the tariff quotas for global prepared fruit and for global mixed prepared fruit**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

tariff quotas shall be calculated as a pro rata of the basic volumes, taking into account the part of the period elapsed before 1 May 2004.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2793/1999 of 17 December 1999 on certain procedures for applying the Trade, Development and Cooperation Agreement between the European Community and the Republic of South Africa <sup>(1)</sup>, and in particular Article 5 thereof,

(5) Since the additional 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.

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

Whereas:

(1) Regulation (EC) No 2793/1999 concerns certain procedures for applying the Trade, Development and Cooperation Agreement between the European Community and the Republic of South Africa on certain procedures.

HAS ADOPTED THIS REGULATION:

*Article 1*

In the Annex to Regulation (EC) No 2793/1999, the fifth column, under the title 'Annual tariff quota volume, and annual growth factor', is amended as follows:

(2) By Decision 2005/206/EC of 28 February 2005 <sup>(2)</sup> the Council has approved an additional protocol to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, 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. The protocol makes adjustments to certain tariff quotas limiting tariff concessions. Implementation of these tariff quotas requires the amendment of Regulation (EC) No 2793/1999.

1. the entry corresponding to order number 09.1813 is replaced by the following:

'40 000 tonnes gross weight (agf 3%) with an additional volume (from 1.5.2004) of 1 225 (\*) tonnes gross weight (agf 3%)

(\*) For the year 2004, the additional volume for this tariff quota shall be calculated as a pro rata of the basic volume, taking into account the part of the period elapsed before 1 May 2004.'

(3) According to the said Decision, the tariff quotas for global prepared fruit (order No 09.1813) and for global mixed prepared fruit (order No 09.1815) shall be increased by 1 225 tonnes and 340 tonnes, respectively.

2. the entry corresponding to order number 09.1815 is replaced by the following:

'18 000 tonnes gross weight (agf 3%) with an additional volume (from 1.5.2004) of 340 (\*) tonnes gross weight (agf 3%)

(\*) For the year 2004, the additional volume for this tariff quota shall be calculated as a pro rata of the basic volume, taking into account the part of the period elapsed before 1 May 2004.'

(4) According to Council Decision 2005/206/EC, for the year 2004, the increases in the volumes of existing

<sup>(1)</sup> OJ L 337, 30.12.1999, p. 29. Regulation as last amended by Commission Regulation (EC) No 1638/2004 (OJ L 295, 18.9.2004, p. 26).

<sup>(2)</sup> OJ L 68, 15.3.2005, p. 32.

*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 May 2004.

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

Done at Brussels, 31 March 2005.

*For the Commission*  
László KOVÁCS  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 505/2005****of 31 March 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<sup>(1)</sup>, 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<sup>(2)</sup>.
- (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 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(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 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> 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 31 March 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               | 4,99              |
| 1001 10 00 9400 | A00         | EUR/t               | 0                 | 1101 00 15 9150 | C01         | EUR/t               | 4,60              |
| 1001 90 91 9000 | —           | EUR/t               | —                 | 1101 00 15 9170 | C01         | EUR/t               | 4,25              |
| 1001 90 99 9000 | A00         | EUR/t               | 0                 | 1101 00 15 9180 | C01         | EUR/t               | 3,98              |
| 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               | 5,34              |                 |             |                     |                   |

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 506/2005****of 31 March 2005****fixing the corrective amount applicable to the refund 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<sup>(1)</sup>, and in particular Article 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) 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 cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(2)</sup>, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92<sup>(3)</sup>. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) 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 corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> 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).

<sup>(3)</sup> OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

## ANNEX

**to the Commission Regulation of 31 March 2005 fixing the corrective amount applicable to the refund on cereals**

| (EUR/t)         |             |              |                 |                 |                 |                 |                 |                  |
|-----------------|-------------|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|
| Product code    | Destination | Current<br>4 | 1st period<br>5 | 2nd period<br>6 | 3rd period<br>7 | 4th period<br>8 | 5th period<br>9 | 6th period<br>10 |
| 1001 10 00 9200 | —           | —            | —               | —               | —               | —               | —               | —                |
| 1001 10 00 9400 | A00         | 0            | 0               | 0               | 0               | 0               | —               | —                |
| 1001 90 91 9000 | —           | —            | —               | —               | —               | —               | —               | —                |
| 1001 90 99 9000 | C01         | 0            | -0,46           | -0,46           | -10,00          | -10,00          | —               | —                |
| 1002 00 00 9000 | A00         | 0            | 0               | 0               | 0               | 0               | —               | —                |
| 1003 00 10 9000 | —           | —            | —               | —               | —               | —               | —               | —                |
| 1003 00 90 9000 | C02         | 0            | -0,46           | -0,46           | -20,00          | -20,00          | —               | —                |
| 1004 00 00 9200 | —           | —            | —               | —               | —               | —               | —               | —                |
| 1004 00 00 9400 | C03         | 0            | -0,46           | -0,46           | -40,00          | -40,00          | —               | —                |
| 1005 10 90 9000 | —           | —            | —               | —               | —               | —               | —               | —                |
| 1005 90 00 9000 | A00         | 0            | 0               | 0               | 0               | 0               | —               | —                |
| 1007 00 90 9000 | —           | —            | —               | —               | —               | —               | —               | —                |
| 1008 20 00 9000 | —           | —            | —               | —               | —               | —               | —               | —                |
| 1101 00 11 9000 | —           | —            | —               | —               | —               | —               | —               | —                |
| 1101 00 15 9100 | C01         | 0            | -0,63           | -0,63           | -15,00          | -15,00          | —               | —                |
| 1101 00 15 9130 | C01         | 0            | -0,59           | -0,59           | -15,00          | -15,00          | —               | —                |
| 1101 00 15 9150 | C01         | 0            | -0,54           | -0,54           | -15,00          | -15,00          | —               | —                |
| 1101 00 15 9170 | C01         | 0            | -0,50           | -0,50           | -15,00          | -15,00          | —               | —                |
| 1101 00 15 9180 | C01         | 0            | -0,47           | -0,47           | -15,00          | -15,00          | —               | —                |
| 1101 00 15 9190 | —           | —            | —               | —               | —               | —               | —               | —                |
| 1101 00 90 9000 | —           | —            | —               | —               | —               | —               | —               | —                |
| 1102 10 00 9500 | A00         | 0            | 0               | 0               | 0               | 0               | —               | —                |
| 1102 10 00 9700 | A00         | 0            | 0               | 0               | 0               | 0               | —               | —                |
| 1102 10 00 9900 | —           | —            | —               | —               | —               | —               | —               | —                |
| 1103 11 10 9200 | A00         | 0            | 0               | 0               | 0               | 0               | —               | —                |
| 1103 11 10 9400 | A00         | 0            | 0               | 0               | 0               | 0               | —               | —                |
| 1103 11 10 9900 | —           | —            | —               | —               | —               | —               | —               | —                |
| 1103 11 90 9200 | A00         | 0            | 0               | 0               | 0               | 0               | —               | —                |
| 1103 11 90 9800 | —           | —            | —               | —               | —               | —               | —               | —                |

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).

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.

C02: Algeria, Saudi Arabia, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Lybia, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.

C03: All third countries with the exception of Bulgaria, Norway, Romania, Switzerland and Lichtenstein.

**COMMISSION REGULATION (EC) No 507/2005****of 31 March 2005****fixing the export refunds on malt**

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<sup>(1)</sup>, 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) 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<sup>(2)</sup>.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down 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 these rules to the present situation on markets 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 malt listed in Article 1(1)(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> 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 31 March 2005 fixing the export refunds on malt**

| Product code    | Destination | Unit of measurement | Amount of refunds |
|-----------------|-------------|---------------------|-------------------|
| 1107 10 19 9000 | A00         | EUR/t               | 0,00              |
| 1107 10 99 9000 | A00         | EUR/t               | 0,00              |
| 1107 20 00 9000 | A00         | 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.

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

**COMMISSION REGULATION (EC) No 508/2005****of 31 March 2005****fixing the corrective amount applicable to the refund on malt**

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 organization of the market in cereals<sup>(1)</sup>, and in particular Article 15(2),

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) 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<sup>(2)</sup> allows for the fixing of a corrective amount for the malt referred

to in Article 1(1)(c) of Regulation (EEC) No 1766/92<sup>(3)</sup>. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (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*

The corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> 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).

<sup>(3)</sup> OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

## ANNEX

**to the Commission Regulation of 31 March 2005 fixing the corrective amount applicable to the refund on malt**

(EUR/t)

| Product code    | Destination | Current<br>4 | 1st period<br>5 | 2nd period<br>6 | 3rd period<br>7 | 4th period<br>8 | 5th period<br>9 |
|-----------------|-------------|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 1107 10 11 9000 | A00         | 0            | 0               | 0               | 0               | 0               | 0               |
| 1107 10 19 9000 | A00         | 0            | 0               | 0               | 0               | 0               | 0               |
| 1107 10 91 9000 | A00         | 0            | 0               | 0               | 0               | 0               | 0               |
| 1107 10 99 9000 | A00         | 0            | 0               | 0               | 0               | 0               | 0               |
| 1107 20 00 9000 | A00         | 0            | 0               | 0               | 0               | 0               | 0               |

(EUR/t)

| Product code    | Destination | 6th period<br>10 | 7th period<br>11 | 8th period<br>12 | 9th period<br>1 | 10th period<br>2 | 11th period<br>3 |
|-----------------|-------------|------------------|------------------|------------------|-----------------|------------------|------------------|
| 1107 10 11 9000 | A00         | 0                | 0                | 0                | 0               | 0                | 0                |
| 1107 10 19 9000 | A00         | 0                | 0                | 0                | 0               | 0                | 0                |
| 1107 10 91 9000 | A00         | 0                | 0                | 0                | 0               | 0                | 0                |
| 1107 10 99 9000 | A00         | 0                | 0                | 0                | 0               | 0                | 0                |
| 1107 20 00 9000 | A00         | 0                | 0                | 0                | 0               | 0                | 0                |

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).

**COMMISSION REGULATION (EC) No 509/2005****of 31 March 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<sup>(1)</sup>, 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<sup>(2)</sup>, 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<sup>(3)</sup> 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 1 April 2005.

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> 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).

<sup>(3)</sup> 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, 31 March 2005.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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## ANNEX

**to Commission Regulation of 31 March 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 <sup>(1)</sup> | C10         | EUR/t               | 56,01   | 1104 23 10 9300                | C10         | EUR/t               | 46,01   |
| 1102 20 10 9400 <sup>(1)</sup> | C10         | EUR/t               | 48,01   | 1104 29 11 9000                | C10         | EUR/t               | 0,00    |
| 1102 20 90 9200 <sup>(1)</sup> | C10         | EUR/t               | 48,01   | 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 <sup>(1)</sup> | C10         | EUR/t               | 72,02   | 1107 10 91 9000                | C13         | EUR/t               | 0,00    |
| 1103 13 10 9300 <sup>(1)</sup> | C10         | EUR/t               | 56,01   | 1108 11 00 9200                | C10         | EUR/t               | 0,00    |
| 1103 13 10 9500 <sup>(1)</sup> | C10         | EUR/t               | 48,01   | 1108 11 00 9300                | C10         | EUR/t               | 0,00    |
| 1103 13 90 9100 <sup>(1)</sup> | C10         | EUR/t               | 48,01   | 1108 12 00 9200                | C10         | EUR/t               | 64,02   |
| 1103 19 10 9000                | C10         | EUR/t               | 0,00    | 1108 12 00 9300                | C10         | EUR/t               | 64,02   |
| 1103 19 30 9100                | C10         | EUR/t               | 0,00    | 1108 13 00 9200                | C10         | EUR/t               | 64,02   |
| 1103 20 60 9000                | C12         | EUR/t               | 0,00    | 1108 13 00 9300                | C10         | EUR/t               | 64,02   |
| 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 <sup>(2)</sup> | C10         | EUR/t               | 62,72   |
| 1104 19 10 9000                | C10         | EUR/t               | 0,00    | 1702 30 59 9000 <sup>(2)</sup> | C10         | EUR/t               | 48,01   |
| 1104 19 50 9110                | C10         | EUR/t               | 64,02   | 1702 30 91 9000                | C10         | EUR/t               | 62,72   |
| 1104 19 50 9130                | C10         | EUR/t               | 52,01   | 1702 30 99 9000                | C10         | EUR/t               | 48,01   |
| 1104 29 01 9100                | C10         | EUR/t               | 0,00    | 1702 40 90 9000                | C10         | EUR/t               | 48,01   |
| 1104 29 03 9100                | C10         | EUR/t               | 0,00    | 1702 90 50 9100                | C10         | EUR/t               | 62,72   |
| 1104 29 05 9100                | C10         | EUR/t               | 0,00    | 1702 90 50 9900                | C10         | EUR/t               | 48,01   |
| 1104 29 05 9300                | C10         | EUR/t               | 0,00    | 1702 90 75 9000                | C10         | EUR/t               | 65,72   |
| 1104 22 20 9100                | C10         | EUR/t               | 0,00    | 1702 90 79 9000                | C10         | EUR/t               | 45,61   |
| 1104 22 30 9100                | C10         | EUR/t               | 0,00    | 2106 90 55 9000                | C10         | EUR/t               | 48,01   |
| 1104 23 10 9100                | C10         | EUR/t               | 60,02   |                                |             |                     |         |

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

<sup>(2)</sup> 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 510/2005****of 31 March 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<sup>(1)</sup>, 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<sup>(2)</sup> 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 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 51.

## ANNEX

**to the Commission Regulation of 31 March 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:<br>CN codes 0709 90 60, 0712 90 19, 1005, 1102 20,<br>1103 13, 1103 29 40, 1104 19 50, 1104 23,<br>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 511/2005****of 31 March 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<sup>(1)</sup>, 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<sup>(2)</sup> 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 0,00/tonne for potato starch.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> 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 512/2005****of 31 March 2005****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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<sup>(1)</sup> 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<sup>(2)</sup> and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid<sup>(3)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

(3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

(4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

(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*

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> 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).

<sup>(3)</sup> OJ L 288, 25.10.1974, p. 1.

## ANNEX

**to the Commission Regulation of 31 March 2005 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

(EUR/t)

| Product code    | Refund |
|-----------------|--------|
| 1001 10 00 9400 | 0,00   |
| 1001 90 99 9000 | 0,00   |
| 1002 00 00 9000 | 0,00   |
| 1003 00 90 9000 | 0,00   |
| 1005 90 00 9000 | 0,00   |
| 1006 30 92 9100 | 0,00   |
| 1006 30 92 9900 | 0,00   |
| 1006 30 94 9100 | 0,00   |
| 1006 30 94 9900 | 0,00   |
| 1006 30 96 9100 | 0,00   |
| 1006 30 96 9900 | 0,00   |
| 1006 30 98 9100 | 0,00   |
| 1006 30 98 9900 | 0,00   |
| 1006 30 65 9900 | 0,00   |
| 1007 00 90 9000 | 0,00   |
| 1101 00 15 9100 | 5,34   |
| 1101 00 15 9130 | 4,99   |
| 1102 10 00 9500 | 0,00   |
| 1102 20 10 9200 | 56,01  |
| 1102 20 10 9400 | 48,01  |
| 1103 11 10 9200 | 0,00   |
| 1103 13 10 9100 | 72,02  |
| 1104 12 90 9100 | 0,00   |

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

**COMMISSION REGULATION (EC) No 513/2005****of 31 March 2005****fixing the import duties in the cereals sector applicable from 1 April 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 <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector <sup>(2)</sup>, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.

- (4) The import duties are applicable until new duties are fixed and enter into force.

- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.

- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

## ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 1 April 2005**

| CN code       | Description                                     | Import duty <sup>(1)</sup><br>(EUR/tonne) |
|---------------|-------------------------------------------------|-------------------------------------------|
| 1001 10 00    | Durum wheat high quality                        | 0,00                                      |
|               | medium quality                                  | 0,00                                      |
|               | low quality                                     | 3,48                                      |
| 1001 90 91    | Common wheat seed                               | 0,00                                      |
| ex 1001 90 99 | Common high quality wheat other than for sowing | 0,00                                      |
| 1002 00 00    | Rye                                             | 30,79                                     |
| 1005 10 90    | Maize seed other than hybrid                    | 51,56                                     |
| 1005 90 00    | Maize other than seed <sup>(2)</sup>            | 51,56                                     |
| 1007 00 90    | Grain sorghum other than hybrids for sowing     | 30,79                                     |

<sup>(1)</sup> For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- EUR 3/t, where the port of unloading is on the Mediterranean Sea, or
- EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

<sup>(2)</sup> The importer may benefit from a flat-rate reduction of EUR 24/t, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

## ANNEX II

**Factors for calculating duties**

period from 15.3.2005-30.3.2005

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

| Exchange quotations                   | Minneapolis  | Chicago | Minneapolis | Minneapolis        | Minneapolis      | Minneapolis |
|---------------------------------------|--------------|---------|-------------|--------------------|------------------|-------------|
| Product (% proteins at 12 % humidity) | HRS2 (14 %)  | YC3     | HAD2        | Medium quality (*) | Low quality (**) | US barley 2 |
| Quotation (EUR/t)                     | 114,76 (***) | 65,17   | 154,77      | 144,77             | 124,77           | 97,46       |
| Gulf premium (EUR/t)                  | 43,85        | 11,53   | —           |                    |                  | —           |
| Great Lakes premium (EUR/t)           | —            | —       | —           |                    |                  | —           |

(\*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(\*\*) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(\*\*\*) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 33,06 EUR/t; Great Lakes–Rotterdam: — EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
- 
- 0,00 EUR/t (SRW2).

**COMMISSION REGULATION (EC) No 514/2005****of 31 March 2005****fixing the rates of refunds applicable to certain products from the sugar sector 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 1260/2001 of 19 June 2001 on the common organisation of the market in sugar<sup>(1)</sup>, and in particular Article 27(5)(a) and (15),

Whereas:

(1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex V to that Regulation. 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<sup>(2)</sup> 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 I to Regulation (EC) No 1260/2001.

(2) In accordance with 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.

(3) Article 27(3) of Regulation (EC) No 1260/2001 lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.

(5) 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.

(6) 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*

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1(1) and (2) of Regulation (EC) No 1260/2001, and exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, are fixed as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Günter VERHEUGEN

*Vice-President*

<sup>(1)</sup> 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).

<sup>(2)</sup> 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).

## ANNEX

**Rates of refunds applicable from 1 April 2005 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty <sup>(1)</sup>**

| CN code    | Description | Rate of refund in EUR/100 kg         |       |
|------------|-------------|--------------------------------------|-------|
|            |             | In case of advance fixing of refunds | Other |
| 1701 99 10 | white sugar | 35,22                                | 35,22 |

<sup>(1)</sup> 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 to 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 515/2005****of 31 March 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<sup>(1)</sup>, 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<sup>(2)</sup>, 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<sup>(3)</sup>, 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<sup>(4)</sup>, 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<sup>(5)</sup>, 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 1 April 2005.

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 270, 21.10.2003, p. 96.

<sup>(3)</sup> 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).

<sup>(4)</sup> OJ L 275, 29.9.1987, p. 36.

<sup>(5)</sup> 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, 31 March 2005.

*For the Commission*

Günter VERHEUGEN

*Vice-President*

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## ANNEX

**Rates of the refunds applicable from 1 April 2005 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty <sup>(1)</sup>**

(EUR/100 kg)

| CN code    | Description of products <sup>(2)</sup>                                                                                                                                                               | 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 <sup>(3)</sup>                                                                                                                        | —                                          | —     |
|            | – – where goods falling within subheading 2208 <sup>(4)</sup> are exported                                                                                                                           | —                                          | —     |
|            | – – in other cases                                                                                                                                                                                   | —                                          | —     |
| 1002 00 00 | Rye                                                                                                                                                                                                  | —                                          | —     |
| 1003 00 90 | Barley                                                                                                                                                                                               |                                            |       |
|            | – where goods falling within subheading 2208 <sup>(4)</sup> 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 <sup>(3)</sup>                                                                                                                        | 4,000                                      | 4,000 |
|            | – – where goods falling within subheading 2208 <sup>(4)</sup> are exported                                                                                                                           | 0,557                                      | 0,557 |
|            | – – 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 <sup>(5)</sup> : |                                            |       |
|            | – – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(3)</sup>                                                                                                                        | 3,000                                      | 3,000 |
|            | – – where goods falling within subheading 2208 <sup>(4)</sup> are exported                                                                                                                           | 0,418                                      | 0,418 |
|            | – – in other cases                                                                                                                                                                                   | 3,000                                      | 3,000 |
|            | – where goods falling within subheading 2208 <sup>(4)</sup> are exported                                                                                                                             | 0,557                                      | 0,557 |
|            | – 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 <sup>(3)</sup>                                                                                                                          | 3,453                                      | 3,453 |
|            | – where goods falling within subheading 2208 <sup>(4)</sup> are exported                                                                                                                             | 0,557                                      | 0,557 |
|            | – in other cases                                                                                                                                                                                     | 4,000                                      | 4,000 |

<sup>(1)</sup> 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 <sup>(2)</sup>      | 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 | —                                          | —     |

<sup>(2)</sup> 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).

<sup>(3)</sup> The goods concerned fall in under CN code 3505 10 50.

<sup>(4)</sup> 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).

<sup>(5)</sup> 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 516/2005****of 31 March 2005****fixing the unit amounts in respect of the production levies in the sugar sector for the 2004/05 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector<sup>(1)</sup>, and in particular Article 15(8) thereof,

The unit amounts referred to in Article 6(1)(b) of Regulation (EC) No 314/2002 in respect of the 2004/05 marketing year are hereby fixed as follows:

Whereas:

- (1) Article 6 of Commission Regulation (EC) No 314/2002 of 20 February 2002 laying down detailed rules for the application of the quota system in the sugar sector<sup>(2)</sup> provides for the fixing before 1 April of the unit amounts to be paid by sugar, isoglucose and inulin syrup producers as advance payments of the production levies for the current marketing year.
- (2) The estimate of the basic levy and the B levy gives amounts which are more than 60 % of the maximum amounts indicated in Article 15(3) and (5) of Regulation (EC) No 1260/2001. In accordance with Article 7(1) and (2) of Regulation (EC) No 314/2002, the advance payments on the basic levy and the B levy for sugar and inulin syrup should therefore be fixed at 50 % of the maximum amounts concerned. In accordance with Article 7(3) of that Regulation, the advance payment of the basic levy for isoglucose should be fixed at 40 % of the unit amount of the basic production levy estimated for sugar.
- (3) The Management Committee for Sugar has not delivered an opinion within the time limit set by its Chairman,

- (a) the advance payment on the basic production levy for A sugar and B sugar shall be EUR 6,32 per tonne of white sugar;
- (b) the advance payment on the B levy for B sugar shall be EUR 118,48 per tonne of white sugar;
- (c) the advance payment on the basic production levy for A isoglucose and B isoglucose shall be EUR 5,06 per tonne of dry matter;
- (d) the advance payment on the basic production levy for A inulin syrup and B inulin syrup shall be EUR 6,32 per tonne of dry matter sugar/isoglucose equivalent;
- (e) the advance payment on the B levy for B inulin syrup shall be EUR 118,48 per tonne of dry matter sugar/isoglucose equivalent.

*Article 2*

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

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 50, 21.2.2002, p. 40. Regulation as last amended by Regulation (EC) No 38/2004 (OJ L 6, 10.1.2004, p. 13).

**COMMISSION REGULATION (EC) No 517/2005****of 31 March 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<sup>(1)</sup>, 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<sup>(2)</sup>.

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified from 25 to 31 March 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 28,70 EUR/t and be valid for a total maximum quantity of 1 400 t.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 396, 31.12.2004, p. 35.

<sup>(3)</sup> 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 518/2005****of 31 March 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<sup>(1)</sup>, 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<sup>(2)</sup>.
- (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<sup>(3)</sup>, and in particular Article 13(3) thereof,

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 25 to 31 March 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 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 313, 12.10.2004, p. 10.

<sup>(3)</sup> 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 519/2005****of 31 March 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 <sup>(1)</sup>, 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 <sup>(2)</sup>.
- (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 <sup>(3)</sup>, 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 Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders notified on 25 to 31 March 2005, pursuant to the invitation to tender issued in Regulation (EC) No 115/2005, the maximum refund on exportation of common wheat shall be 3,90 EUR/t.

*Article 2*

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 31 March 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 24, 27.1.2005, p. 3.

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

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 16 March 2005

**establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services**

(2005/267/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 66 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament<sup>(1)</sup>,

Whereas:

(1) The Council's comprehensive plan to combat illegal immigration and trafficking of human beings of 28 February 2002, which is based on the Commission's Communication of 15 November 2001 to the European Parliament and to the Council on a common policy on illegal immigration, called for the development of a secure web-based intranet site to establish secure and rapid information exchange between Member States on irregular or illegal migratory flows and phenomena.

(2) The development and management of the network should be entrusted to the Commission.

(3) Access to the web-based intranet site should be limited to authorised users in compliance with the established terms, procedures and security measures.

(4) Since the objectives of this Decision, namely secure and rapid information exchange between Member States, cannot be sufficiently achieved by the Member States

and can therefore, by reason of the effects of the envisaged action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.

(5) This Decision respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union as general principles of Community law.

(6) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>(2)</sup> and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>(3)</sup> should be taken into account in the context of the web-based intranet site.

(7) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(4)</sup>.

<sup>(1)</sup> Opinion delivered on 20 April 2004 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(3)</sup> OJ L 8, 12.1.2001, p. 1.

<sup>(4)</sup> OJ L 184, 17.7.1999, p. 23.

- (8) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this Decision, and is therefore not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, except insofar as it establishes an exchange of information on the problems associated with the return of third-country nationals other than those who do not fulfil or who no longer fulfil the conditions for a short stay applicable within the territory of a Member State by virtue of the provisions of the Schengen *acquis*, Denmark, in accordance with Article 5 of the aforementioned Protocol, shall decide within a period of six months after the Council has adopted this Decision whether it will implement it in its national law.
- (9) As regards the Republic of Iceland and the Kingdom of Norway, except insofar as it establishes an exchange of information on the problems associated with the return of third-country nationals other than those who do not fulfil or who no longer fulfil the conditions for a short stay applicable within the territory of a Member State by virtue of the provisions of the Schengen *acquis*, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded on 18 May 1999 by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*<sup>(1)</sup>, which fall within the areas referred to in Article 1, points A, B, C and E of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement<sup>(2)</sup>.
- (10) As regards Switzerland, except insofar as it establishes an exchange of information on the problems associated with the return of third-country nationals other than those who do not fulfil or who no longer fulfil the conditions for a short stay applicable within the territory of a Member State by virtue of the provisions of the Schengen *acquis*, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the implementation, application and development of the Schengen *acquis*<sup>(3)</sup>, which fall within the areas referred to in Article 1, points A, B, C and E of Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decision 2004/849/EC of 25 October 2004<sup>(4)</sup> and of Council Decision 2004/860/EC of 25 October 2004<sup>(5)</sup> on the signing of that Agreement on behalf of the European Union and the European Community, respectively, and on the provisional application of certain provisions thereof.
- (11) An arrangement has to be made to allow representatives of Iceland, Norway and Switzerland to be associated with the work of the committee assisting the Commission in the exercise of its implementing powers pursuant to this Decision with respect to the provisions constituting a development of the Schengen *acquis*.
- (12) The United Kingdom is taking part in this Decision, in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community and Article 8(2) of Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*<sup>(6)</sup>, to the extent that its measures develop provisions of the Schengen *acquis* against the organisation of illegal immigration in which the United Kingdom participates, and the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, having notified under Article 3 thereof its wish to take part in the adoption and application of this Decision.
- (13) Ireland is taking part in this Decision, in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community and Article 6(2) of Council Decision 2002/192/EC of 28 February 2002 concerning the request of Ireland to take part in some of the provisions of the Schengen *acquis*<sup>(7)</sup>, to the extent that its measures develop provisions of the Schengen *acquis* against the organisation of illegal immigration in which Ireland participates.
- (14) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, and without prejudice to Article 4 of the said Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application to the extent that its measures do not develop provisions of the Schengen *acquis* against the organisation of illegal immigration in which Ireland participates,

<sup>(1)</sup> OJ L 176, 10.7.1999, p. 36.

<sup>(2)</sup> OJ L 176, 10.7.1999, p. 31.

<sup>(3)</sup> 13054/04, accessible on <http://register.consilium.eu.int>

<sup>(4)</sup> OJ L 368, 15.12.2004, p. 26.

<sup>(5)</sup> OJ L 370, 17.12.2004, p. 78.

<sup>(6)</sup> OJ L 131, 1.6.2000, p. 43.

<sup>(7)</sup> OJ L 64, 7.3.2002, p. 20.

HAS ADOPTED THIS DECISION:

#### Article 1

This Decision establishes a secure web-based Information and Coordination Network for the exchange of information on irregular migration, illegal entry and immigration and the return of illegal residents.

#### Article 2

1. The Commission shall be responsible for the development and management of the network, including the structure and content thereof and the elements for information exchange.

2. The elements for information exchange shall include at least the following:

- (a) early warning system on illegal immigration and facilitator networks;
- (b) network of immigration liaison officers;
- (c) information on the use of visas, borders and travel documents in relation to illegal immigration;
- (d) return-related issues.

3. The network shall include all the appropriate tools, the confidentiality of which shall be determined in accordance with the procedure referred to in Article 6(2).

4. The Commission shall make use of the existing technical platform within the Community framework of the trans-European telematic network for the interchange of data between administrations.

#### Article 3

In accordance with the procedure referred to in Article 6(2) the Commission shall:

- (a) establish the terms and procedures for granting full or selective access to the network;
- (b) lay down rules and guidelines on the terms of use of the system, including rules on the confidentiality, transmission, storage, filing and deletion of information and on standardised forms.

#### Article 4

1. Member States shall provide access to the network in compliance with the measures adopted by the Commission in accordance with Article 3.

2. Member States shall designate national contact points and notify the Commission thereof.

#### Article 5

1. The uploading of data onto the network shall not affect the ownership of the information concerned. Authorised users shall remain solely responsible for the information they provide and shall ensure that its contents are fully compliant with existing Community and national law.

2. Unless marked as public, the information provided shall be strictly limited to authorised users of the network and shall not be disclosed to third parties without prior permission of the owner of the information concerned.

3. Member States shall take the necessary security measures to:

- (a) prevent any unauthorised person from having access to the network;
- (b) guarantee that, when using the network, authorised persons have access only to data which are within their sphere of competence;
- (c) prevent information on the network from being read, copied, modified or erased by unauthorised persons.

4. Without prejudice to paragraph 3, further security measures shall be adopted by the Commission in accordance with the procedure referred to in Article 6(2).

#### Article 6

1. The Commission shall be assisted by the Committee set up under Council Decision 2002/463/EC of 13 June 2002 adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme) <sup>(1)</sup>.

<sup>(1)</sup> OJ L 161, 19.6.2002, p. 11.

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

3. The Committee shall adopt its Rules of Procedure.

*Article 7*

1. Where necessary for the development of the network, the Commission shall conclude agreements with bodies governed by public law established under the Treaties establishing the European Communities or established within the framework of the European Union.

2. The Commission shall inform the Council of the progress made in the negotiations of any such agreements.

*Article 8*

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

*Article 9*

This Decision is addressed to the Member States.

Done at Brussels, 16 March 2005.

*For the Council*

*The President*

J. ASSELBORN

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# COMMISSION

## COMMISSION RECOMMENDATION

of 29 March 2005

### on the provision of leased lines in the European Union — Part 2 — pricing aspects of wholesale leased lines part circuits

(notified under document number C(2005) 951)

(Text with EEA relevance)

(2005/268/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services<sup>(1)</sup> (the framework Directive), and in particular Article 19(1) thereof,

Whereas:

- (1) New entrants (or other authorised operators) often have to rely on the incumbent to provide a short-distance leased circuit to link the customer's premises to the new entrant's network (a leased line part circuit).
- (2) (Under Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in telecommunications with regard to ensuring universal service and interoperability through application of the principles of open network provision (ONP)<sup>(2)</sup> and Council Directive 92/44/EEC of 5 June 1992 on the application of Open Network Provision to leased lines<sup>(3)</sup>, that have now been repealed<sup>(4)</sup>, certain organisations operating leased lines services were obliged to provide their leased line services (including leased lines part circuits) under the principles of non-discrimination and cost orientation.
- (3) In accordance with Article 27 of the Framework Directive and Article 16(1) of Directive 2002/22/EC of

the European Parliament and of the Council of 7 March 2002 on universal service and user's rights relating to electronic communications networks and services<sup>(5)</sup> (the universal service Directive) and Article 7 of Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities<sup>(6)</sup> (the access Directive), the former obligations are therefore maintained until such time as the relevant markets have been reviewed in accordance with Article 16 of the framework Directive and Article 16(3) of the universal service Directive.

- (4) In accordance with Article 16(4) of the framework Directive, where a national regulatory authority (NRA) determines that a relevant market is not effectively competitive, it shall identify undertakings with significant market power and shall impose appropriate specific regulatory obligations on such undertakings, or maintain or amend such obligations where they already exist. In accordance with Article 18(1) of the Universal Service Directive, where an NRA determines that the market for the minimum set of leased lines is not effectively competitive, it shall identify undertakings with significant market power and impose obligations regarding the provision of the minimum set and the conditions for such provision. Hereinafter undertakings with obligations under any of the abovementioned directives are referred to as 'notified operators'.
- (5) On 11 February 2003, the Commission adopted a recommendation on relevant product and service markets<sup>(7)</sup> defining the relevant markets within the electronic communications sector that NRAs must analyse under the provisions of Article 15 of the framework Directive. The list includes wholesale terminating segments of leased lines and wholesale trunk segments of leased lines.

<sup>(1)</sup> OJ L 108, 24.4.2002, p. 33.

<sup>(2)</sup> OJ L 199, 26.7.1997, p. 32. Directive as amended by Directive 98/61/EC, OJ L 268, 3.10.1998, p. 37).

<sup>(3)</sup> OJ L 165, 19.6.1992, p.27. Directive as last amended by Commission Decision 98/80/EC, OJ L 14, 20.1.1998, p. 27).

<sup>(4)</sup> These Directives were repealed by Article 26 of the framework Directive with effect on 24 July 2003.

<sup>(5)</sup> OJ L 108, 24.4.2002, p. 51.

<sup>(6)</sup> OJ L 108, 24.4.2002, p. 7.

<sup>(7)</sup> C(2003) 497, OJ L 114, 8.5.2003, p. 45.

- (6) The supply of leased lines part circuits is included in the market of wholesale terminating segments of leased lines and for sufficient line lengths also in the market for wholesale trunk segments of leased lines referred to in the Recommendation of the Commission of 11 February 2003. It is a matter for the NRA to decide what constitutes a terminating segment depending on the network topology specific to their national market.
- (7) Without prejudice to the market reviews and market power assessments by NRAs in accordance with Articles 15 and 16 of the framework Directive and Article 16(3) of the universal service Directive, information provided by Member States reveals a persistent pattern of worsening problems with the level of prices for leased line part circuits given by notified operators and confirms problems with the variation of such prices.
- (8) Where, in accordance with Article 13 of the Access Directive or Article 18 of the universal service Directive, a national regulatory authority imposes obligations for cost orientation with regard to leased line part circuits, it may take into account the fact that the cost information received from the operator concerned may not fully reflect the costs of an efficient operator deploying modern technologies. It may also take into account prices available in comparable competitive markets with regard to mandated cost recovery mechanisms or pricing methodologies.
- (9) In these circumstances, the publication of recommended price ceilings for leased line part circuits should inform and guide NRAs as to how to apply the best current practices in leased line provision, when devising regulatory remedies for leased line markets that are not effectively competitive in their territory. In so doing, it would contribute to the development of an internal market by improving EU-wide consistency in application of the regulatory framework and thereby underpin the creation of a more competitive and cost-efficient market for leased lines.
- (10) The derivation of price ceilings in this recommendation takes account of average prices in those Member States that allow notified operators price flexibility in different geographical areas.
- (11) As provided in Article 13(3) of the access Directive, NRAs may require a SMP-designated undertaking to
- provide full justification for its prices, and may, where appropriate, require prices to be adjusted.
- (12) The Commission shall consider the need to review this recommendation no later than 31 July 2006 in order to take account of changing technologies and of markets.
- (13) The Communications Committee has been consulted in accordance with the procedure referred to in Article 22(2) of the framework Directive,
- HEREBY RECOMMENDS:
- For the purpose of this recommendation, the following definitions shall apply:
    - a 'leased line part circuit' (LLPC) means the dedicated link between the customer premises and the point of interconnection of the other authorised operator at (or close to) the network node of the notified operator, and should be regarded as a particular type of a wholesale leased line which can be used by the other authorised operator to provide services to retail users, other operators or for its own use such as, but not limited to, leased lines, connections to the switched telephone network, data services or broadband access;
    - 'line length' means the radial distance between the locations of the two ends of the line, i.e. from the point of interconnection to the customer premises;
    - 'customer' means customer of the other authorised operator.
  - When imposing or maintaining an obligation for cost orientation of prices under Article 13(1) of Directive 2002/19/EC (the access Directive) with regard to operators providing leased line part circuits, national regulatory authorities should:
    - ensure that the prices associated with the provision of a leased line part circuit reflect only the costs of the underlying network elements and the services being requested including a reasonable rate of return. In particular, the tariff structure may include one-off connection prices covering the justified initial implementation costs of the service being requested (e.g. specific equipment, line conditioning, testing and human resources), and monthly prices covering the on-going cost for maintenance and use of equipment and resources provided;

- (b) ensure that any of the price ceilings listed in Annex I for leased line part circuits based on the price data and methodology given in the Commission services working document are respected unless there is reliable evidence from cost accounting analysis as approved by the national regulatory authority that the recommended ceiling would result in a price level below the efficient costs of the underlying network elements and the services being requested including a reasonable rate of return.
- (c) use their rights under Article 13 of the access Directive to request full justification of the proposed charges, and if appropriate, to require these charges to be adjusted.
3. This Recommendation is addressed to the Member States.

Done at Brussels, 29 March 2005.

The methodology used to calculate recommended price ceilings, as described in the associated Commission Staff working document <sup>(1)</sup>, is considered to be appropriate to cover recognised cost differences between different operators in different Member States;

*For the Commission*  
Viviane REDING  
*Member of the Commission*

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<sup>(1)</sup> 'Commission staff working document — Methodology, reference configuration and data of leased lines in Member States related to the Commission recommendation on the provision of leased lines in the European Union — Part 2 — Pricing aspects of wholesale leased line part circuits' — [http://europa.eu.int/information\\_society/topics/ecom/useful\\_information/library/commiss\\_serv\\_doc/index\\_en.htm](http://europa.eu.int/information_society/topics/ecom/useful_information/library/commiss_serv_doc/index_en.htm)

## ANNEX

(EUR)

| Capacity   | Ceiling for the sum of the monthly price and 1/24 of the one-off connection price for a circuit length of up to 2 km | Ceiling for the sum of the monthly price and 1/24 of the one-off connection price for a circuit length of up to 5 km | Ceiling for the sum of the monthly price and 1/24 of the one-off connection price for a circuit length of up to 15 km | Ceiling for the sum of the monthly price and 1/24 of the one-off connection price for a circuit length of up to 50 km | Ceiling for the One-off connection price |
|------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 64 kbit/s  | 61                                                                                                                   | 78                                                                                                                   | 82                                                                                                                    | 99                                                                                                                    | 542                                      |
| 2 Mbit/s   | 186                                                                                                                  | 248                                                                                                                  | 333                                                                                                                   | 539                                                                                                                   | 1 112                                    |
| 34 Mbit/s  | 892                                                                                                                  | 963                                                                                                                  | 1 597                                                                                                                 | 2 539                                                                                                                 | 2 831                                    |
| 155 Mbit/s | 1 206                                                                                                                | 1 332                                                                                                                | 1 991                                                                                                                 | 4 144                                                                                                                 | 3 144                                    |