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Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1534/2005 of 22 September 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 1535/2005 of 22 September 2005 amending Regulation (EC) No 1063/2005 as regards the quantity covered by the standing invitation to tender for the export of common wheat held by the Czech intervention agency 3**

Commission Regulation (EC) No 1536/2005 of 22 September 2005 fixing the representative prices and the additional import duties for molasses in the sugar sector applicable from 23 September 2005 4

Commission Regulation (EC) No 1537/2005 of 22 September 2005 fixing the export refunds on white sugar and raw sugar exported in its unaltered state 6

Commission Regulation (EC) No 1538/2005 of 22 September 2005 fixing the maximum export refund for white sugar to certain third countries for the 6th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1138/2005 8

★ **Commission Regulation (EC) No 1539/2005 of 22 September 2005 extending the emergency measures for the protection and recovery of the anchovy stock in ICES sub-area VIII 9**

★ **Commission Regulation (EC) No 1540/2005 of 22 September 2005 on the application of the beef special premium scheme in 2004 in Ireland and the United Kingdom 10**

Commission Regulation (EC) No 1541/2005 of 22 September 2005 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty 12

Commission Regulation (EC) No 1542/2005 of 22 September 2005 amending the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty 16

(Continued overleaf)

Commission Regulation (EC) No 1543/2005 of 22 September 2005 amending the export refunds on syrups and certain other sugar sector products exported in the natural state, as fixed by Regulation (EC) No 1395/2005	18
Commission Regulation (EC) No 1544/2005 of 22 September 2005 amending the import duties in the cereals sector applicable from 23 September 2005	20
Commission Regulation (EC) No 1545/2005 of 22 September 2005 on the issuing of export licences for wine-sector products	23
Commission Regulation (EC) No 1546/2005 of 22 September 2005 fixing production refunds on cereals	24
Commission Regulation (EC) No 1547/2005 of 22 September 2005 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	25
Commission Regulation (EC) No 1548/2005 of 22 September 2005 concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1058/2005	27
Commission Regulation (EC) No 1549/2005 of 22 September 2005 concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1438/2005	28
Commission Regulation (EC) No 1550/2005 of 22 September 2005 fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1059/2005	29
★ Commission Regulation (EC) No 1551/2005 of 22 September 2005 amending for the 53rd 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	30

II Acts whose publication is not obligatory

Commission

2005/664/EC:

★ Commission Decision of 14 December 2004 concerning the acquisition of land belonging to Aircraft Services Lemwerder by the municipality of Lemwerder (notified under document number C(2004) 4748) ⁽¹⁾	32
--	-----------

2005/665/EC:

★ Commission Decision of 19 September 2005 amending Appendix A to Annex X to the 2003 Act of Accession as regards certain establishments in the meat sector in Hungary (notified under document number C(2005) 3450) ⁽¹⁾	37
--	-----------



⁽¹⁾ Text with EEA relevance

★ **Council Common Position 2005/666/CFSP of 20 September 2005 extending Common Position 2004/661/CFSP concerning restrictive measures against certain officials of Belarus 40**

Corrigenda

Corrigendum to Commission Regulation (EC) No 1528/2005 of 21 September 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables (OJ L 246, 22.9.2005) 41

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1534/2005
of 22 September 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 23 September 2005.

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

Done at Brussels, 22 September 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 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 22 September 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	31,1
	096	25,0
	204	40,8
	999	32,3
0707 00 05	052	73,9
	096	81,9
	999	77,9
0709 90 70	052	92,6
	999	92,6
0805 50 10	052	67,7
	382	63,4
	388	66,0
	524	60,5
	528	63,8
	999	64,3
0806 10 10	052	80,1
	220	86,5
	624	216,6
	999	127,7
0808 10 80	388	80,4
	400	82,7
	508	33,5
	512	63,4
	528	27,1
	720	34,3
	804	65,8
0808 20 50	999	55,3
	052	90,3
	388	69,7
	720	84,9
0809 30 10, 0809 30 90	999	81,6
	052	86,6
	624	108,8
0809 40 05	999	97,7
	052	82,7
	066	64,0
	098	65,3
	388	18,0
	508	24,5
	624	111,8
	999	61,1

⁽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 1535/2005**of 22 September 2005****amending Regulation (EC) No 1063/2005 as regards the quantity covered by the standing invitation to tender for the export of common wheat held by the Czech intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 1063/2005 ⁽²⁾ opened a standing invitation to tender for the export of 180 000 tonnes of common wheat held by the Czech intervention agency.
- (2) The Czech Republic has informed the Commission of its intervention agency's intention to increase by 95 911 tonnes the quantity put out to tender for export. In view of the quantities available and the market situation, the request made by the Czech Republic should be granted.
- (3) Regulation (EC) No 1063/2005 should therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 1063/2005 is replaced by the following:

'Article 2

The invitation to tender shall cover a maximum of 275 911 tonnes of common wheat for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Liechtenstein, Romania, Serbia and Montenegro (*) and Switzerland.

(*) Including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.'

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, 22 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 174, 7.7.2005, p. 36.

COMMISSION REGULATION (EC) No 1536/2005**of 22 September 2005****fixing the representative prices and the additional import duties for molasses in the sugar sector
applicable from 23 September 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾, and in particular Article 24(4) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 September 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

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

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

ANNEX

Representative prices and additional duties for imports of molasses in the sugar sector applicable from 23 September 2005

(EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽¹⁾
1703 10 00 ⁽²⁾	10,84	—	0
1703 90 00 ⁽²⁾	11,45	—	0

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

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

COMMISSION REGULATION (EC) No 1537/2005**of 22 September 2005****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 September 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING
APPLICABLE FROM 23 SEPTEMBER 2005 ^(a)**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	36,31 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	36,31 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	36,31 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	36,31 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3947
1701 99 10 9100	S00	EUR/100 kg	39,47
1701 99 10 9910	S00	EUR/100 kg	39,47
1701 99 10 9950	S00	EUR/100 kg	39,47
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3947

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

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

The other destinations are:

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

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

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 1538/2005**of 22 September 2005****fixing the maximum export refund for white sugar to certain third countries for the 6th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1138/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾ and in particular the second indent of Article 27(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 1138/2005 of 15 July 2005 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽²⁾, for the 2005/2006 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1138/2005 a maximum export refund shall be fixed,

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 6th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1138/2005 the maximum amount of the export refund shall be 42,400 EUR/100 kg.

Article 2

This Regulation shall enter into force on 23 September 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 185, 16.7.2005, p. 3.

COMMISSION REGULATION (EC) No 1539/2005**of 22 September 2005****extending the emergency measures for the protection and recovery of the anchovy stock in ICES sub-area VIII**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy ⁽¹⁾ and in particular Article 7(1) thereof,

Whereas:

- (1) Based on scientific information from the International Council for the Exploration of the Sea (ICES) indicating that the abundance of anchovy in the Bay of Biscay was exceptionally low, Commission Regulation (EC) No 1037/2005 of 1 July 2005 establishing emergency measures for the protection and recovery of the anchovy stock in ICES sub-area VIII ⁽²⁾ was adopted. That Regulation effects a closure of the fishery for three months from 3 July 2005.
- (2) New advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) confirms that the stock is at a dangerously low level, that the decision to close the fishery was correct, and that the fishery should remain closed until fishery independent data becomes available to provide a reliable estimate of the spawning stock size.
- (3) The existing closure should therefore be extended.

(4) As it is impossible to distinguish, for control purposes, between anchovy caught in ICES sub-area VIII and that caught in other areas, it is necessary to prohibit retention on board, transshipment and landing of anchovy within ICES sub-area VIII, wherever it was caught.

(5) The Commission will, within the closure period, make an assessment of scientific and technical criteria to be applied when deciding on a reopening of the fishery.

(6) It is therefore appropriate for the Commission to extend and adapt, the emergency measures to protect the anchovy stock,

HAS ADOPTED THIS REGULATION:

Article 1

Fishing for anchovy in ICES sub-area VIII shall be prohibited. In ICES sub-area VIII it shall also be prohibited to retain on board, to tranship or land anchovy during the period of application of this Regulation.

Article 2

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

It shall apply from 3 October 2005 until 31 December 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 171, 2.7.2005, p. 24.

COMMISSION REGULATION (EC) No 1540/2005**of 22 September 2005****on the application of the beef special premium scheme in 2004 in Ireland and the United Kingdom**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular the second indent of Article 50 thereof,

Whereas:

(1) Pursuant to Article 4(1) of Regulation (EC) No 1254/1999, producers holding male bovine animals on their holdings could qualify for a special premium. According to Article 4(2) of that Regulation, the special premium was granted in two age brackets. Under the 'first age bracket', set out in Article 4(2)(a) and (b), first indent, of that Regulation, the special premium was granted once in the life of each bull from the age of nine months, or, for steer, the first time at the age of nine months. Under the 'second age bracket', set out in Article 4(2)(b), second indent, of that Regulation, the special premium was granted, for steers, for a second time after it reached the age of 21 months. Pursuant to Article 4(4) of that Regulation, when the total number of bulls from the age of nine months and of steers from nine months to 20 months of age, for which an application was made and which satisfied the conditions for granting the special premium exceeded the regional ceiling as referred to in Annex I to that Regulation, the number of all eligible animals, in the first and the second age bracket, per producer for the year in question was to be reduced proportionately.

(2) Following the decision taken by Ireland and the United Kingdom to implement, as from 1 January 2005, the Single Payment Scheme provided for in Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No

1673/2000, (EEC) No 2358/71 and (EC) No 2529/2000 ⁽²⁾, a large number of farmers wished to benefit from the special premium for their eligible bovine animals before the end of the scheme on 31 December 2004. Consequently, the number of animals for which an application was made in respect of the calendar year 2004 was considerably higher than in the previous years.

(3) The increase in the number of applications in respect of the calendar year 2004 in Ireland and the United Kingdom for animals under the first age bracket was considerably higher than in the year 2003 and led to an excessive overshoot of the respective regional ceilings. Compared to the previous years, an increase of aid applications submitted in respect of animals falling within the second age bracket also had to be noted. However, that increase was considerably lower than the increase of applications for animals under the first age bracket.

(4) In accordance with Article 4(4) of Regulation (EC) No 1254/1999, the excessive overshoot of the regional ceiling would result in a proportionate reduction of all aid applications. Taking account of the fact that the scheme ended on 31 December 2004, the actual purpose of a proportionate reduction of applications for animals under the second age bracket is no more pertinent because the animals claimed under the first age bracket will no more be claimable under the second age bracket. Applying the reduction provided for in Article 4(4) of Regulation (EC) No 1254/1999 to both age brackets would, therefore, lead to a disproportionate penalisation of producers who applied, in 2004, for animals under the second age bracket. The expiry of the Special Premium Scheme in Ireland and the United Kingdom on 31 December 2004 has therefore created a specific practical problem on the market which needs to be resolved in order to avoid disproportionate consequences for those farmers. It is, therefore, necessary to take the appropriate measures to decrease the penalisation-effect on these producers.

(5) To limit, in respect of the calendar year 2004 in Ireland and the United Kingdom, the impact of the reduction resulting from the excessive overshoot in respect of animals under the first age bracket on those under the second, the payments of the special premium for animals under the second age bracket should be set equal to the average number of payments in respect of animals in the same age bracket for which payments of the premium were made during the calendar years 2001, 2002 and 2003.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation last amended by Regulation (EC) No 1782/2003.

⁽²⁾ OJ L 270, 21.10.2003, p. 1. Regulation last amended by Commission Regulation (EC) No 118/2005 (OJ L 24, 27.1.2005, p. 15).

- (6) Pursuant to Article 13(1) of Regulation (EC) No 1254/1999, producers receiving the special premium could qualify for an extensification payment, provided that in respect of the calendar year concerned the holdings concerned met the stocking density laid down in Article 13(2) of that Regulation. The extensification payment should be granted for the animals in the second age bracket accepted for the special premium which were held in holdings meeting the stocking density laid down in Article 13(2) of that Regulation.
- (7) Pursuant to the first indent of Article 22(2) of Regulation (EC) No 1254/1999, payments were to be made not later than 30 June 2005. However, given the particular circumstances arising from the expiry of the Special Premium Scheme, the abovementioned exceptional payments should be made not later than 15 October 2005.
- (8) The Management Committee for Beef and Veal has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Article 4(4) of Regulation (EC) No 1254/1999, in Ireland and in the United Kingdom, the

maximum number of animals referred to in the second indent of Article 4(2)(b) of that Regulation, for which payments of the special premium may be made in respect of the calendar year 2004, shall be as follows:

— Ireland: 849 400,

— United Kingdom: 938 100.

2. The extensification payment may be granted for the animals referred to in the second indent of Article 4(2)(b) of Regulation (EC) No 1254/1999 accepted to the special premium which are held in holdings meeting the stocking density laid down in Article 13(2) of that Regulation.

3. By way of derogation from the first indent of Article 22(2) of Regulation (EC) No 1254/1999, the payments referred to in paragraphs 1 and 2 shall be made not later than 15 October 2005.

Article 2

This Regulation shall enter into force on the seventh 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, 22 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 1541/2005**of 22 September 2005****fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-

term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 September 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 270, 21.10.2003, p. 96.

⁽³⁾ OJ L 172, 5.7.2005, p. 24.

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 22 September 2005.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 23 September 2005 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	2,994	3,150
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	2,368	2,368
	– – in other cases	4,615	4,615
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	1,840	1,996
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	1,776	1,776
	– – in other cases	3,461	3,461
	– where goods falling within subheading 2208 ⁽³⁾ are exported	2,368	2,368
	– other (including unprocessed)	4,615	4,615
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	2,435	2,585
	– where goods falling within subheading 2208 ⁽³⁾ are exported	2,368	2,368
	– in other cases	4,615	4,615

(*) The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004 and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

COMMISSION REGULATION (EC) No 1542/2005**of 22 September 2005****amending the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 27(5)(a) and (15) thereof,

Whereas:

- (1) The rates of the refunds applicable from 26 August 2005 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1392/2005 ⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 1392/2005 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1392/2005 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 September 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 221, 26.8.2005, p. 20.

ANNEX

Rates of refunds applicable from 23 September 2005 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	white sugar	39,47	39,47

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 1543/2005**of 22 September 2005****amending the export refunds on syrups and certain other sugar sector products exported in the natural state, as fixed by Regulation (EC) No 1395/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the third indent of Article 27(5) thereof,

Whereas:

- (1) The refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 1395/2005 ⁽²⁾.
- (2) Since the information at present available to the Commission is different to that available to it at the

time Regulation (EC) No 1395/2005 was adopted, these refunds should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1(1)(d), (f) and (g), of Regulation (EC) No 1260/2001, fixed by Regulation (EC) No 1395/2005 for the marketing year 2005/06, are hereby amended and detailed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 September 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 221, 26.8.2005, p. 28.

ANNEX

**AMENDED AMOUNTS FOR EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS
EXPORTED WITHOUT FURTHER PROCESSING ^(a)**

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	39,47 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	39,47 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	74,99 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3947 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	39,47 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3947 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3947 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,3947 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	39,47 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3947 ⁽³⁾

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

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

The other destinations are defined as follows:

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

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

⁽¹⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

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

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1544/2005**of 22 September 2005****amending the import duties in the cereals sector applicable from 23 September 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 1489/2005 ⁽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 1489/2005,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1489/2005 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 23 September 2005.

It shall apply from 23 September 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 29.9.2003, p. 78. Regulation as amended by Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽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 240, 16.9.2005, p. 19. Regulation as amended by Regulation (EC) No 1514/2005 (OJ L 241, 17.9.2005, p. 48).

ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from
23 September 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	43,71
1005 10 90	Maize seed other than hybrid	60,54
1005 90 00	Maize other than seed ⁽²⁾	60,54
1007 00 90	Grain sorghum other than hybrids for sowing	48,70

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

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

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

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

ANNEX II

Factors for calculating duties

period from 15.9.2005-21.9.2005

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)	119,84 (***)	66,51	170,31	160,31	140,31	91,95
Gulf premium (EUR/t)	—	15,95	—			—
Great Lakes premium (EUR/t)	31,81	—	—			—

(*) 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: 19,88 EUR/t; Great Lakes–Rotterdam: 23,20 EUR/t.

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

COMMISSION REGULATION (EC) No 1545/2005
of 22 September 2005
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector⁽¹⁾, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽²⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 21 September 2005, the quantity still available for the period until 15 November 2005, for destination zone (3) eastern Europe, referred to in Article 9(5) of Regulation (EC)

No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 16 to 20 September 2005 should be applied and the submission of applications and the issue of licences suspended for this zone until 16 November 2005,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 16 to 20 September 2005 under Regulation (EC) No 883/2001 shall be issued in concurrence with 100,00 % of the quantities requested for zone (2) Asia and in concurrence with 90,38 % of the quantities requested for zone (3) eastern Europe.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 21 September 2005 and the submission of export licence applications from 23 September 2005 for destination zone (3) eastern Europe shall be suspended until 16 November 2005.

Article 2

This Regulation shall enter into force on 23 September 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 908/2004 (OJ L 163, 30.4.2004, p. 56).

⁽²⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1188/2005 (OJ L 193, 23.7.2005, p. 24).

COMMISSION REGULATION (EC) No 1546/2005
of 22 September 2005
fixing production refunds on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003, on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively ⁽²⁾ lays down the conditions for granting production refunds. The basis for calculating the refund is laid down in Article 3 of that Regulation. The refund thus calculated, differentiated where necessary for potato starch, must be fixed once a month and may be amended if the price of maize and/or wheat changes significantly.

- (2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.

- (3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The refund per tonne of starch referred to in Article 3(2) of Regulation (EEC) No 1722/93, is hereby fixed at:

- (a) EUR/tonne 22,62 for starch from maize, wheat, barley and oats;
- (b) EUR/tonne 29,89 for potato starch.

Article 2

This Regulation shall enter into force on 23 September 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

COMMISSION REGULATION (EC) No 1547/2005**of 22 September 2005****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 September 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

to the Commission Regulation of 22 September 2005 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	9,60
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	8,85
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	8,18
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	C01	EUR/t	7,65
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	10,28				

NB: The product codes and the 'A' series destination codes are set out in the Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

COMMISSION REGULATION (EC) No 1548/2005**of 22 September 2005****concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1058/2005**

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⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1058/2005 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 16 to 22 September 2005 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1058/2005.

Article 2

This Regulation shall enter into force on 23 September 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 174, 7.7.2005, p. 12.

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

COMMISSION REGULATION (EC) No 1549/2005**of 22 September 2005****concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1438/2005**

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⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1438/2005 of 2 September 2005 on a special intervention measure for cereals in Finland and Sweden for the 2005/2006 marketing year ⁽³⁾,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from

Finland and Sweden to all third countries, with the exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1438/2005.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 16 to 22 September 2005 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1438/2005.

Article 2

This Regulation shall enter into force on 23 September 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

⁽³⁾ OJ L 228, 3.9.2005, p. 5.

COMMISSION REGULATION (EC) No 1550/2005**of 22 September 2005****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1059/2005**

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⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 1059/2005 ⁽²⁾.

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 16 to 22 September 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1059/2005, the maximum refund on exportation of common wheat shall be 7,50 EUR/t.

Article 2

This Regulation shall enter into force on 23 September 2005.

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

Done at Brussels, 22 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 174, 7.7.2005, p. 15.

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

COMMISSION REGULATION (EC) No 1551/2005**of 22 September 2005****amending for the 53rd 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 of 27 May 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 freeze 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 9 and 16 September 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 hereby 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, 22 September 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 1378/2005 (OJ L 219, 24.8.2005, p. 27).

ANNEX

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

1. The following entry shall be added under the heading 'Natural persons':

'Dr. Abdul Latif **Saleh** (*alias* (a) Abdul Latif A.A. Saleh, (b) Abdyl Latif Saleh, (c) Dr. Abd al-Latif Saleh, (d) Abdul Latif A.A. Saleh Abu Hussein, (e) Abd al-Latif Salih, (f) Abu Amir). Address: Last known residence: United Arab Emirates. Date of birth: 5.3.1957. Place of birth: Baghdad, Iraq. Nationality: (a) Jordanian, (b) Albanian. Jordanian passport No D366 871.'

2. The entry 'Said **Bahaji**. Address: formerly resident at Bunatwiete 23, D-21073 Hamburg, Germany. Date of birth: 15.7.1975. Place of birth: Haselünne (Lower Saxony), Germany. Nationality: (a) German, (b) Moroccan. Provisional German passport No 28 642 163 issued by the City of Hamburg. National identification No BPA Nr. 1336597587.' under the heading 'Natural persons' shall be replaced by the following:

'Said **Bahaji**. Address: formerly resident at Bunatwiete 23, D-21073 Hamburg, Germany. Date of birth: 15.7.1975. Place of birth: Haselünne (Lower Saxony), Germany. Nationality: (a) German, (b) Moroccan. Passports: (a) Provisional German passport No 28 642 163 issued by the City of Hamburg (b) Expired Moroccan passport No 954242 issued on 28.6.1995 in Meknas, Morocco; (c) National identification No BPA Nr. 1336597587.'

3. The entry 'Aoudi Mohamed ben Belgacem **Ben Abdallah** (*alias* Aouadi, Mohamed Ben Belkacem). Address: (a) Via A. Masina 7, Milan, Italy, (b) Via Dopini 3, Gallarate, Italy. Date of birth: 12.11.1974. Place of birth: Tunis, Tunisia. Nationality: Tunisian. Passport No L 191609 issued on 28 February 1996. National identification No 04643632 delivered on 18 June 1999. Codice Fiscale: DAOMMD74T11Z352Z. Other information: (a) his mother's name is Bent Ahmed Ourida, (b) sentenced for three and a half years in Italy on 11.12.2002.' under the heading 'Natural persons' shall be replaced by the following:

'Aoudi Mohamed ben Belgacem **Ben Abdallah** (*alias* Aouadi, Mohamed Ben Belkacem). Address: (a) Via A. Masina 7, Milan, Italy, (b) Via Dopini 3, Gallarate, Italy. Date of birth: 11.12.1974. Place of birth: Tunis, Tunisia. Nationality: Tunisian. Passport No L 191609 issued on 28 February 1996. National identification No 04643632 delivered on 18 June 1999. Codice Fiscale: DAOMMD74T11Z352Z. Other information: (a) his mother's name is Bent Ahmed Ourida, (b) sentenced for three and a half years in Italy on 11.12.2002.'

4. The entry 'Essid Sami Ben Khemais **Ben Salah** (*alias* (a) Omar El Mouhajer, (b) Saber). Address: Via Dubini 3, Gallarate (VA), Italy. Date of birth: (a) 2.10.1968, (b) 10.2.1968. Place of birth: Menzel Jemil Bizerte, Tunisia. Nationality: Tunisian. Passport No K/929139 delivered on 14.12.1995; National identification No 00319547 delivered on 8.12.1994; Codice Fiscale: SSDSBN68B10Z352F. Other information: (a) his mother's name is Saidani Beya, (b) he was detained in Italy.' under the heading 'Natural persons' shall be replaced by the following:

'Essid Sami Ben Khemais **Ben Salah** (*alias* (a) Omar El Mouhajer, (b) Saber). Address: Via Dubini 3, Gallarate (VA), Italy. Date of birth: 10.2.1968. Place of birth: Menzel Jemil Bizerte, Tunisia. Nationality: Tunisian. Passport No K/929139 delivered on 14.12.1995; National identification No 00319547 delivered on 8.12.1994; Codice Fiscale: SSDSBN68B10Z352F. Other information: (a) his mother's name is Saidani Beya, (b) he was detained in Italy.'

5. The entry 'Abderrahmane **Kifane**. Address: via S. Biagio 32 or 35 — Sant'Anastasia (NA), Italy. Date of birth: 7.3.1963. Place of birth: Casablanca, Morocco.' under the heading 'Natural persons' shall be replaced by the following:

'Abderrahmane **Kifane**. Address: via S. Biagio 32 or 35 — Sant'Anastasia (NA), Italy. Date of birth: 7.3.1963. Place of birth: Casablanca, Morocco. Other information: Sentenced for a 20 months prison term in Italy on 22 July 1995 for providing support to Armed Islamic Group (GIA).'

6. The entry 'Aris **Munandar**. Date of birth: approximately 34 to 40 years of age as of December 2002. Place of birth: Sambi, Boyolali, Java, Indonesia.' under the heading 'Natural persons' shall be replaced by the following:

'Aris **Munandar**. Date of birth: between 1962 and 1968. Place of birth: Sambi, Boyolali, Java, Indonesia.'

7. The entry 'Mukhlis **Yunos** (*alias* (a) Yunos, Muklis, (b) Saifullah Mukhlis Yunos); Date of birth: on or about 7 July 1966; Place of birth: estimated to be in Lanao del Sur, Philippines.' under the heading 'Natural persons' shall be replaced by the following:

'Mukhlis **Yunos** (*alias* (a) Yunos, Muklis, (b) Saifullah Mukhlis Yunos); Date of birth: (a) 7.7.1966, (b) approximately 7.7.1966; Place of birth: estimated to be in Lanao del Sur, Philippines.'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 December 2004

concerning the acquisition of land belonging to Aircraft Services Lemwerder by the municipality of Lemwerder

(notified under document number C(2004) 4748)

(Only the German text is authentic)

(Text with EEA relevance)

(2005/664/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to those provisions ⁽¹⁾ and having regard to their comments,

Whereas:

I. PROCEDURE

- (1) The Commission has received a complaint concerning a land transaction between the municipality of Lemwerder and Aircraft Services Lemwerder (hereinafter ASL). According to the complaint, the acquisition contained an aid element in favour of ASL. The Commission requested information from Germany by letter of 30 January 2003. Germany replied by letter of 18 March 2003.
- (2) By decision of 17 September 2003, the Commission initiated the procedure laid down in Article 88(2) of the EC Treaty in respect of the notified measure. The case was registered under number C 56/2003. The decision was communicated to Germany by letter of 18 September 2003 and was published in the *Official Journal of the European Union* ⁽²⁾. The Commission did not receive any comments from third parties.
- (3) The German authorities commented on the Commission decision by letters of 14 and 18 November 2003. The Commission requested further information by letters of 13 January and 10 May 2004. Germany replied by letters of 13 February and 31 August 2004. A meeting between representatives of the Commission and of Germany and the person who made a property valuation that had been submitted took place on 13 October 2004. Following the meeting, Germany sent additional information by letter of 23 November 2004.

⁽¹⁾ OJ C 293, 3.12.2003, p. 5.

⁽²⁾ See footnote 1.

II. MEASURE

1. Recipient

- (4) ASL (in Lemwerder, Lower Saxony, near Bremen) provides services, such as aircraft maintenance. In 2002/2003 it had around 700 employees and a turnover of EUR 53,4 million. Until 1993 it formed part of Deutsche Aerospace AG (DASA). When DASA wanted to close it down, the Land of Lower Saxony took measures to secure ASL's survival. These measures were approved by the Commission by Decision 97/753/EC of 12 March 1997 concerning State aid for Aircraft Services Lemwerder (ASL) ⁽³⁾. On 1 January 2004 EADS acquired a majority holding of 51 % in the company. Since then, ASL has been undergoing a restructuring process. Civil aircraft maintenance activities will be discontinued. In future, repair and maintenance work on military aircraft components (Transall C-160, Tornado) and the assembly of military components (Eurofighter, A400M) will be carried out there. The workforce in 2006 is planned to total 210 employees ⁽⁴⁾.

2. Description of the measure

- (5) The municipality bought land that ASL Lemwerder did not need. According to Germany, the price included a volume discount.

Date	Land	Surface area (m ²)	Price/m ² (DEM/EUR)	Total price (DEM/EUR)
28.6.2000	West and central sites	241 643 (97 828 and 143 815)	[...] (*)/[...]	[...]/[...]
16.8.2001	South site	37 328	1,50/0,77	55 992/28 628

(*) Confidential.

- (6) Developing the 'west' site involved a total cost of EUR 1 355 040. For several reasons, it was assumed that the cost for the 'central' site would be some 10 % lower.
- (7) The municipality assumed that, after putting in place the necessary infrastructure, it would be able to sell the 'west' and 'central' sites for DEM [...] /m² (EUR [...] /m²). This is a relatively high value, reflecting the quality of the sites: next to ASL's landing strip, direct link to the rail network and access to ASL's port facilities on the Weser. In 1999 and 2002 land was sold for the same price in the neighbouring area of Edenbüttel, although access by rail, air and river was more difficult. Germany provided two further valuations for land to the north of ASL that was reckoned to have a comparable value.
- (8) For developing the 'west' site, the municipality received aid of EUR 562 200, with 50 % co-financing under the ERDF Objective 2. It contributed from its own resources an amount of EUR 132 125. The proceeds from the sale was put at EUR [...].
- (9) The municipality and the Lower Saxony Development Agency (NILEG) are looking primarily to the aerospace industry but have not imposed any restriction as regards potential buyers. In 2000 the property market collapsed. Since the second half of 2002 demand for this type of land has picked up but, so far, no land has been sold.

⁽³⁾ OJ L 306, 11.11.1997, p. 18.

⁽⁴⁾ www.eads.net

III. REASONS FOR INITIATING THE PROCEDURE

- (10) In its decision to initiate the procedure laid down in Article 88(2) of the EC Treaty, the Commission doubted whether the price paid by the municipality corresponded to the market price. The land was sold as bare land, and ASL or any private or public buyer would have to invest a substantial amount in order to be able to sell it as developed land. In the absence of a valuation of the bare land, the Commission made an estimate by subtracting the cost of development from the value of the developed land, taking into account the expected delay in selling the land in plots, the financial cost of the project and the land required for infrastructure. This estimate suggests that the value of the undeveloped land is significantly below the price paid by the municipality. In addition, the Commission doubted whether a private investor would have started developing the land at all, taking into account also the overall market situation in the direct vicinity of ASL. Furthermore, it was doubted whether a private investor would have received similar aid to that received by the municipality. As Germany has not provided any justification for the acquisition of the 'south' site, this transaction could constitute a further aid element.
- (11) The Commission doubted whether possible aid in the land transactions would be compatible with the common market. There are, for example, no investment or restructuring conditions attached to the land sale and, according to Germany, the company was not in difficulties. Decision 97/753/EC had approved the aid on condition that the authorities did not grant ad hoc aid for a period of five years. Any aid for the land transactions would, however, have been granted during this five year period.

IV. COMMENTS FROM GERMANY

- (12) For Germany, the appropriate starting point for the market value of the bare land would be the value of comparable plots of bare land that took account of the locational and infrastructure links. A new land valuation of the bare land was submitted. It was based on a direct comparison with other plots of bare land within a radius of 80 km and took account of the differing quality of the plots. The expert visited the land in question and the other plots, taking particular account of the infrastructure links that could be developed. He arrived at a value of EUR [...] per m². Since this is higher than the price paid by the municipality, there could be no aid. In Germany's view, there is no need to take into account any delays in reselling the plots of land, the costs of development and aid.
- (13) The public authorities, furthermore, have long term considerations when it comes to developing industrial land, such as tax revenue from companies setting up there. The State aid rules would make it impossible for municipalities to achieve such objectives if they had to sell at a specific price. In addition, municipalities could, it is true, organise a bidding procedure when they wish to sell land but not when they wish to acquire a plot of land that fits into their development plan. The seller could here find itself in a very favourable negotiating position. A transaction under such conditions would not depend on aid being granted to the seller.
- (14) It was also claimed that the estimate by the Commission was flawed. A private investor, for example, is not subject to the same rules as a municipality. Under Section 127 *et seq.* of the Federal Building Code (*Baugesetzbuch*), municipalities have to bear at least 10 % of eligible development costs. In addition, the costs of ordnance disposal were unforeseen. Consequently, at the time of the purchase, such costs could not influence the price. Moreover, the Commission communication on State aid elements in sales of land and buildings by public authorities ⁽⁵⁾ (the communication) does not require additional infrastructure costs to be included in the valuation. In addition, it allows a higher price (e.g. with a 5 % tolerance rule) if certain conditions are met.

⁽⁵⁾ OJ C 209, 10.7.1997, p. 3.

- (15) Whether a private investor would have developed the land is irrelevant here. The development of land is a public task and ranks as a service of general economic interest. A municipality develops land only if, as in the present case, it expects sufficient demand. The Lower Saxony Economic Research Institute had predicted bottlenecks in the supply of land. The innovative restructuring of the entire area, from the link with the new Weser tunnel and the planned coastal motorway to the envisaged deep water port in Wilhelmshaven, has boosted the demand for business sites. The Lower Saxony Investment and Promotion Agency also explained that the sites in question were, therefore, particularly valuable and that the municipality would be missing out on a 'unique selling point' if it did not buy the land. And so it recommended that the municipality buy the land, especially as this would enable it to exploit the entire area between the Bahnhof Altenesch industrial estate and the ASL site.
- (16) As regards acquisition of the 'south' site, Germany notes that this plot is a necessary component of the overall plan as it will serve as the replacement and exchange area for the infrastructure to develop the 'central' site.

V. ASSESSMENT

Existence of State aid

- (17) Article 87(1) of the EC Treaty provides that 'any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods, shall, in so far as it affects trade between Member States, be incompatible with the common market'. In this case, it has to be ascertained whether the land transaction has favoured ASL in a selective manner. This would be the case if the municipality had paid a price above the market value.
- (18) The Commission agrees with Germany that the relevant market price is the price for the bare land. The method of calculating the value of the bare land by deducting the development costs from the value of the developed land is a standby method should a more direct valuation not be available. Consequently, the Commission has assessed carefully the new valuation of the bare land submitted by Germany.
- (19) If public authorities wish to buy a specific plot of land, they must deal with the owner. Organising an unconditional bidding procedure is not a solution. Although the principles in Section II.1 of the communication regarding sale through an unconditional bidding procedure are not applicable in the present case, those in Section II.2 can be applied to a certain extent.
- (20) The report was drafted by an independent expert in conformity with point II.2(a) of the communication. No orders were given to the expert and his independence was guaranteed by his public appointment and swearing in. For the rest, he is active as a certified expert on behalf of the Commission and the Court of Justice of the European Communities. He is particularly competent in valuing land in the area concerned. Although the valuation is dated 6 November 2003, i.e. after the sale, it can be accepted in the context of this procedure. The Commission considers that the method applied by the expert, which takes account of the value of other plots and of the differing quality, is appropriate. It assessed the report in detail, and in particular the size and nature of the plots that were used in the comparison, the way in which potential contamination was taken into account, the independent nature of the expert, the meaning of specific references to infrastructure links, the type of soil, and the method used for calculating the final result. The prices of the relevant plots range from EUR 16 to EUR 36 per m². The Commission notes that the calculation of the final result of EUR [...] per m² was perhaps not entirely correct but, in any event, alternative calculations would give a higher value. On the basis of this assessment, the Commission comes to the conclusion that the value of EUR [...] per m² may be taken as a rough indication of the market value of the bare land at the time of the sale. In any event, on the basis of the valuation, the Commission can rule out the possibility that the market value is lower than the actual price for which the land was sold, i.e. EUR [...] per m².

- (21) The Commission notes that in the present case the municipality did not buy the land in the interests of ASL but intended to develop and sell the land in accordance with its integrated planning and on the basis of wider policy considerations (see recital 15). This is illustrated by the ERDF grant (see recital 8). The choice of precisely this land belonging to ASL is consistent with the political considerations and is attributable to its unique infrastructure links, as confirmed by the Lower Saxony Investment and Promotion Agency.
- (22) The Commission acknowledges that, for this price, a private developer would not be able to buy the bare land, to develop it, to provide the required infrastructure and to sell the developed land at a profit. Some of the arguments put forward by Germany, e.g. the legal framework applicable to municipalities, may explain this. A further assessment is, however, not necessary since, given the basic conditions of this case, the two conclusions referred to above, firstly that the municipality did not buy the land at a price above the market price and secondly that it did not buy the land in the interests of ASL but in accordance with its integrated planning and on the basis of wider political considerations, are sufficient for it to be stated that no specific advantage was conferred on ASL. The remaining doubts expressed in the Commission decision initiating the procedure are no longer relevant.
- (23) As regards the acquisition of the 'south' site, the Commission can accept Germany's arguments. Moreover, any aid in this connection would, under no circumstances, exceed the *de minimis* threshold of EUR 100 000.

VI. CONCLUSION

- (24) The Commission concludes that the municipality of Lemwerder acquired ASL's land at a price that was not above the market price. Accordingly, no advantage was conferred on the seller and thus no State aid within the meaning of Article 87(1) of the EC Treaty was granted,

HAS ADOPTED THIS DECISION:

Article 1

The land transaction between the municipality of Lemwerder and Aircraft Services Lemwerder does not contain any elements of State aid pursuant to Article 87(1) of the EC Treaty.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 14 December 2004.

For the Commission
Neelie KROES
Member of the Commission

COMMISSION DECISION
of 19 September 2005
amending Appendix A to Annex X to the 2003 Act of Accession as regards certain establishments
in the meat sector in Hungary

(notified under document number C(2005) 3450)

(Text with EEA relevance)

(2005/665/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Annex X, Chapter 5, Section B, paragraph (d) thereto,

Whereas:

- (1) Annex X, Chapter 5, Section B, paragraph (a) to the 2003 Act of Accession provides that the structural requirements laid down in Annex I to Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat ⁽¹⁾ are not to apply to establishments in Hungary listed in Appendix A ⁽²⁾ to Annex X to the Act of Accession until 31 December 2006, subject to certain conditions.
- (2) Appendix A to Annex X to the 2003 Act of Accession has been amended by Commission Decisions 2004/462/EC ⁽³⁾ and 2004/472/EC ⁽⁴⁾.
- (3) According to an official declaration from the Hungarian competent authority, certain establishments in the meat sector have completed their upgrading process and are now in full compliance with Community legislation. Certain establishments have ceased their activities. Those establishments should therefore be deleted from the list of establishments in transition.
- (4) The status of two meat establishments and their reclassification as low capacity establishments is still under discussion with the Hungarian competent authority. It

is necessary to foresee a short supplementary time in view to clarify the situation.

- (5) Furthermore a limited number of establishments have made considerable efforts to comply with structural requirements laid down by Community legislation. However those establishments are not in a position to finish their upgrading process by the prescribed deadline due to exceptional technical constraints. Therefore it is justified to allow them further time to complete the upgrading process.
- (6) Appendix A to Annex X to the 2003 Act of Accession should therefore be amended accordingly. For the sake of clarity, it should be replaced.
- (7) The Standing Committee on the Food Chain and Animal Health has been informed of the measures provided for in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

Appendix A to the Annex X to the 2003 Act of Accession is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 September 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 121, 29.7.1964, p. 2012/64. Directive as last amended by the 2003 Act of Accession.

⁽²⁾ OJ C 227 E, 23.9.2003, p. 444.

⁽³⁾ OJ L 156, 30.4.2004, p. 135; corrected version in OJ L 202, 7.6.2004, p. 92.

⁽⁴⁾ OJ L 160, 30.4.2004, p. 61; corrected version in OJ L 212, 12.6.2004, p. 34.

ANNEX

'Appendix A**referred to in Chapter 5, Section B to Annex X (*)**

List of establishments, including shortcomings and deadlines for the correction of these shortcomings

MEAT ESTABLISHMENTS

Initial list

No	Vet. No	Name of establishment	Shortcomings	Date of full compliance
1.	304/3/1997	Molnár és Molnár Ker. Bt.	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(a) and (f) Annex I, Chapter I, point 2(a) Annex I, Chapter I, points 5, 8 and 12	31.12.2006
2.	13/1993	Ga-Zsó Hús Vágóhídja	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(c), (e) and (g) Annex I, Chapter I, point 3 Annex I, Chapter I, point 4(c) and (d) Annex I, Chapter I, points 8, 11 and 12	31.12.2006
3.	27/35/1994	Felsál Kft.	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(a), (b), (c), (f) and (g) Annex I, Chapter I, point 2(a) Annex I, Chapter I, point 4(b) Annex I, Chapter I, points 5, 11 and 12	31.12.2006
4.	60-56/1994	Gorzsai Húsüzem	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(a), (c), (e) and (g) Annex I, Chapter I, point 4(b), (c) and (e) Annex I, Chapter I, points 6, 7, 8, 11 and 12	31.12.2005
5.	34/2000	Varga és Tsa. 2000 Kft. Vágóhídja	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(c) and (e) Annex I, Chapter I, point 3 Annex I, Chapter I, point 4(b), (c) and (d) Annex I, Chapter I, point 9	31.12.2005
6.	55-83/1995	Apci-Hús Kft. Vágóhídja	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(e) and (g) Annex I, Chapter I, point 3 Annex I, Chapter I, point 4(c) and (d)	31.12.2005
7.	16-88/1997	Közérdekű Bt.	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(e) Annex I, Chapter I, point 4(b) and (e) Annex I, Chapter I, points 9 and 13	31.12.2006
8.	1103/1/2000	Mikóhús Kft.	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(c), (e) and (f) Annex I, Chapter I, point 2 Annex I, Chapter I, point 4(b) and (e) Annex I, Chapter I, point 12	31.12.2006
9.	110/1/1994	Táncsics Mg. Devecseri Húsüzem	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(b) Annex I, Chapter I, point 2(a) Annex I, Chapter I, point 4(b) and (c) Annex I, Chapter I, points 5, 11 and 12	31.12.2006
10.	48/2000	Horváth Kft. Vágóhídja	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(e) and (g) Annex I, Chapter I, point 3 Annex I, Chapter I, point 4(c) and (d) Annex I, Chapter I, point 12	31.12.2005

(*) For the text of Annex X see OJ L 236, 23.9.2003, p. 846.

No	Vet. No	Name of establishment	Shortcomings	Date of full compliance
11.	28/11/1999	Fehérpecsenye Kft. Vágóhíd-Húsüzem	Council Directive 64/433/EEC: Annex I, Chapter I, point 4(c) Annex I, Chapter I, points 5, 9 and 11	31.12.2006
12.	139/3/2000	Szegvári Vágóhíd és Húsüzem	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(e) Annex I, Chapter I, point 2(b) Annex I, Chapter I, point 12	31.12.2006
13.	16/159/1998	Konkoly Kft.	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(e) and (g) Annex I, Chapter I, point 4(c) and (e) Annex I, Chapter I, point 12	31.12.2006
14.	52-93/1997	Gulyás és Társa Kft.	Council Directive 64/433/EEC: Annex I, Chapter I, point 1(c) and (e) Annex I, Chapter I, point 3 Annex I, Chapter I, point 4(b), (c) and (e) Annex I, Chapter I, points 5, 6, 7, 8, 11 and 12	31.12.2005

Supplementary list

No	Veterinary approval number	Name and address of establishment	Sector: Meat			Date of compliance
			Activity of the establishments			
			Fresh meat, slaughter, cutting	Meat products	Cold store	
1.	02524	Zvetyelhús Kft., Kisszállás	✗			31.12.2005
2.	03525	Atalante Kft., Kaszaper	✗			31.12.2005
3.	04526	Agrár COOP Kft., Mezőkövesd	✗			31.12.2005
4.	06528	Kalória Kft., Szabadbattyány	✗			30.9.2005
5.	08530	Szoboszlóhús Kft., Hajdúhadház	✗			31.12.2005
6.	13533	Carnarium Kft., Juta	✗			31.12.2005
7.	13534	Kapos-Ternero Kft., Hetes	✗			31.12.2005
8.	16536	Hús Trió Kft., Simontornya	✗			30.9.2005'

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

COUNCIL COMMON POSITION 2005/666/CFSP
of 20 September 2005
extending Common Position 2004/661/CFSP concerning restrictive measures against certain officials
of Belarus

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Article 1

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Common Position 2004/661/CFSP is hereby extended for a period of 12 months. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Whereas:

Article 2

- (1) On 24 September 2004, the Council adopted Common Position 2004/661/CFSP⁽¹⁾ concerning restrictive measures against certain officials of Belarus.

This Common Position shall take effect on the date of its adoption.

Article 3

- (2) Common Position 2004/661/CFSP applies until 24 September 2005.

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

Done at Brussels, 20 September 2005.

- (3) In the light of the recent political developments resulting from heightened repression in Belarus, Common Position 2004/661/CFSP should be extended for another 12 months,

For the Council
The President
M. BECKETT

⁽¹⁾ OJ L 301, 28.9.2004, p. 67. Common Position as amended by Common Position 2004/848/CFSP (OJ L 367, 14.12.2004, p. 35).

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1528/2005 of 21 September 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(Official Journal of the European Union L 246 of 22 September 2005)

In the contents and on page 1, the title should read as follows:

'Commission Regulation (EC) No 1533/2005 of 21 September 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables'.
