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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1866/2005**of 8 November 2005**

extending the partial suspension of the definitive anti-dumping duties imposed by Regulation (EC) No 258/2005 on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Croatia and Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, (the basic Regulation), and in particular Article 14(4) thereof,

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

Whereas:

- (2) By Decision 2005/133/EC ⁽⁴⁾ (the Decision), the Commission suspended the definitive anti-dumping duties partially for a period of nine months, with effect from 18 February 2005.

B. MEASURES IN FORCE ON IMPORTS OF SST FROM ROMANIA AND RUSSIA

- (3) By Regulation (EC) No 2320/97, anti-dumping duties were imposed on imports of SST originating, *inter alia*, in Romania and Russia ⁽⁵⁾. By Decisions 97/790/EC ⁽⁶⁾ and 2000/70/EC ⁽⁷⁾, undertakings were accepted from exporters in, *inter alia*, Romania and Russia. By Regulation (EC) No 1322/2004 ⁽⁸⁾, it was decided to no longer apply the measures in force on imports of SST originating in Romania and Russia (the non-applied measures) as a matter of prudence due to an anti-competitive behaviour of certain Community producers ⁽⁹⁾.

A. PROCEDURE

- (1) Following a review investigation carried out in accordance with Article 11(3) of the basic Regulation (review investigation), the Council, by Regulation (EC) No 258/2005 ⁽²⁾ (the definitive Regulation), imposed an anti-dumping duty of 38,8 % on imports of certain seamless pipes and tubes of iron or non-alloy steel (SST) originating in Croatia and an anti-dumping duty of 64,1 % on imports of SST originating in Ukraine with the exception of imports from Dnipropetrovsk Tube Works (DTW) which are subject to an anti-dumping duty of 51,9 % (the existing measures). The definitive Regulation thus amended definitive anti-dumping duties imposed by Regulation (EC) No 348/2000 ⁽³⁾ and repealed the possibility of exemption from the duties provided for in Article 2 of Regulation (EC) No 348/2000 (original measures).

C. GROUNDS FOR EXTENDING THE PARTIAL SUSPENSION

- (4) Article 14(4) of the basic Regulation provides that, in the Community interest, anti-dumping measures may be suspended on the grounds that market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of such a suspension. The anti-dumping measures may be suspended by a decision of the Commission for a period of nine months. Article 14(4) also specifies that the suspension may be extended for a further period, not exceeding one year, if the Council so decides on a proposal from the Commission. Article 14(4) further specifies that the anti-dumping measures concerned may be reinstated at any time if the reason for suspension is no longer applicable.

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

⁽²⁾ OJ L 46, 17.2.2005, p. 7.

⁽³⁾ OJ L 45, 17.2.2000, p. 1. Regulation as last amended by Regulation (EC) No 258/2005.

⁽⁴⁾ OJ L 46, 17.2.2005, p. 46.

⁽⁵⁾ OJ L 322, 25.11.1997, p. 1. Regulation as last amended by Regulation (EC) No 1322/2004 (OJ L 246, 20.7.2004, p. 10).

⁽⁶⁾ OJ L 322, 25.11.1997, p. 63.

⁽⁷⁾ OJ L 23, 28.1.2000, p. 78.

⁽⁸⁾ OJ L 246, 20.7.2004, p. 10.

⁽⁹⁾ See recitals (9) et seq. of Regulation (EC) No 1322/2004.

- (5) Following the partial suspension of the definitive anti-dumping duties by the Decision, the Commission has continued to monitor the market situation of SST, in particular with regard to import flows from Croatia and Ukraine.
- (6) An examination of recent import flows reveals that the imports from Croatia and Ukraine have remained at very low levels.
- (7) It is considered that the market is in the same situation as when the measures were partially suspended. Given the very low levels of imports from Croatia and Ukraine, it is considered that, in this specific situation, it is unlikely that injury to the Community industry would resume if the partial suspension of the measures would be extended. Indeed, as long as the current market conditions prevail, where Russian and Romanian imports are likely to maintain their strong presence, it would be unlikely that Ukrainian and/or Croatian imports would increase significantly. As a result, injury would be unlikely to resume as a result of such extended suspension. Indeed, because of the special circumstances regarding, *inter alia*, the non-application of the measures on imports from Russia and Romania, it is considered that the duty levels of 23 % and 38,5 % established in the original investigation for Croatia and Ukraine respectively would be sufficient to eliminate injurious dumping.

- (8) For the above reasons, it is proposed that the partial suspension of the anti-dumping measures on imports of SST be extended for a further period of one year, pursuant to Article 14(4) of the basic Regulation.
- (9) Should the reasons for the suspension no longer be applicable, the anti-dumping measures may be reinstated and the partial suspension repealed forthwith.

D. CONSULTATION OF THE COMMUNITY INDUSTRY

- (10) In accordance with the provisions of Article 14(4) of the basic Regulation the Commission informed the Community industry of its intention to extend the partial suspension of the anti-dumping measures and provided it with an opportunity to comment. The Community industry did not raise any objection,

HAS ADOPTED THIS REGULATION:

Article 1

The partial suspension of the definitive anti-dumping duties imposed by Commission Decision 2005/133/EC is hereby extended until 18 November 2006.

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, 8 November 2005.

For the Council
The President
G. BROWN

COMMISSION REGULATION (EC) No 1867/2005**of 16 November 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 17 November 2005.

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

Done at Brussels, 16 November 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 16 November 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	56,5
	096	36,8
	204	35,9
	999	43,1
0707 00 05	052	121,9
	204	30,3
	999	76,1
0709 90 70	052	111,0
	204	71,2
	999	91,1
0805 20 10	204	60,8
	388	85,5
	999	73,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	75,5
	624	88,1
	999	81,8
0805 50 10	052	65,6
	388	71,6
	999	68,6
0806 10 10	052	129,1
	400	227,6
	508	264,3
	624	162,5
	720	99,7
	999	176,6
0808 10 80	388	112,2
	400	108,0
	404	93,3
	512	132,0
	800	141,8
	999	117,5
0808 20 50	052	102,4
	720	43,1
	999	72,8

⁽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 1868/2005**of 16 November 2005****amending Regulation (EC) No 1065/2005 as regards the quantity covered by the standing invitation to tender for the export of barley held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EC) No 1065/2005 ⁽³⁾ has opened a standing invitation to tender for the export of 430 000 tonnes of barley held by the German intervention agency.
- (3) Germany has informed the Commission of its intervention agency's intention to increase by 100 000 tonnes the quantity put out to tender for export. In view of this request, of the quantity available and of the market situation, the request made by Germany should be granted.

(4) Regulation (EC) No 1065/2005 should therefore be amended.

(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

Article 2 of Regulation (EC) No 1065/2005 is replaced by the following:

'Article 2

The invitation to tender shall cover a maximum of 530 000 tonnes of barley for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Mexico, Romania, Serbia and Montenegro (*), Switzerland and the United States of America.

(*) Including Kosovo, at defined by UN Security Council Resolution 1244 of 10 June 1999.'

Article 2

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

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

Done at Brussels, 16 November 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 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 174, 7.7.2005, p. 48. Regulation as amended by Regulation (EC) No 1298/2005 (OJ L 206, 9.8.2005, p. 3).

COMMISSION REGULATION (EC) No 1869/2005**of 16 November 2005****replacing the Annexes to Regulation (EC) No 805/2004 of the European Parliament and of the Council creating a European Enforcement Order for uncontested claims**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims ⁽¹⁾, and in particular Article 31 thereof,

After consulting the Committee established by Article 32 of Regulation (EC) No 805/2004,

Whereas:

- (1) Annexes I to VI to Regulation (EC) No 805/2004 contain a series of standard forms to be used in the context of the European Enforcement Order procedure for uncontested claims.

- (2) Following the accession of new Member States on 1 May 2004, Annexes I to VI to Regulation (EC) No 805/2004 should be replaced so as to adapt the standard forms for use in the new Member States.

- (3) Regulation (EC) No 805/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I to VI to Regulation (EC) No 805/2004 are replaced by the corresponding Annexes to this Regulation.

Article 2

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

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

Done at Brussels, 16 November 2005.

For the Commission

Franco FRATTINI

Vice-President

⁽¹⁾ OJ L 143, 30.4.2004, p. 15.

ANNEX I

EUROPEAN ENFORCEMENT ORDER CERTIFICATE — JUDGMENT

1. Member State of origin: Belgium ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Greece ☐
 Spain ☐ France ☐ Ireland ☐ Italy ☐ Cyprus ☐ Latvia ☐
 Lithuania ☐ Luxembourg ☐ Hungary ☐ Malta ☐ Netherlands ☐
 Austria ☐ Poland ☐ Portugal ☐ Slovakia ☐ Slovenia ☐ Finland ☐
 Sweden ☐ United Kingdom ☐
2. Court/Tribunal issuing the certificate:
 - 2.1. Name:
 - 2.2. Address:
 - 2.3. Tel./fax/e-mail:
3. If different, Court/Tribunal giving the judgment:
 - 3.1. Name:
 - 3.2. Address:
 - 3.3. Tel./fax/e-mail:
4. Judgment:
 - 4.1. Date:
 - 4.2. Reference number:
 - 4.3. The parties:
 - 4.3.1. Name and address of creditor(s):
 - 4.3.2. Name and address of debtor(s):
5. Monetary claim as certified:
 - 5.1. Principal amount:
 - 5.1.1. Currency: Euro ☐ Cyprus pound ☐ Czech koruna ☐ Estonian kroon ☐
 Pound sterling ☐ Hungarian forint ☐ Lithuanian litas ☐ Latvian lats ☐
 Maltese lira ☐ Polish zloty ☐ Swedish kronor ☐ Slovak koruna ☐
 Slovenian tolar ☐
 other (explain) ☐
 - 5.1.2. If the claim is for periodical payments
 - 5.1.2.1. Amount of each instalment:
 - 5.1.2.2. Due date of first instalment:
 - 5.1.2.3. Due dates of following instalments
 weekly ☐ monthly ☐ other (explain) ☐
 - 5.1.2.4. Period of the claim
 - 5.1.2.4.1. Currently indefinite ☐ or
 - 5.1.2.4.2. Due date of last instalment:

- 5.2. Interest
- 5.2.1. Interest rate
- 5.2.1.1. ... % or
- 5.2.1.2. ... % above the base rate of the ECB ⁽¹⁾
- 5.2.1.3. Other (explain)
- 5.2.2. Interest to be collected as from:
- 5.3. Amount of reimbursable costs if specified in the judgment:
6. Judgment is enforceable in the Member State of origin ☐
7. Judgment is still subject to the possibility of a challenge
Yes ☐ No ☐
8. Judgment is on an uncontested claim under Article 3(1) ☐
9. Judgment is in compliance with Article 6(1)(b) ☐
10. The judgment concerns matters relating to consumer contracts
Yes ☐ No ☐
- 10.1. If yes:
The debtor is the consumer
Yes ☐ No ☐
- 10.2. If yes:
The debtor is domiciled in the Member State of origin (within the meaning of Article 59 of Regulation (EC) No 44/2001) ☐
11. Service of the document instituting the proceedings under Chapter III, where applicable
Yes ☐ No ☐
- 11.1. Service was effected in compliance with Article 13 ☐
or service was effected in compliance with Article 14 ☐
or it is proved in accordance with Article 18(2) that the debtor has received the document ☐
- 11.2. Due information
The debtor was informed in compliance with Articles 16 and 17 ☐
12. Service of summons, where applicable
Yes ☐ No ☐

⁽¹⁾ Interest rate applied by the European Central Bank to its main refinancing operations.

- 12.1. Service was effected in compliance with Article 13 ☐
or service was effected in compliance with Article 14 ☐
or it is proved in accordance with Article 18(2) that the debtor has received the summons ☐
- 12.2. Due information
The debtor was informed in compliance with Article 17 ☐
13. Cure of non-compliance with procedural minimum standards pursuant to Article 18(1)
- 13.1. Service of the judgment was effected in compliance with Article 13 ☐
or service of the judgment was effected in compliance with Article 14 ☐
or it is proved in accordance with Article 18(2) that the debtor has received the judgment ☐
- 13.2. Due information
The debtor was informed in compliance with Article 18(1)(b) ☐
- 13.3. It was possible for the debtor to challenge the judgment
Yes ☐ No ☐
- 13.4. The debtor failed to challenge the judgment in compliance with the relevant procedural requirements
Yes ☐ No ☐

Done at Date

.....
Signature and/or stamp

ANNEX II

EUROPEAN ENFORCEMENT ORDER CERTIFICATE — COURT SETTLEMENT

1. Member State of origin:

Belgium ☐	Czech Republic ☐	Germany ☐	Estonia ☐	Greece ☐
Spain ☐	France ☐	Ireland ☐	Italy ☐	Cyprus ☐
Lithuania ☐	Luxembourg ☐	Hungary ☐	Malta ☐	Netherlands ☐
Austria ☐	Poland ☐	Portugal ☐	Slovakia ☐	Slovenia ☐
Sweden ☐	United Kingdom ☐			Finland ☐
2. Court issuing the certificate
 - 2.1. Name:
 - 2.2. Address:
 - 2.3. Tel./fax/e-mail:
3. If different, Court approving the settlement or before which it was concluded
 - 3.1. Name:
 - 3.2. Address:
 - 3.3. Tel./fax/e-mail:
4. Court settlement
 - 4.1. Date:
 - 4.2. Reference number:
 - 4.3. The parties
 - 4.3.1. Name and address of creditor(s):
 - 4.3.2. Name and address of debtor(s):
5. Monetary claim as certified
 - 5.1. Principal Amount:
 - 5.1.1. Currency:

Euro ☐	Cyprus pound ☐	Czech koruna ☐	Estonian kroon ☐
Pound sterling ☐	Hungarian forint ☐	Lithuanian litas ☐	Latvian lats ☐
Maltese lira ☐	Polish zloty ☐	Swedish kronor ☐	Slovak koruna ☐
Slovenian tolar ☐			
other (explain) ☐			
 - 5.1.2. If the claim is for periodical payments
 - 5.1.2.1. Amount of each instalment:
 - 5.1.2.2. Due date of first instalment:
 - 5.1.2.3. Due dates of following instalments

weekly ☐ monthly ☐ other (explain) ☐
 - 5.1.2.4. Period of the claim
 - 5.1.2.4.1. Currently indefinite ☐ or
 - 5.1.2.4.2. Due date of last instalment:

5.2. Interest

5.2.1. Interest rate

5.2.1.1. ... % or

5.2.1.2. ... % above the base rate of the ECB ⁽¹⁾

5.2.1.3. Other (explain)

5.2.2. Interest to be collected as from:

5.3. Amount of reimbursable costs if specified in the court settlement:

6. The court settlement is enforceable in the Member State of origin ☐

Done at Date

.....
Signature and/or stamp

⁽¹⁾ Interest rate applied by the European Central Bank to its main refinancing operations.

ANNEX III

EUROPEAN ENFORCEMENT ORDER CERTIFICATE — AUTHENTIC INSTRUMENT

1. Member State of origin:

Belgium ☐	Czech Republic ☐	Germany ☐	Estonia ☐	Greece ☐
Spain ☐	France ☐	Ireland ☐	Italy ☐	Cyprus ☐
Lithuania ☐	Luxembourg ☐	Hungary ☐	Malta ☐	Netherlands ☐
Austria ☐	Poland ☐	Portugal ☐	Slovakia ☐	Slovenia ☐
Sweden ☐	United Kingdom ☐			Finland ☐
2. Court/Authority issuing the certificate
 - 2.1. Name:
 - 2.2. Address:
 - 2.3. Tel./fax/e-mail:
3. If different, Court/Authority drawing up or registering the authentic instrument
 - 3.1. Name:
 - 3.2. Address:
 - 3.3. Tel./fax/e-mail:
4. Authentic instrument
 - 4.1. Date:
 - 4.2. Reference number:
 - 4.3. The parties
 - 4.3.1. Name and address of creditor(s):
 - 4.3.2. Name and address of debtor(s):
5. Monetary claim as certified
 - 5.1. Principal Amount:
 - 5.1.1. Currency:

Euro ☐	Cyprus pound ☐	Czech koruna ☐	Estonian kroon ☐
Pound sterling ☐	Hungarian forint ☐	Lithuanian litas ☐	Latvian lats ☐
Maltese lira ☐	Polish zloty ☐	Swedish kronor ☐	Slovak koruna ☐
Slovenian tolar ☐			
other (explain) ☐			
 - 5.1.2. If the claim is for periodical payments
 - 5.1.2.1. Amount of each instalment:
 - 5.1.2.2. Due date of first instalment:
 - 5.1.2.3. Due dates of following instalments

weekly ☐ monthly ☐ other (explain) ☐
 - 5.1.2.4. Period of the claim
 - 5.1.2.4.1. Currently indefinite ☐ or
 - 5.1.2.4.2. Due date of last instalment:

5.2. Interest

5.2.1. Interest rate

5.2.1.1. ... % or

5.2.1.2. ... % above the base rate of the ECB ⁽¹⁾

5.2.1.3. Other (explain)

5.2.2. Interest to be collected as from:

5.3. Amount of reimbursable costs if specified in the authentic instrument:

6. The authentic instrument is enforceable in the Member State of origin ☐

Done at Date

.....
Signature and/or stamp

⁽¹⁾ Interest rate applied by the European Central Bank to its main refinancing operations.

ANNEX IV

CERTIFICATE OF LACK OR LIMITATION OF ENFORCEABILITY

(Article 6(2))

1. Member State of origin: Belgium ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Greece ☐
 Spain ☐ France ☐ Ireland ☐ Italy ☐ Cyprus ☐ Latvia ☐
 Lithuania ☐ Luxembourg ☐ Hungary ☐ Malta ☐ Netherlands ☐
 Austria ☐ Poland ☐ Portugal ☐ Slovakia ☐ Slovenia ☐ Finland ☐
 Sweden ☐ United Kingdom ☐
2. Court/Authority issuing the certificate
- 2.1. Name:
- 2.2. Address
- 2.3. Tel./fax/e-mail:
3. If different, Court/Authority issuing the judgment/Court settlement/Authentic instrument (*)
- 3.1. Name:
- 3.2. Address:
- 3.3. Tel./fax/e-mail:
4. Judgment/Court settlement/ Authentic instrument (*)
- 4.1. Date:
- 4.2. Reference number:
- 4.3. The parties
- 4.3.1. Name and address of creditor(s):
- 4.3.2. Name and address of debtor(s):
5. This judgment/Court settlement/Authentic instrument (*) was certified as a European Enforcement Order but
- 5.1. the judgment/Court settlement/Authentic instrument (*) is no longer enforceable ☐
- 5.2. Enforcement is temporarily
- 5.2.1. stayed ☐
- 5.2.2. limited to protective measures ☐
- 5.2.3. conditional upon the provision of a security which is still outstanding ☐
- 5.2.3.1. Amount of the security:
- 5.2.3.2. Currency: Euro ☐ Cyprus pound ☐ Czech koruna ☐ Estonian kroon ☐
 Pound sterling ☐ Hungarian forint ☐ Lithuanian litas ☐ Latvian lats ☐
 Maltese lira ☐ Polish zloty ☐ Swedish kronor ☐ Slovak koruna ☐
 Slovenian tolar ☐
 other (explain) ☐
- 5.2.4. Other (explain) ☐

Done at Date

.....
Signature and/or stamp

(*) Delete as appropriate.

ANNEX V

EUROPEAN ENFORCEMENT ORDER REPLACEMENT CERTIFICATE FOLLOWING A CHALLENGE

(Article 6(3))

- A. The following judgment/court settlement/authentic instrument (*) certified as a European Enforcement Order was challenged
1. Member State of origin: Belgium ☐ Czech Republic ☐ Germany ☐ Estonia ☐ Greece ☐
 Spain ☐ France ☐ Ireland ☐ Italy ☐ Cyprus ☐ Latvia ☐
 Lithuania ☐ Luxembourg ☐ Hungary ☐ Malta ☐ Netherlands ☐
 Austria ☐ Poland ☐ Portugal ☐ Slovakia ☐ Slovenia ☐ Finland ☐
 Sweden ☐ United Kingdom ☐
2. Court/Authority issuing the certificate
- 2.1. Name:
- 2.2. Address:
- 2.3. Tel./fax/e-mail:
3. If different, Court/Authority issuing the judgment/Court settlement/Authentic Instrument (*)
- 3.1. Name:
- 3.2. Address:
- 3.3. Tel./fax/e-mail:
4. Judgment/Court settlement/Authentic Instrument (*)
- 4.1. Date:
- 4.2. Reference number:
- 4.3. The parties
- 4.3.1. Name and address of creditor(s):
- 4.3.2. Name and address of debtor(s):
- B. Upon that challenge the following decision has been handed down and is hereby certified as a European Enforcement Order replacing the original European Enforcement Order.
1. Court
- 1.1. Name:
- 1.2. Address:
- 1.3. Tel./fax/e-mail:
2. Decision
- 2.1. Date:
- 2.2. Reference number:
3. Monetary claim as certified
- 3.1. Principal amount

(*) Delete as appropriate.

- 3.1.1. Currency: Euro ☐ Cyprus pound ☐ Czech koruna ☐ Estonian kroon ☐
Pound sterling ☐ Hungarian forint ☐ Lithuanian litas ☐ Latvian lats ☐
Maltese lira ☐ Polish zloty ☐ Swedish kronor ☐ Slovak koruna ☐
Slovenian tolar ☐
other (explain) ☐
- 3.1.2. If the claim is for periodic payments
- 3.1.2.1. Amount of each instalment:
- 3.1.2.2. Due date of first instalment:
- 3.1.2.3. Due dates of following instalments
weekly ☐ monthly ☐ other (explain) ☐
- 3.1.2.4. Period of the claim
- 3.1.2.4.1. Currently indefinite ☐ or
- 3.1.2.4.2. Due date of last instalment:
- 3.2. Interest
- 3.2.1. Interest rate
- 3.2.1.1. ... % or
- 3.2.1.2. ... % above the base rate of the ECB
- 3.2.1.3. Other (explain)
- 3.2.2. Interest to be collected as from:
- 3.3. Amount of reimbursable costs if specified in the decision:
4. Decision is enforceable in the Member State of origin ☐
5. Decision is still subject to the possibility of a further appeal
Yes ☐ No ☐
6. Decision is in compliance with Article 6(1)(b) ☐
7. The decision concerns matters relating to consumer contracts
Yes ☐ No ☐
- 7.1. If yes:
The debtor is the consumer
Yes ☐ No ☐
- 7.2. If yes:
The debtor is domiciled in the Member State of origin in the meaning of Article 59 of Regulation (EC) No 44/2001 ☐
8. At the time of the decision following the challenge, the claim is uncontested within the meaning of Article 3(1)(b) or (c)
Yes ☐ No ☐

If yes:

- 8.1. Service of the document instituting the challenge.

Did the creditor lodge the challenge?

Yes ☐

No ☐

If yes:

- 8.1.1. Service was effected in compliance with Article 13 ☐

or service was effected in compliance with Article 14 ☐

or it is proved in accordance with Article 18(2) that the debtor has received the document ☐

- 8.1.2. Due information

The debtor was informed in compliance with Articles 16 and 17 ☐

- 8.2. Service of summons, where applicable

Yes ☐

No ☐

If yes:

- 8.2.1. Service was effected in compliance with Article 13 ☐

or service was effected in compliance with Article 14 ☐

or it is proved in accordance with Article 18(2) that the debtor has received the summons ☐

- 8.2.2. Due information

The debtor was informed in compliance with Article 17 ☐

- 8.3. Cure of non-compliance with procedural minimum standards pursuant to Article 18(1)

- 8.3.1. Service of the decision was effected in compliance with Article 13 ☐

or Service of the decision was effected in compliance with Article 14 ☐

or it is proved in accordance with Article 18(2) that the debtor has received the decision ☐

- 8.3.2. Due information

The debtor was informed in compliance with Article 18(1)(b) ☐

Done at Date

.....
Signature and/or stamp

ANNEX VI

**APPLICATION FOR RECTIFICATION OR WITHDRAWAL OF THE EUROPEAN ENFORCEMENT ORDER
CERTIFICATE**

(Article 10(3))

THE FOLLOWING EUROPEAN ENFORCEMENT ORDER CERTIFICATE

1. Member State of origin:

Belgium ☐	Czech Republic ☐	Germany ☐	Estonia ☐	Greece ☐
Spain ☐	France ☐	Ireland ☐	Italy ☐	Cyprus ☐
Lithuania ☐	Luxembourg ☐	Hungary ☐	Malta ☐	Netherlands ☐
Austria ☐	Poland ☐	Portugal ☐	Slovakia ☐	Slovenia ☐
Sweden ☐	United Kingdom ☐			Finland ☐
2. Court/Authority issuing the certificate
 - 2.1. Name:
 - 2.2. Address:
 - 2.3. Tel./fax/e-mail:
3. If different, Court/Authority issuing the judgment/Court settlement/Authentic Instrument (*)
 - 3.1. Name:
 - 3.2. Address:
 - 3.3. Tel./fax/e-mail:
4. Judgment/Court settlement/Authentic Instrument
 - 4.1. Date:
 - 4.2. Reference number:
 - 4.3. The parties
 - 4.3.1. Name and address of creditor(s):
 - 4.3.2. Name and address of debtor(s):

HAS TO BE

5. RECTIFIED as due to a material error there is the following discrepancy between the European Enforcement Order certificate and the underlying judgment/court settlement/authentic instrument (explain) ☐
6. WITHDRAWN because:
 - 6.1. the certified judgment was related to a consumer contract but was given in a Member State where the consumer is not domiciled within the meaning of Article 59 of Regulation (EC) No 44/2001 ☐
 - 6.2. the European Enforcement Order certificate was clearly wrongly granted for another reason (explain) ☐

Done at Date

.....
Signature and/or stamp_____
(*) Delete as appropriate.

COMMISSION REGULATION (EC) No 1870/2005

of 16 November 2005

opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first paragraph of Article 41 thereof,

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 Articles 31(2) and 34(1) thereof,

Whereas:

(1) Following negotiations conducted in accordance with Article XXVIII of GATT 1994, the Community amended the conditions governing imports of garlic. Since 1 June 2001 the normal customs duty for imports of garlic falling within CN code 0703 20 00 has consisted of an *ad valorem* customs duty of 9,6 % and a specific amount of EUR 1 200 per tonne net. However, a quota of 38 370 tonnes free of specific duty was opened by an Agreement in the form of an Exchange of Letters between the European Community and the Argentine Republic pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 for the modification of concessions with respect to garlic provided for in Schedule CXL annexed to the GATT, approved by Council Decision 2001/404/EC ⁽²⁾ (hereinafter the GATT quota). The Agreement stipulates that the quota is to be divided up into 19 147 tonnes for imports from Argentina (order numbers 09.4104 and 09.4099), 13 200 tonnes for imports from China (order numbers 09.4105 and 09.4100) and 6 023 tonnes for imports from other countries (order numbers 09.4106 and 09.4102).

(2) Garlic may also be imported outside the GATT quota at the normal duty or on preferential terms under agreements concluded between the Community and certain third countries.

(3) Garlic is an important product of the European Union's fruit and vegetables sector, with an annual production of around 250 000 tonnes in the EU. The annual import from third countries is also significant, ranging from 60 000 to 80 000 tonnes. The two main third country suppliers are China (30 000 to 40 000 tonnes per year) and Argentina (around 15 000 tonnes per year).

(4) The conditions governing the administration of these quotas are laid down in Commission Regulation (EC) No 565/2002 of 2 April 2002 establishing the method for managing tariff quotas and introducing a system of certificates of origin for garlic imported from third countries ⁽³⁾. In the light of experience gained in the application of that Regulation, some of the current conditions need to be amended in order to simplify and clarify the system.

(5) Since there is a specific duty on non-preferential imports outside the GATT quota, the management of the GATT quota requires the introduction of a system of import licences. Such a system should permit the detailed monitoring of all garlic imports. The detailed rules for that system should supplement, and might need to derogate from, those laid down by Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁴⁾.

(6) In order to monitor all imports as closely as possible, in particular following recent incidents involving fraud, two categories of import licences should also be introduced for all imports of garlic. Experience shows that fraud is typically carried out by transshipping Chinese garlic through third countries having preferential trade agreements with the European Community. The garlic enters the EU with false documents.

⁽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 142, 29.5.2001, p. 7.

⁽³⁾ OJ L 86, 3.4.2002, p. 11. Regulation as amended by Regulation (EC) No 537/2004 (OJ L 86, 24.3.2004, p. 9).

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

- (7) The switchover from one system to the other should be as smooth as possible. To that end, certain of the detailed rules for the application of Regulation (EC) No 565/2002 should be carried over and the traditional import timetable should be maintained.
- (8) Imports of garlic should be monitored in accordance with 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 ⁽¹⁾.
- (9) There should continue to be an adequate supply of garlic on the Community market at stable prices whilst avoiding unnecessary market disruptions in the form of severe price fluctuations and adverse effects on the Community producers. To that end, greater competition amongst importers should be encouraged and administrative burdens on importers reduced.
- (10) In the interest of existing importers, who normally import substantial quantities of garlic, and also in that of new importers joining the market, who should also have a fair opportunity to apply for import licences for a quantity of garlic under tariff quotas, a distinction should be drawn between traditional importers and new importers. A clear definition of those two categories of importers should be provided and certain criteria relating to the status of the applicants and the use of the import licences allocated should be laid down.
- (11) The quantities to be allocated to those categories of importers should be determined on the basis of the quantities actually imported rather than on the basis of the import licences issued.
- (12) In order to allow importers in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter the new Member States) to benefit under this Regulation, arrangements should be laid down covering the 2005/06 and 2006/07 import periods to ensure that a distinction is made between, on the one hand, traditional importers and new importers within the Community as constituted at 30 April 2004 and, on the other hand, traditional importers and new importers in the new Member States.
- (13) In order to take account of the different trade patterns in the different new Member States, the competent authorities of the new Member States should be allowed to choose between two methods for establishing the reference quantity of their traditional importers.
- (14) Applications for import licences to import garlic from third countries presented by importers of both categories should be subject to certain restrictions. Such restrictions are necessary to ensure not only that competition between importers is safeguarded but also that importers genuinely engaged in commercial activity in the fruit and vegetable market are given the opportunity to defend their legitimate trading positions vis-à-vis other importers and that no single importer is able to control the market.
- (15) In order to safeguard competition between genuine importers and to prevent speculation in the allocation of import licences and any abuse of the system that would run contrary to the legitimate trading positions of new and traditional importers, more stringent controls on the correct use of import licences should be put in place. To that end, the transfer of import licences should be prohibited.
- (16) With a view to reducing the importers' administrative burden and the possibilities of fraud, import licence applications should be presented only in the Member State where the importer is entered in a register.
- (17) Measures are also needed to keep to a minimum speculative applications for import licences that may result in the tariff quotas not being fully utilised. Because of the nature and the value of the product, a security as referred to in Article 15(2) of Regulation (EC) No 1291/2000 should be lodged in respect of each tonne of garlic for which an import licence application is lodged. The security should be of an amount that is high enough to discourage speculative applications but not so high as to discourage those genuinely engaged in commercial activity in garlic. The most appropriate objective level for the security is 5 % of the average additional duty applicable to imports of garlic falling within CN code 0703 20 00.
- (18) To ensure that the GATT quota is managed properly, the measures to be taken by the Commission where the quantities of garlic of a specific origin or for a specific quarter covered by import licence applications exceed those fixed by Decision 2001/404/EC, added to the unused quantities from import licences previously issued, should be determined. Where such measures involve applying an allocation coefficient when the import licences are issued, it should be possible to withdraw applications for those import licences with immediate release of the security.

⁽¹⁾ 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).

- (19) To ensure that the quotas are used properly, the Member States should regularly notify the Commission of the quantities covered by import licences issued by the competent authorities of the Member States and not used by importers. The quantities covered by import licences issued should take account of import licence applications withdrawn by importers.
- (20) For the purposes of administering the tariff quotas for garlic, importers lodging applications for import licences should attach a declaration to their applications to the competent authorities of the Member State to the effect that they undertake to comply with the restrictions laid down in this Regulation. To prevent any abuse of the system, deterrent penalties should be provided for and the Member States should be allowed some margin of discretion to impose additional penalties on top of those provided for in this Regulation on importers who present false, misleading or inaccurate applications or declarations to the competent authorities.
- (21) To improve controls and prevent any risk of deflection of trade based on inaccurate documentation, the existing system of certificates of origin for garlic imported from certain third countries and the requirement for such garlic to be transported direct from the third country of origin to the Community should be maintained and the list of countries extended in the light of additional information. Such certificates of origin are to be issued by the competent national authorities in accordance with Articles 56 to 62 of Regulation (EEC) No 2454/93.
- (22) All the necessary communications between Member States and the Commission pursuant to this Regulation should be specified, in particular for the purpose of administering tariff quotas, taking measures against fraud and monitoring the market.
- (23) Regulation (EC) No 565/2002, Commission Regulation (EC) No 228/2004 of 3 February 2004 laying down transitional measures applicable to Regulation (EC) No 565/2002 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia ⁽¹⁾ and Commission Regulation (EC) No 229/2004 of 10 February 2004 derogating from Regulation (EC) No 565/2002 as regards the dates for lodging the import licence applications for imports of garlic for the first quarter of the period 2004 to 2005 ⁽²⁾ should be repealed. This Regulation should apply for the first time to applications for import licences for the first quarter of the 2006/07 import period. However, given that import activities governed by the provisions of this Regulation concerning 'B' licences are not, at present, subject to any specific licensing rules and in order to ensure more effective controls, the provisions concerning 'B' licences should apply as soon as possible.
- (24) For imports of garlic effected after the entry into force of this Regulation under import licences issued in accordance with Regulation (EC) No 565/2002 and any regulations opening and providing for the administration of autonomous tariff quotas for garlic, the provisions in force when those import licences were issued should continue to apply.
- (25) 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

Opening of tariff quotas and applicable duties

1. In accordance with Decision 2001/404/EC, tariff quotas are hereby opened for imports into the Community of garlic falling within CN code 0703 20 00 (hereinafter referred to as garlic), subject to the conditions laid down in this Regulation. The volume of each tariff quota, the period for which it applies and the order number are specified in Annex I to this Regulation.
2. The *ad valorem* duty applicable to garlic imported under the quotas referred to in paragraph 1 shall be 9,6 %.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. 'import period' means the period 1 June to the following 31 May;
2. 'the new Member States' means the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia;
3. 'other countries' means third countries other than Argentina and China;
4. 'competent authorities' means the body or bodies designated by the Member State for the implementation of this Regulation;

⁽¹⁾ OJ L 39, 11.2.2004, p. 10.

⁽²⁾ OJ L 39, 11.2.2004, p. 12.

5. 'reference quantity' means the quantity of garlic, imported by a traditional importer within the meaning of Article 3, as follows:

- (a) for traditional importers who imported garlic between 1998 and 2000 into the Community as constituted at 30 April 2004, the maximum quantity of garlic imported during one of the 1998, 1999 and 2000 calendar years;
- (b) for traditional importers who imported garlic between 2001 and 2003 into the new Member States, the maximum quantity of garlic imported during
 - (i) either the 2001, 2002 or 2003 calendar year,
 - (ii) or the 2001/02, 2002/03 or 2003/04 import period;
- (c) for traditional importers who do not fall within (a) or (b), the maximum quantity of garlic imported during one of the first three import periods during which they have obtained import licences pursuant to Regulation (EC) No 565/2002 or this Regulation.

Garlic originating in the new Member States or the Community as constituted at 30 April 2004 shall not be taken into account for the calculation of the reference quantity.

The new Member States shall choose and apply one of the two methods referred to in point (b) to all traditional importers, in accordance with objective criteria and in such a way as to ensure equal treatment between operators.

Article 3

Categories of importers

1. 'Traditional importers' means importers, whether natural or legal persons, individuals or groups of operators set up in accordance with national law, who can prove that they have:

- (a) obtained import licences pursuant to Regulation (EC) No 565/2002 or this Regulation in each of the previous three import periods;
- (b) imported garlic into the Community in at least two of the previous three import periods;
- (c) imported into the Community at least 50 tonnes of fruit and vegetables as referred to in Article 1(2) of Regulation

(EC) No 2200/96 during the import period preceding their application.

2. 'New importers' means importers other than as referred to in paragraph 1, whether natural or legal persons, individuals or groups of operators set up in accordance with national law, who have imported into the Community at least 50 tonnes of fruit and vegetables as referred to in Article 1(2) of Regulation (EC) No 2200/96 in each of the two previous calendar years. Compliance with this condition shall be certified by registration in a trade register held by the Member State or by any other proof to that effect accepted by the Member State and by proof of import.

3. By way of derogation from paragraphs 1 and 2, as regards the import period 1 June 2006 to 31 May 2007 and only in the new Member States:

(a) 'traditional importers' means importers, whether natural or legal persons, individuals or groups of operators set up in accordance with national law, who can prove that:

(i) they have imported garlic from countries of origin other than the new Member States or the Community as constituted at 30 April 2004 in at least two of the previous three import periods;

(ii) they have imported at least 50 tonnes of fruit and vegetables as referred to in Article 1(2) of Regulation (EC) No 2200/96 during the preceding calendar year;

(iii) the imports referred to in points (i) and (ii) have taken place in the new Member State where the head office of the importer concerned is located;

(b) 'new importers' means importers other than traditional importers within the meaning of (a), whether traders, natural or legal persons, individuals or groups of operators set up in accordance with national law, who can prove that:

(i) they have imported at least 50 tonnes of fruit and vegetables as referred to in Article 1(2) of Regulation (EC) No 2200/96 in each of the two preceding calendar years from countries of origin other than the new Member States or the Community as constituted at 30 April 2004;

(ii) the imports referred to in (i) have taken place in the new Member State where the head office of the importer concerned is located.

*Article 4***Presentation of import licences**

1. Any release for free circulation in the Community of imported garlic shall be subject to presentation of an import licence issued in accordance with this Regulation.

2. Garlic may only be released for free circulation under the quotas referred to in Article 1(1) where box 24 of the relevant import licence shows one of the entries listed in Annex II.

Such import licences shall hereinafter be referred to as “A” licences’. Other import licences shall hereinafter be referred to as “B” licences’.

*Article 5***General provisions concerning import licence applications and import licences**

1. Regulation (EC) No 1291/2000 shall apply to ‘A’ and ‘B’ licences, except as otherwise provided for by this Regulation.

2. ‘A’ licences shall be valid only for the quarter for which they have been issued. Box 24 thereof shall show one of the entries listed in Annex III.

‘B’ licences shall be valid for three months from the date of issue.

3. The security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall amount to EUR 50 per tonne.

4. The country of origin shall be entered in box 8 of ‘A’ and ‘B’ licence applications and of licences and the word ‘yes’ shall be marked with a cross. The import licence shall be valid only for imports originating in the country indicated.

5. By way of derogation from Article 9(1) of Regulation (EC) No 1291/2000, rights arising under ‘A’ and ‘B’ licences shall not be transferable.

*Article 6***Allocation of total quantities among traditional and new importers**

1. The total quantity allocated to Argentina, China and other countries pursuant to Annex I shall be distributed as follows:

- (a) 70 % to traditional importers;
- (b) 30 % to new importers.

2. As regards imports originating in Argentina, China and other countries, if in any quarter the quantity allocated is not fully exhausted by one category of importers, the remainder shall be allocated to the other category.

3. As regards each of the three origins referred to in paragraph 2 and each of the quarters indicated in Annex I, ‘A’ licences shall be issued for up to a maximum quantity equal to the sum of:

- (a) the quantity indicated in Annex I for that quarter and for that origin;
- (b) the quantities not applied for during the previous quarter for that origin;
- (c) the unused quantities notified to the Commission from ‘A’ licences previously issued for that origin.

However, quantities not applied for or not used during an import period may not be transferred to the following import period.

*Article 7***Restrictions applicable to ‘A’ licence applications**

1. The total quantity covered by ‘A’ licence applications submitted by a traditional importer in any import period may not exceed that importer’s reference quantity. Applications not complying with this rule shall be rejected by the competent authorities.

2. The total quantity covered by ‘A’ licence applications submitted by a new importer in any quarter may not exceed 10 % of the quantity referred to in Annex I for that quarter and that origin. Applications not complying with this rule shall be rejected by the competent authorities.

*Article 8***Lodging of import licence applications**

1. An applicant may only lodge applications for ‘A’ and ‘B’ licences with the competent authorities of a single Member State and that in which the applicant is registered for VAT purposes.

2. Only importers as defined in Article 3 may lodge ‘A’ licence applications.

In support of their ‘A’ licence applications, importers shall provide the information necessary to enable the competent authorities of the Member States concerned to verify compliance with the conditions set out in Article 3 to their own satisfaction.

Where, during the previous import period, new importers have obtained import licences pursuant to this Regulation or Regulation (EC) No 565/2002, they shall produce proof that at least 90 % of the quantity allocated to them has actually been released for free circulation.

If the proof referred to in the third subparagraph is not produced or the proof produced shows that in any quarter of the import period referred to in that subparagraph, less than 90 % of the quantity allocated to an importer has been released for free circulation, no import licence shall be issued to the applicant, except in cases of *force majeure*.

3. Importers shall submit their applications for 'A' licences during the first five working days of April, July, October and January prior to the respective quarter.

4. Importers shall attach to their applications for 'A' licences a declaration stating that they are aware of and undertake to comply with the provisions of Article 7.

Such declarations shall be signed and certified as accurate by the importer.

5. Box 20 of 'A' licence applications shall indicate 'traditional importer' or 'new importer' as appropriate.

6. No 'A' licence applications may be lodged for a specific quarter and for a specific origin where no quantity is indicated in Annex I for that quarter and for that origin.

7. No 'B' licence may be issued in response to an 'A' licence application.

Article 9

Notifications of 'A' licence applications

By the 15th day of each month as referred to in Article 8(3), the Member States shall notify the Commission of the quantities covered by 'A' licence applications lodged in respect of the relevant quarter.

Notifications shall be broken down by origin. Notifications shall also give separate figures for the quantities of garlic applied for by traditional and new importers.

Notifications, including 'nil' notifications, shall be effected by electronic means using the form communicated by the Commission to the Member States.

Article 10

Issuing of import licences

1. 'A' licences shall be issued by the competent authorities on the seventh working day following notification as provided for in Article 9.

2. If in any quarter the quantities applied for under the quotas referred to in Article 1(1) are found to exceed the quantity available, the Commission shall set, by means of a regulation, an allocation coefficient to be applied to the 'A' licence applications in question and, if necessary, shall suspend the issue of 'A' licences in respect of subsequent applications.

Where the first subparagraph is applied, 'A' licences shall be issued by the competent authorities on the third working day following the entry in force of the regulation referred to in that subparagraph.

3. No 'A' licence may be issued for imports of products originating in the countries listed in Annex IV that have not forwarded to the Commission the information needed to set up an administrative cooperation procedure in accordance with Articles 63, 64 and 65 of Regulation (EEC) No 2454/93. That information shall be deemed to have been forwarded on the date of publication as provided for in Article 15 of this Regulation.

4. On the day referred to in the first paragraph of Article 9 the Member States shall notify the Commission of the list of traditional and new importers applying for 'A' licences in respect of the relevant quarter. In the case of groups of operators set up in accordance with national law, the operators making up the group shall also be listed.

The notifications referred to in the first subparagraph shall be effected by electronic means using the form communicated by the Commission to the Member States.

5. No quantity restriction shall apply to 'B' licences, which shall be issued immediately.

Article 11

Withdrawal of 'A' licence applications

Where pursuant to Article 10(2), the quantity covered by an 'A' licence is less than that covered by the 'A' licence application lodged, the importer concerned may request the competent authorities to withdraw the 'A' licence application within three working days following the entry into force of the Regulation adopted pursuant to Article 10(2). In the event of such a withdrawal, the whole security shall be released immediately.

*Article 12***Member State communications to the Commission**

1. The Member States shall notify the Commission of:
 - (a) the quantities covered by 'B' licence applications;
 - (b) the quantities covered by unused or partly used 'A' licences, corresponding to the difference between the quantities entered on the back of the licences and the quantities for which they were issued, in respect of the last completed quarter;
 - (c) the quantities covered by applications for 'A' licences withdrawn pursuant to Article 11.
2. The information referred to in paragraph 1 shall be notified:
 - (a) as regards paragraph 1(a), by the second working day of each week in respect of applications received the previous week;
 - (b) as regards paragraph 1(b), by the day referred to in the first paragraph of Article 9;
 - (c) as regards paragraph 1(c), by the last day of each month as referred to in Article 8(3).

If no 'B' licence application has been lodged or if there are no unused or withdrawn quantities within the meaning of paragraph 1(b) and (c), the Member State concerned shall notify the Commission thereof on the day indicated in this paragraph.

3. The communications referred to in paragraph 1 shall be effected by electronic means using the form communicated by the Commission to the Member States.

The quantities concerned shall be broken down by day of import licence application, third country of origin, type of licence ('A' or 'B') and for 'A' licences the category of importer within the meaning of Article 3.

*Article 13***Certificates of origin**

Garlic originating in a third country listed in Annex IV may only be released for free circulation in the Community if the following conditions are met:

- (a) a certificate of origin issued by the competent national authorities of that country in accordance with Articles 56 to 62 of Regulation (EEC) No 2454/93 is presented;
- (b) the product has been transported direct to the Community from that country in accordance with Article 14.

*Article 14***Direct transport**

1. The following shall be considered as having been transported direct to the Community from the third countries listed in Annex IV:
 - (a) products transported without passing through the territory of any other third country;
 - (b) products transported through one or more third countries other than the country of origin, with or without transhipment or temporary warehousing in those countries, provided that such passage is justified for geographical reasons or transport requirements and provided that the products:
 - (i) have remained under the supervision of the customs authorities of the country or countries of transit or warehousing;
 - (ii) have not been placed on the market or released for consumption there;
 - (iii) have not undergone operations there other than unloading and reloading or any other operation to keep them in good condition.
2. Proof that the conditions referred to in paragraph 1(b) are satisfied shall be submitted to the competent authorities of the Member States, together with:
 - (a) a single transport document issued in the country of origin and covering passage through the country or countries of transit; or
 - (b) a certificate issued by the customs authorities of the country or countries of transit and containing:
 - (i) a precise description of the goods;
 - (ii) the dates of unloading and reloading, with particulars identifying the transport vehicles used;
 - (iii) a statement certifying the conditions in which they have been kept; or
 - (c) where the proof referred to in points (a) or (b) cannot be provided, any other substantiating documents.

*Article 15***Administrative cooperation with certain third countries**

As soon as the information needed to set up an administrative cooperation procedure pursuant to Articles 63, 64 and 65 of Regulation (EEC) No 2454/93 has been forwarded by each third country listed in Annex IV to this Regulation, a communication concerning the forwarding of that information shall be published in the 'C' series of the *Official Journal of the European Union*.

*Article 16***Penalties applicable to importers**

1. If applications or declarations relating to 'A' licences presented by an importer to the competent authorities of a Member State are found to contain false, misleading or inaccurate information and unless such information is clearly due to a genuine error, the competent authorities of the Member States concerned shall, depending on the seriousness of the case, exclude the importer in question from the 'A' licence applications system for up to four quarters following the finding, without prejudice to the application of any relevant national laws. In such cases, the security referred to in Article 5(3) shall be forfeit in full.

2. The Member States may adopt additional national provisions covering the submission of applications for 'A' licences to their competent authorities and may provide for penalties commensurate with the seriousness of any irregularity, to be imposed on importers registered for VAT purposes within their national territory. The Member States shall inform the Commission forthwith of the introduction of any such national provisions.

*Article 17***Information supplied by the Commission**

Each seventh working day after the 15th of each month referred to in Article 8(3), the Commission shall forward to the Member States the information received under Article 10(4) with a view to facilitating the detection or prevention of false claims by operators.

Each seventh working day after the end of each month referred to in Article 8(3), the Commission shall forward to the Member States any information received under Article 12.

The Commission shall keep the Member States regularly informed, in due time and in an appropriate manner, of the

amounts of quotas used and of information received under Article 16(2).

The Commission shall communicate to the Member States any other relevant information, and in particular such information as may help to prevent fraud.

*Article 18***Administrative cooperation between Member States**

The Member States shall take the measures required to ensure reciprocal administrative cooperation with a view to ensuring that this Regulation is properly applied.

*Article 19***Repeal**

Regulations (EC) Nos 565/2002, 228/2004 and 229/2004 are repealed as from 1 April 2006.

However, Regulations (EC) Nos 565/2002, 228/2004 and 229/2004 shall continue to apply with regard to import licences issued in accordance with those Regulations for the import period expiring on 31 May 2006.

*Article 20***Entry into force**

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

The provisions concerning 'A' licences for the import period starting on 1 June 2006 shall apply from 1 April 2006.

The provisions concerning 'B' licences shall apply from 1 January 2006.

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

Done at Brussels, 16 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Tariff quotas opened pursuant to Decision 2001/404/EC for imports of garlic falling within CN code 0703 20 00

Origin	Order number	Quota (tonnes)				
		First quarter (June-August)	Second quarter (September- November)	Third quarter (December- February)	Fourth quarter (March-May)	Total
<i>Argentina</i>						19 147
Traditional importers	09.4104	—	—	9 590	3 813	
New importers	09.4099			4 110	1 634	
<i>China</i>						13 200
Traditional importers	09.4105	2 520	2 520	2 100	2 100	
New importers	09.4100	1 080	1 080	900	900	
<i>Other countries</i>						6 023
Traditional importers	09.4106	941	1 960	929	386	
New importers	09.4102	403	840	398	166	
Total	—	4 944	6 400	18 027	8 999	38 370

ANNEX II

Entries as referred to in Article 4(2)

- in Spanish: Derecho de aduana 9,6 % — Reglamento (CE) n° 1870/2005,
 - in Czech: Celní sazba 9,6 % – nařízení (ES) č. 1870/2005,
 - in Danish: Toldsats 9,6 % — forordning (EF) nr. 1870/2005,
 - in German: Zollsatz 9,6 % — Verordnung (EG) Nr. 1870/2005,
 - in Estonian: Tollimaks 9,6 % – määrus (EÜ) nr 1870/2005,
 - in Greek: Δασμός 9,6 % — Κανονισμός (ΕΚ) αριθ. 1870/2005,
 - in English: Customs duty 9,6 % — Regulation (EC) No 1870/2005,
 - in French: Droit de douane: 9,6 % — Règlement (CE) n° 1870/2005,
 - in Italian: Dazio: 9,6 % — Regolamento (CE) n. 1870/2005,
 - in Latvian: Muitas nodoklis 9,6 % – Regula (EK) Nr. 1870/2005,
 - in Lithuanian: Muito mokestis 9,6 % – Reglamentas (EB) Nr. 1870/2005,
 - in Hungarian: Vám: 9,6 % – 1870/2005/EK rendelet,
 - in Dutch: Douanerecht: 9,6 % — Verordening (EG) nr. 1870/2005,
 - in Polish: Cło 9,6 % – Rozporządzenie (WE) nr 1870/2005,
 - in Portuguese: Direito aduaneiro: 9,6 % — Regulamento (CE) n.º 1870/2005,
 - in Slovak: Clo 9,6 % – nariadenie (ES) č. 1870/2005,
 - in Slovenian: Carina: 9,6 % – Uredba (ES) št. 1870/2005,
 - in Finnish: Tulli 9,6 prosenttia – Asetus (EY) N:o 1870/2005,
 - in Swedish: Tull 9,6 % – Förordning (EG) nr 1870/2005.
-

ANNEX III

Entries as referred to in Article 5(2)

- *in Spanish:* certificado expedido y válido solamente para el trimestre comprendido entre el 1 ... y el 28/29/30/31 ...
- *in Czech:* Licence vydaná a platná pouze pro čtvrtletí od 1. ... do 28./29./30./31. ...
- *in Danish:* licens, der kun er udstedt og gyldig for kvartalet fra 1. ... til 28./29./30./31. ...
- *in German:* Lizenz nur erteilt und gültig für das Quartal vom 1. ... bis 28./29./30./31. ...
- *in Estonian:* Litsents on välja antud üheks kvartaliks alates 1. [kuu] kuni 28./29./30./31. [kuu] ja kehtib selle aja jooksul
- *in Greek:* Πιστοποιητικό εκδοθέν και ισχύον μόνο για το τρίμηνο από την 1η ... έως τις 28/29/30/31 ...
- *in English:* licence issued and valid only for the quarter 1 [month] to 28/29/30/31 [month]
- *in French:* certificat émis et valable seulement pour le trimestre du 1^{er} ... au 28/29/30/31 ...
- *in Italian:* titolo rilasciato e valido unicamente per il trimestre dal 1° ... al 28/29/30/31 ...
- *in Latvian:* atļauja izsniegta un derīga tikai ceturksni no 1. [mēnesis] līdz 28/29/30/31 [mēnesis]
- *in Lithuanian:* Licencija išduota ir galioja tik vienam ketvirčiui nuo 1 [mėnuo] iki 28/29/30/31 [mėnuo]
- *in Hungarian:* Az engedélyt kizárólag a [hó] 1-jétől [hó] 28/29/30/31-ig terjedő negyedévre állították ki és kizárólag erre az időszakra érvényes
- *in Dutch:* voor het kwartaal van 1 ... tot en met 28/29/30/31 ... afgegeven en uitsluitend in dat kwartaal geldig certificaat
- *in Polish:* Pozwolenie wydane i ważne tylko na kwartał od 1 ... do 28/29/30/31 ...
- *in Portuguese:* certificado emitido e válido apenas para o trimestre de 1 de ... a 28/29/30/31 de ...
- *in Slovak:* povolenie vydané a platné len pre štvrtrok od 1. [mesiac] do 28./29./30./31. [mesiac]
- *in Slovenian:* dovoljenje, izdano in veljavno izključno za četrtletje od 1. ... do 28./29./30./31. ...
- *in Finnish:* todistus on myönnetty 1 päivän ... ja 28/29/30/31 päivän ... väliselle vuosineljännekselle ja se on voimassa ainoastaan kyseisenä vuosineljänneksenä
- *in Swedish:* licens utfärdad och giltig endast för tremånadersperioden den 1 ... till den 28/29/30/31 ...

ANNEX IV

List of third countries as referred to in Articles 13, 14 and 15

Iran

Lebanon

Malaysia

United Arab Emirates

Vietnam

COMMISSION REGULATION (EC) No 1871/2005**of 16 November 2005****on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

United Kingdom:

- 160 t originating in Botswana,
- 367 t originating in Namibia;

Germany:

- 123,1 t originating in Namibia.

Article 2

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

Botswana:	12 066 t,
Kenya:	142 t,
Madagascar:	7 579 t,
Swaziland:	3 337 t,
Zimbabwe:	9 100 t,
Namibia:	3 114,9 t.

Article 3

This Regulation shall enter into force on 21 November 2005.

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

⁽²⁾ OJ L 348, 21.12.2002, p. 5.

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

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

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

Done at Brussels, 16 November 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

COMMISSION REGULATION (EC) No 1872/2005**of 15 November 2005****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 ⁽²⁾ laying down provisions for the implementation of Regulation (EEC) No 2913/92, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 November 2005.

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

Done at Brussels, 15 November 2005.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 (OJ L 117, 4.5.2005, p. 13).

⁽²⁾ 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).

ANNEX

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.10	New potatoes 0701 90 50	— — —	— — —	— — —	— — —	— — —	— — —
1.30	Onions (other than seed) 0703 10 19	23,69 81,79 225,75	13,59 16,50 16,13	703,33 10,17	176,75 94,51	370,66 5 674,27	5 954,52 925,49
1.40	Garlic 0703 20 00	159,37 550,28 1 518,73	91,40 110,99 108,52	4 731,73 68,42	1 189,12 635,81	2 493,62 38 174,18	40 059,54 6 226,31
1.50	Leeks ex 0703 90 00	62,17 214,66 592,45	35,65 43,30 42,33	1 845,83 26,69	463,87 248,03	972,75 14 891,58	15 627,05 2 428,86
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	47,92 165,46 456,65	27,48 33,37 32,63	1 422,74 20,57	357,55 191,18	749,79 11 478,28	12 045,17 1 872,14
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	— — —	— — —	— —	— —	— —	— —
1.100	Chinese cabbage ex 0704 90 90	104,01 359,13 991,16	59,65 72,43 70,82	3 088,06 44,65	776,05 414,95	1 627,40 24 913,52	26 143,95 4 063,46
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	30,30 104,62 288,74	17,38 21,10 20,63	899,61 13,01	226,08 120,88	474,09 7 257,76	7 616,21 1 183,76
1.140	Radishes ex 0706 90 90	52,35 180,75 498,87	30,02 36,46 35,65	1 554,27 22,47	390,60 208,85	819,10 12 539,40	13 158,70 2 045,21
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	462,43 1 596,67 4 406,71	265,20 322,04 314,87	13 729,50 198,52	3 450,32 1 844,86	7 235,43 110 765,47	116 236,00 18 066,15

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.170	Beans:						
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	132,50 457,51 1 262,69	75,99 92,28 90,22	3 934,02 56,88	988,65 528,62	2 073,22 31 738,49	33 306,00 5 176,64
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	151,09 521,68 1 439,81	86,65 105,22 102,88	4 485,86 64,86	1 127,33 602,77	2 364,04 36 190,59	37 977,98 5 902,78
1.180	Broad beans ex 0708 90 00	—	—	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—	—	—
1.200	Asparagus:						
1.200.1	— green ex 0709 20 00	266,27 919,37 2 537,39	152,70 185,43 181,30	7 905,47 114,31	1 986,70 1 062,27	4 166,18 63 778,98	66 928,92 10 402,53
1.200.2	— other ex 0709 20 00	463,35 1 599,86 4 415,51	265,73 322,68 315,50	13 756,92 198,92	3 457,21 1 848,54	7 249,88 110 986,70	116 468,16 18 102,24
1.210	Aubergines (eggplants) 0709 30 00	99,22 342,59 945,51	56,90 69,10 67,56	2 945,83 42,59	740,31 395,84	1 552,45 23 766,07	24 939,84 3 876,31
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	138,52 478,28 1 320,03	79,44 96,47 94,32	4 112,66 59,47	1 033,54 552,63	2 167,37 33 179,70	34 818,39 5 411,70
1.230	Chantarelles 0709 59 10	334,34 1 154,41 3 186,09	191,74 232,83 227,65	9 926,55 143,53	2 494,61 1 333,85	5 231,28 80 084,46	84 039,70 13 062,00
1.240	Sweet peppers 0709 60 10	98,66 340,67 940,22	56,58 68,71 67,18	2 929,34 42,36	736,16 393,62	1 543,76 23 633,06	24 800,26 3 854,62
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	77,69 268,24 740,31	44,55 54,10 52,90	2 306,51 33,35	579,64 309,93	1 215,53 18 608,20	19 527,23 3 035,05
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	47,08 162,55 448,62	27,00 32,78 32,05	1 397,71 20,21	351,25 187,81	736,59 11 276,31	11 833,22 1 839,20

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.40	Avocados, fresh ex 0804 40 00	141,95 490,13 1 352,73	81,41 98,86 96,66	4 214,56 60,94	1 059,15 566,32	2 221,07 34 001,81	35 681,10 5 545,79
2.50	Guavas and mangoes, fresh ex 0804 50	—	—	—	—	—	—
2.60	Sweet oranges, fresh:						
2.60.1	— Sanguines and semi-sanguines ex 0805 10 20	44,39 153,27 423,01	25,46 30,91 30,23	1 317,94 19,06	331,21 177,09	694,55 10 632,74	11 157,87 1 734,23
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins ex 0805 10 20	40,35 139,33 384,53	23,14 28,10 27,48	1 198,04 17,32	301,08 160,98	631,37 9 665,42	10 142,78 1 576,46
2.60.3	— Others ex 0805 10 20	47,63 164,46 453,89	27,32 33,17 32,43	1 414,13 20,45	355,38 190,02	745,25 11 408,81	11 972,28 1 860,81
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:						
2.70.1	— Clementines ex 0805 20 10	— — —	— — —	— — —	— — —	— — —	— — —
2.70.2	— Monreales and satsumas ex 0805 20 30	— — —	— — —	— — —	— — —	— — —	— — —
2.70.3	— Mandarines and wilkins ex 0805 20 50	— — —	— — —	— — —	— — —	— — —	— — —
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	— — —	— — —	— — —	— — —	— — —	— — —
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	78,93 272,52 752,13	45,26 54,96 53,74	2 343,32 33,88	588,89 314,88	1 234,93 18 905,17	19 838,86 3 083,48
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	63,02 217,58 600,51	36,14 43,88 42,91	1 870,95 27,05	470,18 251,40	985,99 15 094,27	15 839,75 2 461,92
2.90.2	— pink ex 0805 40 00	71,87 248,16 684,89	41,22 50,05 48,94	2 133,84 30,85	536,25 286,73	1 124,53 17 215,19	18 065,42 2 807,84

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.100	Table grapes 0806 10 10	— — —	— — —	— —	— —	— —	— —
2.110	Water melons 0807 11 00	76,06 262,62 724,81	43,62 52,97 51,79	2 258,22 32,65	567,51 303,44	1 190,08 18 218,65	19 118,44 2 971,51
2.120	Melons (other than water melons):						
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	59,11 204,11 563,32	33,90 41,17 40,25	1 755,08 25,38	441,06 235,83	924,92 14 159,43	14 858,74 2 309,44
2.120.2	— Other ex 0807 19 00	85,59 295,51 815,58	49,08 59,60 58,27	2 541,02 36,74	638,58 341,44	1 339,12 20 500,20	21 512,67 3 343,64
2.140	Pears						
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	— — —	— — —	— —	— —	— —	— —
2.140.2	— Other ex 0808 20 50	— — —	— — —	— —	— —	— —	— —
2.150	Apricots 0809 10 00	116,20 401,22 1 107,33	66,64 80,92 79,12	3 449,98 49,88	867,00 463,58	1 818,13 27 833,39	29 208,03 4 539,70
2.160	Cherries 0809 20 95 0809 20 05	473,31 1 634,24 4 510,41	271,44 329,61 322,28	14 052,57 203,19	3 531,51 1 888,27	7 405,69 113 371,94	118 971,20 18 491,28
2.170	Peaches 0809 30 90	108,43 374,39 1 033,28	62,18 75,51 73,83	3 219,29 46,55	809,03 432,58	1 696,56 25 972,24	27 254,96 4 236,14
2.180	Nectarines ex 0809 30 10	143,55 495,65 1 367,96	82,33 99,97 97,74	4 262,00 61,63	1 071,07 572,69	2 246,07 34 384,53	36 082,73 5 608,21
2.190	Plums 0809 40 05	105,89 365,61 1 009,07	60,73 73,74 72,10	3 143,85 45,46	790,07 422,45	1 656,81 25 363,66	26 616,33 4 136,88
2.200	Strawberries 0810 10 00	361,87 1 249,48 3 448,48	207,53 252,01 246,40	10 744,04 155,35	2 700,05 1 443,70	5 662,10 86 679,68	90 960,65 14 137,69

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.205	Raspberries 0810 20 10	304,95	174,89	9 053,97	2 275,32	4 771,43	76 652,23
		1 052,93	212,37	130,92	1 216,60	73 044,67	11 913,79
		2 906,02	207,64				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 455,44	834,69	43 212,01	10 859,47	22 772,69	365 839,40
		5 025,34	1 013,57	624,82	5 806,48	348 621,54	56 861,13
		13 869,62	991,01				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	148,01	84,89	4 394,55	1 104,38	2 315,92	37 204,90
		511,06	103,08	63,54	590,50	35 453,89	5 782,63
		1 410,50	100,78				
2.230	Pomegranates ex 0810 90 95	88,63	50,83	2 631,51	661,32	1 386,80	22 278,74
		306,03	61,72	38,05	353,60	21 230,21	3 462,71
		844,63	60,35				
2.240	Khakis (including sharon fruit) ex 0810 90 95	211,97	121,57	6 293,51	1 581,60	3 316,67	53 281,76
		731,90	147,62	91,00	845,67	50 774,11	8 281,40
		2 020,01	144,33				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

COMMISSION REGULATION (EC) No 1873/2005
of 16 November 2005
fixing the export refunds on eggs applicable from 17 November 2005

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular the third subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that regulation and prices for those products on the Community market may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.
- (3) The present market situation in certain third countries and that regarding competition makes it necessary to fix a refund differentiated by destination for certain products in the egg sector.
- (4) Article 21 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down detailed rules for the application of the system of export refunds on agricultural products ⁽²⁾, stipulates that no refund is granted if the products are not of sound and fair marketable

quality on the date on which the export declaration is accepted. In order to ensure uniform application of the rules in force, it should be stated that, in order to qualify for the refund, the egg products listed in Article 1 of Regulation (EEC) No 2771/75 must bear the health mark laid down in Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products ⁽³⁾.

- (5) The negotiations within the framework of the Europe Agreements between the European Community and Romania and Bulgaria aim in particular to liberalise trade in products covered by the common organisation of the market concerned. For these two countries export refunds should therefore be abolished. That abolition should not, however, lead to a differentiated refund for exports to other countries.
- (6) The Management Committee for Poultrymeat and Eggs has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2771/75 is granted and the amount of that refund shall be as shown in the Annex hereto.

However, in order to qualify for the refund, products falling within the scope of Chapter XI of the Annex to Directive 89/437/EEC must also satisfy the health marking conditions laid down in that Directive.

Article 2

This Regulation shall enter into force on 17 November 2005.

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

Done at Brussels, 16 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 671/2004 (OJ L 105, 14.4.2004, p. 5).

⁽³⁾ OJ L 212, 22.7.1989, p. 87. Directive as last amended by Regulation (EC) No 806/2003.

ANNEX

Export refunds on eggs applicable from 17 November 2005

Product code	Destination	Unit of measurement	Amount of refund
0407 00 11 9000	E16	EUR/100 pcs	1,70
0407 00 19 9000	E16	EUR/100 pcs	0,90
0407 00 30 9000	E09	EUR/100 kg	6,00
	E10	EUR/100 kg	20,00
	E17	EUR/100 kg	3,00
0408 11 80 9100	E18	EUR/100 kg	40,00
0408 19 81 9100	E18	EUR/100 kg	20,00
0408 19 89 9100	E18	EUR/100 kg	20,00
0408 91 80 9100	E18	EUR/100 kg	73,00
0408 99 80 9100	E18	EUR/100 kg	18,00

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 750/2005 (OJ L 126, 19.05.2005, p. 12).

The other destinations are defined as follows:

E09 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR, Russia and Turkey.

E10 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines.

E16 all destinations except the United States of America, Romania and Bulgaria.

E17 all destinations except Switzerland, Romania, Bulgaria and those of E09 and E10.

E18 all destinations except Switzerland, Romania and Bulgaria.

COMMISSION REGULATION (EC) No 1874/2005**of 16 November 2005****fixing the export refunds on poultrymeat applicable from 17 November 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹⁾, and in particular the third subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.
- (3) Article 21 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down detailed rules for the application of the system of export refunds on agricultural products ⁽²⁾ stipulates that no refund is granted if the products are not of sound and fair marketable quality on the date on which the export declaration is accepted. In order to ensure uniform application of the

rules in force, it should be stated that, in order to qualify for the refund, the poultrymeat listed in Article 1 of Regulation (EEC) No 2777/75 must bear the health mark as laid down in Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat ⁽³⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted and the amount of that refund shall be as shown in the Annex hereto.

However, in order to qualify for the refund, products falling within the scope of Chapter XII of the Annex to Directive 71/118/EEC must also satisfy the health marking conditions laid down in that Directive.

Article 2

This Regulation shall enter into force on 17 November 2005.

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

Done at Brussels, 16 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 671/2004 (OJ L 105, 14.4.2004, p. 5).

⁽³⁾ OJ L 55, 8.3.1971, p. 23. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

ANNEX

Export refunds on poultrymeat applicable from 17 November 2005

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	A02	EUR/100 pcs	1,00
0105 11 19 9000	A02	EUR/100 pcs	1,00
0105 11 91 9000	A02	EUR/100 pcs	1,00
0105 11 99 9000	A02	EUR/100 pcs	1,00
0105 12 00 9000	A02	EUR/100 pcs	2,00
0105 19 20 9000	A02	EUR/100 pcs	2,00
0207 12 10 9900	V01	EUR/100 kg	24,00
0207 12 10 9900	A24	EUR/100 kg	24,00
0207 12 90 9190	V01	EUR/100 kg	24,00
0207 12 90 9190	A24	EUR/100 kg	24,00
0207 12 90 9990	V01	EUR/100 kg	24,00
0207 12 90 9990	A24	EUR/100 kg	24,00

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 Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12).

The other destinations are defined as follows:

V01 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.

COMMISSION REGULATION (EC) No 1875/2005**of 16 November 2005****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year**

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⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, and in particular the second sentence of the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2005/2006 marketing year are fixed by

Commission Regulation (EC) No 1011/2005 ⁽³⁾. These prices and duties were last amended by Regulation (EC) No 1806/2005 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 1423/95,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 November 2005.

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

Done at Brussels, 16 November 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

⁽³⁾ OJ L 170, 1.7.2005, p. 35.

⁽⁴⁾ OJ L 290, 4.11.2005, p. 14.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 17 November 2005

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	26,90	3,22
1701 11 90 ⁽¹⁾	26,90	8,08
1701 12 10 ⁽¹⁾	26,90	3,08
1701 12 90 ⁽¹⁾	26,90	7,65
1701 91 00 ⁽²⁾	24,18	13,48
1701 99 10 ⁽²⁾	24,18	8,62
1701 99 90 ⁽²⁾	24,18	8,62
1702 90 99 ⁽³⁾	0,24	0,40

⁽¹⁾ Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ Fixed for the standard quality defined in Annex I.I to Regulation (EC) No 1260/2001.

⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 1876/2005**of 16 November 2005****altering the export refunds on white sugar and raw sugar exported in the natural state fixed by
Regulation (EC) No 1828/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The export refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1828/2005 ⁽²⁾.

- (2) Since the data currently available to the Commission are different to the data at the time Regulation (EC) No 1828/2005 was adopted, those refunds should be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1828/2005 are hereby altered to the amounts shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 November 2005.

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

Done at Brussels, 16 November 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 295, 11.11.2005, p. 5.

ANNEX

AMENDED AMOUNTS OF REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 17 NOVEMBER 2005 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	32,69 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	32,69 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	32,69 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	32,69 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3554
1701 99 10 9100	S00	EUR/100 kg	35,54
1701 99 10 9910	S00	EUR/100 kg	35,54
1701 99 10 9950	S00	EUR/100 kg	35,54
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3554

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

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

The other destinations are:

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

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

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

COMMISSION REGULATION (EC) No 1877/2005**of 16 November 2005****amending the export refunds on syrups and certain other sugar sector products exported in the natural state, as fixed by Regulation (EC) No 1761/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 1761/2005 ⁽²⁾.
- (2) Since the information at present available to the Commission is different to that available to it at the

time Regulation (EC) No 1761/2005 was adopted, these refunds should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1(1)(d), (f) and (g), of Regulation (EC) No 1260/2001, fixed by Regulation (EC) No 1761/2005 for the marketing year 2005/06, are hereby amended and detailed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 November 2005.

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

Done at Brussels, 16 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 285, 27.10.2005, p. 14.

ANNEX

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

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	35,54 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	35,54 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	67,52 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3554 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	35,54 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3554 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3554 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,3554 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	35,54 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3554 ⁽³⁾

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

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

The other destinations are defined as follows:

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 1878/2005**of 16 November 2005****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽³⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁴⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

- (2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.

- (3) It is necessary to apply this amendment as soon as possible, given the situation on the market.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 17 November 2005.

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

Done at Brussels, 16 November 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003.

⁽³⁾ OJ L 282, 1.11.1975, p. 104. Regulation as last amended by Commission Regulation (EC) No 2916/95 (OJ L 305, 19.12.1995, p. 49).

⁽⁴⁾ OJ L 145, 29.6.1995, p. 47. Regulation as last amended by Regulation (EC) No 1715/2005 (OJ L 274, 20.10.2005, p. 80).

ANNEX

to the Commission Regulation of 16 November 2005 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

‘ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as “65 % chickens”, or otherwise presented, frozen	104,0	4	01
		98,0	6	03
0207 14 10	Boneless cuts of fowl of the species Gallus domesticus, frozen	220,1	24	01
		219,5	24	02
		233,8	20	03
		262,2	11	04
0207 27 10	Boneless cuts of turkey, frozen	212,3	25	01
		266,2	9	04
1602 32 11	Preparations of uncooked fowl of the species Gallus domesticus	190,6	29	01
		264,1	7	03
		233,9	16	04

⁽¹⁾ Origin of imports:

- 01 Brazil
- 02 Thailand
- 03 Argentina
- 04 Chile.

COMMISSION REGULATION (EC) No 1879/2005**of 16 November 2005****amending the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The rates of the refunds applicable from 28 October 2005 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1764/2005 ⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 1764/2005 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1764/2005 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 November 2005.

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

Done at Brussels, 16 November 2005.

For the Commission

Günter VERHEUGEN

Vice-President

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

⁽²⁾ OJ L 285, 28.10.2005, p. 21.

ANNEX

Rates of refunds applicable from 17 November 2005 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	35,54	35,54

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 September 2005

on the signing, on behalf of the Community, of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters

(2005/794/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 61(c) thereof, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not bound by the provisions of Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters⁽¹⁾, nor subject to their application.

(2) By Decision of 8 May 2003, the Council authorised exceptionally the Commission to negotiate an agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of the abovementioned Regulation.

(3) The Commission has negotiated such agreement, on behalf of the Community, with the Kingdom of Denmark.

(4) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community, are taking part in the adoption and application of this Decision.

(5) In accordance with Articles 1 and 2 of the abovementioned Protocol on the position of Denmark, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(6) The Agreement, initialled at Brussels on 17 January 2005, should be signed,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said Agreement.

⁽¹⁾ OJ L 160, 30.6.2000, p. 37.

The text of the Agreement 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 on behalf of the Community subject to its conclusion.

Done at Brussels, 20 September 2005.

For the Council
The President
M. BECKETT

AGREEMENT**between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE KINGDOM OF DENMARK, hereinafter referred to as 'Denmark',

of the other part,

DESIRING to improve and expedite transmission between Denmark and the other Member States of the Community of judicial and extrajudicial documents in civil or commercial matters,

CONSIDERING that transmission for this purpose is to be made directly between local bodies designated by the Contracting Parties,

CONSIDERING that speed in transmission warrants the use of all appropriate means, provided that certain conditions as to the legibility and reliability of the documents received are observed,

CONSIDERING that security in transmission requires that the document to be transmitted be accompanied by a pre-printed form, to be completed in the language of the place where the service is to be effected, or in another language accepted by the receiving Member State,

CONSIDERING that to secure the effectiveness of this Agreement, the possibility of refusing service of documents should be confined to exceptional situations,

WHEREAS the Convention on the service in the Member States of the European Union of judicial and extrajudicial documents in civil or commercial matters drawn up by the Council of the European Union by Act of 26 May 1997 ⁽¹⁾ has not entered into force and that continuity in the results of the negotiations for conclusion of the Convention should be ensured,

WHEREAS the main content of that Convention has been taken over in Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters ⁽²⁾ (the Regulation on the service of documents),

REFERRING to the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community (the Protocol on the position of Denmark) pursuant to which the Regulation on the service of documents shall not be binding upon or applicable in Denmark,

DESIRING that the provisions of the Regulation on the service of documents, future amendments hereto and the implementing measures relating to it should under international law apply to the relations between the Community and Denmark being a Member State with a special position with respect to Title IV of the Treaty establishing the European Community,

STRESSING the importance of proper coordination between the Community and Denmark with regard to the negotiation and conclusion of international agreements that may affect or alter the scope of the Regulation on the service of documents,

STRESSING that Denmark should seek to join international agreements entered into by the Community where Danish participation in such agreements is relevant for the coherent application of the Regulation on the service of documents and this Agreement,

⁽¹⁾ OJ C 261, 27.8.1997, p. 1. On the same day as the Convention was drawn up the Council took note of the explanatory report on the Convention which is set out on p. 26 of the aforementioned Official Journal.

⁽²⁾ OJ L 160, 30.6.2000, p. 37.

STATING that the Court of Justice of the European Communities should have jurisdiction in order to secure the uniform application and interpretation of this Agreement including the provisions of the Regulation on the service of documents and any implementing Community measures forming part of this Agreement,

REFERRING to the jurisdiction conferred to the Court of Justice of the European Communities pursuant to Article 68(1) of the Treaty establishing the European Community to give rulings on preliminary questions relating to the validity and interpretation of acts of the institutions of the Community based on Title IV of the Treaty, including the validity and interpretation of this Agreement, and to the circumstance that this provision shall not be binding upon or applicable in Denmark, as results from the Protocol on the position of Denmark,

CONSIDERING that the Court of Justice of the European Communities should have jurisdiction under the same conditions to give preliminary rulings on questions concerning the validity and interpretation of this Agreement which are raised by a Danish court or tribunal, and that Danish courts and tribunals should therefore request preliminary rulings under the same conditions as courts and tribunals of other Member States in respect of the interpretation of the Regulation on the service of documents and its implementing measures,

REFERRING to the provision that, pursuant to Article 68(3) of the Treaty establishing the European Community, the Council of the European Union, the European Commission and the Member States may request the Court of Justice of the European Communities to give a ruling on the interpretation of acts of the institutions of the Community based on Title IV of the Treaty, including the interpretation of this Agreement, and the circumstance that this provision shall not be binding upon or applicable in Denmark, as results from the Protocol on the position of Denmark,

CONSIDERING that Denmark should, under the same conditions as other Member States in respect of the Regulation on the service of documents and its implementing measures, be accorded the possibility to request the Court of Justice of the European Communities to give rulings on questions relating to the interpretation of this Agreement,

STRESSING that under Danish law the courts in Denmark should — when interpreting this Agreement including the provisions of the Regulation on the service of documents and any implementing Community measures forming part of this Agreement — take due account of the rulings contained in the case law of the Court of Justice of the European Communities and of the courts of the Member States of the European Communities in respect of provisions of the Regulation on the service of documents and any implementing Community measures,

CONSIDERING that it should be possible to request the Court of Justice of the European Communities to rule on questions relating to compliance with obligations under this Agreement pursuant to the provisions of the Treaty establishing the European Community governing proceedings before the Court,

WHEREAS, by virtue of Article 300(7) of the Treaty establishing the European Community, this Agreement binds Member States; it is therefore appropriate that Denmark, in the case of non-compliance by a Member State, should be able to seize the Commission as guardian of the Treaty,

HAVE AGREED AS FOLLOWS:

Article 1

Aim

1. The aim of this Agreement is to apply the provisions of the Regulation on the service of documents and its implementing measures to the relations between the Community and Denmark, in accordance with Article 2(1) of this Agreement.

2. It is the objective of the Contracting Parties to arrive at a uniform application and interpretation of the provisions of the Regulation on the service of documents and its implementing measures in all Member States.

3. The provisions of Articles 3(1), 4(1) and 5(1) of this Agreement result from the Protocol on the position of Denmark.

Article 2

Cooperation on the service of documents

1. The provisions of the Regulation on the service of documents, which is annexed to this Agreement and forms part thereof, together with its implementing measures adopted pursuant to Article 17 of the Regulation and — in respect of implementing measures adopted after the entry into force of this Agreement — implemented by Denmark as referred to in Article 4 of this Agreement, and the information communicated by Member States under Article 23 of the Regulation, shall under international law apply to the relations between the Community and Denmark.

2. The date of entry into force of this Agreement shall apply instead of the date referred to in Article 25 of the Regulation.

Article 3

Amendments to the Regulation on the service of documents

1. Denmark shall not take part in the adoption of amendments to the Regulation on the service of documents and no such amendments shall be binding upon or applicable in Denmark.

2. Whenever amendments to the Regulation are adopted Denmark shall notify the Commission of its decision whether or not to implement the content of such amendments. Notification shall be given at the time of the adoption of the amendments or within 30 days thereafter.

3. If Denmark decides that it will implement the content of the amendments the notification shall indicate whether implementation can take place administratively or requires parliamentary approval.

4. If the notification indicates that implementation can take place administratively the notification shall, moreover, state that all necessary administrative measures enter into force on the date of entry into force of the amendments to the Regulation or have entered into force on the date of the notification, whichever date is the latest.

5. If the notification indicates that implementation requires parliamentary approval in Denmark, the following rules shall apply:

(a) legislative measures in Denmark shall enter into force on the date of entry into force of the amendments to the Regulation or within 6 months after the notification, whichever date is the latest;

(b) Denmark shall notify the Commission of the date upon which the implementing legislative measures enter into force.

6. A Danish notification that the content of the amendments have been implemented in Denmark, in accordance with paragraph 4 and 5, creates mutual obligations under international law between Denmark and the Community. The amendments to the Regulation shall then constitute amendments to this Agreement and shall be considered annexed hereto.

7. In cases where:

(a) Denmark notifies its decision not to implement the content of the amendments; or

(b) Denmark does not make a notification within the 30-day time limit set out in paragraph 2; or

(c) legislative measures in Denmark do not enter into force within the time limits set out in paragraph 5,

this Agreement shall be considered terminated unless the parties decide otherwise within 90 days or, in the situation referred to under (c), legislative measures in Denmark enter into force within the same period. Termination shall take effect three months after the expiry of the 90-day period.

8. Requests that have been transmitted before the date of termination of the Agreement as set out in paragraph 7 are not affected hereby.

Article 4

Implementing measures

1. Denmark shall not take part in the adoption of opinions by the Committee referred to in Article 18 of the Regulation on the service of documents. Implementing measures adopted pursuant to Article 17 of that Regulation shall not be binding upon and shall not be applicable in Denmark.

2. Whenever implementing measures are adopted pursuant to Article 17 of the Regulation, the implementing measures shall be communicated to Denmark. Denmark shall notify the Commission of its decision whether or not to implement the content of the implementing measures. Notification shall be given upon receipt of the implementing measures or within 30 days thereafter.

3. The notification shall state that all necessary administrative measures in Denmark enter into force on the date of entry into force of the implementing measures or have entered into force on the date of the notification, whichever date is the latest.

4. A Danish notification that the content of the implementing measures has been implemented in Denmark creates mutual obligations under international law between Denmark and the Community. The implementing measures will then form part of this Agreement.

5. In cases where:

(a) Denmark notifies its decision not to implement the content of the implementing measures; or

(b) Denmark does not make a notification within the 30-day time limit set out in paragraph 2,

this Agreement shall be considered terminated unless the parties decide otherwise within 90 days. Termination shall take effect three months after the expiry of the 90-day period.

6. Requests that have been transmitted before the date of termination of the Agreement as set out in paragraph 5 are not affected hereby.

7. If in exceptional cases the implementation requires parliamentary approval in Denmark, the Danish notification under paragraph 2 shall indicate this and the provisions of Article 3(5) to (8), shall apply.

8. Denmark shall communicate to the Commission the information referred to in Articles 2, 3, 4, 9, 10, 13, 14, 15, 17(a) and 19 of the Regulation on the service of documents. The Commission shall publish this information together with the relevant information concerning the other Member States. The manual and the glossary drawn up pursuant to Article 17 of that Regulation shall include also the relevant information on Denmark.

Article 5

International agreements which affect the Regulation on the service of documents

1. International agreements entered into by the Community when exercising its external competence based on the rules of the Regulation on the service of documents shall not be binding upon and shall not be applicable in Denmark.

2. Denmark will abstain from entering into international agreements which may affect or alter the scope of the Regulation on the service of documents as annexed to this Agreement unless it is done in agreement with the Community and satisfactory arrangements have been made with regard to the relationship between this Agreement and the international agreement in question.

3. When negotiating international agreements that may affect or alter the scope of the Regulation on the service of documents as annexed to this Agreement, Denmark will coordinate its position with the Community and will abstain from any actions that would jeopardise the objectives of a coordinated position of the Community within its sphere of competence in such negotiations.

Article 6

Jurisdiction of the Court of Justice of the European Communities in relation to the interpretation of the Agreement

1. Where a question on the validity or interpretation of this Agreement is raised in a case pending before a Danish court or tribunal, that court or tribunal shall request the Court of Justice to give a ruling thereon whenever under the same circumstances a court or tribunal of another Member State of the European Union would be required to do so in respect of the Regulation

on the service of documents and its implementing measures referred to in Article 2(1) of this Agreement.

2. Under Danish law, the courts in Denmark shall, when interpreting this Agreement, take due account of the rulings contained in the case law of the Court of Justice in respect of provisions of the Regulation on the service of documents and any implementing Community measures.

3. Denmark may, like the Council, the Commission and any Member State, request the Court of Justice to give a ruling on a question of interpretation of this Agreement. The ruling given by the Court of Justice in response to such a request shall not apply to judgments of courts or tribunals of the Member States which have become *res judicata*.

4. Denmark shall be entitled to submit observations to the Court of Justice in cases where a question has been referred to it by a court or tribunal of a Member State for a preliminary ruling concerning the interpretation of any provision referred to in Article 2(1).

5. The Protocol on the Statute of the Court of Justice of the European Communities and its Rules of Procedure shall apply.

6. If the provisions of the Treaty establishing the European Community regarding rulings by the Court of Justice are amended with consequences for rulings in respect of the Regulation on the service of documents, Denmark may notify the Commission of its decision not to apply the amendments under this Agreement. Notification shall be given at the time of the entry into force of the amendments or within 60 days thereafter.

In such a case this Agreement shall be considered terminated. Termination shall take effect three months after the notification.

7. Requests that have been transmitted before the date of termination of the Agreement as set out in paragraph 6 are not affected hereby.

Article 7

Jurisdiction of the Court of Justice of the European Communities in relation to compliance with the Agreement

1. The Commission may bring before the Court of Justice cases against Denmark concerning non-compliance with any obligation under this Agreement.

2. Denmark may bring a complaint before the Commission as to the non-compliance by a Member State of its obligations under this Agreement.

3. The relevant provisions of the Treaty establishing the European Community governing proceedings before the Court of Justice as well as the Protocol on the Statute of the Court of Justice of the European Communities and its Rules of Procedure shall apply.

Article 8

Territorial application

This Agreement shall apply to the territories referred to in Article 299 of the Treaty establishing the European Community.

Article 9

Termination of the Agreement

1. This Agreement shall terminate if Denmark informs the other Member States that it no longer wishes to avail itself of the provisions of Part I of the Protocol on the position of Denmark, in accordance with Article 7 of that Protocol.

2. This Agreement may be terminated by either Contracting Party giving notice to the other Contracting Party. Termination shall be effective six months after the date of such notice.

3. Requests that have been transmitted before the date of termination of the Agreement as set out in paragraph 1 or 2 are not affected hereby.

Article 10

Entry into force

1. The Agreement shall be adopted by the Contracting Parties in accordance with their respective procedures.

2. The Agreement shall enter into force on the first day of the sixth month following the notification by the Contracting Parties of the completion of their respective procedures required for this purpose.

Article 11

Authenticity of texts

This Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovene, Slovak, Spanish and Swedish languages, each of these texts being equally authentic.

Hecho en Bruselas, el diecinueve de octubre del dos mil cinco.

V Bruselu dne devatenáctého října dva tisíce pět.

Udfærdiget i Bruxelles den nittende oktober to tusind og fem.

Geschehen zu Brüssel am neunzehnten Oktober zweitausendfünf.

Kahe tuhande viienda aasta oktoobrikuu üheksateistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα εννέα Οκτωβρίου δύο χιλιάδες πέντε.

Done at Brussels on the nineteenth day of October in the year two thousand and five.

Fait à Bruxelles, le dix-neuf octobre deux mille cinq.

Fatto a Bruxelles, addì diciannove ottobre duemilacinque.

Briselē, divtūkstoš piektā gada deviņpadsmitajā oktobrī.

Priimta du tūkstančiai penktų metų spalio devynioliktą dieną Briuselyje.

Kelt Brüsszelben, a kettőezer ötödik év október tizenkilencedik napján.

Magħmul fi Brussel, fid-dsatax jum ta' Ottubru tas-sena elfejn u hamsa.

Gedaan te Brussel, de negentiende oktober tweeduizend vijf.

Sporządzono w Brukseli dnia dziewiętnastego października roku dwa tysiące piątego.

Feito em Bruxelas, em dezanove de Outubro de dois mil e cinco.

V Bruseli dňa devätnásteho októbra dvetisícpäť.

V Bruslju, devetnajstega oktobra leta dva tisoč pet.

Tehty Brysselissä yhdeksäntenätoista päivänä lokakuuta vuonna kaksituhattaviisi.

Som skedde i Bryssel den nittonde oktober tjugohundrafem.

Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



Por el Reino de Dinamarca
Za Dánské království
For Kongeriget Danmark
Für das Königreich Dänemark
Taani Kuningriigi nimel
Για το Βασίλειο της Δανίας
For the Kingdom of Denmark
Pour le Royaume de Danemark
Per il Regno di Danimarca
Dānijas Karalistes vārdā
Danijos Karalystės vardu
A Dán Királyság részéről
Għar-Renju tad-Danimarka
Voor het Koninkrijk Denemarken
W imieniu Królestwa Danii
Pelo Reino da Dinamarca
Za Dánske královstvo
Za Kraljevino Dansko
Tanskan kuningaskunnan puolesta
På Konungariket Danmarks vägnar



COUNCIL DECISION
of 7 November 2005
on the replacement of members of the European Social Fund Committee
(2005/795/EC)

THE COUNCIL OF THE EUROPEAN UNION,

(2) In the meantime, the seats of various members have become vacant as a result of resignations.

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 49 thereof,

(3) Members must be appointed to the European Social Fund Committee for the seats that have become vacant,

Having regard to the Council Decision of 24 September 2004 appointing members and alternate members of the Committee referred to in Article 147 of the EC Treaty ⁽²⁾,

HAS DECIDED AS FOLLOWS:

Sole Article

Having regard to the proposal from the Commission,

The persons whose names are set out in the Annex are hereby appointed members of the European Social Fund Committee for the remaining term of office, i.e. until 30 April 2007, as indicated.

Whereas:

Done at Brussels, 7 November 2005.

(1) The Council, acting on a proposal from the Commission, by Decision of 24 September 2004 appointed the members and alternate members of the European Social Fund Committee for the period up to 30 April 2007.

For the Council
The President
J. STRAW

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ C 252, 12.10.2005, p. 1.

ANNEX

Member State	Representative	Member	Name	Replacing
Belgium	Government	Member	Mr Günther MATTHEUSSENS	Mr Dominik ROLAND
Czech Republic	Government	Member	Mr Čestmír SAJDA	Mr František KONÍČEK
	Government	Alternate member	Ms Markéta PĚCHOUČKOVÁ	Mr Tomáš KUČTÍK
	Employers	Member	Mr Josef FORNŮSEK	Mr Jiri KOHOUTEK
Denmark	Employers	Member	Ms Lise PONTOPPIDAN	Ms Lise SKANTING
	Trade Union	Alternate member	Mr Poul HANSEN	Mr Tyge GROES
Germany	Trade Union	Member	Mr Hans-Detlev KÜLLER	Mr Jochen LAUX
Estonia	Government	Member	Ms Merlin ORGLA	Ms Kertu SAKS
	Government	Alternate member	Ms Mari VÄLI	Ms Merlin ORGLA
Greece	Government	Member	Mr Georgios ZERVOS	Ms Anna DALAPORTA
	Government	Member	Mr Dimitrios KYROUSIS	Mr Magas KONSTANTINOS
	Government	Alternate member	—	Ms Ourania ANTHOPOULOU ⁽¹⁾
Spain	Government	Member	—	Mr Gonzalo GÓMEZ DE VILLALOBOS ⁽¹⁾
	Government	Alternate member	Mr Carlos GARCÍA de CORTÁZAR	Mr Miguel COLINA ROBLEDÓ
	Trade Union	Member	Ms Ana HERMOSO CANOURA	Ms Ana HERMOSO ⁽²⁾
France	Employers	Alternate member	Mr Gaetan BEZIER	Ms Alexandra DENIS
Ireland	Government	Member	Mr Vincent LANDERS	Mr William PARNELL
Italy	Government	Member	Ms Vera MARINCIONI	Ms Aviana BULGARELLI
	Employers	Member	Mr Bruno SCAZZOCCHIO	Mr Claudio GENTILI
	Employers	Member	Ms Ilaria DI CROCE	Ms Eleonora PISICCHIO
Cyprus	Trade Union	Alternate member	Mr Diomides DIOMIDOUS	Mr Diomedes DIOMEDOUS ⁽²⁾
Latvia	Trade Union	Member	Ms Linda ROMELE	Ms Iveta OZOLA
Lithuania	Employers	Member	Mr Vaidotas LEVICKIS	Mr Vaidotas LEVICKAS ⁽²⁾
	Employers	Alternate member	Ms Marija ZOKAITE	Ms Laura SIRVYDIENE
Hungary	Government	Member	Ms Judit TÖRÖKNE RÓZSA	Ms Judit RÓZSA ⁽²⁾
Malta	Government	Alternate member	Mr Robert TABONE	Ms Sue VELLA
	Trade Union	Alternate member	Mr Anthony MICALLEF DEBONO	Mr Charles MAGRO
Poland	Employers	Member	Mr Jacek STRZELECKI	Mr Andrzej JANKOWSKI

Member State	Representative	Member	Name	Replacing
Portugal	Government	Alternate member	Mr Ramiro RIBEIRO DE ALMEIDA	Mr José REALINHO DE MATOS
	Trade Union	Member	Mr Georges CASULA	Mr Eugénio Óscar GARCIA DA ROSA
Slovenia	Government	Member	Ms Neva MAHER	Ms Staša BALOH-PLAHUTNIK
	Government	Member	Ms Vesna MILETIČ	Ms Nastja STERGAR
Slovakia	Government	Member	Mr Ján RUDOLF	Ms Andrea KOSTOLNÁ
	Employers	Member	Ms Viola KROMEROVÁ	Mr Daniel HRDINA
	Employers	Alternate member	Mr Peter MOLNÁR	Ms Viola KROMEROVÁ
	Trade Union	Alternate member	Ms Naile PROKESOVÁ	Ms Margita ANČICOVÁ
Finland	Employers	Alternate member	Mr Mikko RÄSÄNEN	Mr Jukka AHTELA
	Trade Union	Member	Mr Tom HOLMROOS	Ms Mervi HUUSKONEN
Sweden	Government	Member	Mr Johannes WIKMAN	Mr Ingmar PAULSSON
	Trade Union	Member	Ms Erika BERNDT	Ms Erika KJELLSTRAND ^(?)
United Kingdom	Employers	Member	Mr Neil CARBERRY	Mr Anthony THOMPSON

⁽¹⁾ Has not yet been replaced.

⁽²⁾ Correction of previous Decision.

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

COUNCIL JOINT ACTION 2005/796/CFSP
of 14 November 2005
amending the mandate of the European Union Special Representative for the Middle East peace process

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 8 December 2003 the Council adopted Joint Action 2003/873/CFSP extending and amending the mandate of the Special Representative of the European Union for the Middle East peace process ⁽¹⁾. On 28 June 2004 the Council adopted Joint Action 2004/534/CFSP ⁽²⁾ extending that mandate and amending Joint Action 2003/873/CFSP.
- (2) On 28 July 2005 the Council adopted Joint Action 2005/587/CFSP ⁽³⁾ extending the mandate of the European Union Special Representative (EUSR) for the Middle East peace process until 28 February 2006.
- (3) On 14 November 2005 the Council adopted Joint Action 2005/797/CFSP ⁽⁴⁾ on the European Union Police Mission for the Palestinian territories, EUPOL COPPS, which designates a specific role of the EUSR. His mandate should be amended accordingly.
- (4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2003/873/CFSP is hereby amended as follows:

1. the following point is added to Article 2:

‘(e) the establishment of sustainable and effective policing arrangements under Palestinian ownership in accordance with best international standards, in cooperation with the European Community’s institution building programmes as well as other international efforts in the wider context of Security Sector, including Criminal Justice Reform.’;

2. the following point is added to Article 3:

‘(m) to give guidance, as necessary, to the Head of Mission/Police Commissioner of the European Union Coordinating Office for Palestinian Police Support (EUPOL COPPS)’.

Article 2

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

Article 3

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

Done at Brussels, 14 November 2005.

For the Council

The President

T. JOWELL

⁽¹⁾ OJ L 326, 13.12.2003, p. 46.

⁽²⁾ OJ L 234, 3.7.2004, p. 18.

⁽³⁾ OJ L 199, 29.7.2005, p. 99.

⁽⁴⁾ See page 65 of this Official Journal.

COUNCIL JOINT ACTION 2005/797/CFSP**of 14 November 2005****on the European Union Police Mission for the Palestinian Territories**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 and the third subparagraph of Article 25 thereof,

Whereas:

security' of the Palestinian population and at serving the domestic agenda of the Palestinian Authority in reinforcing the rule of law.

- (1) The European Union, as part of the Quartet, is committed to assisting and facilitating the implementation of the Roadmap, which lays out reciprocal steps by the Israeli Government and the Palestinian Authority in the political, security, economic, humanitarian, and institution building fields, that will result in the emergence of an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbours.
- (2) The European Council of 17 and 18 June 2004 reaffirmed the readiness of the EU to support the Palestinian Authority in taking responsibility for law and order, and in particular, in improving its civil police and law enforcement capacity.
- (3) The European Union Coordinating Office for Palestinian Police Support was formally established by an Exchange of Letters on 20 April 2005 between the Palestinian Prime Minister Ahmed Qurei and the EU Special Representative to the Middle-East Peace Process Marc Otte.
- (4) The General Affairs and External Relations Council of 18 July 2005 reiterated the EU commitment to contributing to the development of Palestinian security capacity through the Palestinian Civil Police, in coordination with the US Security Coordinator. It also agreed in principle that EU support to the Palestinian Civil Police should take the form of an European Security and Defence Policy mission building on the work of the EU Coordinating Office for Palestinian Police Support in cooperation with all the parties concerned.
- (5) The follow-on to the EU Coordinating Office for Palestinian Police Support is an expression of the EU continued readiness to support the Palestinian Authority in complying with its Roadmap obligations, in particular with regard to 'security' and 'institution-building', including the process of consolidating the Palestinian security organisations into three services reporting to an empowered Palestinian Minister of Interior. Furthermore, the support of the EU to the Palestinian Civil Police aims at increasing the 'safety and security' of the Palestinian population and at serving the domestic agenda of the Palestinian Authority in reinforcing the rule of law.
- (6) In a letter of invitation of 25 October 2005 the Palestinian Authority invited the EU to launch an European Union Police Mission for the Palestinian Territories (EUPOL COPPS).
- (7) EUPOL COPPS will be complementary and will bring added value to current international efforts, as well as develop synergies with ongoing European Community and Member States efforts. EUPOL COPPS will seek coherence and coordination with the capacity-building actions of the Community, notably in the domain of criminal justice.
- (8) EU assistance will be conditional on the extent of the Palestinian Authority's commitment and support for police reorganisation and reform. An adequate mechanism for coordination and cooperation with the relevant Palestinian authorities will be established during the planning phase to ensure their involvement in the development and follow-up of EUPOL COPPS. An adequate mechanism for coordination and cooperation with the relevant Israeli authorities will be established to ensure their facilitation of the EUPOL COPPS activities.
- (9) EUPOL COPPS will be set in the wider context of the international community's effort to support the Palestinian Authority in taking responsibility for law and order, and in particular, in improving its civil police and law enforcement capacity. Close coordination between EUPOL COPPS and other international actors involved in security assistance, including the US Security Coordinator, as well as those providing support to the Palestinian Ministry of Interior, will be ensured.
- (10) EUPOL COPPS will implement its mandate in the context of a situation which poses a threat to law and order, the security and safety of individuals, and to the stability of the area and which could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty.
- (11) In conformity with the guidelines of the European Council meeting in Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary-General/High Representative, in accordance with Articles 18 and 26 of the Treaty.

- (12) Article 14(1) of the Treaty calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action. The indication of amounts to be financed by the Community budget illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. The European Union hereby establishes the European Union Police Mission for the Palestinian Territories, hereinafter referred to as the European Union Coordinating Office for Palestinian Police Support (EUPOL COPPS), with an operational phase beginning no later than on 1 January 2006.

2. EUPOL COPPS shall operate in accordance with the mission statement as set out in Article 2.

Article 2

Mission statement

1. The aim of EUPOL COPPS is to contribute to the establishment of sustainable and effective policing arrangements under Palestinian ownership in accordance with best international standards, in cooperation with the Community's institution building programmes as well as other international efforts in the wider context of Security Sector including Criminal Justice Reform.

To this end EUPOL COPPS shall:

- (a) assist the Palestinian Civil Police (PCP) in implementation of the Police Development Programme by advising and closely mentoring PCP, and specifically senior officials at District, Headquarters and Ministerial level;
- (b) coordinate and facilitate EU and Member State assistance, and where requested, international assistance to PCP;
- (c) advise on police-related Criminal Justice elements.

Article 3

Duration

The mission will have a duration of three years.

Article 4

Review

A six-monthly review process, in accordance with the assessment criteria set out in the Concept of Operations

(CONOPS) and the Operation Plan (OPLAN) and taking into account developments on the ground, will enable adjustments to be made to the EUPOL COPPS size and scope as necessary.

Article 5

Structure

In achieving its mission, EUPOL COPPS shall consist of the following elements:

- 1. Head of Mission/Police Commissioner,
- 2. Advisory Section,
- 3. Programme Coordination Section,
- 4. Administration Section.

These elements shall be developed in CONOPS and OPLAN. The Council shall approve the CONOPS and the OPLAN.

Article 6

Head of Mission/Police Commissioner

- 1. The Head of Mission/Police Commissioner shall exercise Operational Control (OPCON) over EUPOL COPPS and assume the day-to-day management of EUPOL COPPS and coordination of EUPOL COPPS activities including the management of security of EUPOL COPPS staff, resources and information.
- 2. The Head of Mission/Police Commissioner shall be responsible for disciplinary control over the EUPOL COPPS staff. For seconded staff, disciplinary action shall be exercised by the national or EU authority concerned.
- 3. The Head of Mission/Police Commissioner shall sign a contract with the Commission.

Article 7

Planning phase

- 1. During the planning phase of the mission, a planning team shall be established and shall comprise the Head of Mission/Police Commissioner, who shall lead the planning team, and the necessary staff to deal with functions ensuing from established needs of the mission.
- 2. A comprehensive risk assessment shall be carried out as a priority in the planning process and shall be updated as necessary.

3. The planning team shall draw up an OPLAN and develop all technical instruments necessary to execute the mission. The OPLAN shall take into account the comprehensive risk assessment and shall include a security plan.

Article 8

EUPOL COPPS staff

1. The numbers and competence of EUPOL COPPS staff shall be consistent with the mission statement set out in Article 2 and the structure set out in Article 5.

2. EUPOL COPPS staff shall be seconded by Member States or EU institutions. Each Member State shall bear the costs related to EUPOL COPPS staff seconded by it, including salaries, medical coverage, travel expenses to and from the mission area, and allowances other than per diems.

3. International staff and local staff shall be recruited on a contractual basis by EUPOL COPPS as required.

4. Third States may also, as appropriate, second mission staff. Each seconding third State shall bear the costs related to any of the staff seconded by it, including salaries, medical coverage, allowances, high-risk insurance and travel expenses to and from the mission area.

5. All staff shall remain under the authority of the appropriate sending State or EU institution and shall carry out their duties and act in the interest of the mission. All staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations ⁽¹⁾.

Article 9

Status of EUPOL COPPS staff

1. Where required, the status of EUPOL COPPS staff, including, where appropriate, the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUPOL COPPS shall be subject of an agreement to be concluded in accordance with the procedure laid down in Article 24 of the Treaty. The Secretary-General/High Representative, assisting the Presidency, may negotiate such arrangements on its behalf.

2. Member State or EU institution having seconded a staff member shall be responsible for answering any claims, from or concerning the staff member, linked to the secondment.

Member State or EU institution in question shall be responsible for bringing any action against the secondee.

3. The conditions of employment and the rights and obligations of international and local staff shall be laid down in the contracts between the Head of Mission/Police Commissioner and the staff member.

Article 10

Chain of command

1. EUPOL COPPS shall have a unified chain of command, as a crisis management operation.

2. The Political and Security Committee (PSC) shall provide the political control and strategic direction.

3. The Secretary-General/High Representative shall give guidance to the Head of Mission/Police Commissioner through the EU Special Representative.

4. The Head of Mission/Police Commissioner shall lead EUPOL COPPS and assume its day-to-day management.

5. The Head of Mission/Police Commissioner shall report to the Secretary-General/High Representative through the EU Special Representative.

6. The EU Special Representative shall report to the Council through the Secretary-General/High Representative.

Article 11

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of the mission.

2. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the Treaty. This authorisation shall include the powers to appoint a Head of Mission/Police Commissioner, upon a proposal by the Secretary-General/High Representative, and to amend the OPLAN and the chain of command. The Council, assisted by the Secretary-General/High Representative, shall decide on the objectives and termination of the mission.

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

⁽¹⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2005/571/EC (OJ L 193, 23.7.2005, p. 31).

4. The PSC shall receive reports by the Head of Mission/Police Commissioner regarding contributions to and the conduct of the mission, at regular intervals. The PSC may invite the Head of Mission/Police Commissioner to its meetings, as appropriate.

Article 12

Participation of third States

1. Without prejudice to the decision-making autonomy of the EU and its single institutional framework, acceding States shall be invited and third States may be invited to contribute to EUPOL COPPS provided that they bear the cost of the staff seconded by them, including salaries, medical coverage, allowances, high-risk insurance and travel expenses to and from the mission area, and contribute to the running costs of EUPOL COPPS, as appropriate.

2. Third States making contributions to EUPOL COPPS shall have the same rights and obligations in terms of day-to-day management of the mission as Member States taking part in the mission.

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.

4. Detailed arrangements regarding the participation of third States shall be subject of an agreement to be concluded in accordance with the procedures laid down in Article 24 of the Treaty. The Secretary-General/High Representative, assisting the Presidency, may negotiate such arrangements on its behalf. Where the EU and a third State have concluded an agreement establishing a framework for the participation of this third State in the EU crisis management operations, the provisions of such an agreement shall apply in the context of EUPOL COPPS.

Article 13

Security

1. The Head of Mission/Police Commissioner shall be responsible for the security of EUPOL COPPS and shall, in consultation with the Security Office of the General Secretariat of the Council, be responsible for ensuring compliance with minimum security requirements in conformity with the Council's security regulations.

2. EUPOL COPPS shall have a dedicated mission Security Officer reporting to the Head of Mission/Police Commissioner.

3. The Head of Mission/Police Commissioner shall consult with the PSC on security issues affecting the deployment of

EUPOL COPPS as directed by the Secretary-General/High Representative.

4. EUPOL COPPS staff members shall undergo mandatory security training organised by the Security Office of the General Secretariat of the Council and medical checks prior to any deployment or travel to the mission area.

Article 14

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the mission shall be EUR 2,5 million for 2005 and EUR 3,6 million for 2006.

2. The final budget of EUPOL COPPS for the years 2006, 2007 and 2008 shall be decided by the Council on an annual basis.

3. The expenditure financed by the amount referred to in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the EU with the exception that any pre-financing shall not remain the property of the Community. Nationals of third States participating financially in the mission, of host parties and, if required for the operational needs of the mission, of neighbouring countries shall be allowed to tender for contracts.

4. The Head of Mission/Police Commissioner shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

5. The financial arrangements shall respect the operational requirements of EUPOL COPPS, including compatibility of equipment and interoperability of its teams.

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

Article 15

Community action

1. The Council and the Commission shall, each in accordance with their respective powers, ensure consistency between the implementation of this Joint Action and the external activities of the Community in accordance with the second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end.

2. The necessary coordination arrangements shall be put in place in the mission area, as appropriate, as well as in Brussels.

*Article 16***Release of classified information**

1. The Secretary-General/High Representative is authorised to release to third States associated with this Joint Action, as appropriate and in accordance with the operational needs of the mission, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the mission, in accordance with the Council's security regulations.

2. In the event of a specific and immediate operational need, the Secretary-General/High Representative is also authorised to release to the local authorities EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the mission, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the local authorities in accordance with the procedures appropriate to their level of cooperation with the EU.

3. The Secretary-General/High Representative is authorised to release to third States associated with this Joint Action and to the local authorities EU non-classified documents related to the deliberations of the Council with regard to the mission covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

*Article 17***Entry into force**

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

It shall expire on 31 December 2008.

*Article 18***Publication**

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

Done at Brussels, 14 November 2005.

For the Council
The President
T. JOWELL

⁽¹⁾ Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure (OJ L 106, 15.4.2004, p. 22). Decision as amended by Decision 2004/701/EC, Euratom (OJ L 319, 20.10.2004, p. 15).