

Official Journal

of the European Union

L 288

Volume 48

29 October 2005

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1777/2005 of 17 October 2005 laying down implementing measures for Directive 77/388/EEC on the common system of value added tax** 1
- Commission Regulation (EC) No 1778/2005 of 28 October 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 10
- ★ **Commission Regulation (EC) No 1779/2005 of 27 October 2005 establishing a prohibition of fishing for sprat in ICES zones IIIa by vessels flying the flag of Denmark** 12
- ★ **Commission Regulation (EC) No 1780/2005 of 27 October 2005 establishing a prohibition of fishing for black scabbardfish in ICES zones VIII, IX, X (Community waters and international waters) by vessels flying the flag of France** 14
- ★ **Commission Regulation (EC) No 1781/2005 of 27 October 2005 establishing a prohibition of fishing for herring in ICES zones I, II by vessels flying the flag of Poland** 16
- Commission Regulation (EC) No 1782/2005 of 28 October 2005 fixing the minimum selling prices for butter for the 173rd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97 18
- Commission Regulation (EC) No 1783/2005 of 28 October 2005 fixing the maximum aid for cream, butter and concentrated butter for the 173rd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97 20
- Commission Regulation (EC) No 1784/2005 of 28 October 2005 fixing the maximum aid for concentrated butter for the 345th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90 22
- Commission Regulation (EC) No 1785/2005 of 28 October 2005 amending Regulation (EEC) No 1609/88 as regards the latest date by which butter must have been taken into storage in order to be sold pursuant to Regulations (EEC) No 3143/85 and (EC) No 2571/97 23
- Commission Regulation (EC) No 1786/2005 of 28 October 2005 concerning the 92nd special invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999 24

Price: EUR 18

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EC) No 1787/2005 of 28 October 2005 fixing the minimum selling price for butter for the 29th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999	25
Commission Regulation (EC) No 1788/2005 of 28 October 2005 fixing the minimum selling price for skimmed-milk powder for the 28th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 214/2001	26
Commission Regulation (EC) No 1789/2005 of 28 October 2005 fixing the production refund on white sugar used in the chemical industry for the period from 1 to 30 November 2005	27
Commission Regulation (EC) No 1790/2005 of 28 October 2005 fixing the corrective amount applicable to the refund on cereals	28
Commission Regulation (EC) No 1791/2005 of 28 October 2005 fixing the export refunds on malt	30
Commission Regulation (EC) No 1792/2005 of 28 October 2005 fixing the corrective amount applicable to the refund on malt	32
Commission Regulation (EC) No 1793/2005 of 28 October 2005 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid	34
★ Commission Regulation (EC) No 1794/2005 of 28 October 2005 fixing the exchange rates applicable to certain direct aids and structural or environmental measures in 2005	36
★ Commission Regulation (EC) No 1795/2005 of 28 October 2005 amending Regulation (EC) No 2366/98 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/99 to 2004/05 marketing years	40
★ Commission Regulation (EC) No 1796/2005 of 28 October 2005 amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on cucumbers, artichokes, clementines, mandarins and oranges	42
★ Commission Regulation (EC) No 1797/2005 of 28 October 2005 amending for the 56th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001	44
Commission Regulation (EC) No 1798/2005 of 28 October 2005 specifying the extent to which applications lodged in October 2005 for import certificates in respect of young male bovine animals for fattening as part of a tariff quota provided for in Regulation (EC) No 992/2005 may be accepted	46
Commission Regulation (EC) No 1799/2005 of 28 October 2005 fixing the import duties in the cereals sector applicable from 1 November 2005	47
Commission Regulation (EC) No 1800/2005 of 28 October 2005 determining the world market price for unginced cotton	50

Court of Justice

★ Amendments to the Rules of Procedure of the Court of Justice of the European Communities 51

II Acts whose publication is not obligatory

Commission

2005/763/EC:

★ Commission Decision of 28 October 2005 amending Decision 2005/393/EC as regards the restricted zones in relation to bluetongue in Spain (notified under document number C(2005) 4162) ⁽¹⁾ 54

2005/764/EC:

★ Commission Decision of 28 October 2005 amending Decision 93/52/EEC as regards the declaration that the province of Grosseto in the Region of Toscana in Italy is free of brucellosis (*B. melitensis*) and Decision 2003/467/EC as regards the declaration that France is free of bovine brucellosis (notified under document number C(2005) 4187) ⁽¹⁾ 56

Acts adopted under Title V of the Treaty on European Union

★ Council Decision 2005/765/CFSP of 3 October 2005 concerning the conclusion of the agreement in the form of an Exchange of Letters between the European Union and the Government of Indonesia on the tasks, status, privileges and immunities of the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) and its personnel 59

Agreement in the form of an exchange of letters between the European Union and the Government of Indonesia on the tasks, status, privileges and immunities of the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) and its personnel 60



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1777/2005**of 17 October 2005****laying down implementing measures for Directive 77/388/EEC on the common system of value added tax**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽¹⁾, hereinafter referred to as 'Directive 77/388/EEC', and in particular Article 29a thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Directive 77/388/EEC contains rules on value added tax which, in some cases, are subject to interpretation by the Member States. The adoption of common provisions implementing Directive 77/388/EEC should ensure that application of the value added tax system complies more fully with the objective of the internal market, in cases where divergences in application have arisen or may arise which are incompatible with the proper functioning of the said market. These implementing measures are legally binding only from the date of the entry into force of this Regulation and are without prejudice to the validity of the legislation and interpretation previously adopted by the Member States.

(2) It is necessary for the achievement of the basic objective of ensuring a more uniform application of the current value added tax system to lay down rules implementing Directive 77/388/EEC, in particular in respect of taxable persons, the supply of goods and services, and the place of their supply. In accordance with the principle of proportionality as set out in the third subparagraph of Article 5 of the Treaty, this Regulation does not go beyond what is necessary in order to achieve the objective pursued. Since it is binding and directly applicable in all Member States, uniformity of application will be best ensured by a Regulation.

(3) These implementing provisions contain specific rules in response to selective questions of application and are designed to bring uniform treatment throughout the Community to those specific circumstances only. They are therefore not conclusive for other cases and, in view of their formulation, are to be applied restrictively.

(4) The further integration of the internal market has led to an increased need for cooperation by economic operators established in different Member States across internal borders and the development of European economic interest groupings (EEIGs), constituted in accordance with Regulation (EEC) No 2137/85 ⁽²⁾, it should therefore be provided that such EEIGs are also taxable persons where they supply goods or services for consideration.

(5) The sale of an option as a financial instrument should be treated as a supply of services separate from the underlying transactions to which the option relates.

(6) It is necessary, on the one hand, to establish that a transaction which consists solely of assembling the various parts of a machine provided by a customer must be considered as a supply of services, and, on the other hand, to establish the place of such supply.

(7) Where various services supplied in the framework of organising a funeral form a part of a single service, the rule on the place of supply should also be determined.

(8) Certain specific services such as the assignment of television broadcasting rights in respect of football matches, the translation of texts, services for claiming value added tax refunds, certain services as an agent, the hiring of means of transport and certain electronic services involve cross-border scenarios or even the participation of economic operators established in third countries. The place of supply of these services needs to be clearly determined in order to create greater legal certainty. It should be noted that the services identified as electronic services or otherwise do not constitute a definitive, exhaustive list.

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

⁽²⁾ OJ L 199, 31.7.1985, p. 1.

- (9) In certain specific circumstances a credit or debit card handling fee which is paid in connection with a transaction should not reduce the taxable amount for the latter.
- (10) Vocational training or retraining should include instruction relating directly to a trade or profession as well as any instruction aimed at acquiring or updating knowledge for vocational purposes, regardless of the duration of a course.
- (11) 'Platinum nobles' should be treated as being excluded from the exemptions for currency, bank notes and coins.
- (12) Goods transported outside the Community by the purchaser thereof and used for the equipping, fuelling or provisioning of means of transport used for non-business purposes by persons other than natural persons, such as bodies governed by public law and associations, should be excluded from the exemption for export transactions.
- (13) To guarantee uniform administrative practices for the calculation of the minimum value for exemption on exportation of goods carried in the personal luggage of travellers, the provisions on such calculations should be harmonised.
- (14) Electronic import documents should also be admitted to exercise the right to deduct, where they fulfil the same requirements as paper-based documents.
- (15) Weights for investment gold which are definitely accepted by the bullion market should be named and a common date for establishing the value of gold coins be determined to ensure equal treatment of economic operators.
- (16) The special scheme for taxable persons not established in the Community, supplying electronic services to non-taxable persons established or resident within the Community is subject to certain conditions. Where those conditions are no longer fulfilled, the consequences thereof should, in particular, be made clear.
- (17) In the case of intra-Community acquisition of goods, the right of the Member State of acquisition to tax the acquisition should remain unaffected by the value added tax treatment of the transaction in other Member States.
- (18) Rules should be established to ensure the uniform treatment of supplies of goods once a supplier has exceeded the distance selling threshold for supplies to another Member State,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER

Article 1

This Regulation lays down measures for the implementation of Articles 4, 6, 9, 11, 13, 15, 18, 26b, 26c, 28a and 28b of Directive 77/388/EEC, and of Annex L thereto.

CHAPTER II

TAXABLE PERSONS AND TAXABLE TRANSACTIONS

SECTION 1

(Article 4 of Directive 77/388/EEC)

Article 2

A European Economic Interest Grouping (EEIG) constituted in accordance with Regulation (EEC) No 2137/85 which supplies goods or services for consideration to its members or to third parties shall be a taxable person within the meaning of Article 4(1) of Directive 77/388/EEC.

SECTION 2

(Article 6 of Directive 77/388/EEC)

Article 3

1. The sale of an option, where such a sale is a transaction within the scope of point (5) of Article 13(B)(d) of Directive 77/388/EEC, shall be a supply of services within the meaning of Article 6(1) of that Directive. That supply of services shall be distinct from the underlying operations to which the services relate.

2. Where a taxable person only assembles the different parts of a machine all of which were provided to him by his customer, that transaction shall be a supply of services within the meaning of Article 6(1) of Directive 77/388/EEC.

CHAPTER III

PLACE OF TAXABLE TRANSACTIONS

SECTION 1

(Article 9(1) of Directive 77/388/EEC)

Article 4

Insofar as they constitute a single service, services supplied in the framework of organising a funeral shall fall within the scope of Article 9(1) of Directive 77/388/EEC.

SECTION 2

(Article 9(2) of Directive 77/388/EEC)

Article 5

Except where the goods being assembled become part of immovable property, the place of the supply of services specified in Article 3(2) of this Regulation shall be established in accordance with Article 9(2)(c) or Article 28b(F) of Directive 77/388/EEC.

Article 6

The service of translation of texts shall be covered by Article 9(2)(e) of Directive 77/388/EEC.

Article 7

Where a body established in a third country assigns television broadcasting rights in respect of football matches to taxable persons established in the Community, that transaction shall be covered by the first indent of Article 9(2)(e) of Directive 77/388/EEC.

Article 8

The supply of services which consist in applying for or receiving refunds under Directive 79/1072/EEC ⁽¹⁾ shall be covered by the third indent of Article 9(2)(e) of Directive 77/388/EEC.

Article 9

The supply of services of agents as referred to in the seventh indent of Article 9(2)(e) of Directive 77/388/EEC shall cover the services of agents acting in the name and for the account of the recipient of the service procured and services performed by the

agents acting in the name and for the account of the provider of the service procured.

Article 10

Trailers and semi-trailers, as well as railway wagons, shall be forms of transport for the purposes of the eighth indent of Article 9(2)(e) of Directive 77/388/EEC.

Article 11

1. 'Electronically supplied services' as referred to in the 12th indent of Article 9(2)(e) of Directive 77/388/EEC and in Annex L to Directive 77/388/EEC shall include services which are delivered over the Internet or an electronic network and the nature of which renders their supply essentially automated and involving minimal human intervention, and in the absence of information technology is impossible to ensure.

2. The following services, in particular, shall, where delivered over the Internet or an electronic network, be covered by paragraph 1:

- (a) the supply of digitised products generally, including software and changes to or upgrades of software;
- (b) services providing or supporting a business or personal presence on an electronic network such as a website or a webpage;
- (c) services automatically generated from a computer via the Internet or an electronic network, in response to specific data input by the recipient;
- (d) the transfer for consideration of the right to put goods or services up for sale on an Internet site operating as an online market on which potential buyers make their bids by an automated procedure and on which the parties are notified of a sale by electronic mail automatically generated from a computer;
- (e) Internet Service Packages (ISP) of information in which the telecommunications component forms an ancillary and subordinate part (i.e. packages going beyond mere Internet access and including other elements such as content pages giving access to news, weather or travel reports; playgrounds; website hosting; access to online debates etc.);
- (f) the services listed in Annex I.

⁽¹⁾ Eighth Council Directive 79/1072/EEC of 6 December 1979 on the harmonisation of the laws of the Member States relating to turnover taxes — Arrangements for the refund of value added tax to taxable persons not established in the territory of the country (OJ L 331, 27.12.1979, p. 11). Directive as last amended by the 2003 Act of Accession.

Article 12

The following, in particular, shall not be covered by the 12th indent of Article 9(2)(e) of Directive 77/388/EEC:

1. radio and television broadcasting services as referred to in the 11th indent of Article 9(2)(e) of Directive 77/388/EEC;
2. telecommunications services, within the meaning of the 10th indent of Article 9(2)(e) of Directive 77/388/EEC;
3. supplies of the following goods and services:
 - (a) goods, where the order and processing is done electronically;
 - (b) CD-ROMs, floppy disks and similar tangible media;
 - (c) printed matter, such as books, newsletters, newspapers or journals;
 - (d) CDs, audio cassettes;
 - (e) video cassettes, DVDs;
 - (f) games on a CD-ROM;
 - (g) services of professionals such as lawyers and financial consultants, who advise clients by e-mail;
 - (h) teaching services, where the course content is delivered by a teacher over the Internet or an electronic network, (namely via a remote link);
 - (i) offline physical repair services of computer equipment;
 - (j) offline data warehousing services;
 - (k) advertising services, in particular as in newspapers, on posters and on television;
 - (l) telephone helpdesk services;
 - (m) teaching services purely involving correspondence courses, such as postal courses;
 - (n) conventional auctioneers' services reliant on direct human intervention, irrespective of how bids are made;

(o) telephone services with a video component, otherwise known as videophone services;

(p) access to the Internet and World Wide Web;

(q) telephone services provided through the Internet.

CHAPTER IV

TAXABLE AMOUNT

(Article 11 of Directive 77/388/EEC)

Article 13

Where a supplier of goods or services, as a condition of accepting payment by credit or debit card, requires the customer to pay an amount to himself or another undertaking, and where the total price payable by that customer is unaffected irrespective of how payment is accepted, that amount shall constitute an integral part of the taxable amount for the supply of the goods or services, under Article 11 of Directive 77/388/EEC.

CHAPTER V

EXEMPTIONS

SECTION 1

(Article 13 of Directive 77/388/EEC)

Article 14

Vocational training or retraining services provided under the conditions set out in Article 13(A)(1)(i) of Directive 77/388/EEC shall include instruction relating directly to a trade or profession as well as any instruction aimed at acquiring or updating knowledge for vocational purposes. The duration of a vocational training or retraining course shall be irrelevant for this purpose.

Article 15

The exemption referred to in Article 13(B)(d)(4) of Directive 77/388/EEC shall not apply to platinum nobles.

SECTION 2

(Article 15 of directive 77/388/EEC)

Article 16

'Means of transport for private use' as referred to in the first subparagraph of Article 15(2) of Directive 77/388/EEC shall include means of transport used for non-business purposes by persons other than natural persons, such as bodies governed by public law within the meaning of Article 4(5) of that Directive and associations.

Article 17

In order to determine whether the threshold set by a Member State in accordance with the third indent of the second subparagraph of Article 15(2) of Directive 77/388/EEC has been exceeded, the calculation shall be based on the invoice value. The aggregate value of several goods may be used only if all those goods are included on the same invoice issued by the same taxable person supplying goods to the same customer.

CHAPTER VI

DEDUCTIONS

(Article 18 of Directive 77/388/EEC)

Article 18

Where the importing Member State has introduced an electronic system for completing customs formalities, the expression 'import document' as referred to in Article 18(1)(b) of Directive 77/388/EEC shall cover electronic versions of such documents, provided that they allow for the exercise of the right of deduction to be checked.

CHAPTER VII

SPECIAL SCHEMES

(Articles 26b and 26c of Directive 77/388/EEC)

Article 19

1. 'Weights accepted by the bullion markets' as referred to in Article 26b(A)(i), first paragraph, of Directive 77/388/EEC shall at least cover the units and the weights traded as set out in Annex II to this Regulation.

2. For the purposes of establishing the list referred to in the third subparagraph of Article 26b(A) of Directive 77/388/EEC, 'price' and 'open market value' as referred to in the fourth indent of point (ii) of the first subparagraph shall be the price and open market value on 1 April of each year. If 1 April does not fall on a day on which those values are fixed, the values of the next day on which they are fixed shall be used.

Article 20

1. Where, in the course of a calendar quarter, a non-established taxable person using the special scheme provided for in Article 26c(B) of Directive 77/388/EEC meets at least one of the criteria for exclusion laid down in Article 26c(B)(4), the Member State of identification shall exclude that non-established taxable person from the special scheme. In such cases the non-established taxable person may subsequently be excluded from the special scheme at any time during that quarter.

In respect of electronic services supplied prior to exclusion but during the calendar quarter in which exclusion occurs, the non-

established taxable person shall submit a return for the entire quarter in accordance with Article 26c(B)(5) of Directive 77/388/EEC. The requirement to submit this return shall have no effect on the requirement, if any, to register under the normal rules in a Member State.

2. A Member State of identification which receives a payment in excess of that resulting from the return submitted under Article 26c(B)(5) of Directive 77/388/EEC shall reimburse the overpaid amount directly to the taxable person concerned.

Where the Member State of identification has received an amount pursuant to a return subsequently found to be incorrect, and that Member State has already distributed that amount among the Member States of consumption, those Member States shall directly reimburse the overpayment to the non-established taxable person and inform the Member State of identification of the adjustment to be made.

3. Any return period (quarter) within the meaning of Article 26c(B)(5) of Directive 77/388/EEC shall be a separate return period.

Once a return under Article 26c(B)(5) of Directive 77/388/EEC has been rendered, any subsequent changes to the figures contained therein may be made only by means of an amendment to that return and not by an adjustment to a subsequent return.

Amounts of value added tax paid under Article 26c(B)(7) of Directive 77/388/EEC shall be specific to that return. Any subsequent amendments to the amounts paid may be effected only by reference to that return and may not be allocated to another return, or adjusted on a subsequent return.

4. Amounts on value added tax returns made under the special scheme provided for in Article 26c(B) of Directive 77/388/EEC shall not be rounded up or down to the nearest whole monetary unit. The exact amount of value added tax shall be reported and remitted.

CHAPTER VIII

TRANSITIONAL MEASURES

(Articles 28a and 28b of Directive 77/388/EEC)

Article 21

Where an intra-Community acquisition of goods within the meaning of Article 28a of Directive 77/388/EEC has taken place, the Member State in which the dispatch or transport ends shall exercise its power of taxation irrespective of the VAT treatment applied to the transaction in the Member State in which the dispatch or transport began.

Any request by a supplier of goods for a correction in the tax invoiced by him and reported by him to the Member State where the dispatch or transport of the goods began shall be treated by that State in accordance with its own domestic rules.

Article 22

Where in the course of a calendar year the threshold applied by a Member State in accordance with Article 28b(B)(2) of Directive 77/388/EEC is exceeded, Article 28b(B) of that Directive shall not modify the place of supplies of goods other than products subject to excise duty carried out in the course of the same calendar year which are made before the threshold applied by the Member State for the calendar year then current is exceeded provided that the supplier:

- (a) has not exercised the option under Article 28b(B)(3) of that Directive and
- (b) did not exceed the threshold in the course of the preceding calendar year.

However, Article 28b(B) of Directive 77/388/EEC shall modify the place of the following supplies to the Member State in which the dispatch or transport ends:

- (a) the supply by which the threshold applied by the Member State for the calendar year then current was exceeded in the course of the same calendar year;
- (b) any subsequent supplies within that Member State in that calendar year;
- (c) supplies within that Member State in the calendar year following the calendar year in which the event referred to in point (a) occurred.

CHAPTER IX

FINAL PROVISIONS

Article 23

This Regulation shall enter into force on 1 July 2006.

Article 13 shall be applicable from 1 January 2006.

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

Done at Luxembourg, 17 October 2005.

For the Council
The President
M. BECKETT

ANNEX I

Article 11 of this Regulation

1. Item 1 of Annex L to Directive 77/388/EEC
 - (a) Website hosting and webpage hosting
 - (b) Automated, online and distance maintenance of programmes
 - (c) Remote systems administration
 - (d) Online data warehousing where specific data is stored and retrieved electronically
 - (e) Online supply of on-demand disc space.
2. Item 2 of Annex L to Directive 77/388/EEC
 - (a) Accessing or downloading software (including procurement/accountancy programmes and anti-virus software) plus updates
 - (b) Software to block banner adverts showing, otherwise known as Bannerblockers
 - (c) Download drivers, such as software that interfaces computers with peripheral equipment (such as printers)
 - (d) Online automated installation of filters on websites
 - (e) Online automated installation of firewalls.
3. Item 3 of Annex L to Directive 77/388/EEC
 - (a) Accessing or downloading desktop themes
 - (b) Accessing or downloading photographic or pictorial images or screensavers
 - (c) The digitised content of books and other electronic publications
 - (d) Subscription to online newspapers and journals
 - (e) Weblogs and website statistics
 - (f) Online news, traffic information and weather reports
 - (g) Online information generated automatically by software from specific data input by the customer, such as legal and financial data, (in particular such data as continually updated stock market data, in real time)
 - (h) The provision of advertising space including banner ads on a website/web page
 - (i) Use of search engines and Internet directories.
4. Item 4 of Annex L to Directive 77/388/EEC
 - (a) Accessing or downloading of music on to computers and mobile phones
 - (b) Accessing or downloading of jingles, excerpts, ringtones, or other sounds
 - (c) Accessing or downloading of films

- (d) Downloading of music on to computers and mobile phones
 - (e) Accessing automated online games which are dependent on the Internet, or other similar electronic networks, where players are geographically remote from one another.
5. Item 5 of Annex L to Directive 77/388/EEC
- (a) Automated distance teaching dependent on the Internet or similar electronic network to function and the supply of which requires limited or no human intervention, including virtual classrooms, except where the Internet or similar electronic network is used as a tool simply for communication between the teacher and student
 - (b) Workbooks completed by pupils online and marked automatically, without human intervention.
-

ANNEX II

Article 19 of this Regulation

Unit	Weights traded
Kg	12,5/1
Gram	500/250/100/50/20/10/5/2,5/2
Ounce (1 oz = 31,1035 g)	100/10/5/1 ¹ / ₂ / ¹ / ₄
Tael (1 tael = 1,193 oz.) ⁽¹⁾	10/5/1
Tola (10 tolas = 3,75 oz.) ⁽²⁾	10

⁽¹⁾ Tael = a traditional Chinese unit of weight. The nominal fineness of a Hong Kong tael bar is 990 but in Taiwan 5 and 10 tael bars can be 999,9 fineness.

⁽²⁾ Tola = a traditional Indian unit of weight for gold. The most popular sized bar is 10 tola, 999 fineness.

COMMISSION REGULATION (EC) No 1778/2005**of 28 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 29 October 2005.

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

Done at Brussels, 28 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).

ANNEX

to Commission Regulation of 28 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	60,6
	096	33,2
	204	39,1
	999	44,3
0707 00 05	052	108,7
	999	108,7
0709 90 70	052	107,0
	204	43,6
	999	75,3
0805 50 10	052	77,8
	388	59,6
	524	66,9
	528	56,2
	999	65,1
0806 10 10	052	97,2
	400	190,1
	508	241,7
	512	92,7
	999	155,4
0808 10 80	052	57,2
	388	83,8
	400	98,2
	404	120,6
	512	69,8
	720	51,9
	800	192,5
	804	67,2
0808 20 50	999	92,7
	052	99,8
	720	84,1
	999	92,0

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

COMMISSION REGULATION (EC) No 1779/2005**of 27 October 2005****establishing a prohibition of fishing for sprat in ICES zones IIIa by vessels flying the flag of Denmark**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 27 October 2005.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p 59.

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

⁽³⁾ OJ L 12, 14.1.2005, p. 1. Regulation as last amended by Regulation (EC) No 1300/2005 (OJ L 207, 10.8.2005, p. 1).

ANNEX

Member State	Denmark
Stock	SPR/03A.
Species	Sprat (<i>Sprattus sprattus</i>)
Zone	IIIa
Date	9 October 2005

COMMISSION REGULATION (EC) No 1780/2005**of 27 October 2005****establishing a prohibition of fishing for black scabbardfish in ICES zones VIII, IX, X (Community waters and international waters) by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Council Regulation (EC) No 2270/2004 of 22 December 2004 fixing for 2005 and 2006 the fishing opportunities for Community fishing vessels for certain deep sea stocks in waters where catch limitation are required ⁽³⁾, lays down quotas for 2005 and 2006.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2005.

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

This Regulation shall enter into force on the day following 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, 27 October 2005.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p 59.

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

⁽³⁾ OJ L 396, 22.12.2004, p. 4. Regulation as last amended by Regulation (EC) No 860/2005 (OJ L 144, 8.6.2005, p. 1).

ANNEX

Member State	France
Stock	BSF/8910-
Species	Black scabbardfish (<i>Aphanopus carbo</i>)
Zone	VIII, IX, X (EC waters and international waters)
Date	19 October 2005

COMMISSION REGULATION (EC) No 1781/2005
of 27 October 2005
establishing a prohibition of fishing for herring in ICES zones I, II by vessels flying the flag of Poland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

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

Article 2

Prohibitions

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

Article 3

Entry into force

This Regulation shall enter into force on the day following 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, 27 October 2005.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

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

⁽³⁾ OJ L 12, 14.1.2005, p. 1. Regulation as last amended by Regulation (EC) No 1300/2005 (OJ L 207, 10.8.2005, p. 1).

ANNEX

Member State	Poland
Stock	HER/1/2.
Species	Herring (<i>Clupea harengus</i>)
Zone	I, II (EC waters and International waters)
Date	14 October 2005

COMMISSION REGULATION (EC) No 1782/2005**of 28 October 2005****fixing the minimum selling prices for butter for the 173rd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽²⁾, to sell by invitation to tender certain quantities of butter from intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price or aid may vary according to the

intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices of butter from intervention stocks and processing securities applying for the 173rd individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 October 2005.

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

Done at Brussels, 28 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

ANNEX

to the Commission Regulation of 28 October 2005 fixing the minimum selling prices for butter for the 173rd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	206	210	—	—
		Concentrated	204,1	—	—	—
Processing security		Unaltered	79	79	—	—
		Concentrated	79	—	—	—

COMMISSION REGULATION (EC) No 1783/2005**of 28 October 2005****fixing the maximum aid for cream, butter and concentrated butter for the 173rd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice cream and other foodstuffs ⁽²⁾, to sell by invitation to tender certain quantities of butter of intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further

stipulated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for the 173rd individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 October 2005.

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

Done at Brussels, 28 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

ANNEX

to the Commission Regulation of 28 October 2005 fixing the maximum aid for cream, butter and concentrated butter for the 173rd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Maximum aid	Butter $\geq$ 82 %	39	35	—	35
	Butter < 82 %	37	34,1	—	—
	Concentrated butter	46,5	42,6	46,5	42
	Cream	—	—	19	15
Processing security	Butter	43	—	—	—
	Concentrated butter	51	—	51	—
	Cream	—	—	21	—

COMMISSION REGULATION (EC) No 1784/2005**of 28 October 2005****fixing the maximum aid for concentrated butter for the 345th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽²⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 345th tender under the standing invitation to tender opened by Regulation (EEC) No 429/90 the maximum aid and the end-use security are fixed as follows:

- | | |
|---------------------|------------------|
| — maximum aid: | 45,5 EUR/100 kg, |
| — end-use security: | 50 EUR/100 kg. |

Article 2

This Regulation shall enter into force on 29 October 2005.

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

Done at Brussels, 28 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 45, 21.2.1990, p. 8. Regulation as last amended by Commission Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 1785/2005**of 28 October 2005****amending Regulation (EEC) No 1609/88 as regards the latest date by which butter must have been taken into storage in order to be sold pursuant to Regulations (EEC) No 3143/85 and (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organization of the market in milk and milk products ⁽¹⁾, and in particular Article 10,

Whereas:

- (1) Pursuant to Article 1 of Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the grant of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽²⁾, the butter put up for sale must have been taken into storage before a date to be determined.
- (2) In view of the trends on the butter market and the quantities of stocks available, the date in Article 1 of

Commission Regulation (EEC) No 1609/88 ⁽³⁾, relating to the butter referred to in Regulation (EC) No 2571/97, should be amended.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1609/88, the second subparagraph is hereby replaced by the following:

'The butter referred to in Article 1(1)(a) of Regulation (EC) No 2571/97 must have been taken into storage before 1 January 2004.'

Article 2

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

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

Done at Brussels, 28 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

⁽³⁾ OJ L 143, 10.6.1988, p. 23. Regulation as last amended by Regulation (EC) No 1931/2004 (OJ L 333, 9.11.2004, p. 3).

COMMISSION REGULATION (EC) No 1786/2005**of 28 October 2005****concerning the 92nd special invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed-milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.
- (2) According to Article 30 of Regulation (EC) No 2799/1999, in the light of the tenders received in

response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award.

- (3) On the basis of the examination of the offers received, the tendering procedure should not be proceeded with.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 92nd individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 25 October 2005, no award shall be made.

Article 2

This Regulation shall enter into force on 29 October 2005.

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

Done at Brussels, 28 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 340, 31.12.1999, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 1787/2005**of 28 October 2005****fixing the minimum selling price for butter for the 29th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10(c) thereof,

Whereas:

(1) Pursuant to Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them.

(2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no

award, in accordance with Article 24a of Regulation (EC) No 2771/1999.

(3) In the light of the tenders received, a minimum selling price should be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 29th individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 25 October 2005, the minimum selling price for butter is fixed at 261,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 October 2005.

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

Done at Brussels, 28 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 1788/2005**of 28 October 2005****fixing the minimum selling price for skimmed-milk powder for the 28th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 214/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10(c) thereof,

Whereas:

(1) Pursuant to Article 21 of Commission Regulation (EC) No 214/2001 of 12 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed milk ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.

(2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price

shall be fixed or a decision shall be taken to make no award, in accordance with Article 24a of Regulation (EC) No 214/2001.

(3) In the light of the tenders received, a minimum selling price should be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 28th individual invitation to tender pursuant to Regulation (EC) No 214/2001, in respect of which the time limit for the submission of tenders expired on 25 October 2005, the minimum selling price for skimmed milk is fixed at 186,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 October 2005.

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

Done at Brussels, 28 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 37, 7.2.2001, p. 100. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 1789/2005**of 28 October 2005****fixing the production refund on white sugar used in the chemical industry for the period from 1 to 30 November 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 fifth indent of Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of

Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽²⁾ provides that these refunds shall be determined according to the refund fixed for white sugar.

- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of each month.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 33,715 EUR/100 kg net for the period from 1 to 30 November 2005.

Article 2

This Regulation shall enter into force on 1 November 2005.

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

Done at Brussels, 28 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 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 1790/2005**of 28 October 2005****fixing the corrective amount applicable to the refund 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 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) 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 cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92 ⁽³⁾. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) 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 corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 2005.

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

Done at Brussels, 28 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).

⁽³⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

ANNEX

to the Commission Regulation of 28 October 2005 fixing the corrective amount applicable to the refund on cereals

(EUR/t)								
Product code	Destination	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	-0,46	-0,92	-1,38	-1,84	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	C02	0	-0,46	-0,92	-1,38	-1,84	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	C03	0	-0,46	-0,92	-1,38	-1,84	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	-0,63	-1,26	-1,89	-2,52	—	—
1101 00 15 9130	C01	0	-0,59	-1,18	-1,77	-2,36	—	—
1101 00 15 9150	C01	0	-0,54	-1,09	-1,63	-2,17	—	—
1101 00 15 9170	C01	0	-0,50	-1,00	-1,50	-2,00	—	—
1101 00 15 9180	C01	0	-0,47	-0,94	-1,41	-1,88	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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

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.

C02: Algeria, Saudi Arabia, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Lybia, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.

C03: All third countries with the exception of Bulgaria, Norway, Romania, Switzerland and Lichtenstein.

COMMISSION REGULATION (EC) No 1791/2005
of 28 October 2005
fixing the export refunds on malt

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 within 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) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down 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 these rules to the present situation on markets 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 malt listed in Article 1(1)(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 2005.

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

Done at Brussels, 28 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 28 October 2005 fixing the export refunds on malt

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	EUR/t	0,00

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) as amended.

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

COMMISSION REGULATION (EC) No 1792/2005**of 28 October 2005****fixing the corrective amount applicable to the refund on malt**

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 organization of the market in cereals ⁽¹⁾, and in particular Article 15(2),

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) 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⁾ allows for the fixing of a corrective amount for the malt referred

to in Article 1(1)(c) of Regulation (EEC) No 1766/92 ⁽³⁾. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (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

The corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 2005.

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

Done at Brussels, 28 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).

⁽³⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

ANNEX

to the Commission Regulation of 28 October 2005 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 5	7th period 6	8th period 7	9th period 8	10th period 9	11th period 10
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

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) as amended.

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

COMMISSION REGULATION (EC) No 1793/2005**of 28 October 2005****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽²⁾ and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽³⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

- (5) 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 Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 November 2005.

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

Done at Brussels, 28 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 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽³⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 28 October 2005 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)	
Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	10,26
1101 00 15 9130	9,59
1102 10 00 9500	0,00
1102 20 10 9200	46,48
1102 20 10 9400	39,84
1103 11 10 9200	0,00
1103 13 10 9100	59,76
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 1794/2005**of 28 October 2005****fixing the exchange rates applicable to certain direct aids and structural or environmental measures in 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽¹⁾,

Having regard to Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽²⁾, and in particular the second sentence of Article 4(3) thereof,

Having regard to Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials ⁽³⁾, and in particular the second sentence of the second paragraph of Article 86 and the second sentence of Article 128 thereof,

Having regard to Commission Regulation (EC) No 1410/1999 of 29 June 1999 amending Regulation (EC) No 2808/98 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture and amending the definition of certain operative events provided for in regulations (EEC) No 3889/87, (EEC) No 3886/92, (EEC) No 1793/93, (EEC) No 2700/93 and (EC) No 293/98 ⁽⁴⁾, and in particular Article 2 thereof,

Whereas:

- (1) In accordance with the second subparagraph of Article 4(1) of Regulation (EC) No 2808/98, as amended by Regulation (EC) No 2304/2003 ⁽⁵⁾, the operative event for the exchange rate for energy crops referred to in Chapter 5 of Title IV of Regulation (EC) No 1782/2003 ⁽⁶⁾ is 1 January of the year in which the aid is granted.

- (2) In accordance with Article 4(2) of Regulation (EC) No 2808/98, the operative event for the amounts of a structural or environmental character is 1 January of the year during which the decision to grant the aid is taken.

- (3) In accordance with the first sentence of Article 4(3) of Regulation (EC) No 2808/98 the exchange rate to be used is the average of the exchange rates applicable during the month preceding the date of the operative event, calculated *pro rata temporis*.

- (4) In accordance with the first paragraph of Article 86 of Regulation (EC) No 1973/2004, the operative event for the exchange rate to be applied to the amount of the premiums and payments referred to in Articles 113, 114 and 119 of Regulation (EC) No 1782/2003 is the commencement of the calendar year in respect of which the premium or payment is granted. In accordance with the first sentence of the second paragraph of Article 86 of Regulation (EC) No 1973/2004, the exchange rate to be used is the average of the exchange rates applicable in the month of December preceding the date of the operative event, calculated *pro rata temporis*.

- (5) In accordance with Article 127(1) of Regulation (EC) No 1973/2004, the date of submission of the application is the operative event for the year to which animals covered by the special premium, suckler cow premium, deseasonalisation premium and extensification schemes are allocated. In the case of the slaughter premium the allocation year, in accordance with Article 127(2) of that Regulation, is the year of slaughter or export. In accordance with the first sentence of Article 128 of that Regulation, conversion into national currency of premium amounts, the extensification payment and the additional payments is carried out in accordance with the average, calculated *pro rata temporis*, of the exchange rates applicable in the month of December preceding the allocation year determined in accordance with Article 127 of that Regulation.

- (6) In accordance with Article 4(1) of Regulation (EC) No 2808/98 as amended by Regulation (EC) No 1250/2004 ⁽⁷⁾, the operative event for the exchange rate to be applied to aid per hectare should

⁽¹⁾ OJ L 349, 24.12.1998, p. 1.

⁽²⁾ OJ L 349, 24.12.1998, p. 36. Regulation as last amended by Regulation (EC) No 1044/2005 (OJ L 172, 5.7.2005, p. 76).

⁽³⁾ OJ L 345, 20.11.2004, p. 1. Regulation as last amended by Regulation (EC) No 1044/2005.

⁽⁴⁾ OJ L 164, 30.6.1999, p. 53.

⁽⁵⁾ OJ L 342, 30.12.2003, p. 6.

⁽⁶⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 118/2005 (OJ L 24, 27.1.2005, p. 15).

⁽⁷⁾ OJ L 237, 8.7.2004, p. 13.

be the commencement of the marketing year in respect of which the aid is granted. In accordance with Article 4 of Commission Regulation (EC) No 103/2004⁽¹⁾ of 21 January 2004 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards intervention arrangements and market withdrawals in the fruit and vegetables sector, the marketing year for the area payments of nuts provided for in Chapter 4 of Title IV of Regulation (EC) No 1782/2003 commences on 1 January. In accordance with Article 1 of Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops⁽²⁾, Article 2 of Council Regulation (EC) No 1577/96 of 30 July introducing a specific measure in respect of certain grain legumes⁽³⁾ and Article 100 of Regulation (EC) No 1782/2003, the marketing year for the arable crop area payments provided for in Regulation (EC) No 1251/1999, for the grain legume aid provided for in Regulation (EC) No 1577/96, and for the specific quality premium for durum wheat and the protein crop premium provided for in Chapters 1 and 2 respectively of Title IV of Regulation (EC) No 1782/2003 commences on 1 July. In accordance with the first sentence of Article 4(3) of Regulation (EC) No 2808/98 the exchange rate to be used for aid per hectare is the average of the exchange rates applicable during the month preceding the date of the operative event, calculated *pro rata temporis*.

- (7) In accordance with the third subparagraph of Article 4(1) of Regulation (EC) No 2808/98 as amended by Regulation (EC) No 1250/2004, for the dairy premium and additional payments referred to in Chapter 7 of Title IV of Regulation (EC) No 1782/2003, the operative event for the exchange rate is 1 July of the year in which the aid is granted. In accordance with the first sentence of Article 4(3) of Regulation (EC) No 2808/98, the exchange rate to be used for the dairy premium and additional payments referred to in Chapter 7 of Title IV of Regulation (EC) No 1782/2003 is the average of the exchange rates applicable during the month preceding the date of the operative event, calculated *pro rata temporis*.
- (8) Article 1 of Commission Regulation (EEC) No 1793/93 of 30 June 1993 regarding the operative event for the agricultural conversion rates used in the hops sector⁽⁴⁾ provides that the exchange rate to be applied for the aid of for hops provided for in Article 12 of Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organisation of the market in hops⁽⁵⁾ should be the average of the exchange rates applicable during the month before 1 July of the year of harvest, calculated *pro rata temporis*,

HAS ADOPTED THIS REGULATION:

Article 1

In 2005, the exchange rate shown in Annex I shall apply to the following:

- (a) the aid for energy crops referred to in Chapter 5 of Title IV of Regulation (EC) No 1782/2003;
- (b) amounts of a structural or environmental character referred to in Article 4(2) of Regulation (EC) No 2808/98;
- (c) the premiums and payments in the sheep meat sector provided for in Articles 113, 114 and 119 of Regulation (EC) No 1782/2003;
- (d) the premiums and payments in the beef sector provided for in Articles 123, 124, 125, 130, 132 and 133 of Regulation (EC) No 1782/2003;
- (e) the area payment for nuts provided for in Chapter 4 of Title IV of Regulation (EC) No 1782/2003.

Article 2

In 2005, the exchange rate shown in Annex II shall apply to the following:

- (a) the arable crop area payments provided for in Regulation (EC) No 1251/1999;
- (b) the grain legume aid provided for in Regulation (EC) No 1577/96;
- (c) the specific quality premium for durum wheat provided for in Chapter 1 of Title IV of Regulation (EC) No 1782/2003;
- (d) the protein crop premium provided for in Chapter 2 of Title IV of Regulation (EC) No 1782/2003;
- (e) the dairy premium and additional payment provided for in Chapter 7 of Title IV of Regulation (EC) No 1782/2003;
- (f) the aid for hops provided for in Article 12 of Regulation (EEC) No 1696/71.

⁽¹⁾ OJ L 16, 23.1.2004, p. 3.

⁽²⁾ OJ L 160, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 1782/2003.

⁽³⁾ OJ L 206, 16.8.1996, p. 4. Regulation as last amended by the 2003 Act of Accession.

⁽⁴⁾ OJ L 163, 6.7.1993, p. 22. Regulation as last amended by Regulation (EC) No 1410/1999.

⁽⁵⁾ OJ L 175, 4.8.1972, p. 1. Regulation as last amended by Regulation (EC) No 2320/2003 (OJ L 345, 31.12.2003, p. 18).

Article 3

This Regulation shall enter into force on the 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, 28 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Exchange rates referred to in Article 1

EUR 1 = (average for 1 December 2004 to 31 December 2004)	
0,579055	Cyprus pound
30,6523	Czech koruna
7,43335	Danish krone
15,6466	Estonian kroon
245,869	Hungarian forint
3,4528	Lithuanian litas
0,689013	Latvian lats
0,432332	Maltese lira
4,14339	Polish zloty
38,8968	Slovak koruna
239,804	Slovenian tolar
8,98330	Swedish krona
0,694111	Pound sterling

ANNEX II

Exchange rates referred to in Article 2

EUR 1 = (average for 1 June 2005 to 30 June 2005)	
0,574123	Cyprus pound
30,0363	Czech koruna
7,44444	Danish krone
15,6466	Estonian kroon
249,219	Hungarian forint
3,4528	Lithuanian litas
0,696023	Latvian lats
0,4293	Maltese lira
4,06203	Polish zloty
38,5509	Slovak koruna
239,467	Slovenian tolar
9,25091	Swedish krona
0,669118	Pound sterling

COMMISSION REGULATION (EC) No 1795/2005**of 28 October 2005****amending Regulation (EC) No 2366/98 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/99 to 2004/05 marketing years**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats ⁽²⁾, and in particular Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 2366/98 ⁽³⁾ lays down detailed rules for applying the system of production aid for olive oil provided for in Article 5 of Regulation 136/66/EEC for the 1998/99 to 2004/05 marketing years.

(2) Article 12a of Regulation (EC) No 2366/98 should be adjusted in order to calculate the production of additional olive trees not eligible for aid during the 2004/05 marketing year and thus enable controls of the production of these olive trees.

(3) Regulation (EC) No 2366/98 should be amended accordingly.

(4) So that this aid can begin to be paid forthwith, this Regulation should enter into force on the day following its publication in the *Official Journal of the European Union*.

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

Article 1

The following fifth and sixth paragraphs are hereby added to Article 12a of Regulation (EC) No 2366/98:

'For the 2004/05 marketing year, the estimate of virgin olive oil production of additional olive trees as referred to in the first paragraph shall be determined by multiplying the average yield per adult olive tree by the sum of:

- the number of additional olive trees planted between 1 May and 31 October 1998, multiplied by 1, and
- the number of additional olive trees planted between 1 November 1998 and 31 October 1999, multiplied by 0,90, and
- the number of additional olive trees planted between 1 November 1999 and 31 October 2000, multiplied by 0,70, and
- the number of additional olive trees planted between 1 November 2000 and 31 October 2001, multiplied by 0,35.

For the 2004/05 marketing year, the average yield per adult olive tree shall be calculated by dividing the quantity of virgin olive oil produced, as referred to in Article 12(1)(b), by the sum of:

- the number of olive trees in production planted before 1 May 1998, and
- the number of olive trees in production planted between 1 May and 31 October 1998, multiplied by 1, and
- the number of olive trees in production planted between 1 November 1998 and 31 October 1999, multiplied by 0,90, and
- the number of olive trees in production planted between 1 November 1999 and 31 October 2000, multiplied by 0,70, and
- the number of olive trees in production planted between 1 November 2000 and 31 October 2001, multiplied by 0,35.'

⁽¹⁾ OJ L 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

⁽²⁾ OJ L 210, 28.7.1998, p. 32. Regulation as last amended by Regulation (EC) No 865/2004.

⁽³⁾ OJ L 293, 31.10.1998, p. 50. Regulation as last amended by Regulation (EC) No 1432/2004 (OJ L 264, 11.8.2004, p. 6).

Article 2

This Regulation shall enter into force on the 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, 28 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 1796/2005**of 28 October 2005****amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on cucumbers, artichokes, clementines, mandarins and oranges**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables ⁽²⁾ provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁴⁾ concluded during the Uruguay Round of multilateral trade negotiations and in the light of the

latest data available for 2002, 2003 and 2004, the trigger levels for additional duties on cucumbers, artichokes, clementines, mandarins and oranges should be adjusted.

- (3) As a result, Regulation (EC) No 1555/96 should be amended.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1555/96 is hereby replaced by the Annex hereto.

Article 2

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 November 2005.

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

Done at Brussels, 28 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 193, 3.8.1996, p. 1. Regulation as last amended by Regulation (EC) No 1579/2005 (OJ L 254, 30.9.2005, p. 5).

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX

Without prejudice to the rules governing the interpretation of the combined nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where “ex” appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and by the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 May	810 159
78.0020			— 1 June to 30 September	883 976
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	10 637
78.0075			— 1 November to 30 April	10 318
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	90 600
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	65 658
78.0110	ex 0805 10 20	Oranges	— 1 December to 31 May	271 073
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	150 169
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	94 492
78.0155	ex 0805 50 10	Lemons	— 1 June to 31 December	291 598
78.0160			— 1 January to 31 May	50 374
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	222 307
78.0175	ex 0808 10 80	Apples	— 1 January to 31 August	804 433
78.0180			— 1 September to 31 December	117 107
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	239 335
78.0235			— 1 July to 31 December	29 158
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	127 403
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	54 213
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	982 366
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	54 605'

COMMISSION REGULATION (EC) No 1797/2005**of 28 October 2005****amending for the 56th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

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

- (2) On 24 October 2005, the Sanctions Committee of the United Nations Security Council decided to remove one individual from the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 28 October 2005.

For the Commission

Eneko LANDÁBURU

Director-General of External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 1690/2005 (OJ L 271, 15.10.2005, p. 31).

ANNEX

The following entry under the heading 'Natural persons' shall be removed from Annex I to Regulation (EC) No 881/2002:

'Rahmatullah Safi. Title: General. Date of birth: (a) Circa 1948, (b) 21.3.1913. Place of birth: Tagaab district, Kapisa, province, Afghanistan. Other information: Taliban representative in Europe.'

COMMISSION REGULATION (EC) No 1798/2005**of 28 October 2005****specifying the extent to which applications lodged in October 2005 for import certificates in respect of young male bovine animals for fattening as part of a tariff quota provided for in Regulation (EC) No 992/2005 may be accepted**

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 Commission Regulation (EC) No 992/2005 of 29 June 2005 opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 2005 to 30 June 2006) ⁽²⁾, and in particular Articles 1(4) and 4 thereof,

Whereas:

- (1) Article 1(3)(b) of Regulation (EC) No 992/2005 lays down the number of young male bovine animals which may be imported on special terms during the period from 1 October to 31 December 2005. The quan-

ties covered by import licence applications submitted are such that applications may be accepted in full.

- (2) The quantities in respect of which licences may be applied for from 1 January 2006 should be fixed within the scope of the total quantity of 169 000 animals, conforming to Article 1(4) of Regulation (EC) No 992/2005,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import certificates made in the month of October 2005 pursuant to Article 3(3), second subparagraph, third indent, of Regulation (EC) No 992/2005 are hereby met in full.

2. The number of animals referred to in Article 1(3)(c) of Regulation (EC) No 992/2005 is 126 430.

Article 2

This Regulation shall enter into force on 29 October 2005.

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

Done at Brussels, 28 October 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 168, 30.6.2005, p. 16.

COMMISSION REGULATION (EC) No 1799/2005**of 28 October 2005****fixing the import duties in the cereals sector applicable from 1 November 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.

- (4) The import duties are applicable until new duties are fixed and enter into force.

- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.

- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 November 2005.

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

Done at Brussels, 28 October 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽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 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 1 November 2005

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	36,51
1005 10 90	Maize seed other than hybrid	48,93
1005 90 00	Maize other than seed ⁽²⁾	48,93
1007 00 90	Grain sorghum other than hybrids for sowing	36,51

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

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

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

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

ANNEX II

Factors for calculating duties

period from 14.10.2005-27.10.2005

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	128,77 (***)	65,94	168,91	158,91	138,91	90,96
Gulf premium (EUR/t)	—	20,95	—			—
Great Lakes premium (EUR/t)	32,74	—	—			—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 21,91 EUR/t; Great Lakes–Rotterdam: 30,54 EUR/t.

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

COMMISSION REGULATION (EC) No 1800/2005
of 28 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 21,509 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 October 2005.

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

Done at Brussels, 28 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).

COURT OF JUSTICE

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

THE COURT,

Having regard to the Treaty establishing the European Community, and in particular the sixth paragraph of Article 223 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the sixth paragraph of Article 139 thereof,

Whereas, in the light of experience, it is necessary to amend certain provisions of the Rules of Procedure, in particular those determining the composition of formations of the Court, and to clarify the drafting of various provisions;

With the Council's approval given on 3 October 2005,

HAS ADOPTED THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE:

Article 1

The Rules of Procedure of the Court of Justice of the European Communities of 19 June 1991 (OJ L 176, 4.7.1991, p. 7, with corrigendum in OJ L 383, 29.12.1992, p. 117), as amended on 21 February 1995 (OJ L 44, 28.2.1995, p. 61), 11 March 1997 (OJ L 103, 19.4.1997, p. 1, with corrigendum in OJ L 351, 23.12.1997, p. 72), 16 May 2000 (OJ L 122, 24.5.2000, p. 43), 28 November 2000 (OJ L 322, 19.12.2000, p. 1), 3 April 2001 (OJ L 119, 27.4.2001, p. 1), 17 September 2002 (OJ L 272, 10.10.2002, p. 24, with corrigendum in OJ L 281, 19.10.2002, p. 24), 8 April 2003 (OJ L 147, 14.6.2003, p. 17), 19 April 2004 (OJ L 132, 29.4.2004, p. 2), 20 April 2004 (OJ L 127, 29.4.2004, p. 107) and 12 July 2005 (OJ L 203, 4.8.2005, p. 19) are hereby amended as follows:

1. in Article 9, paragraph 2 shall be replaced by the following:

'2. As soon as an application initiating proceedings has been lodged, the President of the Court shall designate the Judge-Rapporteur.';

2. in the second and third paragraphs of Article 11, 'are all prevented from attending at the same time' shall be replaced by 'are all absent or prevented from attending at the same time';

3. in Article 11b, paragraph 1 shall be replaced by the following:

'1. For each case the Grand Chamber shall be composed of the President of the Court, the Presidents of the Chambers of five Judges, the Judge-Rapporteur and the number of Judges necessary to reach 13. The last-mentioned Judges shall be designated from the list referred to in paragraph 2, following the order laid down therein. The starting-point on that list, in every case assigned to the Grand Chamber, shall be the name of the Judge immediately following the last Judge designated from the list for the preceding case assigned to that formation of the Court.';

4. the following paragraph shall be added to Article 11b:

'3. In cases which are assigned to the Grand Chamber between the beginning of a year in which there is a partial replacement of Judges and the moment when that replacement has taken place, two substitute Judges shall also sit. Those substitute Judges shall be the two Judges appearing in the list referred to in paragraph 2 immediately after the last Judge designated for the composition of the Grand Chamber in the case.

The substitute Judges shall replace, in the order of the list referred to in paragraph 2, such Judges as are unable to take part in the decision on the case.;

5. in Article 11c, paragraph 1 shall be replaced by the following:

'1. The Chambers of five Judges and three Judges shall, for each case, be composed of the President of the Chamber, the Judge-Rapporteur and the number of Judges required to attain the number of five and three Judges respectively. Those last-mentioned Judges shall be designated from the lists referred to in paragraph 2 and following the order laid down in them. The starting-point in those lists, for every case assigned to a Chamber, shall be the name of the Judge immediately following the last Judge designated from the list for the preceding case assigned to the Chamber concerned.;

6. the single paragraph of Article 11d shall become paragraph 1 and the following paragraph shall be added:

'2. Where a Chamber to which a case has been assigned refers the case back to the Court under Article 44(4), in order that it may be reassigned to a formation composed of a greater number of Judges, that formation shall include the members of the Chamber which has referred the case back.;

7. in Article 16(1), 'initialled by the President,' shall be deleted.;

8. in Article 35, paragraph 1 shall be replaced by the following:

'1. If the Court considers that the conduct of an adviser or lawyer towards the Court, a Judge, an Advocate General or the Registrar is incompatible with the dignity of the Court or with the requirements of the proper administration of justice, or that such adviser or lawyer is using his rights for purposes other than those for which they were granted, it shall inform the person concerned. If the Court informs the competent authorities to whom the person concerned is answerable, a copy of the letter sent to those authorities shall be forwarded to the person concerned.

On the same grounds, the Court may at any time, having heard the person concerned and the Advocate General, exclude the person concerned from the proceedings by order. That order shall have immediate effect.;

9. the following sentence shall be added to Article 37(6): 'Article 81(2) shall not be applicable to this period of 10 days.;

10. in the first subparagraph of Article 44(5), 'the Chamber referred to in Article 9(2) of these Rules' shall be replaced by 'the Judge-Rapporteur';

11. the first subparagraph of Article 45(3) shall be deleted;
12. the first two paragraphs of Article 46 shall be deleted and paragraph 3 shall become the sole paragraph;
13. in Article 60, 'the Chamber or' shall be deleted;
14. in Article 74(1), 'the Chamber referred to in Article 9(2) of these Rules to which the case has been assigned' shall be replaced by 'the formation of the Court to which the case has been referred' and 'from which no appeal shall lie' shall be deleted;
15. Article 75 shall be replaced by the following:

'Article 75

1. Sums due from the cashier of the Court and from its debtors shall be paid in euro.
 2. Where costs to be recovered have been incurred in a currency other than the euro or where the steps in respect of which payment is due were taken in a country of which the euro is not the currency, conversions of currency shall be made at the European Central Bank's official rates of exchange on the day of payment.;
16. Article 76 is amended as follows:
- (a) paragraph 3 shall be replaced by the following:

'3. The President shall designate a Judge to act as Rapporteur. The Court, on the Judge-Rapporteur's proposal and after hearing the Advocate General, shall refer the application to a formation of the Court which shall decide whether legal aid should be granted in full or in part or whether it should be refused. That formation shall consider whether there is manifestly no cause of action.

The formation of the Court shall give its decision by way of order. Where the application for legal aid is refused in whole or in part, the order shall state the reasons for that refusal.;
 - (b) in paragraph 4, 'Chamber' shall be replaced by 'formation of the Court';
17. in Article 92(2) the word 'consider' shall be replaced by the words, 'after hearing the parties, decide' and the words 'after hearing the parties' shall be deleted after the words 'or declare'.;
18. in Article 93(7), 'on the basis of the Report for the Hearing communicated to him,' shall be deleted.

Article 2

These amendments to the Rules of Procedure, which are authentic in the languages referred to in Article 29(1) of these Rules, shall be published in the *Official Journal of the European Union* and shall enter into force on the first day of the second month following their publication.

Done at Luxembourg, 18 October 2005.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 October 2005

amending Decision 2005/393/EC as regards the restricted zones in relation to bluetongue in Spain

(notified under document number C(2005) 4162)

(Text with EEA relevance)

(2005/763/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹⁾, and in particular Article 8(2)(d), Article 8(3) and the third paragraph of Article 19 thereof,

Whereas:

- (1) Directive 2000/75/EC lays down control rules and measures to combat bluetongue in the Community, including the establishment of protection and surveillance zones and a ban on animals leaving those zones.
- (2) Commission Decision 2005/393/EC of 23 May 2005 on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones ⁽²⁾ provides for the demarcation of the global geographic areas where protection and surveillance zones (the restricted zones) are to be established by the Member States in relation to bluetongue.
- (3) Spain has informed the Commission that virus circulation has been detected in a number of peripheral areas of the restricted zone.
- (4) As a consequence the restricted zone should be extended taking account of the data available on the ecology of the vector and the evolution of its seasonal activity.

- (5) Decision 2005/393/EC should therefore be amended accordingly.

- (6) 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 Decision 2005/393/EC, the part for zone E relating to Spain, is replaced by the following:

‘Spain:

- Province of Cádiz, Málaga, Sevilla, Huelva, Córdoba, Cáceres, Badajoz,
- Province of Jaen (comarcas of Jaen and Andujar),
- Province of Toledo (comarcas of Almorox, Belvis de Jara, Gálvez, Mora, Los Navalmares, Oropesa, Talavera de la Reina, Toledo, Torrijos and Juncos),
- Province of Avila (comarcas de Candelada, Arenas de San Pedro, Sotillo de la Adrada,
- Province of Ciudad Real (comarcas of Almadén, Almodóvar del Campo, Horcajo de los Montes, Malagón and Piedrabuena),

⁽¹⁾ OJ L 327, 22.12.2000, p. 74.

⁽²⁾ OJ L 130, 24.5.2005, p. 22. Decision as last amended by Decision 2005/603/EC (OJ L 206, 9.8.2005, p. 11).

- Province of Salamanca (comarcas of Bejar and Sequeros),
- Province of Madrid (comarcas of Aranjuez, El Escorial, Grinon, Navalcarnero and San Martin de Valdeiglesias).'

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 October 2005.

Article 2

This Decision shall apply from 1 November 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION

of 28 October 2005

amending Decision 93/52/EEC as regards the declaration that the province of Grosseto in the Region of Toscana in Italy is free of brucellosis (*B. melitensis*) and Decision 2003/467/EC as regards the declaration that France is free of bovine brucellosis

(notified under document number C(2005) 4187)

(Text with EEA relevance)

(2005/764/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, and in particular Annex A(II)(7) thereto,

Having regard to Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals ⁽²⁾, and in particular Annex A, Chapter 1(II) thereto,

Whereas:

- (1) Commission Decision 93/52/EEC of 21 December 1992 recording the compliance by certain Member States or regions with the requirements relating to brucellosis (*B. melitensis*) and according them the status of a Member State or region officially free of the disease ⁽³⁾, lists the regions of Member States which are recognised as officially free of brucellosis (*B. melitensis*) in accordance with Directive 91/68/EEC.
- (2) In the province of Grosseto in the Region of Toscana, at least 99,8 % of the ovine or caprine holdings are officially brucellosis-free holdings. In addition, that province has undertaken to comply with certain other conditions laid down in Directive 91/68/EEC concerning random checks to be carried out following recognition of the concerned province as brucellosis-free.
- (3) The province of Grosseto in the Region of Toscana should therefore be recognised as officially free of brucellosis (*B. melitensis*) as regards ovine or caprine holdings.
- (4) The lists of regions of Member States declared free of bovine tuberculosis, bovine brucellosis and enzootic bovine leukosis are set out in Commission Decision

2003/467/EC of 23 June 2003 establishing the official tuberculosis, brucellosis and enzootic-bovine-leukosis-free status of certain Member States and regions of Member States as regards bovine herds ⁽⁴⁾.

- (5) Following evaluation by the Commission of the documentation submitted by France, to demonstrate compliance with the appropriate conditions provided for in Directive 64/432/EEC as regards the freedom from bovine brucellosis, the whole of that Member State should be declared officially free of bovine brucellosis.
- (6) Decisions 93/52/EEC and 2003/467/EC should therefore be amended accordingly.
- (7) 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

Annex II to Decision 93/52/EEC is amended in accordance with Annex I to this Decision.

Article 2

Annex II to Decision 2003/467/EC is amended in accordance with Annex II to this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 October 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 121, 29.7.1964, p. 1977/64. Directive as last amended by Regulation (EC) No 21/2004 (OJ L 5, 9.1.2004, p. 8).

⁽²⁾ OJ L 46, 19.2.1991, p. 19. Directive as last amended by Commission Decision 2004/554/EC (OJ L 248, 22.7.2004, p. 1).

⁽³⁾ OJ L 13, 21.1.1993, p. 14. Decision as last amended by Decision 2005/604/EC (OJ L 206, 9.8.2005, p. 12).

⁽⁴⁾ OJ L 156, 25.6.2003, p. 74. Decision as last amended by Decision 2005/604/EC.

ANNEX I

Annex II to Decision 93/52/EEC is replaced by the following:

‘ANNEX II

In France:

Départements:

Ain, Aisne, Allier, Ardèche, Ardennes, Aube, Aveyron, Cantal, Charente, Charente-Maritime, Cher, Corrèze, Côte-d'Or, Côtes-d'Armor, Creuse, Deux-Sèvres, Dordogne, Doubs, Essonne, Eure, Eure-et-Loir, Finistère, Gers, Gironde, Hauts-de-Seine, Haute-Loire, Haute-Vienne, Ille-et-Vilaine, Indre, Indre-et-Loire, Jura, Loir-et-Cher, Loire, Loire-Atlantique, Loiret, Lot-et-Garonne, Lot, Lozère, Maine-et-Loire, Manche, Marne, Mayenne, Morbihan, Nièvre, Nord, Oise, Orne, Pas-de-Calais, Puy-de-Dôme, Rhône, Haute-Saône, Saône-et-Loire, Sarthe, Seine-Maritime, Seine-Saint-Denis, Territoire-de-Belfort, Val-de-Marne, Val-d'Oise, Vendée, Vienne, Yonne, Yvelines, Ville de Paris, Vosges.

In Italy:

- Region Lazio: Provinces of Rieti, Viterbo.
- Region Lombardia: Provinces of Bergamo, Brescia, Como, Cremona, Lecco, Lodi, Mantova, Milano, Pavia, Sondrio, Varese.
- Region Marche: Provinces of Ancona, Ascoli Piceno, Macerata, Pesaro, Urbino.
- Region Piemonte: Provinces of Alessandria, Asti, Biella, Cuneo, Novara, Torino, Verbania, Vercelli.
- Region Sardinia: Provinces of Cagliari, Nuoro, Oristano, Sassari.
- Region Trentino-Alto Adige: Provinces of Bolzano, Trento.
- Region Toscana: Provinces of Arezzo, Firenze, Grosseto, Livorno, Lucca, Massa-Carrara, Pisa, Pistoia, Prato, Siena.
- Region Umbria: Provinces of Perugia, Terni.

In Portugal:

Autonomous Region of the Azores.

In Spain:

Autonomous Region of Canary Islands: Provinces of Santa Cruz de Tenerife and Las Palmas.’

ANNEX II

In Annex II to Decision 2003/467/EC, Chapter 1 is replaced by the following:

‘CHAPTER 1

OFFICIALLY BRUCELLOSIS-FREE MEMBER STATES

ISO code	Member State
BE	Belgium
CZ	Czech Republic
DK	Denmark
DE	Germany
FR	France
LU	Luxembourg
NL	Netherlands
AT	Austria
SK	Slovakia
FI	Finland
SE	Sweden’

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

COUNCIL DECISION 2005/765/CFSP

of 3 October 2005

concerning the conclusion of the agreement in the form of an Exchange of Letters between the European Union and the Government of Indonesia on the tasks, status, privileges and immunities of the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) and its personnel

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the recommendation from the Presidency,

Whereas:

- (1) On 9 September 2005, the Council adopted Joint Action 2005/643/CFSP on the European Union Monitoring Mission in Aceh, Indonesia (Aceh Monitoring Mission — AMM) ⁽¹⁾.
- (2) Article 7 of the Joint Action provides that the status of the Aceh Monitoring Mission staff in Indonesia, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of that Mission are to be agreed in accordance with the procedure laid down in Article 24 of the Treaty.
- (3) Following the authorisation of 18 July 2005 given by the Council to the Presidency, assisted where necessary by the Secretary-General/High Representative, in case of future EU civilian crisis management missions to open negotiations with Host States with a view to concluding agreements on the status of the European Union civilian crisis management missions on the basis of the Model Agreement on the Status of the European Union Civilian Crisis Management Mission in a Host State (SOMA), the Presidency, assisted by the Secretary-General/High Representative, negotiated an agreement in the form of an Exchange of Letters with the Government of Indonesia on the tasks, status, privileges and immunities of the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) and its personnel.

- (4) The agreement in the form of an Exchange of Letters should be approved on behalf of the European Union,

HAS DECIDED AS FOLLOWS:

Article 1

The agreement in the form of an Exchange of Letters between the European Union and the Government of Indonesia on the tasks, status, privileges and immunities of the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) and its personnel is hereby approved on behalf of the European Union.

The text of the agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the agreement in order to bind the European Union.

Article 3

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

Article 4

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

Done at Luxembourg, 3 October 2005.

For the Council
The President
D. ALEXANDER

⁽¹⁾ OJ L 234, 10.9.2005, p. 13.

AGREEMENT

in the form of an exchange of letters between the European Union and the Government of Indonesia on the tasks, status, privileges and immunities of the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) and its personnel

Your Excellency,

I have the honour to acknowledge receipt of your letter of 14 September 2005 and its annexes regarding the tasks, status, privileges and immunities of the Aceh Monitoring Mission (AMM), which reads as follows:

‘With reference to your letter dated 9 September 2005, I have the honour to confirm the tasks and mandate of the Aceh Monitoring Mission (AMM) which are set out in paragraph 2 of your letter as attached in Annex I.

I should also like to convey to you that in order to facilitate the fulfilment of the mandate of the AMM established pursuant to the Memorandum of Understanding (MoU) between the Government of the Republic of Indonesia (GoI) and the Free Aceh Movement (GAM) signed at Helsinki on 15 August 2005, with a view to providing a peaceful, comprehensive and sustainable solution of the problem in Aceh within the unitary Republic of Indonesia, a legal framework is needed as a basis for the AMM to fulfil its mandate.

Accordingly, I have the honour to propose such legal framework which would govern the status, privileges and immunities of the AMM and its personnel in fulfilling their mandate, which is set out in Annex II. For the GoI, this legal framework is based on Indonesian Law No 2 of 25 January 1982 concerning the Ratification of Convention on Special Missions, New York 1969.

I would be grateful if you could confirm, on behalf of the European Union, your acceptance of those provisions, and also confirm your understanding that this letter and its Annexes, together with your reply, shall constitute a legally binding instrument between the Government of Indonesia and the European Union. This instrument shall enter into force on the day of signature of your reply. If your reply is received at a later date, the GoI will apply it provisionally as of 15 September 2005. It may be amended by mutual consent and will be terminated on 15 March 2006, unless extended for another period of up to six months by mutual consent.

The provisions governing the status, privileges and immunities of the AMM and its personnel will remain applicable until the departure of all AMM personnel from the Republic of Indonesia and, if any, the final settlement of all outstanding claims pursuant to Section 16 of the Annex II.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Yusril Ihza Mahendra
Minister for Foreign Affairs a.i.

ANNEX I

Brussels, 9 September 2005

Dear Minister,

I refer to your letter of 12 July 2005 inviting the European Union to participate in an Aceh Monitoring Mission (AMM) and my reply of 22 July 2005, confirming the EU's agreement in principle. I have the honour to inform you that the Council of the EU on 9 September 2005 adopted the Joint Action setting out the legal framework for the EU's participation in the AMM.

With reference to the Memorandum of Understanding (MoU) signed between the Government of Indonesia and the Free Aceh Movement on 15 August 2005 and the establishment of the Aceh Monitoring Mission (AMM), I would like to confirm that the AMM will carry out the following tasks:

The AMM shall monitor the implementation of the commitments undertaken by the Parties to the MoU.

In particular, the AMM shall:

- (a) monitor the demobilisation of GAM and decommissioning of its armaments,
- (b) monitor the relocation of non-organic military forces and non-organic police troops,
- (c) monitor the reintegration of active GAM members,
- (d) monitor the human rights situation and provide assistance in this field,
- (e) monitor the process of legislation change,
- (f) rule on disputed amnesty cases,
- (g) investigate and rule on complaints and alleged violations of the MoU,
- (h) establish and maintain liaison and good cooperation with the parties.

If required, I would suggest that implementing arrangements are agreed upon by the AMM Head of Mission and representatives of your government.

Consequently and following consultations between our representatives, I would like to invite you to initiate the Exchange of Letters regarding the status, privileges and immunities of the AMM and its personnel.

I look forward to further close cooperation with you and your government.

Please accept the assurances of my highest consideration.

Yours sincerely,

Javier SOLANA

ANNEX II

Provisions on the Status, Privileges and Immunities of the Aceh Monitoring Mission (AMM)

1. For the purposes of the legal framework of the AMM, the following definitions shall apply:
 - (a) "AMM" or "the mission" shall mean the Aceh Monitoring Mission in the Province of Nanggroe Aceh Darussalam, established by the European Union and ASEAN Contributing Countries in accordance with the Memorandum of Understanding between the Government of the Republic of Indonesia (GoI) and the Free Aceh Movement (GAM) signed at Helsinki on 15 August 2005, including its components, elements, headquarters, personnel and facilities deployed on the territory of the Republic of Indonesia and assigned to the AMM;
 - (b) "Head of Mission" shall mean the Head of Mission of AMM;
 - (c) "AMM personnel" shall mean the Head of Mission/Principal Deputy Head of Mission, personnel seconded by EU Member States, other European States and ASEAN Contributing Countries, international staff recruited on a contractual basis by the AMM deployed for the preparation, support and implementation of the mission, and personnel on mission for a Sending State or an EU institution in the framework of the mission. It shall not include commercial contractors or personnel employed locally;
 - (d) "Headquarters" shall mean the AMM main headquarters in Banda Aceh;
 - (e) "Sending State" shall mean any EU Member State, other European States or ASEAN Contributing Country that has seconded personnel to the AMM;
 - (f) "Facilities" shall mean all buildings, premises and land required for the conduct of the activities of the AMM, as well as for the accommodation of the AMM personnel;
 - (g) "Personnel employed locally" shall mean personnel who are nationals of or permanently resident in the Republic of Indonesia.
2. General provisions
 - (a) The AMM and AMM personnel shall respect the sovereignty, territorial integrity, national unity and political independence of the Republic of Indonesia in accordance with the Charter of the United Nations.
 - (b) The AMM and AMM personnel shall maintain strict impartiality, objectivity and independence in the conduct of their mandate and tasks, and shall respect the national laws and regulations of the Republic of Indonesia, including the local laws and regulations of the Province of Nanggroe Aceh Darussalam.
 - (c) In carrying out their mission, the personnel of AMM shall refrain from any activities not compatible with its nature and purpose. Such personnel are not to carry arms;
 - (d) The AMM shall be autonomous with regard to the execution of its functions. The Host State shall respect the unitary nature of the AMM.
 - (e) The Head of Mission shall regularly inform the Department of Foreign Affairs of the number and names of personnel deemed necessary to guarantee impartial, objective and credible monitoring of the entire implementation of the MoU between the GoI and GAM.

3. Identification

- (a) The AMM personnel shall be provided with and identified by the AMM identification card, which they shall be obliged to carry with them at all times. The AMM shall provide a specimen of an AMM identification card to the relevant authorities of GoI.
- (b) The vehicles and other mean of transport used by the AMM personnel shall be marked with the AMM emblem and must be notified to the local police. All means will only be used by AMM personnel and local personnel hired by the mission.
- (c) The AMM shall have the right to display the flags of the EU and of the ASEAN Contributing Countries at its main headquarters and its District Offices and on its other facilities, together with the flag of the Republic of Indonesia. The emblem of the AMM may be displayed on the AMM Mission premises, vehicles and civilian dress, as decided by the Head of Mission.

4. Entry/Exit Points and movement within the Host State's territory

- (a) The AMM personnel and AMM assets and means of transport shall enter/exit the border of the Republic of Indonesia at official border entry/exit, sea ports and via the international air corridors. Exceptions for medical and emergency evacuations shall be the subject of arrangements pursuant to Section 19.
- (b) The GoI shall facilitate the entry into and the departure from the territory of the Republic of Indonesia for the AMM and AMM personnel, including the granting of the necessary permits for stay on the territory of the Republic of Indonesia for the duration of the mission. Except for passport control on entry into and departure from the territory of the Republic of Indonesia, the AMM personnel, with the identification card referred to in Section 3(a), shall be exempt from passport, customs control, visa and immigration regulations and any form of immigration inspection within the Republic of Indonesia.
- (c) The AMM personnel shall be exempt from the regulations of the Republic of Indonesia governing the registration and control of aliens, but shall not acquire any right to permanent residence or domicile within the territory of the Republic of Indonesia.
- (d) The AMM assets and means of transport entering, transiting or exiting the Republic of Indonesia's territory in support of the AMM shall be exempt from any requirement to produce inventories or other customs documentation and from any inspection, unless there are serious grounds for presuming that they contain articles that are prohibited by the law or controlled by the quarantine regulations of the Republic of Indonesia. Such inspection shall be conducted only in the presence of the authorized representative of the AMM.
- (e) The AMM personnel may drive motor vehicle, navigate vessels and operate aircraft provided they have valid national or international driving licenses, ship masters certificates or pilot licenses, as appropriate. The GoI shall accept as valid, without tax or fee, such licenses, or certificates.
- (f) Vehicles and aircraft used for the purposes of the mission shall not be subject to local licensing or registration requirements. Relevant international and national standards and regulations concerning overflight, landing and air traffic control shall continue to apply. If necessary, implementing arrangements will be concluded pursuant to Section 19.
- (g) The AMM and AMM personnel together with their vehicles, aircraft or any other means of transport, equipment and supplies shall enjoy free and unrestricted movement throughout the Province of Nanggroe Aceh Darussalam, and the other parts of the territory of the Republic of Indonesia subject to Indonesia's laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security.

- (h) For the purpose of the Mission, the AMM personnel, and local personnel employed by the AMM when travelling on official duties, may use roads, bridges ferries, airports and ports without payment of duties, fees, tolls, taxes or other charges, except on services provided by private sector. The AMM shall not be exempt from reasonable charges for services requested and received under the conditions that apply to those provided to the Republic of Indonesia's personnel.

5. Privileges and immunities of AMM granted by the GoI

- (a) The AMM's facilities shall be inviolable. The GoI's agents shall not enter them without the consent of the Head of Mission.
- (b) The AMM's facilities, their furnishings and other assets therein as well as their means of transport shall be immune from search, requisition, attachment or execution.
- (c) The AMM, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process.
- (d) The AMM's archives and documents, including multimedia support, either in conventional or in digital form, shall be inviolable at any time, wherever they may be.
- (e) The official correspondence of AMM shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.
- (f) The GoI will accord duty-free importation and exportation as well as exemption from internal taxation on products, property, material, and equipment imported into or acquired in host country by or for the AMM in connection with their official duties.
- (g) The GoI shall permit the entry of articles for the mission and grant them exemption from all custom duties, fees, tolls, taxes and similar charges other than charges for storage, cartage and other services rendered.

6. Privileges and immunities of the AMM personnel granted by the GoI

- (a) The AMM personnel shall not be liable to any form of arrest or detention.
- (b) Papers, correspondence and property of the AMM personnel shall enjoy inviolability, except in case of measures of execution which are permitted pursuant to Section 6(f).
- (c) The AMM personnel shall enjoy immunity from the criminal jurisdiction of the Republic of Indonesia under all circumstances. The immunity from criminal jurisdiction of AMM personnel may be waived by the Sending State or EU institution concerned, as the case may be. Such waiver must always be express.
- (d) The AMM personnel shall enjoy immunity from the civil and administrative jurisdiction of the Republic of Indonesia in respect of words spoken or written and all acts performed by them in the exercise of their official functions. If any civil proceeding is instituted against the AMM personnel before any court of the Republic of Indonesia, the Head of Mission and the competent authority of the Sending State or EU institution shall be notified immediately. Prior to initiation of the proceeding before the court, the Head of Mission and the competent authority of the Sending State or EU institution shall certify to the court whether the act in question was committed by the AMM personnel in the exercise of their official functions. If the act was committed in the exercise of official functions, the proceeding shall not be initiated. If the act was not committed in the exercise of official functions, the proceeding may continue. The certification by the Head of Mission and the competent authority of the Sending State or EU institution is binding upon the jurisdiction of the Republic of Indonesia who may not contest it. The initiation of proceedings by the AMM personnel shall preclude them from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

- (e) The AMM personnel are not obliged to give evidence as witnesses.
- (f) No measures of execution may be taken in respect of the AMM personnel, except in the case where a civil proceeding not related to their official functions is instituted against them. Property of the AMM personnel, which is certified by the Head of Mission to be necessary for the fulfilment of their official functions, shall be free from seizure for the satisfaction of a judgment, decision or order. In civil proceedings the AMM personnel shall not be subject to any restrictions on their personal liberty or to any other measures of constraint.
- (g) The immunity of the AMM personnel from the jurisdiction of the Republic of Indonesia does not exempt them from the jurisdictions of the respective Sending States.
- (h) The AMM personnel shall, with respect to services rendered for the AMM be exempt from social security provisions which may be in force in the Republic of Indonesia.
- (i) The AMM personnel shall be exempt from any form of taxation in the Republic of Indonesia on the salary and emoluments paid to them by the AMM or the Sending States, as well as on any income received from outside the GoI.
- (j) The GoI shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on articles for the personal use of the AMM personnel. The GoI shall also allow the export of such articles. For goods and services purchased on the domestic market the AMM personnel shall be exempt from VAT and taxes according to the laws of the Republic of Indonesia.
- (k) The personal baggage of the AMM personnel shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles that are not for the personal use of the AMM personnel, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the Republic of Indonesia. Such inspection shall be conducted only in the presence of the AMM personnel concerned or of an authorised representative of the AMM.

7. Personnel employed locally

Personnel employed locally who are nationals of or permanently resident in the Host State shall enjoy privileges and immunities only to the extent admitted by the Republic of Indonesia. However, the Republic of Indonesia must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

8. Criminal jurisdiction

The competent authorities of a Sending State shall have the right to exercise on the territory of the Host State all the criminal jurisdiction and disciplinary powers conferred on them by the law of the Sending State with regard to its personnel according to the relevant law of the Sending State.

9. Security

- (a) The GoI, through its own capabilities, shall assume full responsibility for the security of the AMM personnel.
- (b) To that end, the GoI shall take all necessary measures for the protection, safety and security of the AMM and AMM personnel. Any specific provisions, proposed by the GoI, shall be agreed with the Head of Mission before implementation.
- (c) Medical evacuation for the AMM personnel may be provided by private contractors from major airfields; however, the GoI security forces shall be responsible for the medical evacuation from field locations in Province of Nanggroe Aceh Darussalam to major airfields. In situations of urgency, the AMM contractor may perform its medical evacuation tasks from field locations to the major airfields upon prior notification of the authorities of the GoI. Medical personnel of the GoI may accompany in the evacuation process.

10. Dress

The AMM personnel shall wear civilian dress with distinctive AMM identification, subject to rules issued by the Head of Mission.

11. Cooperation and Access to Information and Media

- (a) The GoI shall provide full cooperation and support to the AMM and AMM personnel.
- (b) If requested and necessary for the accomplishment of the mission and relevant to the mandate of the AMM, the Host State shall provide AMM personnel with effective access to:

- buildings, facilities, locations and official vehicles within the control of the Host State,
- documents, materials and information within its control.

If required, supplementary arrangements as referred to in Section 19 shall be concluded.

- (c) The Head of Mission and the GoI shall consult regularly and take appropriate measures to ensure close and reciprocal liaison at every appropriate level. The GoI may appoint a liaison officer to the AMM.
- (d) The Head of Mission shall have free access to local, national and international media representatives to freely express his views in relation to AMM activities and the accomplishment of the mission. The same unhindered access to the Head of Mission or his spokesperson will be granted to the media.
- (e) The Head of Mission shall have the right to make use of and have access to the available broadcast systems and organizations and/or to produce and distribute his message by his own means to inform relevant audiences in the Province of Nanggroe Aceh Darussalam within the boundaries of his mission, subject to arrangements with the relevant broadcasting and media operators.
- (f) The AMM shall have legal capacity under Indonesian laws and regulations for the effective fulfilment of its mandate, in particular to allow the AMM to open bank accounts and to acquire or dispose of movable or immovable property and to be party to legal proceedings.

12. GoI support and contracting

- (a) The GoI agrees, if requested, to assist the AMM in finding suitable facilities.
- (b) The GoI shall provide free of charge, if required and available, facilities owned by the GoI, in so far as such facilities are requested for the conduct of administrative and operational activities of the AMM.
- (c) Within its means and capabilities, the GoI shall assist in the preparation, establishment and execution of and support for the Mission, including co-location facilities and equipment for the AMM experts.
- (d) The GoI's assistance and support of the mission shall be provided under the same conditions as the assistance and support given to the GoI's personnel.
- (e) The law applicable to contracts concluded by the AMM in the Republic of Indonesia shall be determined by the respective contracts.

13. Change to facilities

- (a) The AMM shall be authorized to construct, alter or otherwise modify facilities as required for its operational requirements, in consultation with the competent Indonesian authorities. Any objections on the part of the competent Indonesian authorities shall be notified to the AMM without delay.
- (b) No compensation shall be requested from AMM by the GoI for those constructions, alterations or modification.

14. Deceased AMM personnel

- (a) The Head of Mission shall have the right to take charge of and make suitable arrangements for the repatriation of any deceased AMM personnel, as well of their personal property.
- (b) No autopsy shall be performed on any deceased members of the AMM without the agreement of the State concerned, and the presence of a representative of the AMM and/or the State concerned.
- (c) The GoI and the AMM shall cooperate to the fullest extent possible with a view to early repatriation of deceased AMM personnel.

15. Communications

- (a) The AMM shall have the right to use equipment necessary for the fulfilment of its mandate, such as maps and navigation tools, observation instruments, cameras, video tape recorders and other related equipment as appropriate.
- (b) The AMM may install and operate radio sending and receiving stations, as well as satellite systems. They shall cooperate with the GoI's competent authorities with a view to avoiding conflicts in the use of appropriate frequencies. The GoI shall grant access to the frequency spectrum free of charge.
- (c) The AMM shall enjoy the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, telegraph, facsimile and other means, as well as the right to install the equipment necessary for the maintenance of such communications within and between the AMM facilities, including the laying of cables and land lines for the purpose of the operation, in consultation with the Indonesian authorities.
- (d) Within their own facilities the AMM may make the arrangements necessary for the conveyance of mail addressed to and from AMM and/or AMM personnel.

16. Claims for death, injury, damage and loss

- (a) The GoI, Sending States, the AMM and AMM personnel shall not be liable for any damage to or loss of civilian or government property which are related to operational necessities or caused by activities in connection with civil disturbances or protection of the AMM.
- (b) with a view to reaching an amicable settlement, claims for damage to or loss of civilian or government property not covered by paragraph 1, as well as claims for death or injury to persons and for damage to or loss of AMM property, shall be forwarded to the AMM via the competent authorities of the GoI, as far as damage sustained by legal or natural persons from the Republic of Indonesia is concerned, or to the competent authorities of the Republic of Indonesia, as far as damage sustained by the AMM and its personnel are concerned. Claims may concern both issues related to contractual or non-contractual liability.
- (c) Where no amicable settlement can be found, the claim shall be submitted to a claims commission composed on an equal basis of representatives of the AMM and representatives of the GoI. Settlement of claims shall be reached by common agreement.

17. Liaison and disputes

- (a) All issues arising in connection with the application of these Provisions shall be examined jointly by representative of the AMM and the GoI's competent authorities.
- (b) Failing any prior settlement, disputes concerning the interpretation or application of these Provisions shall be settled exclusively by diplomatic means.

18. Other provisions

- (a) Whenever these Provisions refers to the privileges, immunities and rights of the AMM and of the AMM personnel, the GoI shall be responsible for their implementation and for compliance with them on the part of the appropriate GoI local authorities.
- (b) Nothing in these Provisions is intended or shall be construed to derogate from any rights that may attach to any sending state.

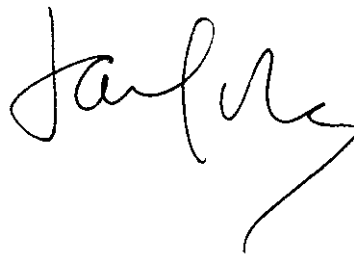
19. Implementing arrangements

For the purpose of the application of these Provisions, operational, administrative and technical matters may be the subject of separate arrangements to be concluded between the Head of Mission and the GoI's administrative authorities.'

I have the honour to confirm, on behalf of the European Union, that the contents of your letter and of its annexes are acceptable to the European Union and that your letter and its annexes, together with this reply, shall constitute a legally binding instrument, in accordance with your proposal. As set out in your letter, this instrument shall enter into force on the day of signature of this letter. I would also like to use this opportunity to thank the Government of Indonesia for having agreed to apply this instrument provisionally as of 15 September 2005.

I should be obliged if you could acknowledge receipt of this letter.

Please accept the assurances of my highest consideration.



Javier SOLANA

c.c: Dr. N. Hassan Wirajuda
Minister for Foreign Affairs
