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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1275/2005

of 26 July 2005

amending Regulation (EC) No 2268/2004 imposing a definitive anti-dumping duty on imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 11(3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. MEASURES IN FORCE

- (1) By Regulation (EC) No 771/98⁽²⁾ the Council imposed a definitive anti-dumping duty of 33 % on imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China (PRC). Following an expiry review, the duty was re-imposed by Regulation (EC) No 2268/2004⁽³⁾.

B. PRESENT INVESTIGATION

- (2) While the abovementioned expiry review was ongoing, the Commission received a request for an interim review,

pursuant to Article 11(3) of the basic Regulation. The request was lodged by the European Association of Metals (Eurometaux) (the applicant) on behalf of three producers, together representing a major proportion (more than 80 %) of the total Community production of tungsten carbide and fused tungsten carbide. The applicant alleged that a new product type, falling within the product scope of the existing measures on tungsten carbide and fused tungsten carbide, had appeared on the market. The applicant alleged that the new product type shared the same basic physical and chemical characteristics and end uses as the product covered by the measures in force. In these circumstances, the applicant alleged that both the product covered by the measures in force and the new product type should therefore be considered a single product and the measures in force should, also apply to imports of the new product type.

- (3) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of a partial interim review, the Commission, on 31 March 2004, initiated an investigation in accordance with Article 11(3) of the basic Regulation⁽⁴⁾. The investigation was limited in scope to the definition of the product subject to the measures in force, in order to assess the need for the amendment of the scope of the measures in force.

- (4) The investigation period (IP) covered the period from 1 January 2003 to 31 December 2003.

- (5) The Commission advised the applicant Community producers as well as all known Community importers, all known Community users and all known exporters in the PRC of the initiation of the review.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 111, 9.4.1998, p. 1.

⁽³⁾ OJ L 395, 31.12.2004, p. 56.

⁽⁴⁾ OJ C 81, 31.3.2004, p. 8.

(6) The Commission requested information from all the abovementioned parties and from those other parties who made themselves known within the time limit set in the notice of initiation of the investigation. The Commission also gave the interested parties the opportunity to make their views known in writing and to request a hearing.

(7) No questionnaire replies were received from the importers, traders and exporters. However, the main five exporters of tungsten carbide and fused tungsten carbide made written comments.

(8) The following three Community industry companies replied to the questionnaire sent by the Commission:

— H.C. Starck GmbH, Germany,

— Wolfram Bergbau- und Hütten GmbH, Austria,

— Eurotungstène Poudres SA, France.

(9) The following seven users in the EU also replied to the questionnaire:

— Boart Longyear GmbH & Co. KG, Germany,

— Ceratizit SARL, Luxembourg,

— Ceratizit GmbH, Germany,

— F.I.L.M.S. SpA, Italy,

— MISCELE Srl, Italy,

— Harditalia Srl, Italy,

— TRIBO Hartmetall GmbH, Germany.

C. PRODUCT CONCERNED

(10) The product concerned, as defined in the regulation imposing the measures in force, is tungsten carbide and fused tungsten carbide originating in the PRC and falling within CN code 2849 90 30. Both are compounds of carbon and tungsten produced by heat treatment (carburisation in the first case, fusion in the second). Both products are intermediate products, used as input materials in the manufacture of hard metal components such as 'cemented carbide' cutting tools and high-wear components, in abrasion-resistant coatings, in bits for oil

drilling and mining tools as well as in dies and tips for the drawing and forging of metals.

D. RESULTS OF THE INVESTIGATION

1. Preliminary comment

(11) The exporters claimed in their written comments that the initiation of this investigation was a 'legal inconsistency', and, therefore, they did not reply to the questionnaire sent by the Commission. In their view, the allegation of a new product type appearing on the market could not be investigated within a review limited to the scope of the product concerned under Article 11(3) of the basic Regulation, but rather requires a full anti-dumping investigation under Article 5 of the basic Regulation. However, the very purpose of the current review is to assess whether the new product type and the product subject to the existing measures are to be considered as the product concerned, i.e. whether they both have the same characteristics and end uses and can therefore be considered as one single product. This assessment can only be made in the context of a review of the existing measures on imports of the product concerned. Any investigation under Article 5 of the basic Regulation could only be envisaged for a different product. The claim made by the exporters is therefore not valid and must be rejected. It should be noted that the non-cooperation of the exporters concerned resulted in a lack of certain relevant information and led to the use of available information in application of Article 18 of the basic Regulation.

2. New product type

(12) The new product type is mainly constituted of the product subject to the existing measures which is mixed with a small percentage of another metallic powder (mostly cobalt but other metallic powders such as nickel, chromium and other components, depending on specific properties required, can also be mixed with the product concerned). This new product type is currently classified within CN code 3824 30 00, a subheading described as 'non-agglomerated metal carbides mixed together or with metallic binders', which consists of a diversity of mixtures, at different stages of processing. Just as the product subject to the existing measures (see recital (10)), the new product type is an intermediate product, used as input material in the manufacture of hard metal components.

3. Comparison between the product subject to the existing measures and the new product type

(13) In order to assess whether the new product type should be considered as the product concerned and therefore fall within the scope of the existing measures, it was examined whether the new product type and the product subject to the existing measures shared the same chemical and physical characteristics and end uses. It was also examined how the Community users perceived the new product type.

(a) Physical and chemical characteristics

- (14) The new product type, as explained above under recital (12), is an intermediate product, which consists of the product subject to the existing measures, simply mixed with another metallic powder.
- (15) The investigation demonstrated that simply mixing the product subject to the existing measures with a metallic powder does not change the characteristics of the product subject to the existing measures. While it is true that the new product type slightly differs in structure from the product subject to the existing measures due to the addition of a small amount of cobalt, it was established that both products keep the same physical and chemical characteristics and follow exactly the same processing stages leading to identical end use. Indeed, it is only in the subsequent processing stages (see also recital (18)), that e.g. cobalt serves as a binder, i.e. to ensure the adhesion of the carefully mixed components inserted. Only from that stage are new physical and chemical characteristics attained (see also recital (24)). It was also established that — similar to the addition of cobalt — the simple addition of other substances, e.g. nickel, chromium and/or other components, does not, merely by virtue of the substances themselves, change the properties of the product subject to the existing measures. The addition of these other substances in the milling stage depends on specific properties required (see recital (18)).
- (16) Furthermore, it was found that no Community producer manufactures the new product type.
- (17) As a consequence, there is no basic physical or chemical difference between the new product type and the product subject to the existing measures.

(b) End uses

- (18) Both the product subject to the existing measures and the new product type enter into the same stage of the tungsten production chain. Like the product subject to the existing measures, the new product type needs to be carefully milled (together with other metallic or carbide additives and organic binders) and granulated by vacuum or spray drying (homogeneous particle shaping) before it reaches the state of a 'ready to press' powder. A ready to press powder is the precursor to the production of hard

metal components (end product reached by pressing and sintering, i.e. high temperature moulding) where the added metallic powder finally becomes active as a binder matrix. Both the product subject to existing measures and the new product type have therefore to be transformed, through a similar process, into a ready to press powder. The ready to press powder has to correspond to very specific composition requirement by customers, i.e. the mining, metal-forging and coating industry.

- (19) It follows from the above that the product subject to the existing measures and the new product type both exclusively enter into the same stage of the production chain and that the simple addition of a small amount of cobalt or any other substance mentioned in recital (15) will not change the properties of the product subject to the existing measures. All serve the same end uses, i.e. they have to be further processed.

(c) User perception

- (20) Users of the product concerned are mainly small producers of a wide range of hard metal components. The few cooperating users confirmed the abovementioned findings, i.e. that both the product subject to the existing measures and the new product type are processed on the EU market.
- (21) The investigation also showed that a limited number of users, of which only one fully cooperated, have imported the new product type from the PRC. The cooperating user stated that the new product type was used for exactly the same purposes as the product subject to the existing measures.
- (22) In view of the finding that the new product type imported from the PRC is applied for the same purposes as the product subject to the existing measures, it can be considered that users do not see a difference between both products.

(d) Distinction between the new product type and the other products within CN code 3824 30 00

- (23) The new product type falls within the same CN code as ready to press powders, namely CN code 3824 30 00, i.e. the further processed product.

- (24) To distinguish the new product type from ready to press powders within CN code 3824 30 00, the following criteria can be applied: macroscopic aspect, particle size, and chemical composition and flow properties. Concerning the macroscopic aspect, there is a clear difference in visibility. Particles of the new product type cannot be seen with the unaided eye while the particles of ready to press powders are visible. Concerning the chemical composition, contrary to the new product type, each particle of the ready to press powders is constituted by a well defined and homogeneous dispersion of all the chemical components. Furthermore, the particle shape of the new product type is irregular, while the shape of the particles of the other mixtures is spherical. Finally, the new product type has very poor flow properties, while ready to press powder is free flowing and has a homogeneous composition. The lack of fluidity can be measured and established by using a calibrated funnel, e.g. a HALL flow meter according to ISO standard 4490.

(e) *Conclusion*

- (25) The investigation demonstrated that the alleged new product type is fundamentally the same as the product subject to the existing measures. The addition of a metallic powder as described in recital (15) does not alter its properties or use.
- (26) On the basis of these results, and in particular as both products have the same main physical and chemical composition, and whereas the same applications are similarly perceived by users, it is considered that the product subject to the existing measures and the new product type are a single product, i.e. the latter product

is a 'like product' with respect to the former within the meaning of Article 1(4) of the basic Regulation.

E. MEASURES

- (27) In view of the above findings, it is considered appropriate to clarify that the existing anti-dumping measures on the product concerned also cover the new product type currently imported under CN code ex 3824 30 00,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(1) of Regulation (EC) No 2268/2004 shall be replaced by the following:

'1. A definitive anti-dumping duty is hereby imposed on imports of tungsten carbide, tungsten carbide simply mixed with metallic powder and fused tungsten carbide originating in the People's Republic of China, falling within CN codes 2849 90 30 and ex 3824 30 00 (*) (TARIC code 3824 30 00 10).

(*) The particles are irregular and not free flowing in contrast to "ready to" press powder particles, which are spherical or granular shaped, homogeneous and free flowing. The lack of fluidity can be measured and established by using a calibrated funnel, e.g. a HALL flow meter according to ISO standard 4490.'

Article 2

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, 26 July 2005.

For the Council
The President
J. STRAW

COMMISSION REGULATION (EC) No 1276/2005**of 2 August 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 3 August 2005.

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

Done at Brussels, 2 August 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 2 August 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	44,5
	096	41,1
	999	42,8
0707 00 05	052	73,5
	096	39,7
	999	56,6
0709 90 70	052	80,3
	999	80,3
0805 50 10	382	67,4
	388	65,6
	524	97,8
	528	68,0
	999	74,7
0806 10 10	052	107,5
	204	80,3
	220	124,5
	334	91,2
	624	137,8
	999	108,3
0808 10 80	388	78,3
	400	53,0
	508	68,1
	512	59,7
	528	72,9
	720	67,2
	804	73,8
	999	67,6
0808 20 50	052	122,0
	388	72,8
	512	47,3
	528	53,2
	800	50,6
0809 20 95	999	69,2
	052	305,3
	400	254,5
	404	264,7
0809 30 10, 0809 30 90	999	274,8
	052	125,4
	999	125,4
0809 40 05	094	49,8
	624	87,6
	999	68,7

⁽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 1277/2005

of 27 July 2005

laying down implementing rules for Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and for Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors ⁽¹⁾, and in particular Article 14(a) and (f) thereof,

Having regard to Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors ⁽²⁾, and in particular the third subparagraph of Article 6(1), Articles 7(2), 8(2) and 9(2), Article 11(1) and (3), the third subparagraph of Article 12(1) and Articles 19 and 28 thereof,

Whereas:

- (1) Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances ⁽³⁾ which was implemented by Commission Regulation (EEC) No 3769/92 of 21 December 1992 implementing and amending Council Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances ⁽⁴⁾ has been replaced by Regulation (EC) No 111/2005. It is necessary to bring the implementing measures contained in Regulation (EEC) No 3769/92 in line with the new set of rules provided for in Regulation (EC) No 111/2005. Regulation (EEC) No 3769/92 should therefore be repealed.
- (2) Regulation (EC) No 273/2004 on drug precursors, which replaces Council Directive 92/109/EEC ⁽⁵⁾, harmonises the provisions concerning the placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances within the Community. In order to enhance the smooth operation of the internal market, for the trade in drug precursors, the provisions for the application for a licence, the granting or refusal of the granting of a licence, its

suspension or revocation, should be harmonised at Community level.

- (3) It is important to avoid the unauthorised removal of Category 1 substances, and therefore the business premises where these substances are stored or used should be secured against the unauthorised removal.
- (4) The types of operators engaged in intra-Community trade who may benefit from special licences and special registrations should be further determined. The cases where operators engaged in trade between the Community and third countries may be exempted from the licensing and registration requirement should be determined.
- (5) The provisions governing the licence conditions and the notification obligations of operators engaged in intra-Community trade and trade between the Community and third countries should to the extent possible be identical.
- (6) Provisions should be set up allowing to verify the licit purposes of all drug precursor consignments entering the Community customs territory, including, in particular, transit and transshipment consignments and sensitive areas such as Community free zones.
- (7) Specific import authorisation procedures are necessary to monitor individual import consignments of Category 1 substances in order to prevent diversion at an early stage and in particular to address the growing problem of amphetamine-type stimulants.
- (8) Detailed rules concerning pre-export notification should allow it to adapt the information transfer and the necessary type of response to the sensitivity of the export consignment. In order to fully exploit the pre-export notification and export authorisation system, efforts should in principle target high risk consignments. Detailed rules on the simplified use of pre-export notifications and the granting of export authorisations by simplified procedure should allow the easing of the administrative burden for mass chemicals with common licit uses.
- (9) In view of an efficient monitoring of trade Member States should enable the competent authorities to perform their tasks efficiently and to exchange information between themselves.

⁽¹⁾ OJ L 47, 18.2.2004, p. 1.

⁽²⁾ OJ L 22, 26.1.2005, p. 1.

⁽³⁾ OJ L 357, 20.12.1990, p. 1.

⁽⁴⁾ OJ L 383, 29.12.1992, p. 17. Regulation as last amended by Regulation (EC) No 1232/2002 (OJ L 180, 10.7.2002, p. 5).

⁽⁵⁾ OJ L 370, 19.12.1992, p. 76. Directive as last amended by Commission Directive 2003/101/EC (OJ L 286, 4.11.2003, p. 14).

(10) To improve the coordination of the monitoring of drug precursors it is appropriate that the Member States provide the Commission regularly with information on the prevention of the diversion of drug precursors.

(11) This Regulation should apply from the same date as Regulation (EC) No 273/2004 and Regulation (EC) No 111/2005.

(12) The measures provided for in this Regulation are in accordance with the opinion of the drug precursors committee,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

This Regulation lays down rules for the implementation of Regulations (EC) No 273/2004 and (EC) No 111/2005 as regards the responsible officer, the licensing and registration of operators, the provision of information, pre-export notifications and authorisation of exports and imports in the field of drug precursors.

Article 2

For the purposes of this Regulation, in addition to the definitions contained in regulations (EC) No 273/2004 and (EC) No 111/2005 'business premises' shall mean building(s) together with the land occupied by an operator at a single location.

CHAPTER II

RESPONSIBLE OFFICER

Article 3

Operators engaged in import, export or intermediary activities referred to in Article 2 of Regulation (EC) No 111/2005 involving scheduled substances of Category 1 or 2, shall appoint an officer responsible for the trade in scheduled substances, notify the competent authorities of the name and contact details of that officer and notify them immediately of any subsequent modification of this information.

Article 4

The responsible officer referred to in Article 3 shall ensure that import, export or intermediary activities take place in compliance with the pertinent legal provisions and shall be empowered to represent the operator and to take the decisions necessary for performing that task.

CHAPTER III

LICENSING AND REGISTRATION OF OPERATORS

Article 5

1. In order to obtain a licence pursuant to Article 3(2) of Regulation (EC) No 273/2004 the operator concerned shall make an application in writing.

That application shall contain the following:

- (a) the full name and address of the applicant;
- (b) the full name of the responsible officer;
- (c) a description of the position and tasks of the responsible officer;
- (d) the full addresses of the business premises;
- (e) the description of all the places of storage, production, manufacture and processing of scheduled substances;
- (f) information showing that adequate measures have been taken against the unauthorised removal of scheduled substances from the places listed in point (e);
- (g) the name and the CN code of the scheduled substances as stated in Annex I to Regulation (EC) No 273/2004;
- (h) in the case of a mixture or natural product an indication of the following:
 - (i) the name of the mixture or natural product;
 - (ii) the name and CN code of the scheduled substances as stated in Annex I to Regulation (EC) No 273/2004 in the mixture or natural product;
 - (iii) the maximum percentage of such scheduled substances in the mixture or natural product;
- (i) a description of the envisaged type of operations referred to in Article 3 of Regulation (EC) No 273/2004;
- (j) an authenticated copy of the Register of companies or activities, where appropriate;
- (k) a certificate of good conduct of the applicant and the responsible officer or a document showing that they offer the necessary guarantee for the proper conduct of the operations, as appropriate.

The applicant shall provide the competent authorities, upon their request, with access to relevant additional information and documents.

2. Paragraph 1 shall apply as regards licences referred to in Article 6(1) of Regulation (EC) No 111/2005.

For the purposes of point (e) of paragraph 1, the application shall contain a description of all places of storage, working, processing, usual forms of handling and use of scheduled substances.

For the purposes of point (g) and point (h)(ii) of paragraph 1 the name and CN code of the scheduled substances as stated in the Annex to Regulation (EC) No 111/2005 shall be given.

For the purposes of point (i) of paragraph 1, a description of the envisaged type of operations referred to in Article 6(1) of Regulation (EC) No 111/2005 shall be given.

Article 6

Operators shall take adequate measures to secure the business premises against the unauthorised removal of scheduled substances listed in Category 1.

Article 7

1. The competent authority shall take a decision on the application for the licences referred to in Article 5 within 60 working days from the date of receipt of that application.

In the case of a renewal of a licence, the decision shall be taken within 30 working days.

2. The competent authority may suspend the periods referred to in paragraph 1 to allow the applicant to provide any missing information. In that case the suspension shall begin on the day when the competent authority informs the applicant about the missing information.

3. The licence may cover the operations referred to in Regulation (EC) No 273/2004 and Regulation (EC) No 111/2005.

4. When granting the licence, the competent authorities shall use the model set out in Annex I.

5. The competent authorities may grant a licence in either of the following forms:

- (a) a licence which covers all scheduled substances and all operations per business premises;
- (b) a licence which covers all scheduled substances and all operations per Member State.

Article 8

1. Provided that measures adopted in accordance with Article 10 of Regulation (EC) No 273/2004 are not prejudiced, the competent authorities shall refuse the granting of the licence if the conditions set out in Article 5(1) of this Regulation are not fulfilled or if there are reasonable grounds for suspecting that the scheduled substances are intended for the illicit manufacture of narcotic drugs or psychotropic substances.

2. Subject to Article 5(2), paragraph 1 of this Article shall apply in respect of applications under Regulation (EC) No 111/2005 and provided that measures adopted in accordance with Article 26(3) of that Regulation are not prejudiced.

Article 9

In the case of trade between the Community and third countries referred to in Regulation (EC) No 111/2005, the competent authorities may either limit the validity of the licence to a period not exceeding three years or may require operators to demonstrate at intervals not exceeding three years that the conditions under which the licence was granted are still fulfilled.

The validity of licences issued before the entry into force of Regulation (EC) No 111/2005 shall not be affected.

Article 10

1. A licence shall not be transferable.

2. The licence holder shall, in accordance with Article 5, apply for a new licence where any of the following are envisaged:

- (a) the addition of a scheduled substance;
- (b) the start of a new operation;
- (c) the change of the location of the business premises where the operations take place.

In such cases, the existing licence shall cease to be valid on the earlier of the following dates:

- (i) the date of expiry of validity where a term of validity has been fixed in accordance with Article 9 of this Regulation or in accordance with Article 3(5) of Regulation (EC) No 273/2004;
- (ii) the date of commencement of validity of the new licence.

3. In cases of changes of the information provided in accordance with Article 5 other than those referred to in paragraph 2 of this Article, in particular the name of the responsible officer, the licence holder shall inform the competent authorities within 10 working days following such change.

Where, after the change, the conditions referred to in Article 5 continue to be fulfilled, the competent authorities shall amend the licence accordingly.

4. Licence holders shall return licences which are no longer valid to the competent authorities.

5. Paragraph 2 shall apply to licences issued before the date of application of Regulation (EC) No 273/2004 and Regulation (EC) No 111/2005.

Article 11

1. Provided that measures adopted in accordance with Article 10 of Regulation (EC) No 273/2004 are not prejudiced, the competent authorities may suspend or revoke a licence in the following cases:

- (a) the conditions set out in Article 5(1) of this Regulation are no longer fulfilled;
- (b) there are reasonable grounds for suspecting that the scheduled substances are intended for the illicit manufacture of narcotic drugs or psychotropic substances;
- (c) the licence holder has not used the licence for a period of three years.

2. Subject to Article 5(2), paragraph 1 of this Article shall apply in respect of licences under Regulation (EC) No 111/2005 and provided that measures adopted in accordance with Article 26(3) of that Regulation are not prejudiced.

Article 12

1. Articles 5 to 11 shall not apply to special licences referred to in Article 3(2) of Regulation (EC) No 273/2004.

2. The public authorities referred to in Article 3(2) and (6) of Regulation (EC) No 273/2004 shall comprise customs, police and official laboratories of competent authorities.

Article 13

Pharmacies, dispensaries of veterinary medicine, customs, police, official laboratories of competent authorities and armed forces shall be exempted from the requirement of licensing and registration under Regulation (EC) No 111/2005 where these operators use drug precursors within the scope of their official duties, only.

The operators set out in the first paragraph are also exempted from the following:

- (a) the provision of documentation referred to in Article 3 of Regulation (EC) No 111/2005;
- (b) the obligation to appoint a responsible officer set out in Article 3 of this Regulation.

Article 14

1. Operators engaged in the export of scheduled substances listed in Category 3 of the Annex to Regulation (EC) No 111/2005 shall be exempt from the registration requirement referred to in Article 7(1) of that Regulation if the sum of quantities concerned by their exports during the course of the preceding calendar year (1 January-31 December) does not exceed the amounts specified in Annex II to this Regulation.

When those amounts are exceeded within the current calendar year, the operator shall comply with the registration requirement immediately.

2. Operators engaged in export of mixtures containing scheduled substances listed in Category 3 of the Annex to Regulation (EC) No 111/2005, shall be exempt from the registration requirement referred to in Article 7(1) of that Regulation if the amount of the scheduled substance contained in the mixtures does not exceed, during the course of the preceding calendar year, the amounts specified in Annex II to this Regulation.

When those amounts are exceeded within the current calendar year, the operator shall comply with the registration requirement immediately.

Article 15

For the purposes of Article 6 of Regulation (EC) No 273/2004, customers shall inform their suppliers whether that Article is applicable to them.

Article 16

Where, pursuant to Article 8(1) of Regulation (EC) No 111/2005, the competent authorities request the licit purposes of the transaction to be demonstrated, the operator shall, using the model set out in Annex III to this Regulation, provide a written declaration allowing the competent authorities to satisfy themselves that the consignment has left the country of export in accordance with the national provisions in force adopted pursuant to Article 12 of the Convention of the United Nations against illicit traffic in Narcotic Drugs and Psychotropic substances (hereinafter the United Nations Convention).

However, the operator may also present the import authorisation referred to in Article 20 of Regulation (EC) No 111/2005 or the customer declaration referred to in Article 4 of Regulation (EC) No 273/2004.

CHAPTER IV

PROVISION OF INFORMATION

Article 17

For the purposes of Article 8(2) of Regulation (EC) No 273/2004 operators shall inform the competent authorities in a summary form of the quantities of scheduled substances used or supplied and, in the case of supply, of the quantity supplied to each third party.

The first paragraph shall apply to scheduled substances of Category 3, only upon request by the competent authorities.

Article 18

1. For the purposes of Article 9(2) of Regulation (EC) No 111/2005 operators holding a licence or registration shall inform the competent authorities about the following:

- (a) exports of scheduled substances subject to an export authorisation;
- (b) all imports of scheduled substances of Category 1 requiring an import authorisation or all cases where scheduled substances of Category 2 are entered into a free zone of control type II, placed into a suspensive procedure other than transit, or released for free circulation;
- (c) all intermediary activities involving scheduled substances of Categories 1 and 2.

2. The information referred to in point (a) of paragraph 1 shall be organised by making reference to the countries of destination, quantities exported and the reference numbers of the export authorisations as the case may be.

3. The information referred to in point (b) of paragraph 1 shall be organised by making reference to the third country of export and the reference number of the import authorisations as the case may be.

4. The information referred to in point (c) of paragraph 1 shall be organised by making reference to the third countries involved by these intermediary activities and the export or import authorisation as the case may be. Operators shall provide further information, upon request of the competent authorities.

Article 19

The information referred to in Articles 17 and 18 shall be provided once a year before 15 February.

The operator shall also inform the competent authorities, where no operations have taken place.

The information shall be treated as confidential business information.

CHAPTER V

PRE-EXPORT NOTIFICATION

Article 20

Lists as referred to in Article 11(1) of Regulation (EC) No 111/2005 shall at least involve the following:

- (a) countries with whom the Community has concluded a specific agreement on drug precursors;
- (b) third countries which have requested to receive pre-export notifications in accordance with Article 12(10) of the United Nations Convention.

Such lists are set out in Annex IV.

Article 21

1. In the case of exports intended for the simplified export authorisation procedure referred to in Article 19 of Regulation (EC) No 111/2005 and Articles 25, 26 and 27 of this Regulation, the competent authorities may send a simplified pre-export notification covering several export operations carried out within a specific time period of either 6 or 12 months.

2. The competent authorities shall supply the information specified in Article 13(1) of Regulation (EC) No 111/2005 and indicate to the competent authorities of the third country of destination that the pre-export notification covers several export operations carried out within a specific time period of either 6 or 12 months.

3. The competent authorities shall send a pre-export notification to the country of destination using the 'multilateral chemical reporting notification' form set out in Annex V.

CHAPTER VI

EXPORT/IMPORT AUTHORISATION

Article 22

The countries of destination of exports of scheduled substances listed in Category 3 requiring an export authorisation are set out in Annex IV.

Article 23

1. Export and import authorisations shall be made out on the forms given in Annex VI and Annex VII respectively. The layout of the forms shall be binding.

An export or import authorisation may also be granted by electronic means. In that case Member States may adapt the box relating to the authorisation number.

2. An export authorisation shall be established in four copies numbered 1 to 4.

Copy No 1 shall be kept by the authority issuing the authorisation.

Copies No 2 and No 3 shall accompany the scheduled substances and be presented to the customs office where the customs export declaration is made and subsequently to the competent authorities at the point of exit from the customs territory of the Community. The competent authorities at the point of exit shall return Copy No 2 to the issuing authority. Copy No 3 shall accompany the scheduled substances to the competent authority of the importing country.

Copy No 4 shall be kept by the exporter.

3. The import authorisation shall be established in four copies numbered 1 to 4.

Copy No 1 shall be kept by the authority issuing the authorisation.

Copy No 2 shall be sent to the competent authority of the exporting country by the issuing authority.

Copy No 3 shall accompany the scheduled substances from the point of entry into the Community customs territory to the business premises of the importer, who sends this copy to the issuing authority.

Copy No 4 shall be kept by the importer.

4. An export or import authorisation shall not be granted for more than two scheduled substances.

Article 24

1. The authorisation forms shall be printed in one or more of the official languages of the Community.

2. The forms shall be A4 format. It shall have a printed guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.

3. Member States may reserve the right to print the authorisation forms themselves or may have them printed by printers

approved by them. In the latter case, each authorisation form must include a reference of such approval. In addition, the authorisation form must bear the name and address of the printer or a mark by which the printer can be identified.

Article 25

On an application by the operator concerned the competent authority may grant an export authorisation by simplified procedure, as referred to in Article 19 of Regulation (EC) No 111/2005, in cases of frequent exports of one specific scheduled substance listed in Category 3 involving the same exporter established in the Community and the same importer in the same third country of destination covering a specific time period of either 6 or 12 months.

Such simplified export authorisation may only be granted in the following cases:

- (a) where during previous exports the operator has shown the capacity to fulfil all obligations in relation to those exports, and has not committed any offences against relevant legislation;
- (b) where the competent authority can satisfy itself as to the licit purposes of those export operations.

Article 26

1. The application for a simplified export authorisation referred to in Article 25 shall contain at least the following:

- (a) the names and addresses of the exporter, importer in the third country, and the ultimate consignee;
- (b) the name of the scheduled substance, as stated in the Annex to Regulation (EC) No 111/2005, or, in the case of a mixture or natural product, its name and CN code and the name of any scheduled substance, as stated in the Annex to Regulation (EC) No 111/2005, contained in the mixture or natural product;
- (c) the maximum quantity of the scheduled substance intended for export;
- (d) the intended specific time period for the export operations.

2. The competent authority shall take the decision on the application for simplified export authorisation within a period of 15 working days from the date on which it received the required information.

Article 27

1. An export authorisation granted by simplified procedure shall be established using copies No 1, 2 and 4 of the form set out in Annex VI.

Copy No 1 shall be kept by the authority issuing the authorisation.

Copy No 2 and Copy No 4 shall remain with the exporter.

The exporter shall indicate details of each export operation on the back side of Copy No 2, in particular the quantity of the scheduled substance of each export operation and the remaining quantity. Copy No 2 shall be presented to the customs office when the customs declaration is made. That customs office shall confirm the details and return the copy to the exporter.

2. The operator shall enter the authorisation number and the words 'simplified export authorisation procedure' on the customs declaration for each export operation.

Where the customs office of exit is not at the point of exit from the customs territory of the Community, the information referred to in the first subparagraph shall be provided on the documents accompanying the export consignment.

3. The exporter shall return Copy No 2 to the issuing authority at the latest 10 working days following the expiry of the period of validity of the export authorisation granted by simplified procedure.

CHAPTER VII

FINAL PROVISIONS

Article 28

1. Each Member State shall adopt the measures necessary to enable the competent authorities to perform their control and monitoring duties, including inspections to examine the suitability of the business premises.

2. The Member States shall ensure the exchange of information between all authorities involved.

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

Done at Brussels, 27 July 2005.

Article 29

1. In the month following each calendar quarter, each Member State shall send the Commission a list providing information on the cases where the release of scheduled substances was suspended or the scheduled substances were detained.

That information shall include the following:

- (a) the name of the scheduled substances; if known their origin, provenance and destination;
- (b) the quantity of the scheduled substances, their customs status and the means of transport used.

2. At the end of every calendar year, the Commission shall communicate to all Member States the information received pursuant to paragraph 1.

Article 30

Regulation (EEC) No 3769/92 is repealed with effect from 18 August 2005.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 31

By 31 December 2005 at the latest, the competent authorities shall revoke open individual export authorisations granted pursuant to Articles 5(3) and 5a(3) of Regulation (EEC) No 3677/90. Such revocation shall not, however, affect scheduled substances which have been declared for export before 1 January 2006.

Article 32

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

It shall apply from the 18 August 2005.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX I



European Community

Licence
 (Article 3(2) of Regulation (EC) No 273/2004)
 (Article 6(1) of Regulation (EC) No 111/2005)

MS:
 (Licence Number)

ORIGINAL	1. Licence holder (name, address, phone, fax, e-mail)		2. Issuing authority	
	1a. Additional information		1b. Additional information	
	3. Validity			
	Beginning:		End:	
	4. The licence covers the following:			
	Scheduled substance(s)	CN Code	Operation	Business premises
5. Additional information/conditions				
6. Date		Signature		Stamp
		Name		

Notes

1. The layout of the model is not binding.
2. The order numbers and the text of the model are binding. The completion of the boxes marked in bold is mandatory.
3. Details of the boxes:

Box 1 (Licence holder): The name of the responsible officer may be added.

Box 3 (validity/end): Specify the term of validity or whether operators are obliged to demonstrate at intervals not exceeding three years that the conditions under which the licence was granted are still fulfilled.

Box 4 (scheduled substances): Name of the scheduled substance as stated in the Annex, or, in the case of a mixture or a natural product, its name and the name of any scheduled substance, as stated in the Annex, contained in the mixture or in the natural product. Indicate salts, where appropriate.

Box 4 (CN code): In addition to the CN code, the CAS number may be added.

Box 4 (operation): Specify export, import and/or intermediary activities. In the case of import, specify whether storage, working, processing, use, usual forms of handling and/or release for free circulation, where appropriate. For operations covered by Regulation (EC) No 273/2004, specify: storage, production, manufacture, processing, trade, distribution and/or brokering.

Box 4 (business premises): In the case of intermediary activities referred to in Article 2 of Regulation (EC) No 111/2005, the business premises need not be specified.

4. The Member States may provide for boxes for national purposes. These boxes shall be indicated by an order number followed by a capital letter (e.g. 4A).

ANNEX II

Substance	Quantity
Acetone ⁽¹⁾	50 kg
Ethyl ether ⁽¹⁾	20 kg
Methylethylketone ⁽¹⁾	50 kg
Toluene ⁽¹⁾	50 kg
Sulphuric acid	100 kg
Hydrochloric acid	100 kg

⁽¹⁾ The salts of these substances whenever the existence of such salts is possible.

ANNEX III



European Community

**Declaration of the operator
on the entry of the scheduled substances into the Community customs territory
(Article 8 of Regulation (EC) No 111/2005)**

Article 12 of the United Nations' Convention against illicit traffic in narcotic drugs and psychotropic substances

ORIGINAL	1. Operator (name, address, phone, fax, e-mail)		2a. Country of export	
			2b. Transit country/countries	
			2c. Country of final destination	
	3a. Exporter in the country of export (name, address, phone, fax, e-mail)		3b. Competent authority in country of export (name, address, phone, fax, e-mail)	
	4a. Importer in the country of destination (name, address, phone, fax, e-mail)		4b. Competent authority in the country import (name, address, phone, fax, e-mail)	
	5a. Scheduled Substance		5a. CN Code	
			5a. Net weight	
			5a. % of mixture	
	5b. Scheduled Substance		5b. CN Code	
			5b. Net weight	
			5b. % of mixture	
	6a. Bill of lading/Airway bill/or other transport document number of country of export		6b. Reference number of the export authorisation of the exporter in the third country of export (optional)	
7. Declaration by the Operator: Name: _____ Representing: _____ (Operator) I hereby declare that — to my knowledge — the scheduled substances have left the country of export in accordance with the provisions in force adopted pursuant to Article 12 of the United Nations' Convention against illicit traffic in narcotic drugs and psychotropic substances. The following supporting evidence is attached (optional): ☐ copy of export authorisation ☐ copy of licence/registration Signature: _____ Place: _____ Date: _____				

Notes

1. The layout of the model is not binding.
2. The order numbers and the text of the model are binding.

ANNEX IV

I. List of countries referred to in Article 20:

Substance	Destination	
Acetic anhydride	Any third country	
Potassium permanganate		
Anthranilic acid	Antigua and Barbuda	Madagascar
	Benin	Malaysia
	Bolivia	Mexico
	Brazil	Nigeria
	Cayman Islands	Paraguay
	Chile	Peru
	Colombia	Philippines
	Costa Rica	Republic of Moldova
	Dominican Republic	Romania
	Ecuador	Russia
	Ethiopia	Saudi Arabia
	Haiti	South Africa
	India	Tajikistan
	Indonesia	Turkey
	Jordan	United Arab Emirates
	Kazakhstan	United Republic of Tanzania
	Lebanon	Venezuela
Phenylacetic Acid Piperidine	Antigua and Barbuda	Madagascar
	Benin	Malaysia
	Bolivia	Mexico
	Brazil	Nigeria
	Cayman Islands	Paraguay
	Chile	Peru
	Colombia	Philippines
	Costa Rica	Republic of Moldova
	Dominican Republic	Romania
	Ecuador	Russia
	Ethiopia	Saudi Arabia
	Haiti	Tajikistan
	India	Turkey
	Indonesia	United Arab Emirates
	Jordan	United Republic of Tanzania
	Kazakhstan	United States of America
	Lebanon	Venezuela

II. List of countries referred to in Articles 20 and 22:

Substance	Destination	
Methylethyl ketone (MEK) ⁽¹⁾	Antigua and Barbuda	Lebanon
Toluene ⁽¹⁾	Argentina	Madagascar
Acetone ⁽¹⁾	Benin	Malaysia
Ethyl ether ⁽¹⁾	Bolivia	Mexico
	Brazil	Nigeria
	Cayman Islands	Pakistan
	Chile	Panama
	Colombia	Paraguay
	Costa Rica	Peru
	Dominican Republic	Philippines
	Ecuador	Republic of Moldova
	Egypt	Romania
	El Salvador	Russia
	Ethiopia	Saudia Arabia
	Guatemala	Tajikistan
	Haiti	Turkey
	Honduras	United Arab Emirates
	India	United Republic of Tanzania
	Jordan	Uruguay
	Kazakhstan	Venezuela
Hydrochloric acid	Bolivia	Peru
Sulphuric acid	Chile	Turkey
	Colombia	Venezuela
	Ecuador	

⁽¹⁾ The salts of these substances whenever the existence of such salts is possible.

ANNEX V



MULTILATERAL CHEMICAL REPORTING NOTIFICATION

1. ACTION ADDRESSEE		
2. Additional addressee		
3. Additional addressee		
4. Name	5. Agency (name and address)	6. Country
7. Telephone	8. Fax	9. E-mail
10. Signature and date		

11. This shipment ☐ WILL ☐ WILL NOT proceed if a reply is not received within ... days.

12. Does your office have any objection to this shipment? ☐ Yes ☐ No ☐ Further inquiries required
If YES, please provide details and reasons.

PART A

This multilateral chemical reporting notification covers:		
☐ one export operation, or		
☐ several export operations to be carried out within a specific time frame (Beginning: End:).		
13. Name of scheduled substance	14. Quantity and weight	15. CN code
16. Exporting country	17. Point of exit	18. Departure date
19. Importing country	20. Point of entry	21. Estimated arrival date
22. Transshipment route (including Free Zones, and Final Destination)		23. Means of transport:
24. Importer (name, address, telephone and fax)		
25. Import/export authorisation number		
26. Ultimate consignee (name, address, telephone and fax)		
27. Other remarks		

PART B

32. Exporter, manufacturer or supplier (name, address, telephone and fax)
33. Intermediaries (name, address, telephone and fax)
34. Transit companies (name, address, telephone and fax)
35. Transportation details (Flight No/vessel, etc.)

Notes

1. The layout of the model is not binding.
2. The order numbers and the text of the model are binding. The completion of the boxes marked in bold is mandatory.
3. Further details of the boxes:

Box 'Part A': Indicate whether the MCRN covers one or several export operations. Where it covers several operations, indicate the intended time frame.

Box 14 (quantity and weight): In the case of a MCRN to cover several export operations, indicate the maximum quantity and weight.

Item 18 (Departure date): In the case of a MCRN to cover several export operations, this box must be filled out indicating the final estimated departure date.

ANNEX VI

**EUROPEAN COMMUNITY
GOODS SUBJECT TO EXPORT CONTROL**

DRUG PRECURSORS — REGULATION (EC) No 111/2005**EXPORT AUTHORISATION**

COPY FOR THE ISSUING AUTHORITY	1	1. Exporter (name and address)	2. AUTHORISATION number:	
			Issued (date): _____ at: _____	
			3. Simplified export authorisation procedure YES/NO	
			4. Period of validity: Beginning: _____ End: _____	
		5. Importer in the country of destination (name and address)	6. (For completion by the issuing authority) Issuing Authority (name, address, phone, fax, e-mail)	
		Import authorisation No		
		7. Other Operator(s) (name and address)	8. Customs office where the customs declaration will be made (name and address)	
		9. Ultimate consignee (name and address)	10. Point of exit	11. Point of entry into the importing country
			12. Means of transport	13. Itinerary
	1	14a. Scheduled substance	15a. CN code	
16a. Net weight				
17a. % of mixture				
18a. Invoice number				
	14b. Scheduled substance	15b. CN code		
		16b. Net weight		
		17b. % of mixture		
		18b. Invoice number		
	19. Declaration by the applicant	20. (For completion by the customs office where the export declaration is made unless the simplified export authorisation procedure is applied)		
	Name: _____	Reference number of customs declaration: _____		
	Representing: _____ (Applicant)	Stamp: _____		
	Signature: _____ Date: _____			
	21. (For completion by issuing authority unless the simplified export authorisation procedure is applied)	22. CONFIRMATION OF EXIT FROM THE EC		
	Box 18 information still required: YES/NO	(For completion by the competent authorities at the point of exit from the Community customs territory unless the simplified export authorisation procedure is applied)		
	Boxes 7, 8, 10-13 information still required YES/NO	Date of exit: _____		
	Signature: _____	Signature of officer: _____		
	Function: _____	Function: _____ Place: _____		
	Date: _____ Stamp: _____	Date: _____ Stamp: _____		

**EUROPEAN COMMUNITY
GOODS SUBJECT TO EXPORT CONTROL**

DRUG PRECURSORS — REGULATION (EC) No 111/2005**EXPORT AUTHORISATION**

2	COPY TO ACCOMPANY THE GOODS TO POINT OF EXIT (*)	1. Exporter (name and address)	2. AUTHORISATION number: Issued (date): _____ at: _____	
			3. Simplified export authorisation procedure YES/NO	
			4. Period of validity: Beginning: _____ End: _____	
			5. Importer in the country of destination (name and address) Import authorisation No _____	
		6. (For completion by the issuing authority) Issuing Authority (name, address, phone, fax, e-mail)		
		7. Other Operator(s) (name and address)		
		8. Customs office where the customs declaration will be made (name and address)		
		9. Ultimate consignee (name and address)		
		10. Point of exit		11. Point of entry into the importing country
		12. Means of transport		13. Itinerary
2	14a. Scheduled substance	15a. CN code		
		16a. Net weight		
		17a. % of mixture		
		18a. Invoice number		
14b. Scheduled substance	15b. CN code			
	16b. Net weight			
	17b. % of mixture			
	18b. Invoice number			
19. Declaration by the applicant Name: _____ Representing: _____ (Applicant) Signature: _____ Date: _____		20. (For completion by the customs office where the export declaration is made unless the simplified export authorisation procedure is applied) Reference number of customs declaration: _____ Stamp: _____		
21. (For completion by issuing authority unless the simplified export authorisation procedure is applied) Box 18 information still required: YES/NO Boxes 7, 8, 10-13 information still required YES /NO Signature: _____ Function: _____ Date: _____ Stamp: _____		22. CONFIRMATION OF EXIT FROM THE EC (For completion by the competent authorities at the point of exit from the Community customs territory unless the simplified export authorisation procedure is applied) Date of exit: _____ Signature of officer: _____ Function: _____ Place: _____ Date: _____ Stamp: _____		

(*) Unless the simplified export authorisation procedure is used.

[illegible]

**EUROPEAN COMMUNITY
GOODS SUBJECT TO EXPORT CONTROL**

DRUG PRECURSORS — REGULATION (EC) No 111/2005**EXPORT AUTHORISATION**

COPY TO ACCOMPANY THE GOODS TO IMPORTING COUNTRY	3	1. Exporter (name and address)	2. Authorisation number: Issued (date): _____ at: _____	
			3. Simplified export authorisation procedure YES/NO	
			4. Period of validity: Beginning: _____ End: _____	
			5. Importer in the country of destination (name and address) Import authorisation No _____	
		6. (For completion by the issuing authority) Issuing Authority (name, address, phone, fax, e-mail)		
		7. Other Operator(s) (name and address)	8. Customs office where the customs declaration will be made (name and address)	
		9. Ultimate consignee (name and address)	10. Point of exit	11. Point of entry into the importing country
			12. Means of transport	13. Itinerary
		14a. Scheduled substance	15a. CN code	
			16a. Net weight	
		17a. % of mixture		
		18a. Invoice number		
	14b. Scheduled substance	15b. CN code		
		16b. Net weight		
		17b. % of mixture		
		18b. Invoice number		
	19. Declaration by the applicant Name: _____ Representing: _____ (Applicant) Signature: _____ Date: _____	20. (For completion by the customs office where the export declaration is made unless the simplified export authorisation procedure is applied) Reference number of customs declaration: _____ Stamp: _____		
	21. (For completion by issuing authority unless the simplified export authorisation procedure is applied) Box 18 information still required: YES/NO Boxes 7, 8, 10-13 information still required YES /NO Signature: _____ Function: _____ Date: _____ Stamp: _____	22. CONFIRMATION OF EXIT FROM THE EC (For completion by the competent authorities at the point of exit from the Community customs territory unless the simplified export authorisation procedure is applied) Date of exit: _____ Signature of officer: _____ Function: _____ Place: _____ Date: _____ Stamp: _____		

**EUROPEAN COMMUNITY
GOODS SUBJECT TO EXPORT CONTROL**

DRUG PRECURSORS — REGULATION (EC) No 111/2005**EXPORT AUTHORISATION**

COPY FOR THE EXPORTER	4	1. Exporter (name and address)	2. AUTHORISATION number: Issued (date): _____ at: _____	
			3. Simplified export authorisation procedure YES/NO	
			4. Period of validity: Beginning: _____ End: _____	
		5. Importer in the country of destination (name and address) Import authorisation No	6. (For completion by the issuing authority) Issuing Authority (name, address, phone, fax, e-mail)	
		7. Other Operator(s) (name and address)	8. Customs office where the customs declaration will be made (name and address)	
		9. Ultimate consignee (name and address)	10. Point of exit	11. Point of entry into the importing country
			12. Means of transport	13. Itinerary
		14a. Scheduled substance	15a. CN code	
			16a. Net weight	
	17a. % of mixture			
18a. Invoice number				
	14b. Scheduled substance	15b. CN code		
		16b. Net weight		
		17b. % of mixture		
		18b. Invoice number		
		19. Declaration by the applicant Name: _____ Representing: _____ (Applicant) Signature: _____ Date: _____	20. (For completion by the customs office where the export declaration is made unless the simplified export authorisation procedure is applied) Reference number of customs declaration: _____ Stamp: _____	
		21. (For completion by issuing authority unless the simplified export authorisation procedure is applied) Box 18 information still required: YES/NO Boxes 7, 8, 10-13 information still required YES/NO Signature: _____ Function: _____ Date: _____ Stamp: _____	22. CONFIRMATION OF EXIT FROM THE EC (For completion by the competent authorities at the point of exit from the Community customs territory unless the simplified export authorisation procedure is applied) Date of exit: _____ Signature of officer: _____ Function: _____ Place: _____ Date: _____ Stamp: _____	

Notes

I.

1. The authorisation shall be completed in one of the official languages of the Community; if it is handwritten, it shall be completed in ink in capital letters.
2. Boxes 1, 3, 5, 7, 9 to 19 are to be provided by the applicant at the time of the request; however, the information required in boxes 7, 8 and 10 to 13 and 18 may be supplied at a later stage, if the information is not known at the time of the request. In this case, the information for box 18 is to be supplemented at the latest when the export declaration is made and the supplementary information for boxes 7, 8, 10 to 13 is to be given to the customs or other authority at the point of exit from the Community territory at the latest before the physical departure of the goods.
3. Boxes 1, 5, 7 and 9: Enter full names and addresses (phone, fax, e-mail where available).
4. Box 5: Enter reference number to the import authorisation document of the third country importer, (for example a 'letter of no-objection', import permit, other statement of the third country of destination), where appropriate.
5. Box 7: Enter full name and address (phone, fax, e-mail where available) of any other operator involved in the export operation such as transporters, intermediaries, customs agents.
6. Box 9: Enter full name and address (phone, fax, e-mail where available) of the person or company to which the goods are delivered in the country of destination (not necessarily the end-user).
7. Box 10: Give the name of the Member State, port, airport or border point, where appropriate.
8. Box 11: Give the name of the country, port, airport or border point, where appropriate.
9. Box 12: Specify all means of transport to be used (e.g. lorry, ship, plane, train, etc.). In the case of an export authorisation covering several export operations, this box need not be filled in.
10. Box 13: Give as full details as possible of the route to be taken.
11. Boxes 14a, b: Enter name of the scheduled substance as stated in the Annex to Regulation (EC) No 111/2005 or in the case of a mixture or natural product, the name and 8 digit CN code of the mixture or natural product.
12. Boxes 14a, b: Identify packages and substances with precision (e.g. 2 cans of 5 litres each). In the case of a mixture, natural product or preparation, indicate commercial name concerned.
13. Boxes 15a, b: Enter the 8 digit CN code of the scheduled substance as stated in the Annex to Regulation (EC) No 111/2005.
14. Box 19:
 - Indicate in block letters the name of the applicant or, where appropriate, of the authorised representative who signs this application.
 - The signature by the applicant or authorised representative, according to the modalities provided for by the Member State concerned, indicates that the person concerned is declaring that all the particulars provided on the application are correctly and fully stated. Without prejudice to the possible application of penal provisions, this declaration is equivalent to the engagement of responsibility, under the provisions in force in the Member States, in respect of the following:
 - the accuracy of the information given in the declaration;
 - the authenticity of any documents attached;
 - the observance of all the obligations inherent in the export of scheduled substances listed in the Annex to Regulation (EC) No 111/2005.
 - Whenever the authorisation is issued by means of a computerised procedure, that authorisation may not contain the signature of the applicant in this box, if the application as such contains such signature.

II. (Simplified export authorisation procedure)

1. In the case of a simplified export authorisation procedure, boxes 7 to 13 and 18 need not be completed.
 2. On the backside of Copy No 2, boxes 24 to 27 must be completed for each export operation.
 3. Box 23: Indicate the authorised maximum quantity and net weight.
Column 24: Indicate the quantity available in part 1 and the quantity of the partial export quantity in part 2.
Column 25: Indicate the partial export quantity in words.
Box 26: Reference number and the date of the customs declaration.
-

ANNEX VII

**EUROPEAN COMMUNITY
GOODS SUBJECT TO IMPORT CONTROL**

DRUG PRECURSORS — REGULATION (EC) No 111/2005**IMPORT AUTHORISATION**

COPY FOR THE ISSUING AUTHORITY	1	1. Importer (name and address)	2. AUTHORISATION number: _____	
			Issued (date): _____ at: _____	
			3. Period of validity:	
			Beginning: _____ End: _____	
		4. Exporter (name and address)	5. (For completion by the issuing authority) Issuing Authority (name, address, telephone, fax, e-mail of responsible officer)	
		6. Other Operator(s) (name and address)	7. Competent authority of the exporting country	
		8. Ultimate consignee (name and address)	9. Point of entry into the Community Customs territory	
			10. Methods/Mean of transport	
	1	11a. Scheduled substance	12a. CN code	
			13a. Net weight	
14a. % of mixture				
15a. Invoice number				
	11b. Scheduled substance	12b. CN code		
		13b. Net weight		
		14b. % of mixture		
		15b. Invoice number		
16. Declaration by the applicant Name: _____ Representing: _____ (Applicant) Signature: _____ Date: _____				
17. (For completion by issuing authority) Boxes 7, 9, 10 still required YES/NO Signature: _____ Function: _____ Date: _____ Stamp:		18. (For completion by the customs office in the Community) Customs reference _____ (declaration of entry into the procedure or reference number to the customs approved treatment or use) Signature of officer: _____ Function: _____ Place: _____ Date: _____ Stamp:		

**EUROPEAN COMMUNITY
GOODS SUBJECT TO IMPORT CONTROL**

DRUG PRECURSORS — REGULATION (EC) No 111/2005**IMPORT AUTHORISATION**

2	COPY FOR THE AUTHORITY IN THE COUNTRY OF EXPORT	1. Importer (name and address)	2. AUTHORISATION number: _____ Issued (date): _____ at: _____
			3. Period of validity: Beginning: _____ End: _____
		4. Exporter (name and address)	5. (For completion by the issuing authority) Issuing Authority (name, address, telephone, fax, e-mail of responsible officer)
		6. Other Operator(s) (name and address)	7. Competent authority of the exporting country
		8. Ultimate consignee (name and address)	9. Point of entry into the Community Customs territory
			10. Methods/Mean of transport
		11a. Scheduled substance	12a. CN code
			13a. Net weight
			14a. % of mixture
		2	
	11b. Scheduled substance	12b. CN code	
		13b. Net weight	
		14b. % of mixture	
		15b. Invoice number	
16. Declaration by the applicant Name: _____ Representing: _____ (Applicant) Signature: _____ Date: _____			
17. (For completion by issuing authority) Boxes 7, 9, 10 still required YES/NO Signature: _____ Function: _____ Date: _____ Stamp: _____		18. (For completion by the customs office in the Community) Customs reference _____ (declaration of entry into the procedure or reference number to the customs approved treatment or use) Signature of officer: _____ Function: _____ Place: _____ Date: _____ Stamp: _____	

**EUROPEAN COMMUNITY
GOODS SUBJECT TO IMPORT CONTROL**

DRUG PRECURSORS — REGULATION (EC) No 111/2005**IMPORT AUTHORISATION**

3	COPY TO ACCOMPANY THE GOODS	1. Importer (name and address)	2. AUTHORISATION number: _____ Issued (date): _____ at: _____	
			3. Period of validity: Beginning: _____ End: _____	
		4. Exporter (name and address)	5. (For completion by the issuing authority) Issuing Authority (name, address, telephone, fax, e-mail of responsible officer)	
		6. Other Operator(s) (name and address)	7. Competent authority of the exporting country	
		8. Ultimate consignee	9. Point of entry into the Community Customs territory	
			10. Methods/Mean of transport	
		11a. Scheduled substance		12a. CN code
				13a. Net weight
				14a. % of mixture
				15a. Invoice number
		11b. Scheduled substance		12b. CN code
				13b. Net weight
				14b. % of mixture
				15b. Invoice number
16. Declaration by the applicant Name: _____ Representing: _____ (Applicant) Signature: _____ Date: _____				
17. (For completion by issuing authority) Boxes 7, 9, 10 still required YES/NO Signature: _____ Function: _____ Date: _____ Stamp: _____		18. (For completion by the customs office in the Community) Customs reference _____ (declaration of entry into the procedure or reference number to the customs approved treatment or use) Signature of officer: _____ Function: _____ Place: _____ Date: _____ Stamp: _____		

**EUROPEAN COMMUNITY
GOODS SUBJECT TO IMPORT CONTROL**

DRUG PRECURSORS — REGULATION (EC) No 111/2005**IMPORT AUTHORISATION**

4	COPY FOR THE IMPORTER	1. Importer (name and address)	2. AUTHORISATION number: _____	
			Issued (date): _____ at: _____	
			3. Period of validity: Beginning: _____ End: _____	
		4. Exporter (name and address)	5. (For completion by the issuing authority) Issuing Authority (name, address, telephone, fax, e-mail of responsible officer)	
		6. Other Operator(s) (name and address)	7. Competent authority of the exporting country	
		8. Ultimate consignee (name and address)	9. Point of entry into the Community Customs territory	
			10. Methods/Mean of transport	
		11a. Scheduled substance	12a. CN code	
			13a. Net weight	
			14a. % of mixture	
4		15a. Invoice number		
	11b. Scheduled substance	12b. CN code		
		13b. Net weight		
		14b. % of mixture		
		15b. Invoice number		
16. Declaration by the applicant Name: _____ Representing: _____ (Applicant) Signature: _____ Date: _____				
17. (For completion by issuing authority) Boxes 7, 9, 10 still required YES/NO Signature: _____ Function: _____ Date: _____ Stamp: _____		18. (For completion by the customs office in the Community) Customs reference _____ (declaration of entry into the procedure or reference number to the customs approved treatment or use) Signature of officer: _____ Function: _____ Place: _____ Date: _____ Stamp: _____		

Notes

1. The authorisation shall be completed in one of the official languages of the Community. If it is handwritten, it shall be completed in ink in capital letters.
 2. Boxes 1, 4, 6, 8 and 11 to 16 are to be provided by the applicant at the time of the request; however, information as required in boxes 7, 9, 10 and 15 may be supplied at a later stage. In this case, this information is to be supplemented at the latest when the goods are entered into the Community customs territory.
 3. Boxes 1, 4: Enter full names and addresses (phone, fax, e-mail where available).
 4. Box 6: Enter full name and address (phone, fax, e-mail where available) of any other operator involved in the import operation such as transporter, intermediaries, customs agent.
 5. Box 8: Enter full name and address of the ultimate consignee. The ultimate consignee may be identical with the importer.
 6. Box 7: Enter name and address (phone, fax, e-mail where available) of the third country authority.
 7. Box 9: Give the name of the Member State and the port, airport or border point.
 8. Box 10: Specify all means of transport to be used (e.g. lorry, ship, plane, train, etc.).
 9. Boxes 11a, 11b: Enter name of the scheduled substance as stated in the Annex to Regulation (EC) No 111/2005 or in the case of a mixture or natural product the name and 8 digit CN code of the mixture or natural product.
 10. Boxes 11a, 11b: Identify packages and substances with precision (e.g. 2 cans of 5 litres each). In the case of a mixture, a natural product or preparations, indicate the commercial name concerned.
 11. Boxes 12a, 12b: Enter the 8 digit CN code of the scheduled substance as stated in the Annex to Regulation (EC) No 111/2005.
 12. Box 16:
 - Indicate in block letters the name of the applicant or, where appropriate, of his authorised representative who signs this application.
 - The signature by the applicant or his authorised representative, according to the modalities provided for by the Member State concerned, indicates that the person concerned is declaring that all the particulars provided on the application are correctly and fully stated. Without prejudice to the possible application of penal provisions, this declaration is equivalent to the engagement of responsibility, under the provisions in force in the Member States, in respect of the following:
 - the accuracy of the information;
 - the authenticity of any documents attached;
 - the observance of all other obligations.
 - Whenever the authorisation is issued by means of a computerised procedure, that authorisation may not contain the signature of the applicant in this box, if the application as such contains such signature.
-

COMMISSION REGULATION (EC) No 1278/2005**of 2 August 2005****amending for the 50th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freezing of funds and other financial resources in respect of the Taliban of Afghanistan, ⁽¹⁾ and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 29 July 2005, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 2 August 2005.

For the Commission

Eneko LANDÁBURU

Director-General of External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 1264/2005 (OJ L 201, 2.8.2005, p. 29).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entries shall be added under the heading 'Natural persons':

1. Faycal Boughanemi (*alias* Faical Boughanmi). Address: viale Cambonino, 5/B — Cremona, Italy. Date of birth: 28.10.1966. Place of birth: Tunis, Tunisia. Nationality: Tunisian. Other information: Italian fiscal code BGHFCL66R28Z352G.
 2. Ahmed El Bouhali (*alias* Abu Katada). Address: vicolo S. Rocco, 10 — Casalbuttano (Cremona), Italy. Date of birth: 31.5.1963. Place of birth: Sidi Kacem, Morocco. Nationality: Moroccan. Other information: Italian fiscal code LBHHMD63E31Z330M.
 3. Abdelkader Laagoub. Address: via Europa, 4 — Paderno Ponchielli (Cremona), Italy. Date of birth: 23.4.1966. Place of birth: Casablanca, Morocco. Nationality: Moroccan. Other information: Italian fiscal code LGBBLK66D23Z330U.
-

COMMISSION REGULATION (EC) No 1279/2005**of 2 August 2005****amending the import duties in the cereals sector applicable from 3 August 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 3 August 2005.

It shall apply from 3 August 2005.

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

Done at Brussels, 2 August 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
3 August 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	37,12
1005 10 90	Maize seed other than hybrid	61,60
1005 90 00	Maize other than seed ⁽²⁾	61,60
1007 00 90	Grain sorghum other than hybrids for sowing	42,11

⁽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 29.7.2005-1.8.2005

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	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	120,54 (***)	75,83	173,01	163,01	143,01	94,14
Gulf premium (EUR/t)	—	9,68	—			—
Great Lakes premium (EUR/t)	24,66	—	—			—

(*) 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: 14,91 EUR/t; Great Lakes–Rotterdam: 25,77 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).

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

COUNCIL DECISION 2005/593/CFSP

of 18 July 2005

concerning the conclusion of the Agreement between the European Union and the Republic of Chile on the participation of the Republic of Chile in the European Union military crisis management operation in Bosnia and Herzegovina (Operation ALTHEA)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

(1) On 12 July 2004, the Council adopted Joint Action 2004/570/CFSP on the European Union military operation in Bosnia and Herzegovina ⁽¹⁾.

(2) Article 11(3) of that Joint Action provides that detailed arrangements regarding the participation of third States are to be the subject of an agreement, in accordance with Article 24 of the Treaty on European Union.

(3) Following authorisation by the Council on 13 September 2004, the Presidency, assisted by the Secretary-General/High Representative, negotiated an Agreement between the European Union and the Republic of Chile on the participation of the Republic of Chile in the European Union military crisis management operation in Bosnia and Herzegovina (Operation ALTHEA).

(4) The Agreement should be approved,

Article 1

The Agreement between the European Union and the Republic of Chile on the participation of the Republic of Chile in the European Union military crisis management operation in Bosnia and Herzegovina (Operation ALTHEA) is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the European Union.

Article 3

This Decision shall take effect on the day of its adoption.

Article 4

This Decision 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 252, 28.7.2004, p. 10.

AGREEMENT**between the European Union and the Republic of Chile on the participation of the Republic of Chile in the European Union military crisis management operation in Bosnia and Herzegovina (Operation ALTHEA)**

THE EUROPEAN UNION (EU),

of the one part, and

THE REPUBLIC OF CHILE,

of the other part,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- the adoption of United Nations Security Council Resolution 1575 (2004) of 22 November 2004 concerning the establishment of EUFOR,
- the adoption by the Council of the European Union of Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina ⁽¹⁾,
- the invitation to the Republic of Chile to participate in the EU-led operation,
- the successful completion of the Force Generation process and the recommendation by the EU Operation Commander and the EU Military Committee to agree on the participation of the Republic of Chile's forces in the EU-led operation,
- Political and Security Committee Decision BiH/1/2004 of 21 September 2004 ⁽²⁾ on the acceptance of the Republic of Chile's contribution to the EU military operation in Bosnia and Herzegovina,
- Political and Security Committee Decision BiH/3/2004 of 29 September 2004 on the setting-up of the Committee of Contributors for the European Union military operation in Bosnia and Herzegovina ⁽³⁾,

HAVE AGREED AS FOLLOWS:

Article 1

Participation in the operation

1. The Republic of Chile shall associate itself with Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina and with any Joint Action or Decision by which the Council of the European Union decides to prolong the EU military crisis management operation, in accordance with the provisions of this Agreement and any required implementing arrangements.

2. The contribution of the Republic of Chile to the EU military crisis management operation is without prejudice to the decision-making autonomy of the European Union.

3. The Republic of Chile shall ensure that its forces and personnel participating in the EU military crisis management operation undertake their mission in conformity with:

- Joint Action 2004/570/CFSP and possible subsequent amendments,
- the Operation Plan,
- implementing measures.

4. Forces and personnel seconded to the operation by the Republic of Chile shall carry out their duties and conduct themselves solely with the interest of the EU military crisis management operation in mind, without prejudice to Article 4(1).

⁽¹⁾ OJ L 252, 28.7.2004, p. 10.

⁽²⁾ OJ L 324, 27.10.2004, p. 20.

⁽³⁾ OJ L 325, 28.10.2004, p. 64. Decision as amended by Decision BiH/5/2004 (OJ L 357, 2.12.2004, p. 39).

5. The Republic of Chile shall inform the EU Operation Commander in due time of any change to its participation in the operation.

Article 2

Status of forces

1. The status of the forces and personnel contributed to the EU military crisis management operation by the Republic of Chile shall be governed in accordance with the provisions contained in paragraph 12 of United Nations Security Council Resolution 1575 (2004) of 22 November 2004.

2. The status of the forces and personnel contributed to headquarters or command elements located outside Bosnia and Herzegovina, shall be governed by arrangements between the headquarters and command elements concerned and the Republic of Chile.

3. Without prejudice to the provisions on the status of forces referred to in paragraph 1, the Republic of Chile shall exercise jurisdiction over its forces and personnel participating in the EU military crisis management operation.

4. The Republic of Chile shall be responsible for answering any claims linked to the participation in the EU military crisis management operation, from or concerning any of its forces and personnel. The Republic of Chile shall be responsible for bringing any action, in particular legal or disciplinary, against any of its forces and personnel, in accordance with its laws and regulations.

5. The Republic of Chile undertakes to make a declaration as regards the waiver of claims against any State participating in the EU military crisis management operation, and to do so when signing this Agreement.

6. The European Union undertakes to ensure that Member States make a declaration as regards the waiver of claims, for the participation of the Republic of Chile in the EU military crisis management operation, and to do so when signing this Agreement.

Article 3

Classified information

1. The Republic of Chile shall take appropriate measures to ensure that EU classified information is protected in accordance with the European Union Council's security regulations, contained in the Council Decision 2001/264/EC of 19 March 2001⁽¹⁾, and in accordance with further guidance issued by competent authorities, including the EU Operation Commander.

⁽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. Where the EU and the Republic of Chile have concluded an agreement on security procedures for the exchange of classified information, the provisions of such an agreement shall apply in the context of the EU military crisis management operation.

Article 4

Chain of command

1. All forces and personnel participating in the EU military crisis management operation shall remain under the full command of their national authorities.

2. National authorities shall transfer the Operational and Tactical command and/or control of their forces and personnel to the EU Operation Commander. The EU Operation Commander is entitled to delegate his authority.

3. The Republic of Chile shall have the same rights and obligations in terms of the day-to-day management of the operation as participating European Union Member States.

4. The EU Operation Commander may, following consultations with the Republic of Chile, at any time request the withdrawal of the Republic of Chile's contribution.

5. A Senior Military Representative (SMR) shall be appointed by the Republic of Chile to represent its national contingent in the EU military crisis management operation. The SMR shall consult with the EU Force Commander on all matters affecting the operation and shall be responsible for day-to-day contingent discipline.

Article 5

Financial aspects

1. The Republic of Chile shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 1(1) of this Agreement, as well as in Council 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⁽²⁾.

2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, the Republic of Chile shall, when its liability has been established, pay compensation under the conditions foreseen in the provisions on status of forces, as referred to in Article 2(1) of this Agreement.

⁽²⁾ OJ L 63, 28.2.2004, p. 68.

*Article 6***Arrangements to implement the Agreement**

Any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the Secretary-General of the Council of the European Union/High Representative for the Common Foreign and Security Policy, and the appropriate authorities of the Republic of Chile.

*Article 7***Non-compliance**

Should one of the Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a notice of one month.

*Article 8***Dispute settlement**

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

*Article 9***Entry into force**

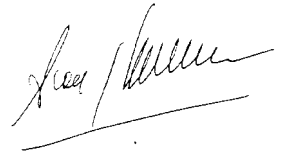
1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.

2. This Agreement shall remain in force for the duration of the Republic of Chile's contribution to the operation.

Done at Brussels, on 25 July 2005 in the English language in four copies.

For the European Union

For the Republic of Chile



DECLARATIONS**referred to in Article 2(5) and (6)****Declaration by the EU Member States:**

The EU Member States applying EU Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina will endeavour, insofar as their internal legal systems so permit, to waive as far as possible claims against the Republic of Chile for injury, death of their personnel, or damage to, or loss of, any assets owned by themselves and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel from the Republic of Chile in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
- arose from the use of any assets owned by the Republic of Chile, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel from the Republic of Chile using those assets.’.

Declaration by the Republic of Chile:

The Republic of Chile applying EU Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina will endeavour, insofar as its internal legal system so permits, to waive as far as possible claims against any other State participating in the EU crisis management operation for injury, death of its personnel, or damage to, or loss of, any assets owned by itself and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
 - arose from the use of any assets owned by States participating in the EU crisis management operation, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel using those assets.’.
-