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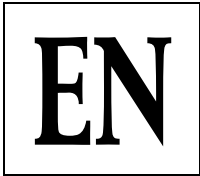
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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1049/2005****of 5 July 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 6 July 2005.

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

Done at Brussels, 5 July 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 5 July 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                               | 61,4                  |
|              | 096                               | 25,6                  |
|              | 999                               | 43,5                  |
| 0707 00 05   | 052                               | 90,5                  |
|              | 999                               | 90,5                  |
| 0709 90 70   | 052                               | 86,0                  |
|              | 999                               | 86,0                  |
| 0805 50 10   | 382                               | 71,1                  |
|              | 388                               | 63,7                  |
|              | 528                               | 69,8                  |
|              | 999                               | 68,2                  |
| 0808 10 80   | 388                               | 84,8                  |
|              | 400                               | 112,4                 |
|              | 404                               | 94,3                  |
|              | 508                               | 76,1                  |
|              | 512                               | 77,9                  |
|              | 528                               | 64,9                  |
|              | 720                               | 78,9                  |
|              | 804                               | 92,7                  |
| 0808 20 50   | 999                               | 85,3                  |
|              | 388                               | 87,0                  |
|              | 512                               | 78,0                  |
|              | 528                               | 67,0                  |
|              | 800                               | 55,9                  |
| 0809 10 00   | 999                               | 72,0                  |
|              | 052                               | 191,6                 |
|              | 999                               | 191,6                 |
| 0809 20 95   | 052                               | 285,8                 |
|              | 400                               | 317,1                 |
|              | 999                               | 301,5                 |
| 0809 40 05   | 624                               | 121,4                 |
|              | 999                               | 121,4                 |

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

**COMMISSION REGULATION (EC) No 1050/2005**  
**of 5 July 2005**  
**amending Regulation (EC) No 2377/1999 laying down the marketing standard for asparagus**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, and in particular Article 2(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 2377/1999 <sup>(2)</sup> lays down the marketing standard for asparagus. The Annex to this Regulation, in its part concerning minimum requirements of quality, stipulates that the shoots may have been washed but not soaked.

(2) It is common practice in the sector to put white asparagus shoots into iced water before packing in order to avoid them becoming pink.

(3) Therefore, in order to take this practice into account, the provision concerning minimum requirement as to unsuitable washing should be amended.

(4) Regulation (EC) No 2377/1999 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 2377/1999 is amended in accordance with the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the 20th 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, 5 July 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

<sup>(2)</sup> OJ L 287, 10.11.1999, p. 6. Regulation as last amended by Regulation (EC) No 907/2004 (OJ L 163, 30.4.2004, p. 50).

## ANNEX

In point A (minimum requirements) of title II (provisions concerning quality) of the Annex to Regulation (EC) No 2377/1999, the third indent is replaced by the following:

‘— free from damage caused by unsuitable washing or cooling.’.

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## COMMISSION REGULATION (EC) No 1051/2005

of 5 July 2005

**amending Regulation (EC) No 1622/1999 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the scheme for the storage of unprocessed dried grapes and unprocessed dried figs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October on the common organisation of the markets in processed fruit and vegetable products <sup>(1)</sup>, and in particular Article 9(8) thereof,

Whereas:

(1) Article 9 of Regulation (EC) No 2201/96 introduces storage arrangements for unprocessed dried grapes and unprocessed dried figs during the final two months of the marketing years of those products. The arrangements consist of a system for approving the storage agencies and paying them storage aid and financial compensation. Commission Regulation (EC) No 1622/1999 <sup>(2)</sup> establishes the conditions which the storage agencies must meet in order to be approved, in particular as regards the steps they must take to ensure that the products are stored properly.

(2) The second indent of the second subparagraph of Article 2(2) of Regulation (EC) No 1622/1999 establishes transitional measures for unprocessed dried figs applying until the end of the 2003/04 marketing year.

(3) Weather conditions during part of the 2004/05 marketing year were poor and fruit was unable to develop satisfactorily. As a result, some producers chose to harvest their fruit at a size slightly smaller than the standard but meeting the other quality conditions required for human consumption. In order to prevent those quantities being diverted to the production of fig paste, which would mean a substantial financial loss, it is necessary to extend the abovementioned transitional measures and provide for an additional minimum size for the 2004/05 marketing year.

(4) Article 4 of Regulation (EC) No 1622/1999 provides for the products held by storage agencies to be sold by tender procedure. The intended use for unprocessed dried figs is a specific industrial use to be specified in the tender notice by the competent authority. In view of the lack of economic interest engendered by that approach no tenders were submitted so the competent authorities should be given the opportunity to expand the range of possible uses of the products to be sold from storage by adding direct animal feed and use in composting and biodegrading processes.

(5) It is necessary to establish the physical and documentary check procedures for these new uses both at the time of entry into storage and at the time of removal.

(6) Regulation (EC) No 1622/1999 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1622/1999 is hereby amended as follows:

1. In Article 2, paragraph 2 is replaced by the following:

‘2. The products shall be delivered to the storage agencies in stackable plastic crates. However, on a transitional basis, unprocessed dried grapes may be delivered in suitable containers until the end of the 2001/02 marketing year, and unprocessed dried figs until the end of the 2004/05 marketing year.

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Regulation (EC) No 386/2004 (OJ L 64, 2.3.2004, p. 25).

<sup>(2)</sup> OJ L 192, 24.7.1999, p. 33.

The delivered products must:

- in the case of unprocessed dried grapes, meet the minimum requirements laid down in the Annex to Regulation (EC) No 1621/1999,
- in the case of unprocessed dried figs, meet the minimum requirements laid down in Annex II to Commission Regulation (EC) No 1573/1999 (\*) and have a minimum size of 180 fruits per kg up to the end of the 2004/05 marketing year and 150 fruits per kg for subsequent marketing years.

(\*) OJ L 187, 20.7.1999, p. 27.

2. Article 4 is amended as follows:

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

‘(a) unprocessed dried figs shall be sold for a specific industrial use or a use as referred to in paragraph 3, to be specified in the notice of invitation to tender;’

(b) The following paragraph 3 is added:

‘3. After notifying the Commission of the justified reasons why the uses provided for in paragraph 2 were not possible, Member States may authorise the storage agencies to permit the following uses for unprocessed dried figs:

(a) distribution to animals;

(b) use in composting and biodegrading processes respecting the environment, in particular water quality and the countryside.’

3. Article 10 is amended as follows:

(a) In paragraph 1, the following subparagraph is added:

‘In the event of the uses referred to in Article 4(3), the checks provided for in points (b) and (c) of the first subparagraph of this paragraph shall cover 100 % of each consignment removed from storage during the marketing year. After those checks the products removed from storage shall be denatured under the conditions laid down by the Member State and in the presence of the competent authorities.’

(b) Paragraph 2 is replaced by the following:

‘2. The competent authority shall withdraw approval where any of the conditions for approval are no longer met. No storage aid or financial compensation shall be paid in respect of the marketing year in progress and amounts already paid shall be reimbursed, plus interest for the time elapsing between payment and reimbursement.

The rate of interest shall be that applied by the European Central Bank to its transactions in euro, as published in the “C” series of the *Official Journal of the European Union* and in force on the date of the wrong payment, plus three percentage points.’

#### Article 2

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

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

Done at Brussels, 5 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

**COMMISSION REGULATION (EC) No 1052/2005****of 5 July 2005****fixing the definitive rate of refund and the percentage of system B export licences to be issued in the fruit and vegetables sector (tomatoes, oranges, lemons and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(2)</sup>, and in particular Article 6(7) thereof,

Whereas:

- (1) Commission Regulation (EC) No 618/2005 <sup>(3)</sup> fixed the indicative quantities for the issue of B system export licences.

- (2) The definitive rate of refund for tomatoes, oranges, lemons and apples covered by licences applied for under system B between 14 May 2005 to 30 June 2005, should be fixed at the indicative rate, and the percentage of licences to be issued for the quantities applied for should be laid down,

HAS ADOPTED THIS REGULATION:

*Article 1*

For applications for system B export licences submitted pursuant to Article 1 of Regulation (EC) No 618/2005 between 14 May 2005 and 30 June 2005, the percentages of licences to be issued and the rates of refund applicable are fixed in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 6 July 2005.

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

Done at Brussels, 5 July 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 1).

<sup>(2)</sup> OJ L 268, 9.10.2001, p. 8. Regulation as amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

<sup>(3)</sup> OJ L 103, 22.4.2005, p. 22.

## ANNEX

**Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 14 May 2005 to 30 June 2005 (tomatoes, oranges, lemons and apples)**

| Product  | Rate of refund<br>(EUR/t net) | Percentages of licences to<br>be issued for the quan-<br>tities applied for |
|----------|-------------------------------|-----------------------------------------------------------------------------|
| Tomatoes | 35                            | 100 %                                                                       |
| Oranges  | 35                            | 100 %                                                                       |
| Lemons   | 60                            | 100 %                                                                       |
| Apples   | 36                            | 100 %                                                                       |

**COMMISSION REGULATION (EC) No 1053/2005****of 5 July 2005****determining to what extent applications for the right to import bulls, cows and heifers of certain Alpine and mountain breeds pursuant to Regulation (EC) No 1081/1999 can be met**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>,Having regard to Commission Regulation (EC) No 1081/1999 of 26 May 1999 opening and providing for the administration of tariff quotas for imports of bulls, cows and heifers other than for slaughter, of certain Alpine and mountain breeds, repealing Regulation (EC) No 1012/98 and amending Regulation (EC) No 1143/98 <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Article 2(2) of Regulation (EC) No 1081/1999 provides for the quantities reserved for traditional importers under the two tariff quotas to be allocated in proportion to their imports during the period 1 July 2002 to 30 June 2005.
- (2) Allocation of the quantities available to operators covered by Article 2(3) of that Regulation under the two tariff quotas is to be in proportion to the quantities applied for within the meaning of Article 2(1)(b) of Regulation (EC) No 1081/1999, under order No 09.0003. Since the quantities applied for exceed those available, a fixed percentage reduction should be set,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Every application for the right to import lodged in accordance with Regulation (EC) No 1081/1999 under serial number 09.0001 shall be granted to the following extent:

- (a) 100 % of the quantities imported within the meaning of Article 2(1)(a) of Regulation (EC) No 1081/1999;
- (b) 100 % of the quantities applied for within the meaning of Article 2(1)(b) of Regulation (EC) No 1081/1999.

2. Every application for the right to import lodged in accordance with Regulation (EC) No 1081/1999 under serial number 09.0003 shall be granted to the following extent:

- (a) 100 % of the quantities imported within the meaning of Article 2(1)(a) of Regulation (EC) No 1081/1999;
- (b) 42,253521 % of the quantities applied for within the meaning of Article 2(1)(b) of Regulation (EC) No 1081/1999.

*Article 2*

This Regulation shall enter into force on 6 July 2005.

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

Done at Brussels, 5 July 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

<sup>(2)</sup> OJ L 131, 27.5.1999, p. 15. Regulation as last amended by Regulation (EC) No 1096/2001 (OJ L 150, 6.6.2001, p. 33).

**COMMISSION REGULATION (EC) No 1054/2005****of 5 July 2005****altering the export refunds on white sugar and raw sugar exported in the natural state fixed by  
Regulation (EC) No 1013/2005**

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 third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The export refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1013/2005 <sup>(2)</sup>.

- (2) Since the data currently available to the Commission are different to the data at the time Regulation (EC) No 1013/2005 was adopted, those refunds should be adjusted,

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, as fixed in the Annex to Regulation (EC) No 1013/2005 are hereby altered to the amounts shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 6 July 2005.

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

Done at Brussels, 5 July 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 170, 1.7.2005, p. 39.

## ANNEX

**AMENDED AMOUNTS OF REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 6 JULY 2005 <sup>(1)</sup>**

| Product code    | Destination | Unit of measurement                        | Amount of refund     |
|-----------------|-------------|--------------------------------------------|----------------------|
| 1701 11 90 9100 | S00         | EUR/100 kg                                 | 32,04 <sup>(1)</sup> |
| 1701 11 90 9910 | S00         | EUR/100 kg                                 | 30,90 <sup>(1)</sup> |
| 1701 12 90 9100 | S00         | EUR/100 kg                                 | 32,04 <sup>(1)</sup> |
| 1701 12 90 9910 | S00         | EUR/100 kg                                 | 30,90 <sup>(1)</sup> |
| 1701 91 00 9000 | S00         | EUR/1 % of sucrose × 100 kg product net    | 0,3483               |
| 1701 99 10 9100 | S00         | EUR/100 kg                                 | 34,83                |
| 1701 99 10 9910 | S00         | EUR/100 kg                                 | 33,59                |
| 1701 99 10 9950 | S00         | EUR/100 kg                                 | 33,59                |
| 1701 99 90 9100 | S00         | EUR/1 % of sucrose × 100 kg of net product | 0,3483               |

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 No 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> 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.

<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).

## II

(Acts whose publication is not obligatory)

## COUNCIL

## DECISION No 1/2005 OF THE EU-ROMANIA ASSOCIATION COUNCIL

of 25 May 2005

**on the participation of Romania in the Community system for the rapid exchange of information on dangers arising from the use of consumer products (RAPEX system) under Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety**

(2005/482/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement between the European Communities and their Member States, of the one part, and Romania, of the other part, signed in Brussels on 1 February 1993, and in particular Article 93 thereof,

Having regard to Directive 2001/95/EC<sup>(1)</sup> and in particular Article 12 thereof,

Having regard to the letter, dated 10 November 2003, addressed by the Mission of Romania to the European Communities to the Director General for Health and Consumer Protection requesting the Commission to initiate the procedures to enable Romania's access to the RAPEX system,

Whereas:

(1) Article 93 of the Europe Agreement establishes that the Parties shall cooperate with the aim of achieving full compatibility of the systems of consumer protection in Romania and the Community. To this end, cooperation shall comprise, amongst other things and within existing possibilities, the exchange of information and access to Community databases.

(2) Article 12(4) of Directive 2001/95/EC establishes that access to RAPEX shall be open to applicant countries, within the framework of agreements between the Community and those countries, according to arrangements defined in these agreements. Any such

agreements shall be based on reciprocity and include provisions on confidentiality corresponding to those applicable in the Community.

(3) Annex II of Directive 2001/95/EC establishes the procedures for the application of RAPEX and Guidelines for notification.

(4) The Commission has adopted guidelines for the management of RAPEX, as required by point 8 of Annex II of Directive 2001/95/EC, on 29 April 2004<sup>(2)</sup>.

(5) Romania has actively participated, from its start in May 1999, in TRAPEX (Transitional system for rapid exchange of information), system that mirrors the activities of RAPEX for the applicant countries,

HAS DECIDED AS FOLLOWS:

*Article 1*

Romania shall participate in the RAPEX system with the same rights and obligations as the current members, in accordance with the relevant provisions of Directive 2001/95/EC and the RAPEX guidelines.

*Article 2*

Romania shall apply the same confidentiality principles as those applied by the other members of RAPEX.

<sup>(1)</sup> OJ L 11, 15.1.2002, p. 4.

<sup>(2)</sup> OJ L 151, 30.4.2004, p. 86. Corrigendum (OJ L 208 of 10.6.2004, p. 73).

*Article 3*

In cooperation with the Commission services, Romania shall make the necessary practical arrangements to ensure that it is in a position to comply fully with the requirements set out in Directive 2001/95/EC and the procedures included in the RAPEX guidelines.

The Commission shall in particular provide initial training of Romanian officials for use of the RAPEX application.

*Article 4*

Any problems that may arise from the application of this Decision shall be solved through direct contacts between the Commission services and the Romanian authorities in the context of RAPEX. Whenever this does not lead to a mutually acceptable solution, an exchange of views shall take place in the Association Council at the request of one Party within three months following the request.

Following this exchange of views, or after expiry of the period referred to in the above subparagraph, the Association Council may make appropriate recommendations for the settlement of those problems.

These procedures in the Association Council are without prejudice to any action under the respective consumer protection laws in force in the territory of the Parties.

*Article 5*

This Decision shall enter into force on the day on which it is adopted.

Done at Brussels, 25 May 2005.

*For the Association Council*

*The President*

J. ASSELBORN

**POLITICAL AND SECURITY COMMITTEE DECISION BiH/6/2005****of 14 June 2005****on the appointment of an EU Force Commander for the European Union Military Operation in Bosnia and Herzegovina**

(2005/483/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

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

Having regard to Council Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina <sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) Under Article 4 of Joint Action 2004/570/CFSP, Major General A. David LEAKEY was appointed EU Force Commander for the European Union military operation in Bosnia and Herzegovina.
- (2) The EU Operation Commander has recommended the appointment of Major General Gian Marco CHIARINI as the new EU Force Commander for the European Union military operation in Bosnia and Herzegovina.
- (3) On 1 June 2005, the EU Military Committee supported the nomination.
- (4) Pursuant to Article 6 of Joint Action 2004/570/CFSP the Council authorised the Political and Security Committee (PSC) to take further decisions on the appointment of the EU Force Commander.
- (5) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the

European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications.

- (6) The Copenhagen European Council adopted on 12 and 13 December 2002 a Declaration stating that the 'Berlin plus' arrangements and the implementation thereof will apply only to those EU Member States which are also either NATO members or parties to the 'Partnership for Peace', and which have consequently concluded bilateral security agreements with NATO,

HAS DECIDED AS FOLLOWS:

*Article 1*

Major General Gian Marco CHIARINI is hereby appointed EU Force Commander for the European Union military operation in Bosnia and Herzegovina.

*Article 2*

This Decision shall take effect on 5 December 2005.

Done at Brussels, 14 June 2005.

*For the Political and Security Committee*  
*The Chairperson*  
P. DUHR

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<sup>(1)</sup> OJ L 252, 28.7.2004, p. 10.

# COMMISSION

## COMMISSION DECISION

of 4 July 2005

**on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards cold storage building kits and cold storage building envelope kits**

*(notified under document number C(2005) 1961)*

**(Text with EEA relevance)**

(2005/484/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products <sup>(1)</sup>, and in particular Article 13(4) thereof,

Whereas:

(1) Regarding the two procedures for attesting the conformity of a product under Article 13(3) of Directive 89/106/EEC, the Commission is required to select the least onerous possible procedure consistent with safety. This means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4) of Directive 89/106/EEC, the intervention of an approved certification body is required.

(2) Article 13(4) of Directive 89/106/EEC requires that the procedure thus determined must be indicated in the mandates and in the technical specifications. It is therefore desirable to define the concept of products or family of products as used in the mandates and in the technical specifications.

(3) The two procedures provided for in Article 13(3) of Directive 89/106/EEC are described in detail in Annex III to that Directive. It is necessary therefore to specify clearly the methods by which the two procedures shall be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems.

(4) The procedure referred to in Article 13(3)(a) of Directive 89/106/EEC corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of Section 2 of Annex III to Directive 89/106/EEC. The procedure referred to in Article 13(3)(b) corresponds to the systems set out in point (i) of Section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of Section 2 of Annex III.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

HAS ADOPTED THIS DECISION:

### Article 1

The products set out in Annex I shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 12. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

*Article 2*

The procedure for attesting conformity as set out in Annex II shall be indicated in the mandates for Guidelines for European technical approvals.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 4 July 2005.

*For the Commission*  
Günter VERHEUGEN  
*Vice-President*

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## ANNEX I

Cold storage building kits and cold storage building envelope kits:

— For use in building works.

## ANNEX II

Note: for products having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

**COLD STORAGE BUILDING KITS AND COLD STORAGE BUILDING ENVELOPE KITS****Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, European Organisation for Technical Approval (EOTA) is requested to specify the following system(s) of attestation of conformity in the relevant guideline for European technical approvals:

| Product(s)                                                               | Intended use(s)   | Level(s) or class(es)<br>(reaction to fire) | Attestation of conformity<br>system(s) |
|--------------------------------------------------------------------------|-------------------|---------------------------------------------|----------------------------------------|
| Cold storage building kits<br>and cold storage building<br>envelope kits | In building works | —                                           | 1                                      |

System 1: see Directive 89/106/EEC, Annex III.2, point (i), without audit-testing of samples.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Document). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.