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⁽¹⁾ Text with EEA relevance

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1720/2005
of 20 October 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 21 October 2005.

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

Done at Brussels, 20 October 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).

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to Commission Regulation of 20 October 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	51,0
	204	46,9
	999	49,0
0707 00 05	052	88,6
	999	88,6
0709 90 70	052	78,4
	999	78,4
0805 50 10	052	72,8
	388	69,1
	524	55,3
	528	75,4
	999	68,2
0806 10 10	052	92,0
	400	200,0
	508	216,6
	624	178,2
	999	171,7
0808 10 80	388	79,5
	400	97,3
	404	84,6
	512	46,2
	528	45,5
	720	54,4
	800	189,3
	804	71,1
0808 20 50	999	83,5
	052	92,5
	388	57,1
	720	60,0
	999	69,9

⁽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 1721/2005**of 20 October 2005****amending Regulation (EC) No 312/2001 laying down detailed rules of application for the importation of olive oil originating in Tunisia and derogating from certain provisions of Regulations (EC) No 1476/95 and (EC) No 1291/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Decision 2005/720/EC of 20 September 2005 on the conclusion of a Protocol to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union ⁽¹⁾,

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽²⁾,

Whereas:

- (1) Article 3(1) of Protocol No 1 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part ⁽³⁾, opens a tariff quota at a zero rate of duty for imports of untreated olive oil falling within CN codes 1509 10 10 and 1509 10 90, wholly obtained in Tunisia and transported direct from that country to the Community.
- (2) To take account of the accession to the European Union of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, Article 3(1) of the Protocol approved by Decision 2005/720/EC provided for an annual quantity of 700 tonnes to be added to that quota as from 1 May 2004.
- (3) Article 9 of the Protocol approved by Decision 2005/720/EC lays down a distinct method for increasing the tariff quota for 2004, calculated as a prorata of the basic volumes.

(4) In the light of the experience acquired in managing import tariff quotas using a system of import licences, notifications by Member States to the Commission should be modernised.

(5) Commission Regulation (EC) No 312/2001 ⁽⁴⁾ should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 312/2001 is hereby amended as follows:

1. Article 1(1) is replaced by the following:

‘1. From 1 January each year, the quota of 56 700 tonnes of untreated olive oil falling within CN codes 1509 10 10 and 1509 10 90 wholly obtained in Tunisia and transported direct from that country to the Community, which is provided for in Article 3 of Protocol 1 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, may be imported at a zero rate of duty. The import licences shall be issued up to the quota limit laid down for each year.’

2. The following Article 1a is inserted:

‘Article 1a

The tariff quota provided for 2005 shall be increased by the amount of 467 tonnes calculated for 2004 under Article 9 of the Protocol to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union.’

⁽¹⁾ OJ L 278, 21.10.2005, p. 1.

⁽²⁾ OJ 172, 30.9.1966, p. 3025/66. Regulation as last amended by Commission Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

⁽³⁾ OJ L 97, 30.3.1998, p. 2.

⁽⁴⁾ OJ L 46, 16.2.2001, p. 3. Regulation as amended by Regulation (EC) No 406/2004 (OJ L 67, 5.3.2004, p. 10).

3. The following subparagraph is added to Article 4(3):

Article 2

‘The notifications referred to in the first subparagraph shall be sent electronically, using the form made available to Member States by the Commission.’

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

It shall apply from 1 May 2004.

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

Done at Brussels, 20 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 1722/2005

of 20 October 2005

on the principles for estimating dwelling services for the purpose of Council Regulation (EC, Euratom) No 1287/2003 on the harmonisation of gross national income at market prices

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

For the purposes of Regulation (EC, Euratom) No 1287/2003 the following principles for the estimation of dwelling services as set out in this Regulation shall apply.

Having regard to Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EC, Euratom) No 1287/2003 of 15 July 2003 on the harmonisation of gross national income at market prices (GNI Regulation) ⁽¹⁾, and in particular Article 5(1) thereof,

Article 2

1. Member States shall apply the stratification method based on actual rentals in order to compile the output of dwelling services.

Whereas:

(1) Article 2(7) of Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the Communities' own resources ⁽²⁾ lays down that gross national product at market prices (GNP) is to be considered equal to gross national income at market prices (GNI) as provided by the Commission in accordance with the European System of Accounts (ESA). The ESA of 1995 (ESA95), superseding two earlier systems of 1970 and 1979 respectively, was established by Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community ⁽³⁾, and was set out in the Annex thereto. GNI, as used in ESA95, replaced GNP as a criterion for own resource purposes, with effect from budget year 2002.

Member States shall use tabular analyses or statistical techniques to derive significant stratification criteria.

(2) For the purpose of the implementation of Article 1 of Council Directive 89/130/EEC, Euratom on the harmonisation of the compilation of gross national product at market prices ⁽⁴⁾, the principles for the estimation of dwelling services have been set out by Commission Decision 95/309/EC, Euratom ⁽⁵⁾. For the purposes of Article 1 of Regulation (EC, Euratom) No 1287/2003, the equivalent set of principles should now be provided in respect of GNI.

2. Member States shall make use of actual rentals due for the right to use an unfurnished dwelling under all contracts relating to privately-owned dwellings in order to compile imputed rentals.

Rentals for furnished dwellings may also be used if scaled down so as to exclude payment for the use of the furniture.

In countries where the privately rented sector is small, exceptionally, duly increased public rentals may be used to enlarge the basis for imputed rentals.

Article 3

(3) The measures provided for in this Regulation are in accordance with the opinion of the GNI Committee set up by Regulation (EC, Euratom) No 1287/2003,

1. In exceptional and duly justified cases, Member States may apply other objective methods, such as the user-cost method.

No justification shall be required for use of the user-cost method in compiling the output of owner-occupied dwellings, provided that both of the following conditions are met:

⁽¹⁾ OJ L 181, 19.7.2003, p. 1.

⁽²⁾ OJ L 253, 7.10.2000, p. 42.

⁽³⁾ OJ L 310, 30.11.1996, p. 1. Regulation as last amended by Regulation (EC) No 1267/2003 of the European Parliament and of the Council (OJ L 180, 18.7.2003, p. 1).

⁽⁴⁾ OJ L 49, 21.2.1989, p. 26. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽⁵⁾ OJ L 186, 5.8.1995, p. 59.

(a) privately rented dwellings must represent less than 10 % of the dwelling stock; and

(b) the disparity between private and other paid rentals must exceed a factor of three.

2. Within three years of the date of adoption of this Regulation the GNI Committee shall review the functioning of the user-cost method.

Article 4

Member States using a base year approach shall extrapolate a given base year figure using appropriate quantity, price and quality indicators.

Article 5

The further and more detailed principles for the estimation of output, intermediate consumption and transactions with the rest of the world, in the context of dwelling services, shall be as contained in the Annex.

Article 6

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 20 October 2005.

For the Commission

Joaquín ALMUNIA

Member of the Commission

ANNEX

For the purpose of Regulation (EC, Euratom) No 1287/2003, the following points aim to clarify the principles for the estimation of output, intermediate consumption and transactions with the rest of the world, regarding dwelling services.

1. OUTPUT OF DWELLING SERVICES

1.1. Basic methods

In national accounts, by convention, the output of dwelling services comprises not only the services produced by rented dwellings but also those provided by owner-occupied dwellings. With regard to the valuation of output of dwelling services, the European System of National and Regional Accounts (ESA95) stipulates in paragraph 3.64, that 'the output of services of owner-occupied dwellings should be valued at the estimated value of rental ⁽¹⁾ that a tenant would pay for the same accommodation, taking into account factors such as location, neighbourhood amenities, etc. as well as the size and quality of the dwelling itself'. In principle, several methods are available for estimating the value of services produced by owner-occupied dwellings:

- the stratification method based on actual rentals, which combines information on the housing stock, broken down by various strata, with information on actual rentals paid in each stratum,
- the user-cost method, where separate estimates are made of intermediate consumption, consumption of fixed capital, other taxes less subsidies on production and net operating surplus. The output of dwelling services is the sum of these components,
- the self-assessment method, where owner-occupiers are asked to estimate a potential rental for their property,
- administrative assessment methods, where a potential rental is determined by third parties, e.g. by government for fiscal purposes.

The stratification method based on actual rentals is the preferred method. This method can also be used for estimating the value of all actual rentals from a sample of actual rentals and for estimating the value of dwelling services from dwellings let at a zero or low rental (see section 1.4.1 for detail).

The user-cost method should be applied only under certain conditions and only for those strata of the housing stock where actual rentals are missing or statistically unreliable.

The self-assessment method should not be used due to a largely subjective influence on the estimate which leads to substantial uncertainties in the results.

Administrative assessment methods, especially when related to taxation, may produce biased results. However, sometimes results from objective assessment methods may be available for some strata. It is acceptable to use the results when the objectivity of the method and the comparability of the results can be demonstrated.

The stratification method uses information about actual rentals from rented dwellings to obtain an estimate of the rental value of the stock of dwellings. This may be interpreted as a grossing-up procedure based on a price times quantity approach. A stratification of the housing stock is required to obtain a reliable estimate and to include relative price differences properly. Subsequently, the average actual rental per stratum is applied to all dwellings in that particular stratum. If the available information is derived from sample surveys, this grossing-up relates to both a part of the rented and all owner-occupied dwellings. The detailed procedure to determine a rental per stratum is usually carried out for a base year and is then extrapolated to the current years.

The rental to be applied to owner-occupied dwellings in the stratification method is defined as the private market rental due for the right to use an unfurnished dwelling. The rentals for unfurnished dwellings from all private market contracts should be used to determine imputed rentals. Private market rentals that are at a low level due to government regulation should be included.

⁽¹⁾ For consistency with ESA95 the term 'rental' is used throughout this text.

If the information source is the tenant, it may be necessary to correct the observed rental by adding any specific rental allowance, which is paid directly to the landlord. If the sample size for the observed rentals as defined above is not large enough, also observed rentals for furnished dwellings may be used for imputation purposes, provided they are adjusted for the furniture element. Exceptionally, also increased rentals for public-owned dwellings may be used. Low rentals for dwellings let to relatives or to employees should not be used (see sections 1.2.3 and 1.4.1 for details).

The stratification method may be used also for grossing up to all rented dwellings. The average rental for imputation as described above may not be suitable for some segments of the rental market. For example, scaled-down rentals for furnished dwellings or increased public rentals may not be appropriate for the respective actually rented dwellings. Separate strata for actually rented furnished or social dwellings combined with appropriate average rentals can overcome this problem.

In principle, the rental should exclude charges for heating, water, electricity etc. Where the data sources do not allow this, coherence between the rentals and intermediate consumption must be ensured (see section 2 for details).

Where for certain strata of owner-occupied dwellings a representative actual rental is missing, this can be overcome in most cases by applying extrapolation or regression techniques.

An alternative to the standard stratification method which relies on extrapolating average rentals per stratum is the use of hedonic regression methods. Briefly, such methods use the sample data for rented dwellings to determine a price of each dwelling characteristic (size, location, presence of a balcony, etc.). Output is obtained by multiplying each characteristic of (a representative sample of) the dwelling stock with the hedonic price of this characteristic. Regression methods permit an enlarged number of variables to be taken into account and can be particularly effective when for some strata observed rentals are missing.

Obviously this does not solve the problem in the extreme case of all dwellings being owner-occupied or in the absence of a developed rental market. As an objective assessment for such cases the user-cost method should be applied. The user-cost method should only be applied to owner-occupied dwellings.

Details of the user-cost method

The user-cost method should only be applied when the stratification method based on actual rentals cannot be used because the rental market is unrepresentative.

By convention, this is considered to be the case when the two following conditions are met simultaneously: (1) the number of privately rented dwellings represents less than 10 % of the total number of dwellings and (2) the disparity between private and other paid rentals exceeds a factor of three. Even when both conditions apply, a country may still choose to use the stratification method provided that the results are of sufficient quality. When one or both of the conditions are not met, the stratification method should be used unless it can be demonstrated that the user-cost method produces more comparable results.

Under the user-cost method, the output of dwelling services is the sum of intermediate consumption, consumption of fixed capital (CFC), other taxes less subsidies on production and net operating surplus (NOS). For owner-occupied dwellings, no labour input is recorded for work done by the owners ⁽¹⁾. Experience suggests that CFC and NOS are the two largest items, each representing 30 to 40 % of output.

CFC should be calculated based on a perpetual inventory model (PIM) or other approved methods. A separate estimate for the owner-occupied residential buildings should be available.

The net operating surplus should be measured by applying a constant real annual rate of return of 2,5 % to the net value of the stock of owner-occupied dwellings at current prices (replacement costs). The real rate of return of 2,5 % is applied to the value of the stock at current prices since the increase in current value of dwellings is already taken account of in the PIM. The same rate of return should be applied to the value of the land at current prices on which the owner-occupied dwellings are located.

The value of land at current prices may be difficult to observe annually. Ratios of land value to the value of buildings in different strata may be derived from an analysis of the composition of the costs of new houses and associated land.

⁽¹⁾ It is conceptually possible that owner-occupiers, individually or collectively, employ housekeepers without involving other statistical units such as housing corporations or management service companies. Where this situation occurs, output according to the user-cost method should include an allowance for compensation of employees.

The GNI Committee should review the above detail on the user-cost method based on the experience in Member States within three years of the date of adoption of this Commission Regulation.

Principle 1:

To compile the output of dwelling services Member States shall apply the stratification method based on actual rentals, either by direct extrapolation or by means of econometric regression. In respect of owner-occupied dwellings, this implies the use of actual rentals for similar rented dwellings. In the justified and exceptional case where actual rentals are missing or statistically unreliable, other objective methods, like the user-cost method, may be employed. No additional justification is required for compiling the output of owner-occupied dwellings with the user-cost method provided that two conditions are met simultaneously: privately rented dwellings represent less than 10 % of the dwelling stock and the disparity between private and other paid rentals exceeds a factor of three.

1.2. Stratification of the housing stock

1.2.1. *Factors affecting the rental level*

A first set of variables determining the level of rentals concern the characteristics of the dwelling and the building. To start with, the size of a dwelling will be important, both in terms to the area and the number of rooms. The bigger the dwelling, the higher will be the rental. At the same time, the rental per square metre tends to fall with the size of a dwelling. However, for some categories of dwellings (e.g. flats in capital cities) there may be a U-shaped relation between the price per square metre and the size of the dwelling. Another important factor will concern the amenities of a dwelling. These may cover variables like the existence of a bathroom, a balcony/terrace, special flooring or wall covering, an open fire, central heating, air-conditioning, special glazing and other noise or thermal insulation measures; the layout of the dwelling is also relevant. With regard to the building, certain facilities may have an influence like a garage, a lift, a swimming-pool, a (roof-) garden or the position of a dwelling within the building. The type of the building (detached, semi-detached house, flat), the architecture, the age, or the number of dwellings in a building may also affect the rental.

A second set of variables relate to environmental characteristics. A well-known factor is the rental difference between a comparable dwelling in a city and a remote location. The distance to an economic centre or the form of the landscape (flat land, mountainous) may not be negligible factors. In addition, neighbourhood factors like the view, surrounding green areas, transport facilities and access, shops and schools or the reputation and security of a district tend to have an influence on the actual rental.

Another set of variables may be summarized as socio-economic factors. For instance, in most countries rentals are influenced by general government regulations like rental restrictions or subsidies. Further, the age of the tenancy agreement, the type of contract (temporary, permanent), the number of inhabitants per dwelling (flat-sharing community), the type of owner (government, housing association, private, employer) or the rental policy of the landlord may also affect the rental.

Obviously, several additional variables may have an influence on rentals. But to collect all the abovementioned factors could lead to overburdened questionnaires. Therefore the use of capital values for stratification purposes may be considered. The rationale behind the use of the capital value of a dwelling is that it reflects all its important characteristics. The capital value can thus be considered as an implicit stratification factor. Using the ratio of the capital value to actual rental may be regarded as a feasible approach, especially in those countries where the rented dwellings represent a minor part of the housing stock. Provided the ratio is stable, such a method would enable the rental value to be determined for those dwellings which only feature in the owner-occupied sector. In addition, capital values do not exclude the use of 'physical' stratification criteria; they may be combined. In this situation, capital values are assumed to reflect the missing 'physical' stratification criteria. In any case, capital values to be used in the rentals calculation have to be based on an objective assessment established for an up-to-date reference year.

In practice the stratification differs from one Member State to another in respect of both the number of strata and the precise criteria used to define them. Although at first sight this may cause some concern, it should be stressed that certain basic criteria, like the size and the (geographical) location of a dwelling are used almost everywhere. Moreover, the aptness of other features will vary between countries and Member States themselves are in the best position to determine significant criteria.

Principle 2:

For stratification purposes, Member States shall use important features of the dwellings. These may relate to the characteristics of the dwelling and the building, to environmental characteristics of the dwelling or to socio-economic factors. In addition, the use of up-to-date capital values is acceptable for stratification purposes, if these are based on an objective assessment.

1.2.2. *Selection of stratification criteria*

Given the various characteristics affecting the rental of a dwelling, the first task is to investigate those variables having a significant impact. One way of detecting significant variables is to produce a tabular analysis of the statistical information available. To obtain an objective measure of assessment, the variance of the actual rentals within a stratum would seem to be useful. This would create an incentive for possible improvements to the stratification by choosing strata in order to minimise the within-stratum variance. It is therefore recommended that the variance per stratum is calculated at least in those cases where the stratification affects the level of both actual and imputed rentals.

A more sophisticated approach is offered by advanced statistical techniques like (multiple) regression analysis. Such a technique allows the influence of individual variables to be assessed, so that the variation in rentals can be assigned to certain characteristics. Briefly, the explanatory power of a variable can be quantified via the correlation coefficient. As a by-product, it enables the characteristics to be ranked according to their importance. This helps to determine where to stratify in greater detail. Combining the most important variables, using multiple regression techniques, shows their overall explanatory power. The use of advanced statistical techniques to select important variables is considered to be an efficient way of stratifying the housing stock. In addition, regression analysis can be used directly for estimating the rentals, e.g. in the form of hedonic models. The technique is also a useful tool for estimating the average rental for strata where there are no corresponding observations in the rented sector (empty strata).

A further advantage of selecting stratification criteria on the basis of an advanced statistical technique is that it avoids the need to prescribe uniform criteria for all countries. To obtain a comparable result, it is sufficient to establish a ranking of the most important criteria in each country and to stipulate the required overall level of explanatory power. Obviously, such a regression analysis depends largely on the available statistical information. However, even in a situation of restricted statistical information, this could be an incentive for future improvements.

Given that the information about the different variables affecting rentals mainly depends on the development of basic statistics, the possibility of using advanced statistical techniques may be restricted at present. Therefore a standard method is recommended, i.e. Member States shall apply all significant criteria as derived from tabular analyses. As a minimum, the size, the location and at least one other important feature of a dwelling have to be used to stratify the housing stock; this stratification should produce a minimum of 30 cells. The breakdown of the housing stock has to be meaningful and representative of the total stock of dwellings. An advanced statistical technique may be used to determine the important explanatory variable(s) for selecting the strata.

In practice, however, a Member State may prefer to use fewer variables, or variables other than those prescribed by the standard method. This is acceptable, as long as a (multiple) regression analysis proves an acceptable level of explanatory power. To guarantee comparable results, a correlation coefficient of at least 70 % is recommended as a threshold. This threshold value would be acceptable in the context of a large sample, with zero and cheap rentals as well as outliers having been removed.

Principle 3:

Member States shall use tabular analyses or statistical techniques to derive significant stratification criteria. As a minimum, the size, the location and at least one other important feature of a dwelling have to be used. A minimum of 30 cells are to be produced and at least three size classes and two types of location shall be distinguished. The use of fewer or other variables is acceptable if it has been proved previously that the (multiple) correlation coefficient reaches 70 %.

1.2.3. *Actual and imputed rentals*

Imputed rentals are determined based on observed actual rentals. For imputation purposes, the rental is defined as the price due for the right to use an unfurnished dwelling. In order to meet this definition, observed rentals may have to be adjusted.

Charges for heating, water, electricity etc. should be excluded from the rentals, although it may sometimes be difficult to separate them out in practice. To be in line with the valuation rules of the ESA, the output of dwelling services should be at basic prices.

With regard to observed rentals, certain public supports are probably important. For instance, a specific household as a consumer is entitled to a general government transfer (e.g. housing benefit) but which, for administrative reasons, is paid directly to the landlord. Depending on the information source, the observed rental may differ. If the information source is the tenant, it may be necessary to correct the observed rental by adding back any specific rental allowance.

In addition, the use of actual rentals for imputation purposes requires the clarification of several fundamental questions having an impact on the harmonisation of the data. The first point relates to the question of whether use should be made of all actual rentals or only those from new contracts, for the imputation procedure. Depending on the purpose, different theoretical arguments can be put forward supporting actual rentals paid according to new contracts, contracts signed in the construction year or 'average' contracts. Applying the general rule, i.e. to use rentals of similar dwellings, it does not seem acceptable to limit the basis of imputation to rentals from new contracts. Given that 'average' rentals are used for the rented sector, the same should apply for owner-occupied dwellings. In addition, a different solution would probably pose great difficulties in many countries when applying the stratification method. Briefly, the conclusion is that the average actual rentals from all contracts should be used to calculate imputed rentals. Consequently, private market rentals that are at a low level due to government regulation should also be included when calculating the average rentals.

The second question concerns the problem as to whether rentals of public-owned dwellings can be used for imputation purposes. Given that owner-occupied dwellings are mostly privately owned, in principle, only actual rentals from the private sector should be used for imputation purposes. However, if not enough observations of actual rentals of privately-owned dwellings are available to constitute a sufficient basis for the imputation, exceptionally, rentals of public-owned dwellings may be used, provided they are appropriately increased to serve as proxies for private market rentals.

A further question relates to the use of rentals from furnished dwellings to enlarge the basis for imputed rentals. In principle, the basis for imputing a rental value for owner-occupied dwellings is unfurnished rentals. Therefore, rentals for furnished dwellings cannot be used directly. In order to avoid imputing the wrong level of rental, they should be scaled down to exclude the payment for the use of the furniture.

Principle 4:

For imputation purposes, the rental shall be understood as the rental due for the right to use an unfurnished dwelling. If the information source is the tenant, it may therefore be necessary to correct the observed rental by adding back any specific rental allowance, which for administrative reasons is paid directly to the landlord. To compile imputed rentals, actual rentals from all contracts shall be exploited relating to privately-owned unfurnished dwellings. If necessary for statistical reasons, rentals of public-owned dwellings may, exceptionally, be used, provided they are appropriately increased to serve as proxies for private market rentals. Similarly, rentals from furnished dwellings may be included in the imputation basis after deduction of the rental differential between furnished and unfurnished dwellings.

1.3. Sources for the base year estimate and methods of extrapolation

1.3.1. Housing stock

An essential element of the calculation according to the stratification method is the information on the stock of dwellings. This information serves as a reference universe for extrapolation procedures. In general terms, the housing stock consists of all buildings or parts thereof which are used as dwellings. More details are given in the section on special problems. The major sources used to establish such a housing stock are building censuses, administrative building registers or population censuses. The base year figure is then updated to arrive at the current year estimate.

With regard to the base year housing stock, building censuses seem to be the least problematic and the most complete, especially when carried out together with a population census. Administrative building registers depend largely on legal procedures, which may cause uncertainties, for instance, about whether extensions, improvements, conversions and demolitions of dwellings are recorded properly. Using the information provided by households in a population census as the basis of the housing stock may cause problems because the results tend to underestimate second homes which are not occupied at the census date.

Principle 5:

For the compilation of the base year housing stock, Member States shall exploit either a building census or a population census or an administrative building register as an initial basis. Since a building census usually provides the highest degree of completeness, the use of administrative building registers and population censuses requires intensive and thorough checks to obtain exhaustiveness.

1.3.2. *Actual rentals*

The second fundamental element for the calculation of the output of dwelling services, according to the stratification method, concerns the actual rentals paid in the rented sector. Information on actual rentals in the base year may be derived from a census (e.g. population census) or from a sample survey such as a household budget survey or a specific rental survey. In the first case, actual rentals are probably covered in total and the calculations only have an impact on the level of imputed rentals. In the case of sample surveys, the calculations affect the level of both actual and imputed rentals. Obviously a census gives a broad basis for reliable information. But household budget surveys are normally also considered as fairly reliable, especially with regard to essential goods. However, differential non-response is known to be a general problem with this type of survey. If housing is considered as more of a luxury than as an essential item, this problem would have an undesirable impact on the results of the calculation, and should be offset. Another problem of a household budget survey, at least in some countries, concerns its small sample size that may restrict the possibility of stratifying the rentals. In any case, available supplementary sources should be exploited as far as possible. This may, for instance, be the case in countries where a high proportion of housing is under public control and housing agencies have to present accounts. Further, as an on-going task to improve the results, alternative sources, like specialised rental surveys, should be investigated.

Principle 6:

Member States shall exploit the broadest and most reliable sources to derive actual rentals per stratum, for example a population census or a household survey. Alternative sources should be assessed to improve the reliability and exhaustiveness, and particularly the stratification.

1.3.3. *Extrapolation of base year results*

Only few Member States have the annual information needed to carry out a full recalculation of the output of owner-occupied dwellings each year afresh. In most countries the results for a given year are taken as the benchmark and subsequently updated to estimate the current year figure by means of indicators. The update may be made by applying a combined indicator to the (total) base year output, or by separately extrapolating the housing stock and the rental per stratum. Although similar results could be expected in general, structural shifts, e.g. in the relationship between rented and owner-occupied dwellings, may cause differences. In addition, a separate calculation would permit plausibility checks.

With regard to the indicators used, the quantity index is mostly derived from the output of the construction industry. The price indicator, on the other hand, is often based on the price index of rentals paid from the consumer price index. This may cause distortions in those cases where the assumption that imputed rentals follow the movement of the total is not justified, for instance, due to public rental controls. For the extrapolation of imputed rentals, it therefore seems preferable to use, as in the base year, a price index reflecting the movement of privately rented dwellings. Further, attention has to be drawn to the fact that price indices will normally exclude price increases due to quality changes. The price indices therefore have to be supplemented by a quality indicator reflecting improvements.

Finally it seems useful to minimise the impact of structural changes on the results by restricting the extrapolation period. Taking account in this respect of the periodicity of the relevant basic statistics, it seems appropriate to carry out a benchmarking of the housing stock every 10 years, i.e., the normal interval for population censuses. In addition, the benchmarking of the price element (rental per stratum) should be carried out at least every five years, i.e., the usual periodicity for household budget surveys.

Principle 7:

If it is not possible to carry out complete re-estimation of the output of dwelling services annually, Member States may extrapolate a given base year figure using appropriate quantity, price and quality indicators. The extrapolation of the housing stock and the average rental shall be carried out separately for each stratum. The extrapolation procedure shall distinguish between the calculations for actual and for imputed rentals. If necessary, the number of strata used for extrapolation may be less than that used for the base year calculation. To extrapolate the imputed rental for owner-occupied dwellings, in general, a price index reflecting private rentals shall be applied. In any case, the benchmarking of the housing stock should not exceed 10 years and that of the price element should not exceed five years, or similar quality should be achieved by appropriate other methods.

1.4. Special problems

1.4.1. Rental-free and cheap dwellings

When collecting data on actual rentals, sometimes zero or very low values will be observed. In the case of rental-free dwellings this leads to the strange situation that the dwelling service is actually provided but without a (visible) payment. It seems appropriate in such cases to adopt the solution that the observed actual zero rental be corrected. An analogous solution would appear logical for cheap dwellings.

Apart from interventions by general government, there are other reasons why rental-free or cheap dwellings may be observed. One example is an employee occupying an employer-owned dwelling at a reduced or zero rental. This may concern all kinds of employees, including housekeepers or guardians. In this case the actual rental has to be corrected and the difference between the actual and comparable rental will be treated as remuneration in kind (see ESA95 paragraphs 4.04 to 4.06). Another possibility is that dwellings are let at a zero or very low rental to relatives or friends. In this case the correction may be obtained by simply reclassifying those dwellings from the rented to the owner-occupied sector. Further, a similar correction seems appropriate in the case of lump sum payments by tenants, i.e., where the tenant makes a pre-payment of the rental for a longer than normal period.

Principle 8:

The actual rental observed in the case of rental-free and cheap dwellings shall be corrected to include the full dwelling service. Neither zero rentals nor cheap rentals shall be used to calculate imputed rentals, on an uncorrected basis.

1.4.2. Holiday homes

Holiday homes cover all kinds of leisure-time dwellings like the nearby weekend-house which is used for short periods many times a year or the more distant resort-home which is used for longer periods but only few times a year. At first sight the case of rented holiday homes seems no problem, since the actual rental paid is taken as a measure for output. However, if the actual rentals collected are on a monthly basis, the extrapolation to the yearly total may lead to over-estimates if no supplementary information on the average occupation time is included.

To calculate an imputed rental for owner-occupied holiday homes, the most logical approach is to stratify these properties and to apply the appropriate average annual rental for actually rented similar accommodation. The annual rental implicitly reflects the average occupation time. In the case of difficulties, a substitute method may be applied, i.e., to collect information on holiday homes in one stratum and to apply the average annual rental for actually rented holiday homes to the owner-occupied ones. Thirdly, it is acceptable to use the full annual rental for ordinary dwellings, in the same stratum of location, where holiday homes account for a very minor part of the housing stock or where they cannot be separated from other dwellings. Even in the case of resort homes these procedures seem reasonable when taking into account that they are always available to the owner and will also be used free of charge by his or her friends or relatives.

Principle 9:

Holiday homes cover all kinds of leisure-time dwellings like the nearby weekend-house or the more distant resort-home. To estimate the output of holiday homes the annual average rentals of similar facilities shall preferably be used. The annual rental implicitly reflects the average occupation time. Although stratification would seem desirable, holiday homes may be grouped in one stratum. If holiday homes account for a very minor part of the housing stock, the full annual rental of ordinary dwellings, in the same stratum of location, may be used. In the justified exceptional case of missing or statistically unreliable actual rentals for certain strata of holiday homes, other objective methods, like the user-cost method, may be employed.

1.4.3. Time-sharing accommodation

In the case of time-share, a real estate agent sells the right to stay for a fixed period each year in a certain dwelling located in a tourist area and takes care of the administration of this property. The right is guaranteed by a certificate, which is issued after the initial payment. This certificate may be traded at the current price. Periodic payments are further due to cover administrative costs.

From this description it follows that the initial payment should be treated as an investment since the certificate issued is similar to a share. This is supported by the fact that at least in one Member State's law the purchaser acquires a real right. Thus it would seem useful to include the initial payment under intangible assets in the national accounts. Further, it would seem logical to consider the rental-free accommodation service as a dividend in kind paid by the real estate agent.

The fundamental problem is that a service is actually provided by the time-share accommodation which is not included in the output of the economy. Logically this requires a correction. To start with, the proposal to accept the periodic payment as a proxy implicitly means that no correction is made for the accommodation service, since the periodic payment covers a different service, namely management costs. Another theoretical possibility would be to consider the initial payment as a prepayment of the service provided and to distribute it over the relevant periods of occupation. Apart from the statistical problems of putting this model into practice, there seems to be a contradiction in legal terms since the implicit interpretation is a purchase of a service and not the acquisition of an asset.

A further possibility consists of deriving a proxy from annual actual rentals for similar (self-catering) accommodation facilities. This solution is supported by the fact that time-share accommodations are located in tourist areas and coexist with actually rented holiday apartments. In the case of difficulties, the two other methods proposed for holiday homes are also acceptable for time-share properties. The imputed rental should be on a net basis, to avoid double-counting charges covered by the periodic payment.

Principle 10:

With regard to time-share accommodation, the same procedures shall be applied as for holiday homes.

1.4.4. *Spare room lodgers*

In most countries a large number of students are accommodated in spare rooms. Often this extends to other younger people or those who are employed in a job which involves being away from home. If the room is a part of a rented dwelling, i.e. is sublet, no major problems seem to exist. The spare room rental can be considered as a contribution to the actual main rental, i.e., a transfer between households. However, if the room is a part of an owner-occupied dwelling it would be double counting to include both the rental that the lodger pays as well as the imputed rental in its entirety. Probably the correct solution would be to take the actual rental paid by the lodger for the percentage of the dwelling he or she occupies and to impute a rental for the rest. However, this may not be practicable to implement. Instead one could consider the rental as a transfer involving the sharing of the expenses of the dwelling. This would be similar to the first case in so far as the actual spare room rental is considered as a contribution to the imputed main rental. As a consequence of this treatment, a correction will be due if the household sector is broken down by groups.

A further point is how to deal with subletting various rooms. In this case, it is suggested that the term spare room lodgers only applies when the owner or the main tenant him/herself also continues to occupy the dwelling. Otherwise, the subletting should be considered as a separate economic activity (dwelling service or pension).

Principle 11:

Rentals paid for spare rooms within a dwelling shall be considered as a contribution to the main rental as long as the owner or the main tenant continues to occupy the dwelling.

1.4.5. *Empty dwellings*

First, a rented dwelling is always considered as occupied even if the tenant chooses to live elsewhere. Secondly, in line with the general solution agreed for holiday homes and time-share accommodation, the annual rental implicitly reflects the average time of occupancy. The problem of empty dwellings is therefore restricted to non-rented dwellings which are not used by the owner i.e., which are available to be sold or rented. In such cases no dwelling service is provided, so a zero rental should be inserted.

The necessary information to determine whether a non-rented property is empty or not can be based on the declaration of the owner or neighbours. In the absence of such information, the existence of furniture may be used as an indication that the property is occupied. In contrast, unfurnished dwellings can be considered as empty, since it is difficult to imagine that a dwelling service is being provided. Empty dwellings should also include dwellings which are repossessed following defaults of payments, or which are empty for a short period because a housing agency does not immediately find a new tenant. A borderline case is an empty dwelling which is fully furnished and can be used by the owner immediately. Here one might argue that no dwelling service is provided as long as it is not actually occupied by the owner. But since it is comparable to the case of a rented but empty dwelling, it seems appropriate to insert a rental. Therefore, furnished owner-occupied dwellings are generally regarded as occupied.

An empty dwelling may still incur costs, like current expenditure on maintenance, electricity, insurance premiums, taxes etc. These should be included under intermediate consumption, other taxes on production, etc. As in the case of an enterprise not producing any services, this may lead to a negative value added.

Principle 12:

For a non-rented dwelling, which is available to be sold or rented, a zero rental shall be inserted. A furnished owner-occupied dwelling in general shall be treated as an occupied dwelling.

1.4.6. Garages

Since garages are a part of gross fixed capital formation, it is appropriate not only to include the service of the rented ones in the output of the economy but also to calculate an imputed output for owner-occupied garages. In both cases the garage represents an element of comfort of the dwelling like any other facility. This should include car ports and parking places since they probably have the same function.

ESA95 paragraph 3.64 states that 'for garages located separately from dwellings, which are used by the owner for final consumption purposes in connection with using the dwelling, a similar imputation is to be made. No imputation is to be made for garages used by their private owner only for the purpose of parking near the workplace.'

Usually there are more owner-occupied dwellings than rented dwellings with a garage. To include this structural difference properly, the best way seems to use the existence of a garage as a stratification criterion.

Principle 13:

Garages and parking places used for final consumption purposes provide services to be included in dwelling services.

2. INTERMEDIATE CONSUMPTION

Intermediate consumption has to be consistent with output. In line with the classification of individual consumption according to purpose (COICOP), charges for heating, water, electricity, etc. as well as most of the maintenance and repair associated to housing should be recorded separately and hence excluded from output of dwelling services.

In practice, however, various charges as well as maintenance and repair may have to be considered to be part of the rental service on the ground that they cannot be separated out. The level of GNI should not be affected, if a gross treatment is carried out consistently for intermediate consumption and output.

With respect to repair and maintenance, three categories should be distinguished. First, improvements to existing fixed assets that go well beyond the requirements of ordinary maintenance and repairs are included in gross fixed capital formation (ESA95 paragraph 3.107).

Second, expenditure on ordinary maintenance and repairs that an owner-occupier incurs on the decoration, maintenance and repair of the dwelling not typically carried out by tenants is treated as intermediate consumption in producing dwelling services (ESA95 paragraph 3.77).

Finally, cleaning, decoration and maintenance of the dwelling as far as these activities are also common for tenants are excluded from production (ESA95 paragraph 3.09). Expenses related to these activities should be recorded directly as final consumption of households. ESA95 states in paragraph 3.76 that household final consumption expenditure includes the materials for small repairs to and interior decoration of dwellings of a kind typically carried out by tenants as well as owners.

This means that, for owner-occupied dwellings, intermediate consumption should cover the same types of ordinary maintenance and repairs as would normally be regarded as intermediate consumption by the landlord for similar rented dwellings. Expenditure on repairs and maintenance of a type typically undertaken by tenants rather than landlords should be treated as household final consumption expenditure for both tenants and owner-occupiers.

Intermediate consumption of ordinary maintenance and repairs related to owner-occupied dwellings may be derived from direct statistical sources such as household budget surveys. When the ratio of intermediate consumption to output for owner-occupied dwellings is very different from the ratio for the rented sector, the reasons for this should be investigated. When the difference is caused by differences in quality, for example a different level of ordinary maintenance for otherwise similar dwellings, imputed rentals should be adjusted accordingly.

Intermediate consumption should include financial intermediation services indirectly measured (FISIM) in accordance with Council Regulation (EC) No 448/98 ⁽¹⁾. This includes intermediate consumption of households in their capacity as owners of dwellings in relation to dwelling loans.

As stated in section 1.4.5, empty dwellings can lead to intermediate consumption. As a general point, it is stressed that double-counting of intermediate consumption in the case of employer-owned dwellings should be avoided.

Principle 14:

Intermediate consumption shall be established in line with the definition of output of dwelling services. In general both items should exclude charges for heating, water, electricity etc. If for practical reasons a different treatment is preferred, this is acceptable as long as the levels of GDP and GNI are not affected.

3. TRANSACTIONS WITH THE REST OF THE WORLD

According to ESA95 (paragraphs 1.30 and 2.15) non-resident units are considered as notional resident units in their capacity as owners of land or buildings on the economic territory of the country, but only in respect of transactions affecting such land or buildings.

This means that the service provided by a dwelling owned by a non-resident is included in the output of the economy where the dwelling is located. In the case of an owner-occupied dwelling of a non-resident, an export of dwelling services is then to be recorded, and the corresponding net operating surplus is recorded as primary income paid to the rest of the world (ESA95 paragraphs 3.142 and 4.60).

With regard to residents owning dwellings abroad, ESA95 paragraph 3.64 states that 'the rental value of owner-occupied dwellings abroad, e.g. holiday homes, should not be recorded as part of domestic production, but as imports of services and the corresponding net operating surplus as primary income received from the Rest of the World.'

In general few problems arise if the property owned by a non-resident is actually rented to a resident, since a monetary flow will be observed and included in the balance of payments. Dwellings owned and occupied by foreign residents would have to be identified separately. The nationality of an owner-occupier is not sufficient to separate a resident from a non-resident. Holiday homes owned by foreign residents will probably matter most and it would be useful to obtain an agreement about the number of non-resident owners between the Member States concerned. However, there is a general lack of information on non-resident owner-occupiers. Information about residents owning holiday homes abroad is even scarcer. To avoid inconsistencies, a Member State deducting a primary income for dwellings occupied by non-resident owners should at the same time add a primary income for dwellings abroad owned and occupied by residents.

A special issue in this regard relates to time-share properties. Since for the same accounting period such a property may be occupied by residents of different countries, a direct allocation to the country of origin seems almost impossible. Comparable results may be obtained using a more feasible approach. First, the (imputed) value added generated by time-share accommodation is allocated to the country of origin of the owning company. Subsequently the owning company may be asked to provide information on the countries of origin of the time-share owners, which may serve as a distribution key.

Principle 15:

According to ESA95, all dwellings on the economic territory of a Member State contribute to its GDP. The net operating surplus received by non-residents as owners of land and buildings in that country is to be recorded as property income to the rest of the world and therefore to be deducted from GDP during the transition to GNI (and vice versa). This net operating surplus shall be understood as the net operating surplus from actual and imputed renting of dwellings. A Member State deducting a property income for dwellings occupied by non-resident owners should at the same time add a property income for dwellings abroad owned and occupied by residents.

⁽¹⁾ OJ L 58, 27.2.1998, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council.

COMMISSION REGULATION (EC) No 1723/2005**of 20 October 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 21 October 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, 20 October 2005.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 21 October 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⁾	2,492	2,492
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	1,020	1,020
	– – in other cases	3,282	3,282
	– 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⁾	1,672	1,672
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	0,765	0,765
	– – in other cases	2,462	2,462
	– where goods falling within subheading 2208 ⁽³⁾ are exported	1,020	1,020
	– other (including unprocessed)	3,282	3,282
	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⁾	1,936	1,936
	– where goods falling within subheading 2208 ⁽³⁾ are exported	1,020	1,020
	– in other cases	3,282	3,282

(*) 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.

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

⁽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 1724/2005**of 20 October 2005****on the issue of import licences for rice originating in the ACP States and the overseas countries and territories against applications submitted in the first five working days of October 2005 pursuant to Regulation (EC) No 638/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽¹⁾,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community (Overseas Association Decision) ⁽²⁾,

Having regard to Commission Regulation (EC) No 638/2003 of 9 April 2003 laying down detailed rules for applying Council Regulation (EC) No 2286/2002 and Council Decision 2001/822/EC as regards the arrangements applicable to imports of rice originating in the African, Caribbean and Pacific States (ACP States) and the overseas countries and territories (OCT) ⁽³⁾, and in particular Article 17(2) thereof,

Whereas:

Examination of the quantities for which applications have been submitted shows that licences for the October 2005 tranche should be issued for the quantities applied for reduced, where appropriate, by the percentages not covered and fixing the quantities carried over to the subsequent tranche,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences for rice against applications submitted during the first five working days of October 2005 pursuant to Regulation (EC) No 638/2003 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.

2. The available quantities carried over to the subsequent tranche are set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 October 2005.

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

Done at Brussels, 20 October 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 348, 21.12.2002, p. 5.

⁽²⁾ OJ L 314, 30.11.2001, p. 1.

⁽³⁾ OJ L 93, 10.4.2003, p. 3.

ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for October 2005 and quota use for 2005

Origin/product	Reduction percentage for the October 2005 tranche		Final use of the quota for 2005 in percentage terms	
	Netherlands Antilles and Aruba	Least-developed OCTs	Netherlands Antilles and Aruba	Least-developed OCTs
OCT (Article 10(1)(a) and (b) of Regulation (EC) No 638/2003) — CN code 1006	0	0	49,38	6,50

Origin/product	Reduction percentage for the October 2005 tranche	Final use of the quota for 2005 in percentage terms
ACP (Article 3(1) of Regulation (EC) No 638/2003) — CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30	—	100
ACP (Article 5(1) of Regulation (EC) No 638/2003) — CN codes 1006 40 00	0	23,10

COMMISSION REGULATION (EC) No 1725/2005

of 20 October 2005

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

United Kingdom:

— 160 t originating in Botswana,

— 350 t originating in Namibia;

Germany:

— 350 t originating in Namibia.

Article 2

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

Botswana:	12 226 t,
Kenya:	142 t,
Madagascar:	7 579 t,
Swaziland:	3 337 t,
Zimbabwe:	9 100 t,
Namibia:	3 605 t.

Article 3

This Regulation shall enter into force on 21 October 2005.

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

⁽²⁾ OJ L 348, 21.12.2002, p. 5.

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

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

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

Done at Brussels, 20 October 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

COMMISSION REGULATION (EC) No 1726/2005**of 20 October 2005****altering the export refunds on white sugar and raw sugar exported in the natural state fixed by
Regulation (EC) No 1670/2005**

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 subparagraph of Article 27(5) thereof,

Whereas:

- (1) The export refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1670/2005 ⁽²⁾.

- (2) Since the data currently available to the Commission are different to the data at the time Regulation (EC) No 1670/2005 was adopted, those refunds should be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1670/2005 are hereby altered to the amounts shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 21 October 2005.

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

Done at Brussels, 20 October 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 269, 14.10.2005, p. 8.

ANNEX

AMENDED AMOUNTS OF REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 21 OCTOBER 2005 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	34,44 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	33,83 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	34,44 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	33,83 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3744
1701 99 10 9100	S00	EUR/100 kg	37,44
1701 99 10 9910	S00	EUR/100 kg	36,78
1701 99 10 9950	S00	EUR/100 kg	36,78
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3744

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

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

The other destinations are:

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

^(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 1727/2005**of 20 October 2005****fixing the maximum export refund for white sugar to certain third countries for the 10th 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 10th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1138/2005 the maximum amount of the export refund shall be 39,694 EUR/100 kg.

Article 2

This Regulation shall enter into force on 21 October 2005.

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

Done at Brussels, 20 October 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 1728/2005**of 20 October 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 21 October 2005.

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

Done at Brussels, 20 October 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 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 20 October 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	10,83
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	9,98
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	9,22
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	C01	EUR/t	8,63
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	11,59				

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 1729/2005**of 20 October 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 14 to 20 October 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 21 October 2005.

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

Done at Brussels, 20 October 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. 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 1730/2005**of 20 October 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 14 to 20 October 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 21 October 2005.

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

Done at Brussels, 20 October 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 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 1731/2005**of 20 October 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 14 to 20 October 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1059/2005, the maximum refund on exportation of common wheat shall be 8,46 EUR/t.

Article 2

This Regulation shall enter into force on 21 October 2005.

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

Done at Brussels, 20 October 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. 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 1732/2005
of 20 October 2005
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme ⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned

cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 22,214 EUR/100 kg.

Article 2

This Regulation shall enter into force on 21 October 2005.

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

Done at Brussels, 20 October 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

COMMISSION REGULATION (EC) No 1733/2005
of 20 October 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 0 for starch from maize, wheat, barley and oats;
(b) EUR/tonne 8,32 for potato starch.

Article 2

This Regulation shall enter into force on 21 October 2005.

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

Done at Brussels, 20 October 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 DIRECTIVE 2005/70/EC**of 20 October 2005****amending Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for certain pesticides in and on cereals and certain products of animal and plant origin****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables ⁽¹⁾, and in particular Article 5 thereof,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin ⁽³⁾, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables ⁽⁴⁾, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽⁵⁾ and in particular Article 4(1)(f) thereof,

Whereas:

(1) The following existing active substances have been included in Annex I to Directive 91/414/EEC: glyphosate

by Commission Directive 2001/99/EC ⁽⁶⁾, chlorpropham by Commission Directive 2004/20/EC ⁽⁷⁾ and bromoxynil, and ioxynil by Commission Directive 2004/58/EC ⁽⁸⁾.

(2) The following new active substances have been included in Annex I to Directive 91/414/EEC: dimethenamid-P and flurtamone by Commission Directive 2003/84/EC ⁽⁹⁾ propoxycarbazone and zoxamide by Commission Directive 2003/119/EC ⁽¹⁰⁾, flazasulfuron and pyraclostrobin by Commission Directive 2004/30/EC ⁽¹¹⁾, quinoxifen by Commission Directive 2004/60/EC ⁽¹²⁾ and mepanipyrim, by Commission Directive 2004/62/EC ⁽¹³⁾.

(3) The inclusion in Annex I to Directive 91/414/EEC of the active substances concerned was based on the assessment of the information submitted concerning their proposed use. Information relating to that use has been submitted by certain Member States in accordance with Article 4(1)(f) of Directive 91/414/EEC. The information available has been reviewed and is sufficient to allow certain maximum residue levels (MRLs) to be fixed.

(4) Community MRLs and the levels recommended by the Codex Alimentarius are fixed and evaluated following similar procedures. There are a number of Codex MRLs for chlorpropham, and glyphosate. There are already Community MRLs in Directive 76/895/EEC for chlorpropham (Council Directive 82/528/EEC ⁽¹⁴⁾) and in Directives 86/362/EEC, 86/363/EEC and 90/642/EEC for glyphosate (Council Directive 1998/82/EC ⁽¹⁵⁾). These have been taken into consideration when setting the MRLs concerned by the adaptations made by this Directive. Codex MRLs that will be recommended for withdrawal in the near future were not taken into account. The MRLs based on Codex MRLs have been evaluated in the light of the risks for the consumers. No risk was established when using the toxicological end points based on the studies available to the Commission.

⁽⁶⁾ OJ L 304, 21.11.2001, p. 14.

⁽⁷⁾ OJ L 70, 9.3.2004, p. 32.

⁽⁸⁾ OJ L 120, 24.4.2004, p. 26.

⁽⁹⁾ OJ L 247, 30.9.2003, p. 20. Directive as amended by Directive 2004/64/EC (OJ L 125, 28.4.2004, p. 42).

⁽¹⁰⁾ OJ L 325, 12.12.2003, p. 41.

⁽¹¹⁾ OJ L 77, 13.3.2004, p. 50.

⁽¹²⁾ OJ L 120, 24.4.2004, p. 39. Directive as amended by Directive 2004/97/EC (OJ L 301, 28.9.2004, p. 53).

⁽¹³⁾ OJ L 125, 28.4.2004, p. 38.

⁽¹⁴⁾ OJ L 234, 9.8.1982, p. 1.

⁽¹⁵⁾ OJ L 290, 29.10.1998, p. 25.

⁽¹⁾ OJ L 340, 9.12.1976, p. 26. Directive as last amended by Commission Directive 2003/118/EC (OJ L 327, 16.12.2003, p. 25).

⁽²⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2005/48/EC (OJ L 219, 24.8.2005, p. 29).

⁽³⁾ OJ L 221, 7.8.1986, p. 43. Directive as last amended by Directive 2005/48/EC.

⁽⁴⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Directive 2005/48/EC.

⁽⁵⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Directive 2005/34/EC (OJ L 125, 18.5.2005, p. 5).

(5) The Commission review reports which were prepared for the inclusion in Annex I to Directive 91/414/EEC of the active substances concerned fixed the Acceptable Daily Intake (ADI) and, if necessary, the Acute Reference Dose (ARfD) for those substances. The exposure of consumers of food products treated with the active substances concerned has been assessed in accordance with Community procedures. Account has also been taken of guidelines published by the World Health Organisation⁽¹⁶⁾ and the opinion of the Scientific Committee for Plants⁽¹⁷⁾ on the methodology employed. It is concluded that MRLs proposed will not lead to those ADIs or ARfD being exceeded.

(6) In order to ensure that the consumer is adequately protected from exposure to residues resulting from unauthorised uses of plant protection products, provisional MRLs should be set for the relevant product/pesticide combinations at the lower limit of analytical determination.

(7) The setting at Community level of such provisional MRLs does not prevent the Member States from establishing provisional MRLs for the substances concerned in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI thereto. It is considered that a period of four years is sufficient to permit further uses of the active substance concerned. The provisional MRL should then become definitive.

(8) It is therefore necessary to add or replace all of the MRLs arising from the use of these plant protection products to the Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC to allow for proper surveillance and control of the prohibition of their uses and to protect the consumer. Where MRLs have already been defined in the Annexes to those Directives it is appropriate to modify them. Where MRLs have not been defined until now, it is appropriate to set them for the first time.

(9) Glyphosate is used as ester or salt. In case of glyphosate trimesium salt, the residue of trimethylsulfonium cation is also of toxicological relevance. It is therefore necessary to set MRLs for that cation.

(10) Provisions of Directive 76/895/EEC which set MRLs for chlorpropham should consequently be deleted.

⁽¹⁶⁾ Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).

⁽¹⁷⁾ Opinion of the Scientific Committee on Plants regarding questions relating to amending the annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC (Opinion expressed by the Scientific Committee on Plants, 14 July 1998) (http://europa.eu.int/comm/food/fs/sc/index_en.html).

(11) Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended accordingly.

(12) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Annex II to Directive 76/895/EEC, the line for chlorpropham is deleted.

Article 2

Directive 86/362/EEC is amended as follows:

1. In Part A of Annex II, the lines for bromoxynil, chlorpropham, dimethenamid-P, flazasulfuron, flurtamone, ioxynil, mepanipyrim, propoxycarbazone, pyraclostrobin, quinoxifen, trimethylsulfonium cation and zoxamide as set out in Annex I to this Directive are added.
2. In Part A of Annex II, the line for glyphosate is replaced by the text in Annex II to this Directive.

Article 3

Directive 86/363/EEC is amended as follows:

1. In Part A of Annex II, the lines for bromoxynil, chlorpropham, ioxynil, pyraclostrobin, quinoxifen and trimethylsulfonium cation, as set out in Annex III to this Directive, are added.
2. In Part B of Annex II, the line for glyphosate is replaced by the text in Annex IV to this Directive.

Article 4

Directive 90/642/EEC is amended as follows:

1. In Annex II, the lines for bromoxynil, chlorpropham, dimethenamid-P, flazasulfuron, flurtamone, ioxynil, mepanipyrim, propoxycarbazone, pyraclostrobin, quinoxifen, trimethylsulfonium cation and zoxamide, as set out in Annex V to this Directive, are added.

2. In Annex II, the line for glyphosate is replaced by the text in Annex VI to this Directive.

Article 5

1. Member States shall adopt and publish, by 21 April 2006 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 21 April 2007.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 6

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

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 20 October 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

Pesticide residues	Maximum levels in mg/kg (ppm)
Bromoxynil including its esters expressed as bromoxynil	0,10 ^(p) Maize 0,05 ^(*) ^(p) Cereals others
Chlorpropham (chlorpropham and 3-chloroaniline, expressed as chlorpropham)	0,02 ^(*) ^(p) CEREALS
Dimethenamid-P including other mixtures of constituent isomers (sum of isomers)	0,01 ^(*) ^(p) CEREALS
Flazasulfuron	0,02 ^(*) ^(p) CEREALS
Flutarmone	0,02 ^(*) ^(p) CEREALS
Ioxynil, including its esters expressed as ioxynil	0,05 ^(*) ^(p) CEREALS
Mepanipyrim and its metabolite (2-anilino-4-(2-hydroxypropyl)-6-methylpyrimidine) expressed as mepanipyrim	0,01 ^(*) ^(p) CEREALS
Propoxycarbazone, its salts and 2-hydroxypropoxy-propoxycarbazone, calculated as propoxycarbazone	0,02 ^(*) ^(p) CEREALS
Pyraclostrobin	0,1 ^(p) Wheat 0,3 ^(p) Barley 0,1 ^(p) Rye 0,3 ^(p) Oats 0,1 ^(p) Triticale 0,02 ^(*) ^(p) Cereals others
Quinoxifen	0,02 ^(*) ^(p) Wheat 0,2 ^(p) Barley 0,02 ^(*) ^(p) Rye 0,2 ^(p) Oats 0,02 ^(*) ^(p) Triticale 0,02 ^(*) ^(p) Cereals others
Trimethylsulfonium cation, resulting from the use of glyphosate	5 ^(p) Wheat 10 ^(p) Barley 5 ^(p) Rye 10 ^(p) Oats 5 ^(p) Triticale 0,05 ^(*) ^(p) Cereals others
Zoxamide	0,02 ^(*) ^(p) CEREALS

(*) Indicates lower limit of analytical determination.

^(p) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 10 November 2009.

ANNEX II

Pesticide residues	Maximum levels in mg/kg (ppm)
Glyphosate	10 ^(p) Wheat 20 ^(p) Barley 1 ^(p) Maize 10 ^(p) Rye 20 ^(p) Oats 20 ^(p) Sorghum 10 ^(p) Triticale 0,1 ^(*) ^(p) Cereals others

(*) Indicates lower limit of analytical determination.

^(p) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 10 November 2009.

ANNEX III

Maximum levels in mg/kg (ppm)			
Pesticide residues	of meat, including fat, preparations of meat, offal and animal fats listed in Annex I under headings Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602	for milk and milk products listed in Annex I under headings Nos 0401, 0402, 0405 00 and 0406	of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I under headings Nos 0407 00 and 0408
Bromoxynil including its esters expressed as bromoxynil	meat 0,05 (*) (P); offals 0,20 (P)	0,01 (*) (P)	
Chlorpropham and 4'-hydroxychlorpropham-O-sulphonic acid (4-HSA), expressed as chlorpropham;	meat 0,05 (*) (P); liver 0,05 (*) (P); kidney 0,2 (P)	0,2 (P)	—
Ioxynil, including its esters expressed as ioxynil	meat 0,05 (P) ; offals 0,20 (P)	0,01 (*) (P)	
Pyraclostrobin	0,05 (*) (P)	0,01 (*) (P)	0,05 (*) (P)
Quinoxifen	0,2 (P)	0,05 (P)	0,02 (*) (P)
Trimethylsulfonium cation, resulting from the use of glyphosate	0,2 (P) kidney of cattle 0,5 (P) liver of cattle 0,2 (P) meat of cattle 0,1 (P) kidney of poultry 0,05 (*) (P) others	0,1 (P)	0,01 (*) (P)

(*) Indicates lower limit of analytical determination.

(P) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 10 November 2009.

ANNEX IV

Maximum levels in mg/kg (ppm)			
Pesticide residues	of meat, including fat, preparations of meat, offal and animal fats listed in Annex I under headings Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602	for milk and milk products listed in Annex I under headings Nos 0401, 0402, 0405 00 and 0406	of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I under headings Nos 0407 00 and 0408
Glyphosate	2 ^(P) kidney of cattle 0,2 ^(P) liver of cattle 0,5 ^(P) kidney of pigs 0,1 ^(P) kidney of poultry 0,05 ^(*) ^(P) others	0,01 ^(*) ^(P)	0,01 ^(*) ^(P)

(*) Indicates lower limit of analytical determination.

^(P) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 10 November 2009.

ANNEX V

Groups and examples of individual products to which the MRLs apply	Bromoxynil including its esters expressed as bromoxynil	Chlorpropham (chlorpropham and 3-chloroaniline, expressed as chlorpropham) (**)	Dime-thenamid-P including other mixtures of constituent isomers (sum of isomers)	Flazasulfuron	Flurtamone	Ioxynil, including its esters expressed as ioxynil	Mepanipyrim and its metabolite (2-anilino-4-(2-hydroxypropyl)-6-methylpyrimidine expressed as mepanipyrim	Propoxycarbazon, its salts and 2-hydroxypropoxycarbazon, calculated as propoxycarbazon	Pyraclostrobin	Quinoxifen	Trimethylsulfonium resulting from the use of glyphosate	Zoxamide
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	0,05 (*) (P)	0,05 (*) (P)	0,01 (*) (P)		0,02 (*) (P)	0,05 (*) (P)		0,02 (*) (P)				
(i) CITRUS FRUIT				0,02 (P)			0,01 (*) (P)		1 (P)	0,02 (*) (P)		0,02 (*) (P)
Grapefruit												
Lemons												
Limes												
Mandarins (including clem-entines and other hybrids)											0,05 (*) (P)	
Oranges											0,5 (P)	
Pomelos												
Others											0,05 (*) (P)	
(ii) TREE NUTS (shelled or unshelled)				0,01 (*) (P)			0,01 (*) (P)			0,02 (*) (P)	0,05 (*) (P)	0,02 (*) (P)
Almonds												
Brazil nuts												
Cashew nuts												
Chestnuts												
Coconuts												
Hazelnuts												
Macadamia												
Pecans												
Pine nuts												
Pistachios									1 (P)			

[illegible]

Groups and examples of individual products to which the MRLs apply	Bromoxynil including its esters expressed as bromoxynil	Chlorpropham (chlorpropham and 3-chloroaniline, expressed as chlorpropham) (**)	Dime-thenamid-P including other mixtures of constituent isomers (sum of isomers)	Flazasulfuron	Flurtamone	IOXNIL, including its esters expressed as IOXNIL	Mepanipyrim and its metabolite (2-anilino-4-(2-hydroxypropyl)-6-methylpyrimidine expressed as mepanipyrim	Propoxycarbazon, its salts and 2-hydroxypropoxycarbazon, calculated as propoxycarbazon	Pyraclostrobin	Quinoxifen	Trimethylsulfonium resulting from the use of glyphosate	Zoxamide
Pineapples												
Papaya									0,05 (P)			
Others				0,01 (*) (P)					0,02 (*) (P)		0,05 (*) (P)	
2. Vegetables, fresh or uncooked, frozen or dry	0,05 (*) (P)	0,05 (*) (P)	0,01 (*) (P)	0,01 (*) (P)	0,02 (*) (P)			0,02 (*) (P)				
(i) ROOT AND TUBER VEGETABLES							0,01 (*) (P)		0,02 (*) (P)	0,02 (*) (P)	0,05 (*) (P)	0,02 (*) (P)
Beetroot												
Carrots						0,2 (P)						
Celery												
Horseradish												
Jerusalem artichokes												
Parsnips						0,2 (P)						
Parsley root												
Radishes												
Salsify												
Sweet potatoes												
Swedes												
Turnips												
Yam												
Others						0,05 (*) (P)						
(ii) BULB VEGETABLES							0,01 (*) (P)			0,02 (*) (P)	0,05 (*) (P)	0,02 (*) (P)
Garlic									0,2 (P)			
Onions						0,2 (P)			0,2 (P)			

Groups and examples of individual products to which the MRLs apply	Bromoxynil including its esters expressed as bromoxynil	Chlorpropham (chlorpropham and 3-chloroaniline, expressed as chlorpropham) (**)	Dime-thenamid-P including other mixtures of constituent isomers (sum of isomers)	Flazasulfuron	Flurtamone	ioxynil, including its esters expressed as ioxynil	Mepanipyrim and its metabolite (2-anilino-4-propyl)-6-methylpyrimidine expressed as mepanipyrim	Propoxycarbazone, its salts and 2-hydroxypropoxycarbazone, calculated as propoxycarbazone	Pyraclostrobin	Quinoxifen	Trimethylsulfonium resulting from the use of glyphosate	Zoxamide
Cauliflower												
Others												
(b) Head brassica												
Brussels sprouts												
Head cabbage												
Others												
(c) Leafy brassica												
Chinese cabbage												
Kale												
Others												
(d) Kohlrabi												
(v) LEAF VEGETABLES AND FRESH HERBS						0,05 (*) (p)	0,01 (*) (p)			0,02 (*) (p)	0,05 (*) (p)	0,02 (*) (p)
(a) Lettuce & similar									2 (p)			
Cress												
Lamb's lettuce												
Lettuce												
Scarole												
Others												
(b) Spinach & similar									0,02 (*) (p)			
Spinach												
Beet leaves (chard)												
Others												
(c) Water cress									0,02 (*) (p)			
(d) Witloof									0,02 (*) (p)			

ANNEX VI

Pesticide residues and MRLs (mg/kg)

Groups and examples of individual products to which the MRLs apply	Glyphosate
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	
(i) CITRUS FRUIT	
Grapefruit	0,1 (P)
Lemons	0,1 (P)
Limes	
Mandarins (including clementines and other hybrids)	0,1 (P)
Oranges	0,5 (P)
Pomelos	
Others	0,1 (*) (P)
(ii) TREE NUTS (shelled or unshelled)	0,1 (*) (P)
Almonds	
Brazil nuts	
Cashew nuts	
Chestnuts	
Coconuts	
Hazelnuts	
Macadamia	
Pecans	
Pine nuts	
Pistachios	
Walnuts	
Others	
(iii) POME FRUIT	0,1 (*) (P)
Apples	
Pears	
Quinces	
Others	
(iv) STONE FRUIT	0,1 (*) (P)
Apricots	
Cherries	
Peaches (including nectarines and similar hybrids)	
Plums	
Others	
(v) BERRIES AND SMALL FRUIT	
(a) Table and wine grapes	0,5 (P)
Table grapes	
Wine grapes	
(b) Strawberries (other than wild)	0,1 (*) (P)
(c) Cane fruit (other than wild)	0,1 (*) (P)
Blackberries	
Dewberries	
Loganberries	
Raspberries	
Others	

Groups and examples of individual products to which the MRLs apply	Glyphosate
(d) Other small fruit and berries (other than wild)	0,1 (*) (P)
Bilberries	
Cranberries	
Currants (red, black and white)	
Gooseberries	
Others	
(e) Wild berries and wild fruit	0,1 (*) (P)
(vi) MISCELLANEOUS	
Avocados	
Bananas	
Dates	
Figs	
Kiwi	
Kumquats	
Litchis	
Mangoes	
Olives	
olives (table consumption)	
olives (oil extraction)	1 (P)
Passion fruit	
Pineapples	
Papaya	
Others	0,05 (*) (P)
2. Vegetables, fresh or uncooked, frozen or dry	
(i) ROOT AND TUBER VEGETABLES	0,1 (*) (P)
Beetroot	
Carrots	
Celeriac	
Horseradish	
Jerusalem artichokes	
Parsnips	
Parsley root	
Radishes	
Salsify	
Sweet potatoes	
Swedes	
Turnips	
Yam	
Others	
(ii) BULB VEGETABLES	0,1 (*) (P)
Garlic	
Onions	
Shallots	
Spring onions	
Others	
(iii) FRUITING VEGETABLES	0,1 (*) (P)
(a) Solanacea	
Tomatoes	
Peppers	
Aubergines	
Others	

Groups and examples of individual products to which the MRLs apply	Glyphosate
(b) Cucurbits — edible peel	
Cucumbers	
Gherkins	
Courgettes	
Others	
(c) Cucurbits — inedible peel	
Melons	
Squashes	
Watermelons	
Others	
(d) Sweet corn	
(iv) BRASSICA VEGETABLES	0,1 (*) (p)
(a) Flowering brassica	
Broccoli	
Cauliflower	
Others	
(b) Head brassica	
Brussels sprouts	
Head cabbage	
Others	
(c) Leafy brassica	
Chinese cabbage	
Kale	
Others	
(d) Kohlrabi	
(v) LEAF VEGETABLES AND FRESH HERBS	0,1 (*) (p)
(a) Lettuce & similar	
Cress	
Lamb's lettuce	
Lettuce	
Scarole	
Others	
(b) Spinach and similar	
Spinach	
Beet leaves (chard)	
Others	
(c) Water cress	
(d) Witloof	
(e) Herbs	
Chervil	
Chives	
Parsley	
Celery leaves	
Others	
(vi) LEGUME VEGETABLES (fresh)	0,1 (*) (p)
Beans (with pods)	
Beans (without pods)	
Peas (with pods)	
Peas (without pods)	
Others	

Groups and examples of individual products to which the MRLs apply	Glyphosate
(vii) STEM VEGETABLES (fresh)	0,1 (*) (P)
Asparagus	
Cardoons	
Celery	
Fennel	
Globe artichokes	
Leek	
Rhubarb	
Others	
(viii) FUNGI	
(a) Cultivated mushrooms	0,1 (*) (P)
(b) Wild mushrooms	50 (P)
3. Pulses	
Beans	2 (P)
Lentils	
Peas	10 (P)
Others	0,1 (*) (P)
4. Oil seed	
Linseed	10 (P)
Peanuts	
Poppy seeds	
Sesame seeds	
Sunflower seed	20 (P)
Rape seed	10 (P)
Soya bean	20 (P)
Mustard seed	10 (P)
Cotton seed	10 (P)
Others	0,1 (*) (P)
5. Potatoes	0,5 (P)
Early potatoes	
Ware potatoes	
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	2 (P)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*) (P)

(*) Indicates lower limit of analytical determination.

(P) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC : unless amended, this level will become definitive with effect from 10 November 2009.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 18 May 2005

on collective cross-border management of copyright and related rights for legitimate online music services

(Text with EEA relevance)

(2005/737/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

- (1) In April 2004 the Commission adopted a Communication on the Management of Copyright and Related Rights in the Internal Market.
- (2) The European Parliament, in its report of 15 January 2004⁽¹⁾, stated that right-holders should be able to enjoy copyright and related rights protection wherever such rights are established, independent of national borders or modes of use during the whole term of their validity.
- (3) The European Parliament further emphasised that any action by the Community in respect of the collective cross-border management of copyright and related rights should strengthen the confidence of artists, including writers and musicians, that the pan-European use of their creative works will be financially rewarded⁽²⁾.
- (4) New technologies have led to the emergence of a new generation of commercial users that make use of musical works and other subject matter online. The provision of legitimate online music services requires management of a series of copyright and related rights.
- (5) One category of those rights is the exclusive right of reproduction which covers all reproductions made in

the process of online distribution of a musical work. Other categories of rights are the right of communication to the public of musical works, the right to equitable remuneration for the communication to the public of other subject matter and the exclusive right of making available a musical work or other subject matter.

- (6) Pursuant to Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society⁽³⁾ and Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property⁽⁴⁾, a licence is required for each of the rights in the online exploitation of musical works. These rights may be managed by collective rights managers that provide certain management services to right-holders as agents or by individual right-holders themselves.
- (7) Licensing of online rights is often restricted by territory, and commercial users negotiate in each Member State with each of the respective collective rights managers for each right that is included in the online exploitation.
- (8) In the era of online exploitation of musical works, however, commercial users need a licensing policy that corresponds to the ubiquity of the online environment and which is multi-territorial. It is therefore appropriate to provide for multi-territorial licensing in order to enhance greater legal certainty to commercial users in relation to their activity and to foster the development of legitimate online services, increasing, in turn, the revenue stream for right-holders.

⁽¹⁾ A5-0478/2003.

⁽²⁾ See recital 29.

⁽³⁾ OJ L 167, 22.6.2001, p. 10.

⁽⁴⁾ OJ L 346, 27.11.1992, p. 61. Directive as amended by Directive 2001/29/EC.

- (9) Freedom to provide collective management services across national borders entails that right-holders are able to freely choose the collective rights manager for the management of the rights necessary to operate legitimate online music services across the Community. That right implies the possibility to entrust or transfer all or a part of the online rights to another collective rights manager irrespective of the Member State of residence or the nationality of either the collective rights manager or the rights-holder.
- (10) Fostering effective structures for cross-border management of rights should also ensure that collective rights managers achieve a higher level of rationalisation and transparency, with regard to compliance with competition rules, especially in the light of the requirements arising out of the digital environment.
- (11) The relationship between right-holders and collective rights managers, whether based on contract or statutory membership rules, should include a minimum protection for right-holders with respect to all categories of rights that are necessary for the provision of legitimate online music services. There should be no difference in treatment of right-holders by rights managers on the basis of the Member State of residence or nationality.
- (12) Royalties collected on behalf of right-holders should be distributed equitably and without discrimination on the grounds of residence, nationality, or category of right-holder. In particular, royalties collected on behalf of right-holders in Member States other than those in which the right-holders are resident or of which they are nationals should be distributed as effectively and efficiently as possible.
- (13) Additional recommendations on accountability, right-holder representation in the decision-making bodies of collective rights managers and dispute resolution should ensure that collective rights managers achieve a higher level of rationalisation and transparency and that right-holders and commercial users can make informed choices. There should be no difference in treatment on the basis of category of membership in the collective rights management society: all right-holders, be they authors, composers, publishers, record producers, performers or others, should be treated equally.
- (14) It is appropriate to continuously assess the development of the online music market,
- (a) 'management of copyright and related rights for the provision of legitimate online music services at Community level' means the provision of the following services: the grant of licences to commercial users, the auditing and monitoring of rights, the enforcement of copyright and related rights, the collection of royalties and the distribution of royalties to right-holders;
- (b) 'musical works' means any musical work or other protected subject matter;
- (c) 'repertoire' means the catalogue of musical works which is administered by a collective rights manager;
- (d) 'multi-territorial licence' means a licence which covers the territory of more than one Member state;
- (e) 'collective rights manager' means any person providing the services set out in point (a) to several right-holders;
- (f) 'online rights' means any of the following rights:
- (i) the exclusive right of reproduction that covers all reproductions provided for under Directive 2001/29/EC in the form of intangible copies, made in the process of online distribution of musical works;
- (ii) the right of communication to the public of a musical work, either in the form of a right to authorise or prohibit pursuant to Directive 2001/29/EC or a right to equitable remuneration in accordance with Directive 92/100/EEC, which includes webcasting, internet radio and simulcasting or near-on-demand services received either on a personal computer or on a mobile telephone;
- (iii) the exclusive right of making available a musical work pursuant to Directive 2001/29/EC, which includes on-demand or other interactive services;
- (g) 'right-holder' means any natural or legal person that holds online rights;
- (h) 'commercial user' means any person involved in the provision of online music services who needs a licence from right-holders in order to provide legitimate online music services;

HEREBY RECOMMENDS:

Definitions

1. For the purposes of this Recommendation the following definitions are applied:

- (i) 'reciprocal representation agreement' means any bilateral agreement between collective rights managers whereby one collective rights manager grants to the other the right to represent its repertoire in the territory of the other.

General

2. Member States are invited to take the steps necessary to facilitate the growth of legitimate online services in the Community by promoting a regulatory environment which is best suited to the management, at Community level, of copyright and related rights for the provision of legitimate online music services.

The relationship between right-holders, collective rights managers and commercial users

3. Right-holders should have the right to entrust the management of any of the online rights necessary to operate legitimate online music services, on a territorial scope of their choice, to a collective rights manager of their choice, irrespective of the Member State of residence or the nationality of either the collective rights manager or the right-holder.
4. Collective rights managers should apply the utmost diligence in representing the interests of right-holders.
5. With respect to the licensing of online rights the relationship between right-holders and collective rights managers, whether based on contract or statutory membership rules, should, at least be governed by the following:
 - (a) right-holders should be able to determine the online rights to be entrusted for collective management;
 - (b) right-holders should be able to determine the territorial scope of the mandate of the collective rights managers;
 - (c) right-holders should, upon reasonable notice of their intention to do so, have the right to withdraw any of the online rights and transfer the multi territorial management of those rights to another collective rights manager, irrespective of the Member State of residence or the nationality of either the collective rights manager or the right-holder;
 - (d) where a right-holder has transferred the management of an online right to another collective rights manager, without prejudice to other forms of cooperation among rights managers, all collective rights managers concerned should ensure that those online rights are withdrawn from any existing reciprocal representation agreement concluded amongst them.

6. Collective rights managers should inform right-holders and commercial users of the repertoire they represent, any existing reciprocal representation agreements, the territorial scope of their mandates for that repertoire and the applicable tariffs.

7. Collective rights managers should give reasonable notice to each other and commercial users of changes in the repertoire they represent.

8. Commercial users should inform collective right managers of the different features of the services for which they want to acquire online rights.

9. Collective rights managers should grant commercial users licences on the basis of objective criteria and without any discrimination among users.

Equitable distribution and deductions

10. Collective rights managers should distribute royalties to all right-holders or category of right-holders they represent in an equitable manner.
11. Contracts and statutory membership rules governing the relationship between collective rights managers and right-holders for the management, at Community level, of musical works for online use should specify whether and to what extent, there will be deductions from the royalties to be distributed for purposes other than for the management services provided.
12. Upon payment of the royalties collective rights managers should specify vis-à-vis all the right-holders they represent, the deductions made for purposes other than for the management services provided.

Non-discrimination and representation

13. The relationship between collective rights managers and right-holders, whether based on contract or statutory membership rules should be based on the following principles:
 - (a) any category of right-holder is treated equally in relation to all elements of the management service provided;
 - (b) the representation of right-holders in the internal decision making process is fair and balanced.

Accountability

14. Collective rights managers should report regularly to all right-holders they represent, whether directly or under reciprocal representation agreements, on any licences granted, applicable tariffs and royalties collected and distributed.

Dispute settlement

15. Member States are invited to provide for effective dispute resolution mechanisms, in particular in relation to tariffs, licensing conditions, entrustment of online rights for management and withdrawal of online rights.

Follow-up

16. Member States and collective rights managers are invited to report, on a yearly basis, to the Commission on the measures they have taken in relation to this Recommendation and on the management, at Community level, of copyright and related rights for the provision of legitimate online music services.

17. The Commission intends to assess, on a continuous basis, the development of the online music sector and in the light of this Recommendation.

18. The Commission will to consider, on the basis of the assessment referred to in point 17, the need for further action at Community level.

Addressees

19. This Recommendation is addressed to the Member States and to all economic operators which are involved in the management of copyright and related rights within the Community.

Done at Brussels, 18 May 2005.

For the Commission

Charlie McCREEVY

Member of the Commission

COMMISSION DECISION

of 14 September 2005

on the clearance of the accounts of certain paying agencies in Belgium, Germany, Spain, France, Luxembourg, the Netherlands, Portugal, Sweden and the United Kingdom concerning expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2003 financial year

*(notified under document number C(2005) 3442)***(Only the Spanish, German, English, French, Dutch, Portuguese and Swedish texts are authentic)**

(2005/738/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 7(3) thereof,

After consulting the Fund Committee,

Whereas:

(1) Commission Decision 2004/451/EC of 29 April 2004 on the clearance of the accounts of Member States' expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2003 financial year ⁽²⁾, cleared the accounts of all the paying agencies except for the Belgian paying agencies ALT, ALP and BIRB, the German paying agencies Baden Württemberg, Bayern StMELF, Bayern-Umwelt, Berlin, Hamburg and Niedersachsen, the Spanish paying agency Navarra, the French paying agencies CNASEA, FIRS, OFIVAL, ONIC, ONIFLHOR, ONIOL, ONIVINS and SDE, the Luxembourg paying agency ministère de l'agriculture, the Dutch paying agencies HPA and Laser, the Portuguese paying agency INGA, the Swedish paying agency Swedish Board of Agriculture and the United Kingdom paying agencies CCW, DARD, FC, NAW, RPA and SEERAD.

(2) Following the transmission of new information by Belgium, Germany, Spain, France, Luxembourg, the Netherlands, Portugal, Sweden and the United Kingdom, and after additional checks, the Commission can now take a decision on the veracity, completeness, and accuracy of

the accounts submitted by the Belgian paying agencies ALT, ALP and BIRB, the German paying agencies Baden Württemberg, Bayern StMELF, Berlin, Hamburg and Niedersachsen, Spanish paying agency Navarra, the French paying agencies CNASEA, FIRS, OFIVAL, ONIC, ONIFLHOR, ONIOL, ONIVINS and SDE, the Luxembourg paying agency ministère de l'agriculture, the Dutch paying agencies HPA and Laser, the Portuguese paying agency INGA, the Swedish paying agency Swedish Board of Agriculture and the United Kingdom paying agencies CCW, FC, RPA and SEERAD.

(3) In clearing the accounts of the Belgian, German, Spanish, French, Luxembourg, Dutch, Portuguese, Swedish and British paying agencies concerned, the Commission must take account of the amounts already withheld from Belgium, Germany, Spain, France, Luxembourg, the Netherlands, Portugal, Sweden and the United Kingdom on the basis of Decision 2004/451/EC.

(4) In accordance with the second subparagraph of Article 7(3) of Regulation (EC) No 1258/1999 this Decision is taken without prejudice to decisions taken subsequently by the Commission, excluding from Community financing expenditure not effected in accordance with Community rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the Belgian paying agencies ALT, ALP and BIRB, the German paying agencies Baden Württemberg, Bayern StMELF, Berlin, Hamburg and Niedersachsen, the Spanish paying agency Navarra, the French paying agencies CNASEA, FIRS, OFIVAL, ONIC, ONIFLHOR, ONIOL, ONIVINS and SDE, the Luxembourg paying agency ministère de l'agriculture, the Dutch paying agencies HPA and Laser, the Portuguese paying agency INGA, the Swedish paying agency Swedish Board of Agriculture and the United Kingdom paying agencies CCW, FC, RPA and SEERAD concerning expenditure financed by the EAGGF Guarantee Section for the 2003 financial year are hereby cleared.

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

⁽²⁾ OJ L 155, 30.4.2004, p. 123.

The amounts which are recoverable from, or payable to, each of the Member States concerned in accordance with this Decision are set out in the Annex.

Kingdom of the Netherlands, the Portuguese Republic, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 14 September 2005.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

CLEARANCE OF ACCOUNTS OF PAYING AGENCIES 2003 FINANCIAL YEAR

Amount to be recovered from or paid to the Member State

Member State	Expenditure in the 2003 financial year			Reductions and suspensions for the entire financial year	Total including suspensions and reductions	Advances paid to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State	Amount recovered from (-) or paid to (+) the Member State under Decision 2004/451/EC	Amount to be recovered from (-) or paid to (+) the Member State under this Decision
	Cleared = expenditure declared in the annual declaration	Disjoined = expenditure declared in the monthly declaration	Total a + b						
	a	b	c = a + b	d	e = c + d	f	g = e - f	h	i = g - h
BE	EUR 1 016 945 603,26	0,00	1 016 945 603,26	- 17 989,43	1 016 927 613,83	1 016 959 814,40	- 32 200,57	- 32 119,73	- 80,84
DE	EUR 5 821 140 790,97	22 317 594,43	5 843 458 385,40	- 332 346,61	5 843 126 038,79	5 843 311 780,61	- 185 741,82	- 185 741,82	0,00
ES	EUR 6 473 878 264,21	0,00	6 473 878 264,21	- 16 797 763,08	6 457 080 501,13	6 459 067 545,01	- 1 987 043,88	- 1 987 043,88	0,00
FR	EUR 10 425 389 800,61	0,00	10 425 389 800,61	- 5 675 864,78	10 419 713 935,83	10 419 067 788,02	646 147,81	- 728 491,58	1 374 639,39
LU	EUR 44 329 012,92	0,00	44 329 012,92	- 2 595 118,16	41 733 894,76	43 257 600,06	- 1 523 705,30	- 1 523 705,30	0,00
NL	EUR 1 360 466 615,75	0,00	1 360 466 615,75	- 1 296 238,97	1 359 170 376,78	1 359 713 294,61	- 542 917,83	- 644 855,06	101 937,23
PT	EUR 849 829 960,52	0,00	849 829 960,52	- 121 895,47	849 708 065,05	849 546 984,03	161 081,02	- 22 328,37	183 409,39
SE	SEK 7 905 413 840,22	0,00	7 905 413 840,22	5 834 913,34	7 911 248 753,56	7 911 261 488,75	- 12 735,19	0,00	- 12 735,19
UK	GBP 2 288 574 374,19	362 543 530,76	2 651 117 904,95	- 33 953 582,84	2 617 164 322,11	2 639 372 167,88	- 22 207 845,77	- 22 427 320,95	219 475,18

1. To calculate the amount to be recovered from or paid to the Member State, the amount considered is either the total of the annual declaration for cleared expenditure (column a) or the aggregate of the monthly declarations for disjoined expenditure (column b).

2. The reductions and suspensions are those taken into account in the system of advances, to which are added, in particular, corrections for failure to meet the payment deadlines established in August, September and October 2003.

ANNEX II

CLEARANCE OF ACCOUNTS OF PAYING AGENCIES 2003 FINANCIAL YEAR

List of paying agencies whose accounts remain disjoined and will be covered by a later decision

Member State	Paying agency
Germany	Bayern Umwelt
United Kingdom	DARD
United Kingdom	NAW

COMMISSION DECISION

of 20 October 2005

terminating the anti-dumping proceeding concerning imports of certain iron or steel ropes and cables (SWR) originating in the Republic of Korea

(2005/739/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 9.3 thereof,

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

Whereas:

A. PROCEDURE**1. Initiation**

(1) On 20 November 2004, the Commission announced by a notice (notice of initiation) published in the *Official Journal of the European Union*⁽²⁾, the initiation of an anti-dumping proceeding with regard to imports into the Community of certain iron or steel ropes and cables (SWR) originating in the Republic of Korea (Korea).

(2) The anti-dumping proceeding was initiated following a complaint lodged on 11 October 2004 by the Liaison Committee of European Wire Rope Industries (EWRIS or the complainant) on behalf of producers representing a major proportion, in this case more than 50 %, of the Community production of SWR. The complaint contained evidence of dumping of the said product and of material injury resulting there from, which was considered sufficient to justify the initiation of a proceeding.

1.1. Measures in force and on-going investigations concerning imports of SWR from other countries

(3) In August 1999, by Regulation (EC) No 1796/1999⁽³⁾, the Council imposed definitive anti-dumping duties on

imports of steel ropes and cables (SWR) originating in the People's Republic of China, Hungary, India, Mexico, Poland, South Africa and Ukraine. The measures applying to these imports consisted of an *ad valorem* duty, except for one Indian, one Mexican, one South African and one Ukrainian exporting producers from which undertakings were accepted by Commission Decision 1999/572/EC⁽⁴⁾. By Regulation (EC) No 1678/2003⁽⁵⁾, the Commission withdrew the undertaking offered by the above Ukrainian exporting producer, and by Regulation (EC) No 1674/2003⁽⁶⁾, the Council re-imposed the corresponding *ad valorem* anti-dumping duty for this exporter.

(4) By Regulation (EC) No 1601/2001⁽⁷⁾, the Council imposed a definitive anti-dumping duty on imports of certain iron or steel ropes and cables originating in the Czech Republic, Russia, Thailand and Turkey. The measures applying to these imports consisted of an *ad valorem* duty, except for one Czech, one Russian, one Thai and two Turkish exporting producers from which undertakings were accepted by Commission Regulation (EC) No 230/2001⁽⁸⁾ and Commission Decision 2001/602/EC⁽⁹⁾. The two undertakings from Turkish exporting producers have been withdrawn by Commission Regulations (EC) No 2303/2002⁽¹⁰⁾ and No 1274/2003⁽¹¹⁾.

(5) Thereafter, following an investigation pursuant to Article 13 of Regulation (EC) No 384/96 (the basic Regulation), it was found that circumvention of the measures concerning imports from the Ukraine and the People's Republic of China took place via, respectively, Moldova and Morocco. Consequently, the anti-dumping duty imposed on imports originating in the Ukraine was extended to imports of the same steel ropes and cables consigned from Moldova⁽¹²⁾. Similarly, the definitive anti-dumping duty imposed on imports originating in the People's Republic of China was extended to imports of the same steel ropes and cables consigned from Morocco⁽¹³⁾, with the exception of those produced by a genuine Moroccan producer.

⁽⁴⁾ OJ L 217, 17.8.1999, p. 63.

⁽⁵⁾ OJ L 238, 25.9.2003, p. 13.

⁽⁶⁾ OJ L 238, 25.9.2003, p. 1.

⁽⁷⁾ OJ L 211, 4.8.2001, p. 1.

⁽⁸⁾ OJ L 34, 3.2.2001, p. 4.

⁽⁹⁾ OJ L 211, 4.8.2001, p. 47.

⁽¹⁰⁾ OJ L 348, 21.12.2002, p. 80.

⁽¹¹⁾ OJ L 180, 18.7.2003, p. 34.

⁽¹²⁾ OJ L 120, 24.4.2004, p. 1.

⁽¹³⁾ OJ L 328, 30.10.2004, p. 1.

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

⁽²⁾ OJ C 283, 20.11.2004, p. 6.

⁽³⁾ OJ L 217, 17.8.1999, p. 1.

(6) Following the publication of a notice of impending expiry of the anti-dumping measures in force on SWR originating in the People's Republic of China, Hungary, India, Mexico, Poland, South Africa and Ukraine⁽¹⁴⁾, the Commission received, on 17 May 2004, a request to review these measures pursuant to Article 11(2) of the basic Regulation.

(7) This request was lodged by the Liaison Committee of European Union Wire Rope Industries (EWRIS) (the applicant) on behalf of producers representing a major proportion, in this case more than 50 %, of the total Community production of SWR. The request was based on the grounds that the expiry of the measures would be likely to result in a continuation or recurrence of dumping and injury to the Community industry.

(8) Subsequently an expiry review was initiated in accordance with Article 11(2) of the basic Regulation against imports of SWR from the People's Republic of China, India, South Africa and Ukraine. This review is still on-going.

(9) However, this document only deals with imports from Korea, i.e. the investigation mentioned in recitals 1 and 2.

1.2. Parties concerned by the proceeding

(10) The Commission officially advised the exporting producers in Korea, importers/traders and their associations, suppliers and users known to be concerned, the representatives of the exporting countries concerned and the complainant and other known Community producers of the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.

(11) In view of the large number of Community producers, Korean exporting producers and Community importers listed in the complaint, sampling was envisaged for these parties in the notice of initiation in accordance with Article 17 of the basic Regulation.

(12) In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a sample, all Community producers, Community importers and exporting producers were asked to make themselves known to the Commission and to provide, as specified in the notice of initiation, basic information on their activities related to the product concerned during the period 1 July 2003 to 30 June 2004.

(13) After examination of the information submitted by the exporting producers, three companies were selected for the sample on the basis of their export volumes to the Community. However, one of the exporting producers

selected in the sample withdrew its cooperation subsequently and the next biggest exporter in terms of export volume was therefore included in the sample. The final sample consisted of the following companies:

— Kiswire Ltd,

— DSR Wire Corporation,

— Chung-Woo Rope Co., Ltd.

(14) As far as unrelated importers are concerned, only one importer actually importing the product concerned from the country concerned replied positively to the sampling form and expressed its willingness to further cooperate with the Commission services. In view of this situation, the Commission services decided not to apply sampling in the case of the unrelated importers, but to send a questionnaire to the aforementioned importer.

(15) The complaint was lodged on behalf of 21 Community producers. The Commission sought cooperation from these 21 companies and from any other known producer, by requesting them to complete a sampling form. 17 companies properly completed the sampling form within the deadline and formally agreed to cooperate further in the investigation. The sampling form contained questions concerning the development of certain 'macro' injury indicators, namely production capacity, production volume, stocks, sales volumes and values and employment. From the seventeen producers that expressed a willingness to cooperate further in the investigation, the following five companies were selected for the sample:

— BTS Drahtseile GmbH (Germany),

— Cables y Alambres especiales, SA (Spain),

— CASAR Drahtseilwerk Saar GmbH (Germany),

— Manuel Rodrigues de Oliveira Sa & Filhos, SA (Portugal),

— Trefileurope, SA (France).

(16) The Commission sent questionnaires to the exporting producers and Community producers selected in the sample and all other parties known to be concerned. Replies were received from the three Korean exporting producers selected in the sample, and one importer in the Community related to one of the Korean exporters, the five Community industry producers selected in the sample, the cooperating unrelated importer, two suppliers of raw materials and ten users.

⁽¹⁴⁾ OJ C 272, 13.11.2003, p. 2.

- (17) The Commission sought and verified all the information it deemed necessary for the purpose of a preliminary determination of dumping, resulting injury and Community interest. Verification visits were carried out at the premises of the following companies:

(a) Community industry producers

- BTS Drahtseile GmbH, Gelsenkirchen (Germany),
- Cables y Alambres especiales, SA, Bilbao (Spain),
- CASAR Drahtseilwerk Saar GmbH, Kirel (Germany),
- Manuel Rodrigues de Oliveira Sa & Filhos, SA, Gemunde (Portugal),
- Trefileurope SA, Bourg en Bresse (France).

(b) Unrelated importer

- Interkabel GmbH, Solms (Germany),

(c) Exporting producers in Korea

- Kiswire Ltd, Seoul,
- DSR Wire Corporation, Suncheon,
- Chung-Woo Rope Co., Ltd., Busan.

1.3. Investigation period

- (18) The investigation of dumping and injury covered the period from 1 July 2003 to 30 June 2004 (investigation period or IP). The examination of trends in the context of the injury analysis covered the period from 1 January 2001 to the end of the IP (period under consideration).

2. Product concerned and like product

2.1. Product concerned

- (19) The product concerned is ropes and cables, including locked coil ropes, of iron or steel but not stainless steel, with a maximum cross-sectional dimension exceeding 3 mm, with attached fittings or not originating in the Republic of Korea (the product concerned), normally declared within CN codes 7312 10 82, 7312 10 84, 7312 10 86 and 7312 10 88 and 7312 10 99.

2.2. Like product

- (20) The Association representing Community importers (EWRIA) argued that the imported products differ

substantially from the ones manufactured and sold in the Community, and should not be compared. The same argument had been addressed in depth in Regulation (EC) No 230/2001 where it was concluded that the products produced by the Community industry have to be considered as like product. As EWRIA did not bring any new element, the conclusions reached in the aforementioned Regulation are confirmed.

- (21) This investigation showed that the products exported by the exporting producers and those manufactured and sold by the Community producers on the Community market have the same basic physical and technical characteristics and end uses and are therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation. The same is true with regard to the products manufactured by the Korean producers and sold on the Korean domestic market.

3. Dumping

3.1. Normal value

3.1.1. Global representativity

- (22) In accordance with Article 2(2) of the basic Regulation, the Commission first examined for each cooperating exporting producer whether its domestic sales of SWR were representative, i.e. whether the total volume of such sales represented at least 5 % of the total export sales volume of the producer to the Community.

3.1.2. Product type comparability

- (23) The Commission subsequently identified those types of SWR sold domestically that were identical or directly comparable with the types sold for export to the Community. The Commission considered domestically sold and exported product types to be directly comparable when they had a similar number of strands, number of wires per strand, construction of wires in strand, core, tensile strength, wire characteristics, rope special characteristics, rope cover and diameter.

3.1.3. Product type specific representativity

- (24) For each type sold by the exporting producer on their domestic market and found to be directly comparable with the type of SWR sold for export to the Community, it was established whether domestic sales were sufficiently representative for the purposes of Article 2(2) of the basic Regulation. Domestic sales of a particular type of SWR were considered sufficiently representative when the total domestic sales volume of that type during the IP represented 5 % or more of the total sales volume of the comparable type of SWR exported to the Community. It was found that the majority of the product types exported to the Community was sold in representative quantities on the domestic market.

3.1.4. Ordinary course of trade test

(25) The Commission subsequently examined whether the domestic sales of each company could be considered as being made in the ordinary course of trade in accordance with Article 2(4) of the basic Regulation.

(26) This was done by establishing the proportion of domestic sales to independent customers, of each exported product type, sold at a loss on the domestic market during the IP.

(a) For those product types where more than 80 % by volume of sales on the domestic market were not below unit costs and where the weighted average sales price was equal to or higher than the weighted average production cost, normal value, per product type, was calculated as the weighted average of all domestic sales prices of the type in question.

(b) For those product types where at least 10 %, but not more than 80 %, by volume of sales on the domestic market where not below unit costs, normal value, per product type, was calculated as the weighted average of domestic sales prices which were found equal to or above unit costs only, of the type in question.

(c) For those product types where less than 10 %, by volume, was sold on the domestic market at a price not below unit costs, it was considered that the product type concerned was not sold in the ordinary course of trade and therefore, another methodology had to be applied to determine normal value.

(27) As a result of the above it was found that the majority of the product types exported was sold in the ordinary course of trade on the domestic market.

3.1.5. Normal value based on actual domestic prices

(28) For the types sold for export to the Community by the investigated companies where the requirements set out in sections 3.1.3 and 3.1.4(a) and (b) were met, normal value was based, for the corresponding product types, on the actual prices paid or payable, by independent customers in the Korean domestic market, during the IP, in accordance with Article 2(1) of the basic Regulation.

3.1.6. Normal value based on domestic prices of other producers in Korea

(29) For product types falling under section 3.1.4(c), as well as for product types which were not sold by the exporting producers in representative quantities on the Korean domestic market, as mentioned in section 3.1.3, it was first considered whether for these product types sales prices of other domestic producers can be used in order to determine normal value. However, it was found that a number of different models of SWR are sold and a variety of factors affect the final sales price. The differences between the models sold would have implied numerous adjustments which would have to be based on estimates. It was therefore considered more appropriate to construct normal value.

3.1.7. Normal value based on constructed value

(30) Considering the above, for all product types mentioned in recital 29, normal value was constructed on the basis of Article 2(3) of the basic Regulation.

(31) In constructing normal value, the selling, general and administrative (SG & A) expenses incurred and the weighted average profit realised by the cooperating exporting producers concerned on domestic sales of the like product, made in the ordinary course of trade during the IP, were added to their own average cost of manufacturing during the IP, in accordance with Article 2(6) of the basic Regulation. Where necessary, a part of the manufacturing cost, which had been incorrectly allocated for one company, and SG & A expenses were corrected, before being used in the ordinary course of trade test and in constructing normal value.

(32) In this regard, all exporting producers concerned included non-operating expenses in their SG & A expenses on the domestic market for the like product. Also, these exporters deducted amounts of income not linked to sales of the like product on the domestic market from the SG & A expenses.

(33) However, the investigation revealed that some of these income and expenses could not be linked to the sales of the like product on the domestic market and should therefore not have been allocated to or deducted from the relevant SG & A expenses. Consequently such non-operating income and expenses were excluded from the reported SG & A.

3.2. Export price

- (34) In all cases where the product concerned was exported to independent customers in the Community, the export price was established in accordance with Article 2(8) of the basic Regulation, namely on the basis of export prices actually paid or payable.
- (35) Where the export sale was made via a related importer, the export price was constructed, pursuant to Article 2(9) of the Basic Regulation, on the basis of the price at which the imported products were first resold to an independent buyer, duly adjusted for all costs incurred between importation and resale and profits. In this regard, the related importer's own SG & A costs were used. In the absence of any other more reliable information, a reasonable profit margin was estimated to be 5 %. This profit margin was used in a prior anti-dumping investigation concerning imports of the same product and where definitive findings were published by Council Regulation (EC) No 1601/2001 ⁽¹⁵⁾. No information was available to show that this was not a reliable margin.

3.3. Comparison

- (36) The normal value and export prices were compared on an ex-works basis. For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation. Appropriate adjustments were granted in all cases where they were found to be reasonable, accurate and supported by verified evidence. On this basis allowances for differences in discounts, rebate, commissions, inland freight, packing, credit cost, ocean freight, insurance, handling and loading charges, bank charges and other factors were made.
- (37) Allowances to the normal value were claimed by all exporting producers for credit costs incurred on the domestic market. However, all Korean exporting producers were using an open account system and no link could be established between the claimed credit cost and the domestic sales transactions in question. Therefore, it could not be established that such factor had an impact on price and price comparability as required by Article 2(10) of the basic Regulation. Consequently, these claims had to be rejected.
- (38) An adjustment was also claimed by all exporting producers for credit costs incurred on export sales to the Community. Although such adjustment was warranted the reported amounts were understated and had to be corrected during the on-the-spot verification.
- (39) The exporting producers concerned claimed an adjustment for differences in import charges and indirect taxes in accordance with Article 2(10)(b) of the

basic Regulation. For two exporting producers concerned, it was found that the amount of import duties refunded exceeded the amount of import duties paid. Therefore it is unlikely that the exporters received refunds only for those imported parts which were incorporated later in exported goods. Moreover, for two of the exporting producers, the refund received when exporting SWR was not linked to import duties paid for the raw materials, i.e. a refund was received whether or not imported raw material was used for the production of the exported product. Therefore, it was considered that no refund of import duties has been taking place within the meaning of Article 2(10)(b) of the basic Regulation. In any case, none of the exporting producers concerned could show whether or to what extent import charges and indirect taxes were borne by the like product when sold on the domestic market. Therefore it could not be established that price comparability was affected. Consequently none of the conditions mentioned in the aforementioned provision was fulfilled and all claims had to be rejected.

- (40) It was found that one of the exporting producers paid a commission to its related importer for activities linked to export sales of SWR made directly by the exporting producer to the independent customers in the Community. Since the commission paid was considered as a factor having an impact on price and price comparability within the meaning of Article 2(10) of the basic Regulation, the sales under consideration were adjusted accordingly.
- (41) Two exporting producers claimed an adjustment on both domestic and export sales for differences in other factors, consisting of the cost incurred by the company for the inspection fees and outside processing (incorporation of fittings) of certain sales in order to meet customers' requirements. It was considered more appropriate to grant this claim as an adjustment for differences in physical characteristics. The amount of the adjustment corresponds to the actual price paid by the exporting producers for the inspection fees and outside processing costs.
- (42) Finally one of the exporting producers claimed an adjustment for differences in the level of trade in accordance with Article 2(10)(d) of the basic Regulation. However, sales on the domestic market were made to national distributors. This is a level of trade similar to the level of trade of sales to the related importer after reconstruction of the export price. Consequently, no adjustment was warranted.

3.4. Dumping margin for the companies investigated

- (43) According to Article 2(11) of the basic Regulation, for each exporting producer the weighted average normal value was compared with the weighted average export price per product type, as determined above.

⁽¹⁵⁾ OJ L 211, 4.8.2001, p. 1 (recital 25).

(44) On the basis of the above, the dumping margin for the cooperating exporting producers, expressed as a percentage of the cif net free-at-Community-frontier price, before duty are:

— Kiswire Ltd – 8,4 %,

— DSR Wire Corporation 0,7 %,

— Chung-Woo Rope Co., Ltd – 6,1 %.

(45) Regarding those cooperating exporters not included in the sample, it was found that, for the bulk of their sales, their export prices were generally in line with those of the sampled exporters. In the absence of any information indicating the contrary, it was considered that the sampling results are representative for all other exporters. Moreover, it is noted that both the other cooperating exporters and the non-cooperating exporters each accounted for approximately 0,5 % of Community consumption in the IP. For these reasons, it was considered that any impact of these imports, even if they were above the *de minimis* level of dumping, would not have been such as to, in isolation, cause injury to the Community industry.

3.5. Conclusion

(46) In accordance with Article 9(3) of the basic Regulation, an anti-dumping proceeding shall be terminated where it is determined that the margin of dumping is less than 2 %.

(47) Consequently and given the above findings, the present proceeding should be terminated.

(48) Given the above determinations with regard to dumping, and in accordance with Article 9(3) of the basic Regulation, i.e. that where dumping margins were found to be *de minimis* a proceeding shall be terminated immediately, it was not considered necessary to conclude on injury, causation and Community interest aspects,

HAS ADOPTED THIS DECISION:

Article 1

The anti-dumping proceeding concerning imports of ropes and cables, including locked coil ropes, of iron or steel but not stainless steel, with a maximum cross-sectional dimension exceeding 3 mm, with attached fittings or not, falling within CN codes 7312 10 82, 7312 10 84, 7312 10 86, 7312 10 88 and 7312 10 99 and originating in the Republic of Korea is hereby terminated.

Article 2

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

This Decision is addressed to the Member States.

Done at Brussels, 20 October 2005.

For the Commission

Peter MANDELSON

Member of the Commission

COMMISSION DECISION

of 20 October 2005

amending Decision 2005/693/EC concerning certain protection measures in relation to avian influenza in Russia

(notified under document number C(2005) 4176)

(Text with EEA relevance)

(2005/740/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular Article 18 (1) and (6) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 22 (1) and (5) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease in poultry and birds, causing mortality and disturbances which can quickly take epizootic proportions liable to present a serious threat to animal and public health and to reduce sharply the profitability of poultry farming.
- (2) Commission Decision 2005/693/EC of 6 October 2005 concerning certain protection measures in relation to avian influenza in Russia ⁽³⁾ was adopted following outbreaks of avian influenza in Russia. That Decision suspends the importation of birds, other than poultry, from Russia.
- (3) In addition, Decision 2005/693/EC suspends the importation of unprocessed feathers and unprocessed parts of feathers from those regions of Russian listed in Annex I to that Decision. However, the importation of unprocessed feathers and parts of unprocessed feathers, are still authorised from those regions of Russia not listed in Annex I to that Decision, subject to certain conditions,

including those regions located west of the Ural mountains, in which outbreaks had not occurred at the date of adoption of Decision 2005/693/EC.

- (4) On 19 October 2005, Russia informed the Commission that an outbreak of avian influenza has occurred in Tula, in the Central Federal District of Russia, in which no outbreaks had been previously reported and from which unprocessed feathers and parts of unprocessed feathers may still be imported, in accordance with Decision 2005/693/EC.
- (5) In relation to the recent outbreaks of highly pathogenic avian influenza caused by Influenza A virus of subtype H5N1 in Turkey, Romania and Russia, circumstantial evidence and molecular epidemiology data strongly suggest that the avian influenza virus has spread into those third countries proceeding from central Asia via migratory birds. This is also suggested by the report of a recent mission to Russia carried out by the World Organization for Animal Health (O.I.E.), that was published on 14 October 2005.
- (6) The importation into the Community of unprocessed feathers and parts of unprocessed feathers should therefore be banned from those regions of Russia where the outbreak of avian influenza has recently occurred or which are at particular risk, in accordance with current knowledge on the flyways of migratory birds proceeding from the areas in central Asia and Siberia where the disease has been recorded.
- (7) Annex I to Commission Decision 2005/693/EC should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

In Annex I of Decision 2005/693/EC the following points 4, 5, 6 and 7 are added:

⁽¹⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 24, 31.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1; corrected version in OJ L 191, 28.5.2004, p. 1).

⁽³⁾ OJ L 263, 8.10.2005, p. 22.

4. Central Federal District

Includes the following Subjects of the Russian Federation: Belgorod Oblast, Bryansk Oblast, Ivanovo Oblast, Kaluga Oblast, Kostroma Oblast, Kursk Oblast, Lipetsk Oblast, Moscow (federal city), Moscow Oblast, Oryol Oblast, Ryazan Oblast, Smolensk Oblast, Tambov Oblast, Tver Oblast, Tula Oblast, Vladimir Oblast, Voronezh Oblast, Yaroslavl Oblast.

5. Southern Federal District

Includes the following Subjects of the Russian Federation: Adygeya Republic, Astrakhan Oblast, Chechnya Republic, Dagestan Republic, Ingushetia Republic, Kabardino-Balkaria Republic, Kalmykia Republic, Karachay-Cherkessia Republic, Krasnodar Krai, North Ossetia-Alania Republic, Stavropol Krai, Rostov Oblast, Volgograd Oblast.

6. Northwestern Federal District

Includes the following Subjects of the Russian Federation: Arkhangelsk Oblast, Komi Republic, Novgorod Oblast, Pskov Oblast, Vologda Oblast.

7. Privolzhsky (Volga) Federal District

Includes the following Subjects of the Russian Federation: Bashkortostan Republic, Chuvashia Republic, Kirov Oblast, Mari El Republic, Mordovia Republic, Nizhny Novgorod Oblast, Orenburg Oblast, Penza Oblast, Perm Oblast, Permyakia Autonomous District, Samara Oblast, Saratov Oblast, Tatarstan Republic, Udmurtia Republic, Ulyanovsk Oblast.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 October 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

CORRIGENDA

Corrigendum to Council Decision 2005/722/EC of 17 October 2005 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2005/428/CFSP*(Official Journal of the European Union L 272 of 18 October 2005)*

Decision 2005/722/EC shall read as follows:

**‘COUNCIL DECISION 2005/722/EC
of 17 October 2005****implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2005/428/CFSP**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) On 6 June 2005 the Council adopted Decision 2005/428/CFSP implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2005/221/CFSP ⁽²⁾.
- (2) It has been decided to adopt an updated list of the persons, groups and entities to which Regulation (EC) No 2580/2001 applies,

HAS DECIDED AS FOLLOWS:

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 shall be replaced by the following:

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza; a.k.a. Mihoubi Faycal; a.k.a. Fellah Ahmed; a.k.a. Dafri Rème Lahdi), born 1.2.1966 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane), born 17.10.1964 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
3. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim), born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen of Saudi Arabia
4. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen of Saudi Arabia

5. AL YACoub, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen of Saudi Arabia

6. ARIOUA, Azzedine, born 20.11.1960 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)

7. ARIOUA, Kamel (a.k.a. Lamine Kamel), born 18.8.1969 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)

8. ASLI, Mohamed (a.k.a. Dahmane Mohamed), born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)

9. ASLI, Rabah, born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)

10. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen of Lebanon

11. DARIB, Noureddine (a.k.a. Carreto; a.k.a. Zitoun Mourad), born 1.2.1972 in Algeria (Member of al-Takfir and al-Hijra)

12. DJABALI, Abderrahmane (a.k.a. Touil), born 1.6.1970 in Algeria (Member of al-Takfir and al-Hijra)

13. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali), born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen of Saudi Arabia

14. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

15. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon

16. LASSASSI, Saber (a.k.a. Mimiche), born 30.11.1970 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)

17. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Abdul), born 14.4.1965 alt. 1.3.1964 in Pakistan, passport No 488555

⁽¹⁾ OJ L 344, 28.12.2001, p. 70. Regulation as last amended by Commission Regulation (EC) No 1207/2005 (OJ L 197, 28.7.2005, p. 16).

⁽²⁾ OJ L 144, 8.6.2005, p. 59.

18. MOKTARI, Fateh (a.k.a. Ferdi Omar), born 26.12.1974 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
 19. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)
 20. NOUARA, Farid, born 25.11.1973 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
 21. RESSOUS, Hoari (a.k.a. Hallasa Farid), born 11.9.1968 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
 22. SEDKAOUI, Nouredine (a.k.a. Nounou), born 23.6.1963 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
 23. SELMANI, Abdelghani (a.k.a. Gano), born 14.6.1974 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
 24. SENOUCI, Sofiane, born 15.4.1971 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
 25. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of the Communist Party of the Philippines including NPA) born 8.2.1939 in Cabugao, Philippines
 26. TINGUALI, Mohammed (a.k.a. Mouh di Kouba), born 21.4.1964 in Blida (Algeria) (Member of al-Takfir and al-Hijra)
2. GROUPS AND ENTITIES
1. Abu Nidal Organisation (ANO), (a.k.a. Fatah Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organisation of Socialist Muslims)
 2. Al-Aqsa Martyrs' Brigade
 3. Al-Aqsa e.V.
 4. Al-Takfir and al-Hijra
 5. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)
 6. Babbar Khalsa
 7. Communist Party of the Philippines, including New Peoples Army (NPA), Philippines, linked to Sison Jose Maria C. (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of the Communist Party of the Philippines, including NPA)
 8. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)
 9. Great Islamic Eastern Warriors Front (IBDA-C)
 10. Hamas (including Hamas-Izz al-Din al-Qassem)
 11. Holy Land Foundation for Relief and Development
 12. International Sikh Youth Federation (ISYF)
 13. Kahane Chai (Kach)
 14. Kurdistan Workers' Party (PKK), (a.k.a. KADEK; a.k.a. KONGRA-GEL)
 15. Mujahedin-e Khalq Organisation (MEK or MKO) [minus the "National Council of Resistance of Iran" (NCRI)] (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Students' Society)
 16. National Liberation Army (Ejército de Liberación Nacional)
 17. Palestine Liberation Front (PLF)
 18. Palestinian Islamic Jihad (PIJ)
 19. Popular Front for the Liberation of Palestine (PFLP)
 20. Popular Front for the Liberation of Palestine — General Command (a.k.a. PFLP — General Command)
 21. Revolutionary Armed Forces of Colombia (FARC)
 22. Revolutionary People's Liberation Army/Front/Party (DHKP/C) (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)
 23. Shining Path (SL) (Sendero Luminoso)
 24. Stichting Al-Aqsa (a.k.a. Stichting Al-Aqsa Nederland, a.k.a. Al-Aqsa Nederland)
 25. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia).
- Article 2*
- Decision 2005/428/CFSP is hereby repealed.
- Article 3*
- This Decision shall be published in the *Official Journal of the European Union*.
- It shall take effect on the day of its publication.
- Done at Luxembourg, 17 October 2005.
- For the Council*
The President
M. BECKETT

Corrigendum to Commission Regulation (EC) No 1695/2005 of 17 October 2005 opening a standing invitation to tender for the export of common wheat held by the French intervention agency

(Official Journal of the European Union L 272 of 18 October 2005)

On page 4, in Article 5, paragraph 1, first subparagraph:

for: '... 09.00 (Brussels time) on 26 October 2005.'

read: '... 09.00 (Brussels time) on 27 October 2005.'
