

Official Journal

of the European Union

L 188

English edition

Legislation

Volume 48

20 July 2005

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1162/2005 of 19 July 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ Commission Regulation (EC) No 1163/2005 of 19 July 2005 amending Regulation (EC) No 1622/2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes 3

★ Commission Regulation (EC) No 1164/2005 of 19 July 2005 opening a standing invitation to tender for the resale on the Community market of maize held by the Polish intervention agency 4

★ Commission Regulation (EC) No 1165/2005 of 19 July 2005 opening a standing invitation to tender for the resale on the Community market of maize held by the Hungarian intervention agency 7

★ Commission Regulation (EC) No 1166/2005 of 19 July 2005 opening a standing invitation to tender for the resale on the Community market of maize held by the French intervention agency 10

★ Commission Regulation (EC) No 1167/2005 of 19 July 2005 opening a standing invitation to tender for the resale on the Community market of maize held by the German intervention agency 13

★ Commission Regulation (EC) No 1168/2005 of 19 July 2005 opening a standing invitation to tender for the resale on the Community market of maize held by the Austrian intervention agency 16

★ Commission Regulation (EC) No 1169/2005 of 19 July 2005 opening a standing invitation to tender for the export of rye held by the German intervention agency 19

★ Commission Regulation (EC) No 1170/2005 of 19 July 2005 establishing a prohibition of fishing for Northern prawn in NAFO zone 3L by vessels flying the flag of Lithuania 25

Commission Regulation (EC) No 1171/2005 of 19 July 2005 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia	27
Commission Regulation (EC) No 1172/2005 of 19 July 2005 fixing the A1 and B export refunds for fruit and vegetables (tomatoes, oranges, lemons, table grapes and apples)	29
Commission Regulation (EC) No 1173/2005 of 19 July 2005 amending the import duties in the cereals sector applicable from 19 July 2005	32

II Acts whose publication is not obligatory

Council

2005/554/EC, Euratom:

- ★ **Council Decision of 12 July 2005 on the adjustment of the allowances paid to members and alternates of the European Economic and Social Committee** 35

Commission

2005/555/EC:

- ★ **Commission Decision of 15 July 2005, excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (notified under document number C(2005) 2685)** 36
-

Acts adopted under Title V of the Treaty on European Union

- ★ **Council Joint Action 2005/556/CFSP of 18 July 2005 appointing a Special Representative of the European Union for Sudan** 43
- ★ **Council Joint Action 2005/557/CFSP of 18 July 2005 on the European Union civilian-military supporting action to the African Union mission in the Darfur region of Sudan** 46

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1162/2005
of 19 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⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 July 2005.

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

Done at Brussels, 19 July 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 19 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 ⁽¹⁾	Standard import value
0702 00 00	052	74,2
	096	42,0
	999	58,1
0707 00 05	052	88,0
	999	88,0
0709 90 70	052	75,3
	999	75,3
0805 50 10	388	66,4
	508	58,8
	524	73,5
	528	62,0
	999	65,2
0808 10 80	388	83,8
	400	107,9
	404	86,7
	508	70,2
	512	75,6
	528	52,6
	720	57,9
	804	80,7
0808 20 50	999	76,9
	388	77,0
	512	40,0
	528	53,2
0809 10 00	999	56,7
	052	156,5
	999	156,5
0809 20 95	052	291,3
	400	311,5
	999	301,4
0809 30 10, 0809 30 90	052	136,8
	999	136,8
0809 40 05	624	88,0
	999	88,0

⁽¹⁾ 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 1163/2005**of 19 July 2005****amending Regulation (EC) No 1622/2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 46(3) thereof,

Whereas:

- (1) Article 44(2) of Commission Regulation (EC) No 1622/2000 ⁽²⁾ provides for the abandonment, from 1 August 2005, of a number of usual analysis methods described in Commission Regulation (EEC) No 2676/90 of 17 September 1990 determining Community methods for the analysis of wines ⁽³⁾.
- (2) Following the validation of some of those methods in accordance with internationally recognised criteria, they have now been recognised as reference methods and described as such in Regulation (EEC) No 2676/90.
- (3) Furthermore, certain simplified methods described in Regulation (EEC) No 2676/90 allow those components that are most meaningful in terms of wine controls, in particular sulphur dioxide, sugars and some other substances present in wine, to be determined quickly and with sufficient certainty. To ensure that analysis

procedures in the Community are uniform, the descriptions of those methods must be allowed to stand in Regulation (EEC) No 2676/90.

- (4) Regulation (EC) No 1622/2000 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Article 44(2) of Regulation (EC) No 1622/2000 is hereby replaced by the following:

‘2. Regulation (EEC) No 2676/90 shall apply to products covered by Regulation (EC) No 1493/1999. Chapters 12(3), 18(3), 23(3), 25(3) and 37(3) and (4) of the Annex to Regulation (EEC) No 2676/90 are hereby deleted from 1 August 2005.’

*Article 2*This Regulation shall enter into force on the seventh 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, 19 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

⁽²⁾ OJ L 194, 31.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 1428/2004 (OJ L 263, 10.8.2004, p. 7).

⁽³⁾ OJ L 272, 3.10.1990, p. 1. Regulation as last amended by Regulation (EC) No 355/2005 (OJ L 56, 2.3.2005, p. 3).

COMMISSION REGULATION (EC) No 1164/2005**of 19 July 2005****opening a standing invitation to tender for the resale on the Community market of maize held by the Polish intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾, provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

(2) Because of unfavourable weather conditions on the Iberian Peninsula, maize prices on the Community market are relatively high, causing supply difficulties at competitive prices for growers and the livestock feed industry alike.

(3) Poland has intervention stocks of maize, which should be used up.

(4) It is therefore appropriate to make the stocks of maize held by the Polish intervention agency available on the internal market.

(5) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(6) It is also important for the Polish intervention agency's notification to the Commission to maintain the anonymity of the tenderers.

(7) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

(8) 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 Polish intervention agency shall open a standing invitation to tender for the sale on the Community market of 99 068 tonnes of maize held by it.

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

(a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;

(b) the minimum selling price shall be set at a level which does not disturb the cereals market; it may not in any event be lower than the intervention price in force for the month in question, including any monthly increases.

Article 3

Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93 the tender security is set at EUR 10 per tonne.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 27 July 2005.

The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 15.00 (Brussels time), with the exception of 3 August, 17 August and 31 August 2005, i.e. weeks when no invitation to tender shall be made.

The closing date for the submission of tenders for the last partial invitation to tender shall be 26 October 2005 at 15.00 (Brussels time).

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

2. Tenders must be lodged with the Polish intervention agency at the following address:

Agencja Rynku Rolnego
Biuro Produktów Roślinnych
Dział Zbóż
Ul. Nowy Świat 6/12
PL-00-400 Warszawa
Phone (48) 22 661 78 10
Fax (48) 22 661 78 26.

Article 5

Within two hours of the expiry of the time limit for the submission of tenders, the Polish intervention agency shall notify the Commission of tenders received. This notification shall be made by e-mail, using the form in the Annex hereto.

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003 the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

Article 7

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, 19 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Standing invitation to tender for the resale of 99 068 tonnes of maize held by the Polish intervention agency

Form (*)

(Regulation (EC) No 1164/2005)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price (EUR /t)
1			
2			
3			
etc.			

(*) To be sent to DG AGRI, Unit D.2.

COMMISSION REGULATION (EC) No 1165/2005**of 19 July 2005****opening a standing invitation to tender for the resale on the Community market of maize held by the Hungarian intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾, provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

(2) Because of unfavourable weather conditions on the Iberian Peninsula, maize prices on the Community market are relatively high, causing supply difficulties at competitive prices for growers and the livestock feed industry alike.

(3) Hungary has intervention stocks of maize, which should be used up.

(4) It is therefore appropriate to make the stocks of maize held by the Hungarian intervention agency available on the internal market.

(5) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(6) It is also important for the Hungarian intervention agency's notification to the Commission to maintain the anonymity of the tenderers.

(7) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

(8) 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 Hungarian intervention agency shall open a standing invitation to tender for the sale on the Community market of 500 000 tonnes of maize held by it.

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

- a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;
- b) the minimum selling price shall be set at a level which does not disturb the cereals market; it may not in any event be lower than the intervention price in force for the month in question, including any monthly increases.

Article 3

Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93 the tender security is set at EUR 10 per tonne.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 27 July 2005.

The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 15.00 (Brussels time), with the exception of 3 August, 17 August and 31 August 2005, i.e. weeks when no invitation to tender shall be made.

The closing date for the submission of tenders for the last partial invitation to tender shall be 26 October 2005 at 15.00 (Brussels time).

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

2. Tenders must be lodged with the Hungarian intervention agency at the following address:

Mezőgazdasági és Vidékfejlesztési Hivatal
Alkotmány u. 29.
H-1385 Budapest 62
Pf 867
Telephone (36) 1-219 62 60
Fax (36) 1-219 62 59.

Article 5

Within two hours of the expiry of the time limit for the submission of tenders, the Hungarian intervention agency shall notify the Commission of tenders received. This notification shall be made by e-mail, using the form in the Annex.

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003 the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

Article 7

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, 19 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Standing invitation to tender for the resale of 500 000 tonnes of maize held by the Hungarian intervention agency

Form (*)

(Regulation (EC) No 1165/2005)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price (EUR /t)
1			
2			
3			
etc.			

(*) To be sent to DG AGRI, Unit D.2.

COMMISSION REGULATION (EC) No 1166/2005**of 19 July 2005****opening a standing invitation to tender for the resale on the Community market of maize held by the French intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾, provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

(2) Because of unfavourable weather conditions on the Iberian Peninsula, maize prices on the Community market are relatively high, causing supply difficulties at competitive prices for growers and the livestock feed industry alike.

(3) France has intervention stocks of maize, which should be used up.

(4) It is therefore appropriate to make the stocks of maize held by the French intervention agency available on the internal market.

(5) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(6) It is also important for the French intervention agency's notification to the Commission to maintain the anonymity of the tenderers.

(7) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

(8) 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 French intervention agency shall open a standing invitation to tender for the sale on the Community market of 53 641 tonnes of maize held by it.

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

- a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;
- b) the minimum selling price shall be set at a level which does not disturb the cereals market; it may not in any event be lower than the intervention price in force for the month in question, including any monthly increases.

Article 3

Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93 the tender security is set at EUR 10 per tonne.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 27 July 2005.

The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 15.00 (Brussels time), with the exception of 3 August, 17 August and 31 August 2005, i.e. weeks when no invitation to tender shall be made.

The closing date for the submission of tenders for the last partial invitation to tender shall be 26 October 2005 at 15.00 (Brussels time).

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

2. Tenders must be lodged with the French intervention agency at the following address:

Office national interprofessionnel des céréales
21, avenue Bosquet
F-75007 Paris
Fax (33-1) 44 18 20 08,
(33-1) 44 18 20 80.

Article 5

Within two hours of the expiry of the time limit for the submission of tenders, the French intervention agency shall notify the Commission of tenders received. This notification shall be made by e-mail, using the form in the Annex hereto.

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003 the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

Article 7

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, 19 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Standing invitation to tender for the resale of 53 641 tonnes of maize held by the French intervention agency

Form (*)

(Regulation (EC) No 1166/2005)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price (EUR /t)
1			
2			
3			
etc.			

(*) To be sent to DG AGRI, Unit D.2.

COMMISSION REGULATION (EC) No 1167/2005**of 19 July 2005****opening a standing invitation to tender for the resale on the Community market of maize held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾, provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

(2) Because of unfavourable weather conditions on the Iberian Peninsula, maize prices on the Community market are relatively high, causing supply difficulties at competitive prices for growers and the livestock feed industry alike.

(3) Germany has intervention stocks of maize, which should be used up.

(4) It is therefore appropriate to make the stocks of maize held by the German intervention agency available on the internal market.

(5) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(6) It is also important for the German intervention agency's notification to the Commission to maintain the anonymity of the tenderers.

(7) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

(8) 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 German intervention agency shall open a standing invitation to tender for the sale on the Community market of 10 044 tonnes of maize held by it.

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

- a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;
- b) the minimum selling price shall be set at a level which does not disturb the cereals market; it may not in any event be lower than the intervention price in force for the month in question, including any monthly increases.

Article 3

Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93 the tender security is set at EUR 10 per tonne.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 27 July 2005.

The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 15.00 (Brussels time), with the exception of 3 August, 17 August and 31 August 2005, i.e. weeks when no invitation to tender shall be made.

The closing date for the submission of tenders for the last partial invitation to tender shall be 26 October 2005 at 15.00 (Brussels time).

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

2. Tenders must be lodged with the German intervention agency at the following address:

Bundesanstalt für Landwirtschaft und Ernährung (BLE),
Deichmannsaue 29
D-53179 Bonn
Fax 00 49 228 6845 3985
00 49 228 6845 3276

Article 5

Within two hours of the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. This notification shall be made by e-mail, using the form in the Annex hereto.

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003 the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

Article 7

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, 19 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Standing invitation to tender for the resale of 10 044 tonnes of maize held by the German intervention agency

Form (*)

(Regulation (EC) No 1167/2005)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price (EUR /t)
1			
2			
3			
etc.			

(*) To be sent to DG AGRI, Unit D.2.

COMMISSION REGULATION (EC) No 1168/2005**of 19 July 2005****opening a standing invitation to tender for the resale on the Community market of maize held by the Austrian intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾, provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

(2) Because of unfavourable weather conditions on the Iberian Peninsula, maize prices on the Community market are relatively high, causing supply difficulties at competitive prices for growers and the livestock feed industry alike.

(3) Austria has intervention stocks of maize, which should be used up.

(4) It is therefore appropriate to make the stocks of maize held by the Austrian intervention agency available on the internal market.

(5) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(6) It is also important for the Austrian intervention agency's notification to the Commission to maintain the anonymity of the tenderers.

(7) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

(8) 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 Austrian intervention agency shall open a standing invitation to tender for the sale on the Community market of 113 297 tonnes of maize held by it.

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

(a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;

(b) the minimum selling price shall be set at a level which does not disturb the cereals market; it may not in any event be lower than the intervention price in force for the month in question, including any monthly increases.

Article 3

Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93 the tender security is set at EUR 10 per tonne.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 27 July 2005.

The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 15.00 (Brussels time), with the exception of 3 August, 17 August and 31 August 2005, i.e. weeks when no invitation to tender shall be made.

The closing date for the submission of tenders for the last partial invitation to tender shall be 26 October 2005 at 15.00 (Brussels time).

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

2. Tenders must be lodged with the Austrian intervention agency at the following address:

AMA (Agrarmarkt Austria)
Dresdnerstraße 70
A-1200 Wien
Fax (00 43 1) 33151 4624
(00 43 1) 33151 4469.

Article 5

Within two hours of the expiry of the time limit for the submission of tenders, the Austrian intervention agency shall notify the Commission of tenders received. This notification shall be made by e-mail, using the form in the Annex hereto.

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003 the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

Article 7

This Regulation shall enter into force on the third day following 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, 19 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Standing invitation to tender for the resale of 113 297 tonnes of maize held by the Austrian intervention agency

Form (*)

(Regulation (EC) No 1168/2005)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price (EUR /t)
1			
2			
3			
etc.			

(*) To be sent to DG AGRI, Unit D.2.

COMMISSION REGULATION (EC) No 1169/2005**of 19 July 2005****opening a standing invitation to tender for the export of rye held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 2

Having regard to the Treaty establishing the European Community,

The invitation to tender shall cover a maximum quantity of 500 000 tonnes for rye for export to all third countries.

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 6 thereof,

Article 3

Whereas:

1. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.

(1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.

2. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

(2) Commission Regulation (EEC) No 3002/92 ⁽³⁾ lays down common detailed rules for verifying the use and/or destination of products from intervention.

3. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender, without monthly increase.

(3) Given the current market situation, a standing invitation to tender should be opened for the export of 500 000 tonnes of rye held by the German intervention agency.

Article 4

(4) Special rules must be laid down to ensure that the operations are properly carried out and monitored. To that end, securities should be lodged to ensure that the goals of the operation are achieved without excessive cost to the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

(5) With a view to modernising the management of the system, provision should be made for the electronic transmission of the information required by the Commission.

2. Tenders submitted in response to this invitation to tender need not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 ⁽⁴⁾.

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

Article 5

HAS ADOPTED THIS REGULATION:

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for the submission of tenders under the first partial invitation to tender shall be 9.00 (Brussels time) on 28 July 2005.

Article 1

Subject to this Regulation, the German intervention agency shall issue a standing invitation to tender in accordance with Regulation (EEC) No 2131/93 for the export of rye held by it.

The time limit for submitting tenders under subsequent partial invitations to tender shall be 9.00 (Brussels time) each Thursday thereafter, with the exception of 4 August 2005, 18 August 2005, 1 September 2005, 3 November 2005, 29 December 2005, 13 April 2006, 25 May 2006 and 15 June 2006, i.e. weeks in which no invitation to tender shall be made.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 770/96 (OJ L 104, 27.4.1996, p. 13).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

The last partial invitation to tender shall expire at 9.00 (Brussels time) on 22 June 2006.

2. Tenders must be lodged with the German intervention agency:

Bundesanstalt für Landwirtschaft und Ernährung (BLE)
Deichmannsaue 29
D-53179 Bonn
Fax 00 49 228 6845 3985
00 49 228 6845 3276

Article 6

The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage.

In the event of a dispute, the analysis results shall be forwarded electronically to the Commission.

Article 7

1. The successful tenderer must accept the lot as established if the final result of the sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences do not exceed the following limits:

— one kilogram per hectolitre as regards specific weight, which must not, however, be less than 68 kg/hl,

— one percentage point as regards moisture content,

— half a percentage point as regards the impurities referred to in points B.2 and B.4 of Annex I to Commission Regulation (EC) No 824/2000 ⁽¹⁾,

— half a percentage point as regards the impurities referred to in point B.5 of Annex I to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot remaining unchanged, however.

2. If the final result of the analyses carried out on the samples indicates a quality higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender and the difference exceeds the limits set out in paragraph 1(b), the successful tenderer may:

(a) accept the lot as established, or

(b) refuse to take over the lot concerned.

In the case of (b) above, the successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

3. If the final result of the sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer cannot remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

Article 8

Should the cases mentioned in Article 7(2)(b) and 7(3) arise, the successful tenderer may ask the intervention agency to supply an alternative lot of rye of the requisite quality, at no extra cost. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof using the form in Annex I.

If, following successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the request for a replacement, the successful tenderer shall be discharged of all obligations and the securities shall be released, provided the Commission and the intervention agency have been immediately informed using the form in Annex I.

Article 9

1. If the rye is removed before the results of the analyses provided for in Article 6 are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress the tenderer might have against the storer.

⁽¹⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 1068/2005 (OJ L 174, 7.7.2005, p. 65).

2. The costs of taking the samples and conducting the analyses provided for in Article 6, with the exception of those referred to in Article 7(3), shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) for up to one analysis per 500 tonnes, with the exception of the cost of inter-bin transfers. The costs of inter-bin transfers and any additional analyses requested by a successful tenderer shall be borne by that tenderer.

Article 10

Notwithstanding Article 12 of Commission Regulation (EEC) No 3002/92, the documents relating to the sale of rye under this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where applicable, the T5 copy shall carry one of the entries set out in Annex II.

Article 11

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17(1) of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded but not less than EUR 25 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Article 12

Within two hours of the expiry of the time limit for the submission of tenders, the German intervention agency shall electronically notify the Commission of tenders received. This notification shall be made by e-mail, using the form in Annex III.

Article 13

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

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

Done at Brussels, 19 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Communication of refusal of lots under the standing invitation to tender for the export of rye held by the German intervention agency

(Regulation (EC) No 1169/2005)

— Name of successful tenderer:

— Date of award:

— Date of refusal of the lot by the successful tenderer:

Lot number	Quantity in tonnes	Address of the silo	Reason for refusal to take over
			— PS (kg/hl) — % of sprouted grains — % of miscellaneous impurities (Schwarzbesatz) — % of matter other than basic cereals of unimpaired quality — Other

ANNEX II

Entries referred to in Article 10

- *in Spanish:* Centeno de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 1169/2005,
- *in Czech:* Intervenční žito nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1169/2005,
- *in Danish:* Rug fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1169/2005,
- *in German:* Interventionsroggen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1169/2005,
- *in Estonian:* Sekkumisrukis, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1169/2005,
- *in Greek:* Σίκαλη παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1169/2005,
- *in English:* Intervention rye without application of refund or tax, Regulation (EC) No 1169/2005,
- *in French:* seigle d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1169/2005,
- *in Italian:* Segala d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1169/2005,
- *in Latvian:* Intervences rudzi bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1169/2005,
- *in Lithuanian:* Intervenciniai rugiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1169/2005,
- *in Hungarian:* Intervenciós rozs, visszatérítés illetve adó nem alkalmazandó, 1169/2005/EK rendelet,
- *in Dutch:* Rogge uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1169/2005,
- *in Polish:* Żyto interwencyjne nie dające prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1169/2005,
- *in Portuguese:* Centeio de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1169/2005,
- *in Slovak:* Intervenčný jačmeň, nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1169/2005,
- *in Slovenian:* Intervencija rži brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1169/2005,
- *in Finnish:* Interventioruista, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1169/2005,
- *in Swedish:* Interventionsråg, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1169/2005.

ANNEX III

Standing invitation to tender for the export of rye held by the German intervention agency

Form (*)

(Regulation (EC) No 1169/2005)

1	2	3	4	5	6	7
Serial numbers of tenderers	Lot number	Quantity in tonnes	Tender prices (EUR/tonne) ⁽¹⁾	Increases (+) Reductions (-) (EUR/tonne) (p.m.)	Commercial costs ⁽²⁾ (EUR/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases and reductions relating to the lot covered by the tender.

⁽²⁾ The commercial costs corresponding to insurance and services provision borne after exit from the intervention stock up to the fob stage at the port of export, with the exception of transport costs. The notified costs shall be established on the basis of the average real costs recorded by the intervention agency in the six months preceding the opening of the tendering period and shall be expressed in EUR per tonne.

(*) To be sent to DG AGRI (Unit D.2).

COMMISSION REGULATION (EC) No 1170/2005**of 19 July 2005****establishing a prohibition of fishing for Northern prawn in NAFO zone 3L by vessels flying the flag of Lithuania**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 27/2005 of 22 December 2004 fixing for 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2005.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2005.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transshipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2005 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, transship or land such stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 19 July 2005.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

⁽³⁾ OJ L 12, 14.1.2005, p. 1. Regulation as last amended by Regulation (EC) No 860/2005 (OJ L 144 8.6.2005, p. 1).

ANNEX

Member State	Lithuania
Stock	PRA/N3L.
Species	Northern Prawn (<i>Pandalus borealis</i>)
Zone	NAFO 3L
Date	6 June 2005

COMMISSION REGULATION (EC) No 1171/2005

of 19 July 2005

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

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 ⁽¹⁾,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2247/2003 of 19 December 2003 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) ⁽³⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 2247/2003 provides for the possibility of issuing import licences for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.
- (2) The applications for import licences submitted between 1 to 10 July 2005, expressed in terms of boned meat, in accordance with Regulation (EC) No 2247/2003, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.
- (3) The quantities in respect of which licences may be applied for from 1 August 2005 should be fixed within the scope of the total quantity of 52 100 t.
- (4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and

veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States shall issue on 21 July 2005 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

United Kingdom:

— 802 t originating in Botswana,

— 600 t originating in Namibia;

Germany:

— 618 t originating in Botswana,

— 730 t originating in Namibia.

Article 2

Licence applications may be submitted, pursuant to Article 4(2) of Regulation (EC) No 2247/2003, during the first 10 days of August 2005 for the following quantities of boned beef and veal:

Botswana:	13 686 t,
Kenya:	142 t,
Madagascar:	7 579 t,
Swaziland:	3 337 t,
Zimbabwe:	9 100 t,
Namibia:	6 825 t.

Article 3

This Regulation shall enter into force on 21 July 2005.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Commission Regulation (EC) No 1899/2004 (OJ L 328, 30.10.2004, p. 67).

⁽²⁾ OJ L 348, 21.12.2002, p. 5.

⁽³⁾ OJ L 333, 20.12.2003, p. 37. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽⁴⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

Done at Brussels, 19 July 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

COMMISSION REGULATION (EC) No 1172/2005**of 19 July 2005****fixing the A1 and B export refunds for fruit and vegetables (tomatoes, oranges, lemons, table grapes 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 ⁽¹⁾, and in particular the third subparagraph of Article 35(3),

Whereas:

(1) Commission Regulation (EC) No 1961/2001 ⁽²⁾ lays down the detailed rules of application for export refunds on fruit and vegetables.

(2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant exports, the products exported by the Community may be covered by export refunds, within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Under Article 35(2) of Regulation (EC) No 2200/96, care must be taken to ensure that the trade flows previously brought about by the refund scheme are not disrupted. For this reason and because exports of fruit and vegetables are seasonal in nature, the quantities scheduled for each product should be fixed, based on the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽³⁾. These quantities must be allocated taking account of the perishability of the products concerned.

(4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the

other hand. Account must also be taken of the transport and marketing costs and of the economic aspect of the exports planned.

(5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint.

(6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.

(7) Tomatoes, oranges, lemons, table grapes and apples of classes Extra, I and II of the common quality standards can currently be exported in economically significant quantities.

(8) In order to ensure the best use of available resources and in view of the structure of Community exports, it is appropriate to fix the A1 and B export refunds.

(9) 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

1. For system A1, the refund rates, the refund application period and the scheduled quantities for the products concerned are fixed in the Annex hereto. For system B, the indicative refund rates, the licence application period and the scheduled quantities for the products concerned are fixed in the Annex hereto.

2. The licences issued in respect of food aid as referred to in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁴⁾ shall not count against the eligible quantities in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 September 2005.

⁽¹⁾ 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).

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

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 558/2005 (OJ L 94, 13.4.2005, p. 22).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

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

Done at Brussels, 19 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

**to the Commission Regulation of 19 July 2005 fixing the export refunds on fruit and vegetables
(tomatoes, oranges, lemons, table grapes and apples)**

Product code ⁽¹⁾	Destination ⁽²⁾	System A1 Refund application period 9.9.2005 to 8.11.2005		System B Licence application period 16.9.2005 to 15.11.2005	
		Refund amount (EUR/t net weight)	Scheduled quantity (t)	Indicative refund amount (EUR/t net weight)	Scheduled quantity (t)
0702 00 00 9100	F08	35		35	3 407
0805 10 20 9100	A00	38		38	7 121
0805 50 10 9100	A00	60		60	3 995
0806 10 10 9100	A00	23		23	14 012
0808 10 80 9100	F04, F09	36		36	20 168

⁽¹⁾ The product codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

⁽²⁾ The 'A' series destination codes are set out in Annex II to Regulation (EEC) No 3846/87.

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:

F03: All destinations except Switzerland.

F04: Sri Lanka, Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica and Japan.

F08: All destinations except Bulgaria.

F09: The following destinations:

- Norway, Iceland, Greenland, Faeroe Islands, Romania, Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah, Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia,
- African countries and territories except for South Africa,
- destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

COMMISSION REGULATION (EC) No 1173/2005**of 19 July 2005****amending the import duties in the cereals sector applicable from 19 July 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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 ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1150/2005 ⁽³⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1150/2005,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1150/2005 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 20 July 2005.

It shall apply from 19 July 2005.

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

Done at Brussels, 19 July 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 29.9.2003, p. 78.

⁽²⁾ 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).

⁽³⁾ OJ L 185, 16.7.2005, p. 24.

ANNEX I

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

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
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	33,95
1005 10 90	Maize seed other than hybrid	48,90
1005 90 00	Maize other than seed ⁽²⁾	48,90
1007 00 90	Grain sorghum other than hybrids for sowing	38,94

⁽¹⁾ 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.

⁽²⁾ 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 15.7.2005-18.7.2005

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)	122,45 (***)	84,06	176,22	166,22	146,22	92,18
Gulf premium (EUR/t)	—	10,84	—			—
Great Lakes premium (EUR/t)	26,13	—	—			—

(*) 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: 18,22 EUR/t; Great Lakes–Rotterdam: 28,99 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).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 12 July 2005

on the adjustment of the allowances paid to members and alternates of the European Economic and Social Committee

(2005/554/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the fourth subparagraph of Article 258 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the fourth subparagraph of Article 166 thereof,

Having regard to the request from the European Economic and Social Committee of 4 April 2005,

Whereas:

The amounts of the daily allowances paid to members and alternates of the European Economic and Social Committee, laid down by Council Decision 81/121/EEC ⁽¹⁾, should be adapted,

HAS DECIDED AS FOLLOWS:

Article 1

Article 2 of Decision 81/121/EEC shall be replaced by the following:

'Article 2

1. The daily allowance per travel day shall be:
— EUR 130 for members and alternates.
2. The daily allowance per meeting day shall be:
— EUR 208 for members and alternates.
3. Where the beneficiary furnishes satisfactory proof that he has incurred expenditure on an overnight stay at the place of work, he shall be paid a supplementary daily allowance of EUR 30.'

Article 2

This Decision shall take effect on 12 July 2005.

Done at Brussels, 12 July 2005.

For the Council
The President
G. BROWN

⁽¹⁾ OJ L 67, 12.3.1981, p. 29. Decision as last amended by Decision 2002/985/EC, Euratom (OJ L 343, 18.12.2002, p. 31).

COMMISSION

COMMISSION DECISION

of 15 July 2005,

excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF)

(notified under document number C(2005) 2685)

(Only the Spanish, Danish, German, Greek, English, French, Italian, Dutch and Portuguese texts are authentic)

(2005/555/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 5(2)(c) thereof,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽²⁾, and in particular Article 7(4) thereof,

Having consulted the Fund Committee,

Whereas:

- (1) Article 5 of Regulation (EEC) No 729/70, Article 7 of Regulation (EC) No 1258/1999, and Article 8(1) and (2) of Commission Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Council Regulation (EEC) No 729/70 regarding the procedure for the clearance of the accounts of the EAGGF Guarantee Section ⁽³⁾, provide that the Commission is to make the necessary verifications,

inform the Member States of its findings, take account of the Member States' comments, initiate bilateral discussions and then formally communicate its conclusions to the Member States, referring to Commission Decision 94/442/EC of 1 July 1994 setting up a conciliation procedure in the context of the clearance of the accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section ⁽⁴⁾.

- (2) The Member States have had an opportunity to request that a conciliation procedure be initiated. That opportunity has been used in some cases and the report issued on the outcome has been examined by the Commission.

- (3) Under Articles 2 and 3 of Regulation (EEC) No 729/70 and Article 2 of Regulation (EC) No 1258/1999, only refunds on exports to third countries and intervention to stabilise agricultural markets, respectively granted and undertaken according to Community rules within the framework of the common organisation of the agricultural markets, may be financed.

- (4) In the light of the checks carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil these requirements and cannot, therefore, be financed under the EAGGF Guarantee Section.

⁽¹⁾ OJ L 94, 28.4.1970, p. 13. Regulation as last amended by Commission Regulation (EC) No 1287/95 (OJ L 125, 8.6.1995, p. 1).

⁽²⁾ OJ L 160, 26.6.1999, p. 103.

⁽³⁾ OJ L 158, 8.7.1995, p. 6. Regulation as last amended by Regulation (EC) No 465/2005 (OJ L 77, 23.3.2005, p. 6).

⁽⁴⁾ OJ L 182, 16.7.1994, p. 45. Decision as last amended by Decision 2001/535/EC (OJ L 193, 17.7.2001, p. 25).

- (5) The amounts that are not recognised as being chargeable to the EAGGF Guarantee Section should be indicated. Those amounts do not relate to expenditure incurred more than twenty-four months before the Commission's written notification of the results of the checks to the Member States.

- (6) As regards the cases covered by this Decision, the assessment of the amounts to be excluded on grounds of non-compliance with Community rules was notified by the Commission to the Member States in a summary report on the subject.

- (7) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 15 February 2005 and relating to its content,

HAS ADOPTED THIS DECISION:

Article 1

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and declared under the EAGGF Guarantee Section shall be excluded from Community financing because it does not comply with Community rules.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 15 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Sector	Member State	Budget item	Reason	Nat. Currency	Expenditure to exclude from financing	Deductions already made	Financial impact of this decision	Financial-year
Animal premia	AT	21 20, 21 21, 21 25, 21 28	Flat-rate correction of 5 % — over-declaration of alpine forage areas, non-application of the area-measurement system.	EUR	- 1 580 413,53	0,00	- 1 580 413,53	2001-2002
	Total AT				- 1 580 413,53	0,00	- 1 580 413,53	
Financial audit	BE	Miscellaneous	Financial correction — certification of accounts.	EUR	- 73 583,84	0,00	- 73 583,84	2002
	Total BE				- 73 583,84	0,00	- 73 583,84	
Financial audit	DE	21 20, 21 24, 23 20	Correction — application of Council Regulation (EC) No 1258/1999 — non-compliance with payment deadlines.	EUR	- 300 160,13	- 332 346,61	32 186,48	2003
Financial audit	DE	Miscellaneous	Financial correction — certification of accounts.	EUR	- 1 179 506,70	0,00	- 1 179 506,70	2002
	Total DE				- 1 479 666,83	- 332 346,61	- 1 147 320,22	
Animal premia	DK	21 24, 21 28	Erroneous control statistics submitted for 2002, non-compliance with Commission Regulation (EEC) No 3887/92, inadequate risk analysis.	DKK	- 1 385 375,53	0,00	- 1 385 375,53	2002-2003
Financial audit	DK	21 25	Correction — application of Regulation (EC) No 1258/1999 — non-compliance with payment deadlines.	DKK	- 208 243,99	- 208 243,99	0,00	2003
	Total DK				- 1 593 619,52	- 208 243,99	- 1 385 375,53	
Fruit and vegetables	GR	15 15	Multianual contracts: specific financial correction — failure to achieve minimum quantities. Annual and multiannual contracts: flat-rate financial correction of 5 % — quantities delivered for processing were smaller than specified in contractual agreements.	EUR	- 330 595,00	0,00	- 330 595,00	2000-2001

Sector	Member State	Budget item	Reason	Nat. Currency	Expenditure to exclude from financing	Deductions already made	Financial impact of this decision	Financial year
Animal premia	GR	21 25	Exclusion of total declared expenditure — no quality control to establish the stocking density, no control of extensification premium, deficient procedures to establish eligibility for extensification premium in eligible land taken into account to establish eligibility, no confirmation of penalties.	EUR	- 34 530 717,69	0,00	- 34 530 717,69	2001-2003
Arable crops	GR	10 40-10 62, 13 10, 18 58	Flat-rate correction of 5 % — no full implementation of IACS, key component controls not fully operational.	EUR	- 25 437 255,00	0,00	- 25 437 255,00	2003
	Total GR				- 60 298 567,69	0,00	- 60 298 567,69	
Fruit and vegetables	ES	15 07	Flat-rate correction of 10 % — non-compliance with payment deadlines.	EUR	- 13 341 081,60	0,00	- 13 341 081,60	2000-2001
Fruit and vegetables	ES	15 01, 15 02, 15 11, 15 12, 15 15, 314	Flat-rate correction of 5 % — shortcomings in the control system of the Andalusian authorities. 2 % correction for measures within the processing sector. Flat-rate correction of 10 % — non-fixing of planned penalties.	EUR	- 1 821 776,35	0,00	- 1 821 776,35	1999-2001
Fruit and vegetables	ES	15 02	Expenses to be excluded from Community funding — unbalanced operational programmes, inadequate environmental activities.	EUR	- 2 902 219,77	0,00	- 2 902 219,77	2000-2002
Milk	ES	20 71	Annulment of Commission Decision 2001/137/EC of 5 February 2001, amount to be reimbursed to Spain.	EUR	14 582 115,50	0,00	14 582 115,50	1996
Public Storage	ES	32 20	Scale of correction: as established in Article 4 of Regulation (EC) No 296/96 — non-compliance with payment deadlines.	EUR	- 1 479 326,74	0,00	- 1 479 326,74	2000-2002
Wine and tobacco products	ES	16 50	Correction of 100 % for part of the expenditure — non-compliance with Council Regulation (EC) No 1493/1999.	EUR	- 4 790 799,61	0,00	- 4 790 799,61	2001-2003

Sector	Member State	Budget item	Reason	Nat. Currency	Expenditure to exclude from financing	Deductions already made	Financial impact of this decision	Financial-year
Animal premia	ES	21 20, 21 21, 21 22, 21 24, 21 25, 21 28	Flat-rate correction of 5 % — insufficient level of on-the-spot checks.	EUR	- 3 066 016,28	0,00	- 3 066 016,28	2002-2003
Honey	ES	23 20	Flat-rate correction of 5 % — inadequate controls, absence of an increase in the number of on-the-spot checks, VAT unduly charged.	EUR	- 71 495,57	0,00	- 71 495,57	2002-2003
	Total ES				- 12 890 600,42	0,00	- 12 890 600,42	
Fruit and vegetables	FR	15 01, 15 02, 15 09, 15 12, 314	Specific correction of 25,3 % and flat-rate correction of 10 % — acknowledgment: shortcomings in control system. flat-rate correction of 5 % — activities relating to products withdrawn from the market: shortcomings in control system. flat-rate correction of 10 % — non-fixing of penalties.	EUR	- 63 792 464,12	0,00	- 63 792 464,12	1999-2002
Fruit and vegetables	FR	15 02	Flat-rate correction of 2 % — use of flat-rate sums and erroneous method for calculating contributions to operational funds.	EUR	- 2 669 660,60	0,00	- 2 669 660,60	2000-2003
Financial audit	FR	12 10, 15 02, 16 10, 21 21, 21 24, 21 25, 21 28	Correction — application of Regulation (EC) No 1258/1999 — non-compliance with payment deadlines.	EUR	- 5 648 423,18	- 5 648 423,18	0,00	2003
	Total FR				- 72 110 547,90	- 5 648 423,18	- 66 462 124,72	
Fishery	IE	26 10	Flat-rate correction of 2 % — lack of proper control over the withdrawal of fish. Flat-rate correction of 5 % — inadequate control over the rendering of goods unfit for human consumption. Flat-rate correction of 10 % — shortcomings in the inventories of stores. Specific correction — claims received after deadline.	EUR	- 582 331,61	0,00	- 582 331,61	2001-2003

Sector	Member State	Budget item	Reason	Nat. Currency	Expenditure to exclude from financing	Deductions already made	Financial impact of this decision	Financial year
Financial audit	IE	21 25, 22 21	Correction — application of Regulation (EC) No 1258/1999 — non-compliance with payment deadlines.	EUR	- 625 136,09	- 625 136,09	0,00	2003
	Total IE				- 1 207 467,70	- 625 136,09	- 582 331,61	
Fruit and vegetables	IT	15 02	Scale of correction: as established in Article 4 of Regulation (EC) No 296/96 — non-compliance with payment deadlines.	EUR	- 1 223 457,00	0,00	- 1 223 457,00	2002
Honey	IT	23 20	Flat-rate correction of 5 % for 2001 and 2002, 2 % for 2003 — inadequate controls, insufficient evidence of supervision by the paying agency, ineligible expenditure charged to the Fund.	EUR	- 582 226,79	0,00	- 582 226,79	2001-2003
Financial audit	IT	Miscellaneous	Correction — application of Regulation (EC) No 1258/1999 — non-compliance with payment deadlines.	EUR	- 28 852 472,77	- 29 264 364,26	411 891,49	2002
	Total IT				- 30 658 156,56	- 29 264 364,26	- 1 393 792,30	
Animal premia	LU	22 20, 22 21, 22 22	Flat-rate correction of 5 % — insufficient attention to compliance with conditions of eligibility, absence of checks on supporting documents, inspections announced too early, absence of checks on premises where animals kept.	EUR	- 13 978,14	0,00	- 13 978,14	2002-2004
Arable crops	LU	10 40-10 60, 10 62, 1310	Flat-rate correction of 2 % — recurrent deficiencies in the administration of on-site audits, late on-site audits, shortcomings in the calculation of aid amounts, application of incorrect reduction rate.	EUR	- 621 471,00	0,00	- 621 471,00	2000-2002
Rural development	LU	40 40	Correction — non-observation of eligibility requirement.	EUR	- 122 153,00	0,00	- 122 153,00	2002
Financial audit	LU	21 28	Correction — application of Regulation (EC) No 1258/1999 — non-compliance with payment deadlines.	EUR	0,00	- 1 523 705,30	1 523 705,30	2003
	Total LU				- 757 602,14	- 1 523 705,30	766 103,16	
Animal premia	NL	22 20, 22 21, 22 22	Flat-rate correction of 2 % — inadequate implementation of flock registers.	EUR	- 676 571,03	0,00	- 676 571,03	2002-2004

Sector	Member State	Budget item	Reason	Nat. Currency	Expenditure to exclude from financing	Deductions already made	Financial impact of this decision	Financial-year
Financial audit	NL	10 49, 18 00, 21 20, 21 24, 21 25, 21 28	Correction — application of Regulation (EC) No 1258/1999 — non-compliance with payment deadlines.	EUR	- 763 843,83	- 1 317 551,36	553 707,53	2003
	Total NL				- 1 440 414,86	- 1 317 551,36	- 122 863,50	
Animal premia	PT	21 20, 21 21, 21 22, 21 24, 21 25, 21 28	Flat-rate correction of 5 % for claim year 2000, 2 % for claim year 2001, 5 % for claim years 2002 and 2003 — shortcomings with regard to the I & R system, insufficient control of claims, inadequate administrative cross-checks.	EUR	- 6 805 576,11	0,00	- 6 805 576,11	2001-2004
Animal premia	PT	22 20, 22 21, 22 22	Flat-rate correction of 5 % (2 % for some regions for 2001) — inadequate implementation of flock registers, insufficient number of on-the-spot-checks.	EUR	- 5 103 616,08	0,00	- 5 103 616,08	2001-2003
Financial audit	PT	16 30	Correction — application of Regulation (EC) No 1258/1999 — non-compliance with payment deadlines.	EUR	- 24 809,86	- 24 809,86	0,00	2003
	Total PT				- 11 934 002,05	- 24 809,86	- 11 909 192,19	
Intervention storage	UK	38 00	Scale of correction: as established in Article 4 of Regulation (EC) No 296/96 — non-compliance with payment deadlines.	GBP	- 523 063,45	0,00	- 523 063,45	2002
Financial audit	UK	Miscellaneous	Correction — application of Regulation (EC) No 1258/1999 — non-compliance with payment deadlines.	GBP	- 34 151 974,35	- 34 151 974,35	0,00	2003
	Total UK				- 34 675 037,80	- 34 151 974,35	- 523 063,45	

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL JOINT ACTION 2005/556/CFSP
of 18 July 2005
appointing a Special Representative of the European Union for Sudan

THE COUNCIL OF THE EUROPEAN UNION,

political engagement with the AU and the Government of Sudan, and specific coordination capacity.

Having regard to the Treaty on European Union and, in particular Articles 14, 18(5) and 23(2) thereof,

- (5) On 31 March 2005 the United Nations (UN) Security Council adopted Resolution 1593(2005) on the report of the International Commission of Inquiry on violations of international humanitarian law and human rights law in Darfur.

Whereas

- (1) The European Union has been actively involved at the diplomatic and political level since the beginning of the international efforts to contain and resolve the Darfur crisis.

- (6) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the CFSP as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

- (2) The Union wishes to strengthen its political role in a crisis with a multitude of local, regional and international actors, and to maintain coherence between the Union's assistance to the crisis management in Darfur, led by the African Union (AU), on the one hand, and overall political relations with Sudan, including with regards to the implementation of the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan Peoples Liberation Movement/Army (SPLM/A) on the other.

Article 1

Mr Pekka HAAVISTO is hereby appointed as European Union Special Representative (EUSR) for Sudan.

Article 2

The EUSR's mandate shall be based on the Union's policy objectives in Sudan, notably as regards:

- (3) The Union has provided an ever-growing amount of assistance to the AU mission in the Darfur region of Sudan (AMIS) in terms of planning and management support, funding and logistics.
- (4) The AU has decided to expand AMIS to 6 171 military and 1 560 civilian police personnel, and the Union is, in support of the AU, proposing for this enhancement a set of measures as defined by Joint Action 2005/557/CFSP of 18 July 2005 on the European Union civilian-military supporting action to the African Union mission in the Darfur region of Sudan ⁽¹⁾, which require commensurate

- (a) efforts, as part of the international community and in support of the AU and the UN, to achieve a political settlement of the conflict in Darfur as well as to facilitate the implementation of the CPA and to promote South-South dialogue, with due regard to the regional ramifications of these issues and to the principle of African ownership; and

- (b) ensuring maximum effectiveness and visibility of the Union's contribution to AMIS.

⁽¹⁾ See page 46 of this Official Journal.

Article 3

1. In order to achieve the policy objectives the EUSR's mandate shall be to:

- (a) liaise with the AU, the Government of Sudan and other Sudanese parties as well as non governmental organisations, and maintain close collaboration with the UN and other relevant international actors, with the aim of pursuing Union's policy objectives;
- (b) represent the Union at the Abuja political talks, at high level meetings of the Joint Commission, as well as other relevant meetings as requested;
- (c) ensure coherence between the Union's contribution to crisis management in Darfur and the overall political relationship of the Union with Sudan;
- (d) with regard to human rights, including the rights of children and women, and the fight against impunity in Sudan, follow the situation and maintain regular contacts with the Sudanese authorities, the AU and the UN, in particular with the Office of the High Commissioner for Human Rights, the human rights observers active in the region and the Office of the Prosecutor of the International Criminal Court.

2. For the purpose of the fulfilment of his mandate, the EUSR shall, *inter alia*:

- (a) maintain an overview of all activities of the Union;
- (b) ensure coordination and coherence of the Union's contributions to AMIS;
- (c) support the political process and activities relating to the implementation of the CPA; and
- (d) follow up and report on compliance of the Sudanese parties with the relevant UN Security Council Resolutions, notably 1556(2004), 1564(2004), 1591(2005) and 1593(2005).

Article 4

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the High Representative. The EUSR shall be accountable to the Commission for all expenditure.

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political input within the framework of the mandate.

3. The EUSR shall regularly report to the PSC on the implementation of the Union's assistance to AMIS and on the evolution of the situation in Darfur as well as in the Sudan as a whole.

Article 5

1. The financial reference amount intended to cover the expenditure related to the EUSR's mandate for a 6-month period shall be EUR 675 000. The Council shall decide, as necessary, on the financial reference amount for the continuation of this Joint Action.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the budget, with the exception that any pre-financing shall not remain the property of the Community.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. Expenditure shall be eligible as from the day of the adoption of this Joint Action.

4. The Presidency, the Commission, and/or Member States, as appropriate, shall provide logistical support in the region.

Article 6

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team in consultation with the Presidency, assisted by the Secretary General/High Representative, and in full association with the Commission. The EUSR shall inform the Presidency and the Commission of the composition of his team.

2. Member States and institutions of the European Union may propose the secondment of staff to work with the EUSR. The remuneration of personnel who might be seconded by a Member State or an institution of the European Union to the EUSR shall be covered by the Member State or the institution of the European Union concerned respectively.

3. All A-type posts which are not covered by secondment shall be advertised as appropriate by the General Secretariat of the Council and notified to Member States and institutions of the European Union in order to recruit the best-qualified applicants.

4. The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

Article 7

1. In the coordination of Union's contributions to AMIS, the EUSR shall be assisted by an ad hoc Coordination Cell (ACC) established in Addis Ababa, acting under his authority, as referred to in Article 5(2) of the Joint Action 2005/557/CFSP.

2. The ACC shall comprise a political advisor, a military advisor and a police advisor.

3. The police and military advisors in the ACC shall act as advisors to the EUSR respectively regarding the police and military components of the Union's supporting action referred to in paragraph 1. In that capacity, they shall report to the EUSR.

4. The police and military advisors shall not receive instructions from the EUSR regarding the management of expenditure in relation respectively to the police and military components of the Union's supporting action referred to in paragraph 1. The EUSR shall bear no responsibility in this respect.

Article 8

As a rule, the EUSR shall report in person to the High Representative and to the PSC and may report also to the relevant Working Group. Regular written reports shall be circulated to the High Representative, the Council and the Commission. On the recommendation of the High Representative and the PSC,

the EUSR may report to the General Affairs and External Relations Council.

Article 9

To ensure the consistency of the external action of the Union, the activities of the EUSR shall be coordinated with those of the High Representative, the Presidency and the Commission. The EUSR shall provide regular briefings to Member States' missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 10

The implementation of this Joint Action and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present a comprehensive written report on the implementation of the mandate to the High Representative, the Council and the Commission two months before the mandate expires. The report shall form a basis for evaluation of this Joint Action in the relevant Working Groups and by the PSC. In the context of overall priorities for deployment, the High Representative shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 11

This Joint Action shall enter into force on the day of its adoption.

It shall apply until the end of the Union's supporting action as decided by the Council in accordance with Article 16(2) of Joint Action 2005/557/CFSP.

Article 12

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

Done at Brussels, 18 July 2005.

For the Council
J. STRAW
The President

COUNCIL JOINT ACTION 2005/557/CFSP**of 18 July 2005****on the European Union civilian-military supporting action to the African Union mission in the Darfur region of Sudan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14, Article 25, third paragraph, Article 26 and Article 28(3) thereof,

Whereas:

- (1) On 28 May 2004 the African Union (AU) decided to deploy a monitoring mission in Darfur to observe compliance with the N'djamena Humanitarian Ceasefire Agreement of 8 April 2004 (AMIS) and on 20 October 2004 the African Union Peace and Security Council decided to enhance AMIS and to include in its mandate assistance to the process of confidence building and to the protection of civilians and humanitarian operations, and observance of compliance with all agreements signed between the parties since the N'djamena Humanitarian Ceasefire Agreement (AMIS II).
- (2) In its Resolution 1547 of 11 June 2004, the United Nations Security Council (UNSC) called on the international community to be prepared for constant engagement including extensive funding in support of peace in Sudan. In its Resolution 1556 of 30 July 2004, UNSC endorsed the deployment of international monitors to the Darfur region of Sudan under the leadership of the AU, urged United Nations (UN) Member States to reinforce the international monitoring team led by the AU and welcomed the contributions already made, notably by the European Union (EU), to support the AU led operation.
- (3) In its Resolution 1564 of 18 September 2004 the UNSC welcomed and supported the intention of the AU to enhance and augment its monitoring mission in the Darfur region of Sudan, and encouraged the undertaking of proactive monitoring. The UNSC further urged UN Member States to support the AU in these efforts including by providing all equipment, logistical, financial, material, and other resources necessary to support the rapid expansion of the AU Mission and by supporting its efforts aimed at a peaceful conclusion of the crisis and the protection of the welfare of the people of Darfur.
- (4) In its Resolution 1574 of 19 November 2004, the UNSC decided to monitor compliance by the parties with their obligations in order to immediately cease all violence and attacks, expressed its strong support to the decisions of the AU to increase its mission in Darfur, and urged UN Member States to provide the required equipment, logistical, financial, material, and other necessary resources.
- (5) In its Resolution 1590 of 24 March 2005, the UNSC decided to establish the UN Mission in Sudan (UNMIS).
- (6) In its Resolution 1593 of 31 March 2005, the UNSC decided to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court.
- (7) In its resolution 1325 of 31 October 2000, the UNSC recognised the importance of training concerning the protection, special needs and human rights of women and children in conflict situations.
- (8) Common Position 2005/304/CFSP of 12 April 2005 concerning conflict prevention, management and resolution in Africa and repealing Common Position 2004/85/CFSP⁽¹⁾ underlines that the AU constitutes the central actor in the prevention, management and resolution of armed conflicts in Africa. Successive Council conclusions adopted since July 2004 have expressed the EU's commitment to support the AU in its efforts to monitor the ceasefire and to facilitate a political settlement of the conflict in the Darfur region of Sudan.
- (9) Following the approval by the Council on 22 November 2004 of the European Security and Defence Policy (ESDP) action plan aimed at supporting peace and security in Africa, guidelines for implementing ESDP support to Peace and Security in Africa were approved by the Council on 13 December 2004, based on the principle of respect for African ownership and full co-operation with the relevant international actors, notably the UN and the AU.

⁽¹⁾ OJ L 97, 15.4.2005, p. 57.

- (10) The EU has provided an ever-growing amount of support to the AU's efforts to help stabilise the situation in Darfur. The EU is participating in and co-financing via the African Peace Facility the AU mission which is responsible for monitoring the cease-fire. EU military personnel participates in the AU Cease Fire Commission (CFC) *inter alia* through providing its vice-chairman and through membership of the Joint Commission established for the political supervision of the cease-fire. The EU is also providing a wide range of support including planning experts, technical, financial, material and logistic support to the broader AU peace support mission (AMIS).
- (11) In a letter dated 29 April 2005, Mr Alpha Oumar Konaré, President of the AU Commission, indicated to the Secretary General/High Representative (SG/HR) that taking into account the challenge that the situation in Darfur continues to pose to the AU and its partners, on the one hand, and the strategic dimension of the partnership between the AU and the EU on the other hand, he hoped to be able to count on the substantial support of the EU and its Member States to the efforts of the AU and to the reinforcement of AMIS II.
- (12) In response to the request of the AU, the Council agreed on 23 May 2005 to lend all possible support to military, police and civilian efforts by presenting a comprehensive and substantial offer, which was proposed to the AU at the AMIS donor conference in Addis Ababa on 26 May 2005. Coordination among EU actors is essential to ensure that this proposed package is translated into coherent and timely assistance to the AU.
- (13) On 23 June 2005 the Council approved the Concept for EU civilian-military supporting action to AMIS II.
- (14) The Status of Mission Agreement on the Establishment and Management of the Ceasefire Commission in the Darfur area of Sudan signed between the AU and the Government of Sudan on 4 June 2004 applies to Military Observers from the EU, covers military and civilian personnel other than CFC officials, and refers to the General Convention on the Privileges and Immunities of the Organisation of African Unity (OAU), Article VII of which covers experts on mission for the OAU.
- (15) The exchange of letters between the SG/HR and the President of the African Union Commission confirming the arrangements for the EU supporting action to AMIS II also confirms that all EU personnel already deployed or to be deployed in Sudan and other African States in the context of the EU supporting action are covered, as far as their status is concerned, by the agreement between the AU and Sudan on the status of the AU mission.
- (16) On 18 July 2005 the Council adopted Joint Action 2005/556/CFSP appointing a Special Representative of the European Union for Sudan ⁽¹⁾. The EU Special Representative (EUSR) for Sudan should ensure coherence between the EU's activities in support of AMIS II and of the Comprehensive Peace Agreement (CPA), and overall policy objectives of the EU towards Sudan.
- (17) Coordination among all donors should be established in Addis Ababa to ensure that the support provided by the international community is complementary and matches with the specific requirements of the AU.
- (18) The Political and Security Committee (PSC) should exercise political control of and provide strategic direction to the EU civilian-military supporting action to AMIS II, particularly in view of ensuring timely and coherent EU support to AMIS II, and take the relevant decisions in accordance with Article 25, third paragraph, of the Treaty. The Committee for Civilian Aspects of Crisis Management (CIVCOM) and the EU Military Committee (EUMC), assisted by the European Union Military Staff (EUMS) in accordance with its terms of reference, should continue to provide the PSC with advice in the field of their respective competencies.
- (19) In conformity with the guidelines of the European Council meeting at Nice on 7 and 9 December 2000, this Joint Action should determine the role of the SG/HR in accordance with Articles 18 and 26 of the Treaty in the implementation of measures falling within the political control and strategic direction exercised by the PSC.
- (20) Article 14(1) of the Treaty calls for indication in joint actions of the means to be made available to the Union.
- (21) In accordance with Article 28(3) of the Treaty, operational expenditure, except expenditure arising from operations having military or defence implications, should be charged to the budget of the European Communities. The indication of amounts to be financed by the Community budget illustrates the will of the political authority and is subject to the availability of commitment appropriations during the respective budget year.

⁽¹⁾ See page 43 of this Official Journal.

- (22) The operational expenditure arising from those elements of this supporting action having military or defence implications should be charged to the Member States in accordance with Article 28(3) of the Treaty and should be administered by the mechanism established by Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications⁽¹⁾ (hereafter referred to as "ATHENA") on an exceptional basis. The financial reference amount constitutes the best current estimate of these costs.
- (23) Recourse should be made to the extent possible to redeployment of equipment left over from other EU operational activities, taking into account operational needs and the principles of sound financial management.
- (24) The EU supporting action to the AMIS II will be conducted in the context of a situation which may deteriorate and could harm the objectives of the CFSP as set out in Article 11 of the Treaty.
- (25) 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 EU which have defence implications. Denmark does not participate in the implementation of Section III of this Joint Action and therefore does not participate in the financing of military components of this supporting action,

HAS ADOPTED THIS JOINT ACTION:

SECTION I

GENERAL PROVISIONS

Article 1

Objective

The European Union hereby establishes an EU civilian-military supporting action to AMIS II, hereby named "AMIS EU Supporting Action".

The objective of the EU supporting action is to ensure effective and timely EU assistance to support the AMIS II enhancement. The EU shall respect and support the principle of African ownership and the EU supporting action shall be to support the AU and its political, military and police efforts to address the crisis in the Darfur region of Sudan.

The EU supporting action shall include a civilian and a military component.

⁽¹⁾ OJ L 63, 28.2.2004, p. 68. Decision as last amended by Decision 2005/68/CFSP (OJ L 27, 29.1.2005, p. 59).

Article 2

Relations with the AU

The SG/HR and the EUSR for Sudan, within their mandates, shall act as primary points of contact with the representatives of the AU for matters relating to the implementation of this Joint Action. The Presidency shall be kept regularly and promptly informed on these contacts.

Article 3

Coordination with other actors

1. The EU shall continue the close and effective coordination with all institutional and bilateral donors engaged in supporting AMIS II.

2. The EU shall continue to work in close coordination with the UN, and, regarding the military component of the supporting action, NATO.

3. All EU Member States shall be kept informed on the coordination process in order to ensure their full participation in the EU decision making process.

Article 4

Political control and strategic direction

1. Under the responsibility of the Council, the PSC shall exercise the political control and strategic direction of the EU supporting action, particularly in view of ensuring timely and coherent EU support to AMIS II. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the Treaty. This authorisation shall include the powers to appoint the Head of EU Police Team, upon a proposal from the SG/HR based on a recommendation by the EUSR. This authorisation shall also include the powers to appoint the military advisor to the EUSR, upon a proposal from the SG/HR based on a recommendation by the EUSR. The powers of decision with respect to the objectives and termination of the EU supporting action shall remain vested in the Council, assisted by the SG/HR.

CIVCOM and EUMC, assisted by EUMS in accordance with its terms of reference, shall provide the PSC with advice within the field of their respective competencies.

2. The EUSR shall ensure the representation of the Union in all areas relating to the management of the crisis in Darfur, including coordination of the EU contributions to AMIS II, support to the political process, and matters relating to the implementation of and compliance with the relevant UNSC resolutions.

3. The PSC shall receive reports by the EUSR, through the SG/HR, regarding the conduct of the EU supporting action at regular intervals. The PSC may invite the EUSR to its meetings as appropriate.

4. The PSC shall report to the Council at regular intervals.

Article 5

EU coordination

1. The SG/HR shall take all necessary measures to ensure coordination of EU activities to support AMIS II enhancement and the coordination between the General Secretariat of the Council (GSC) and the EU Coordination Cell in Addis Ababa (ACC). The GSC shall provide guidance and support to the ACC in its duties of managing the day-to-day coordination to ensure coherent and timely EU support to AMIS II across its political, military, police and other civilian supporting actions. The GSC shall provide situation reports and updates and assessment of both EU support to AMIS II and the AMIS II enhancement to the relevant Council bodies and ensure coordination at the strategic level with other donors, in particular the UN and NATO.

2. The ACC shall act under the authority of the EUSR, in accordance with Article 7 of Joint Action 2005/556/CFSP, to support his activities, and it shall comprise a political advisor, a military advisor and a police advisor. It shall manage the day-to-day coordination with all relevant EU actors and with the Administrative Control and Management Centre (ACMC) within the chain of command of the AU in Addis Ababa in order to ensure coherent and timely EU support to AMIS II.

SECTION II

CIVILIAN COMPONENT

Article 6

Tasks, structure and personnel of police component

1. The EU supporting action to the Civilian Police Component (CIVPOL) of AMIS II shall provide:

- support to the AMIS II Police Chain of Command by providing the AU with highly experienced Senior Police Advisors at all levels of the chain of command;
- support for training of CIVPOL personnel through providing a capacity for in-mission training by a group of EU trainers;
- support to the development of a police unit within the Secretariat of the AU.

2. The EU Police Team shall be composed of police officers seconded by Member States. As a rule, the period of secondment should be 6 months. Each Member State shall bear the costs related to the police officers seconded by it, including salaries, medical coverage, allowances other than per diems, and travel expenses to and from the area of operation.

3. International civilian staff and local staff shall be recruited on a contractual basis by the Head of the EU Police Team as required.

4. The sending EU Member State or institution may also, if required, second international civilian staff, as a rule for a period of 6 months. Each contributing EU Member State or institution shall bear the costs related to any of the staff seconded by it including salaries, medical coverage, allowances other than per diems, and travel expenses to and from the area of operation.

Article 7

EU Police Team

1. The police advisor to the EUSR, who shall also be Head of the EU Police Team, shall be responsible for managing day-to-day coordination of the EU police supporting actions.

2. The Head of the EU Police Team shall assume the day-to-day management of the police component of the supporting action in the three areas, referred to in Article 6(1), and shall be responsible for staff and disciplinary matters.

3. The Head of the EU Police Team shall sign a contract with the Commission. The Head of the EU Police Team shall be accountable to the Commission for all expenditure.

4. While remaining under the authority of their sending EU Member States or institutions, all experts in the EU Police Team staff shall carry out their duties and act in the sole interest of the EU supporting action. Both during and after the EU supporting action, the experts shall exercise the greatest discretion with regard to all facts and information relating to the EU supporting action.

5. In order to ensure visibility of the EU supporting action, the members of the EU Police Team shall bear EU identification markings.

Article 8

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the implementation of SECTION II of this Joint Action for a 6-month period shall be EUR 2 120 000.

The Council shall as necessary decide on the reference amount for the continuation of the EU supporting action.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the budget, with the exception that any pre-financing shall not remain the property of the Community. Nationals of third states shall be allowed to tender for contracts.

3. The financial arrangements shall respect the operational requirements of the police assistance to AMIS II, including compatibility of equipment.

4. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

SECTION III

MILITARY COMPONENT

Article 9

Tasks and personnel of the military component

1. The military component of the EU supporting action to AMIS II shall cover different types of assistance:

— provision of planning and technical assistance to all AMIS II levels of command, including the logistic support co-ordination structure;

— provision of Military Observers, in the context of AMIS II enhancement plan;

and

— training of African troops and observers forming part of AMIS II enhancement, as required;

— strategic and tactical transportation;

— aerial observation, if required by the AU.

2. While remaining under the authority of their sending EU Member States or institutions, all military personnel shall carry out their duties and act in the sole interest of the EU supporting action. Both during and after the EU supporting action, the military personnel shall exercise the greatest discretion with regard to all facts and information relating to the EU supporting action.

3. In order to ensure visibility of the EU supporting action, the military personnel shall bear EU identification markings.

4. As a rule, the period of secondment of military personnel should be 6 months.

Article 10

Military advisor to the EUSR

Under the authority of the EUSR, and with the support of the GSC, including the EUMS in accordance with its terms of reference, the military advisor to the EUSR shall:

(a) help to ensure coherence of the military component of the EU supporting action in Addis Ababa in accordance with the tasks set out in Article 9, and

(b) be responsible for managing the day-to-day coordination of the military component of the EU supporting action with the ACMC in Addis Ababa to ensure coherent and timely support to AMIS II.

Article 11

Financial arrangements

1. With respect to the military component of the EU supporting action, the following costs shall be financed in common:

(a) costs for Communication and Information systems (CIS), transport, medical evacuation (MEDEVAC) and lodging of the EU officers operating in the AMIS II chain of command and of the military personnel in the ACC;

(b) costs for CIS and MEDEVAC concerning Military Observers; and

(c) costs for EU identification markings for both EU officers and Military Observers.

2. The financing of those common costs shall be administered by ATHENA.

3. The reference amount for those common costs for a 6-month period shall be EUR 1 970 000. The percentage of the reference amount referred to in Article 31(3) of Decision 2004/197/CFSP shall be 100 %.

SECTION IV

FINAL PROVISIONS

Article 12

Status of EU supporting action personnel

1. The SG/HR shall secure legally binding assurances from the African States on the territory of which EU supporting action personnel is or will be deployed that their status is governed by the Status of Mission Agreement on the Establishment and Management of the Ceasefire Commission in the Darfur area of Sudan signed between the AU and the Government of Sudan on 4 June 2004, and by the General Convention on the Privileges and Immunities of the OAU. Where required, the status of the EU supporting action personnel, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of the EU supporting action shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty. The SG/HR, assisting the Presidency, may negotiate such an agreement on its behalf.

2. The EU Member States or institutions having seconded or deployed personnel for the EU supporting action shall be responsible for answering any claims from or concerning the personnel. The EU Member States or institutions in question shall be responsible for bringing any action against the personnel.

Article 13

Release of classified information

1. The SG/HR is hereby authorised to release, in accordance with the Council Security Regulations as adopted by Decision 2001/264/EC ⁽¹⁾ and as required by the operational needs of the EU supporting action, to the AU and the UN, EU information and documents classified no higher than RESTREINT UE generated for the purposes of the EU supporting action.

2. The SG/HR is hereby authorised to release, in accordance with the operational needs of the EU supporting action, to the AU and the UN, EU non-classified documents related to the deliberations of the Council with regard to the EU supporting action, covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽²⁾.

Article 14

Community action

The Council and the Commission shall ensure each in accordance with its respective powers, consistency between the implementation of this Joint Action and other external activities of the Community in accordance with Article 3(2) of the Treaty. The Council and the Commission shall cooperate to this end.

Article 15

Review

The Council shall, not later than 31 December 2005, evaluate whether the EU supporting action should be continued.

Article 16

Entry into force and termination

1. This Joint Action shall enter into force on the date of its adoption.

2. The EU supporting action shall end on a date to be decided by the Council.

Article 17

Publication

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

Done at Brussels, 18 July 2005.

For the Council
The President
J. STRAW

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as amended by Decision 2004/194/EC (OJ L 63, 28.2.2004, p. 48).

⁽²⁾ Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure (OJ L 106, 15.4.2004, p. 22). Decision as amended by Decision 2004/701/EC, Euratom (OJ L 319, 20.10.2004, p. 15).