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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2033/2005**of 8 December 2005****fixing for the 2006 fishing year the guide prices and Community producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 18(3) and Article 26(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Article 18(1) and Article 26(1) of Regulation (EC) No 104/2000 provide that a guide price and a Community producer price should be fixed for each fishing year in order to determine price levels for intervention on the market for certain fisheries products.

(2) Article 18(1) of Regulation (EC) No 104/2000 requires the guide price to be fixed for each of the products and groups of products listed in Annexes I and II to that Regulation.

(3) On the basis of currently available data on the prices for the products concerned and the criteria referred to in Article 18(2) of Regulation (EC) No 104/2000, the guide prices should be increased, maintained or reduced for the 2006 fishing year depending on the species.

(4) Article 26(1) of Regulation (EC) No 104/2000 requires the Community producer price to be fixed for the products listed in Annex III to that Regulation. It is appropriate to establish the Community producer price

for one of those products and calculate the Community producer price for the others by means of the conversion factors established by Commission Regulation (EEC) No 3510/82 of 23 December 1982 fixing the conversion factors applicable to fish of the genera *Thunnus* and *Euthynnus* ⁽²⁾.

(5) On the basis of the criteria laid down in the first and second indents of Article 18(2) and in Article 26(1) of Regulation (EC) No 104/2000, the Community producer price for the 2006 fishing year should be adjusted.

(6) Given the urgency of the matter, it is important to grant an exception to the six-week period mentioned in paragraph 1(3) of the Protocol on the role of national parliaments in the European Union annexed to the Treaty on the European Union,

HAS ADOPTED THIS REGULATION:

Article 1

For the fishing year from 1 January to 31 December 2006, the guide prices as provided for in Article 18(1) of Regulation (EC) No 104/2000 shall be as set out in Annex I to this Regulation.

Article 2

For the fishing year from 1 January to 31 December 2006, the Community producer prices as provided for in Article 26(1) of Regulation (EC) No 104/2000 shall be as set out in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on 1 January 2006.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22. Regulation as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 368, 28.12.1982, p. 27. Regulation as last amended by Regulation (EEC) No 3899/92 (OJ L 392, 31.12.1992, p. 24).

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

Done at Brussels, 8 December 2005.

For the Council
The President
J. HUTTON

ANNEX I

(EUR/tonne)			
Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/2000	Commercial presentation	Guide price
I	1. Herring of the species <i>Clupea harengus</i>	Whole fish	265
	2. Sardines of the species <i>Sardina pilchardus</i>	Whole fish	572
	3. Dogfish (<i>Squalus acanthias</i>)	Whole fish or gutted fish with head	1 079
	4. Spotted dogfish (<i>Scyliorhinus</i> spp.)	Whole fish or gutted fish with head	763
	5. Redfish (<i>Sebastes</i> spp.)	Whole fish	1 136
	6. Cod of the species (<i>Gadus morhua</i>)	Whole fish or gutted fish with head	1 639
	7. Saithe (<i>Pollachius virens</i>)	Whole fish or gutted fish with head	747
	8. Haddock (<i>Melanogrammus aeglefinus</i>)	Whole fish or gutted fish with head	998
	9. Whiting (<i>Merlangius merlangus</i>)	Whole fish or gutted fish with head	937
	10. Ling (<i>Molva</i> spp.)	Whole fish or gutted fish with head	1 196
	11. Mackerel of the species <i>Scomber scombrus</i>	Whole fish	323
	12. Mackerel of the species <i>Scomber japonicus</i>	Whole fish	294
	13. Anchovy (<i>Engraulis</i> spp.)	Whole fish	1 308
	14. Plaice (<i>Pleuronectes platessa</i>)	Whole fish or gutted fish with head from 1.1. to 30.4.2006	1 074
		Whole fish or gutted fish with head from 1.5. to 31.12.2006	1 484
	15. Hake of the species <i>Merluccius merluccius</i>	Whole fish or gutted fish with head	3 675
	16. Megrim (<i>Lepidorhombus</i> spp.)	Whole fish or gutted fish with head	2 491
	17. Dab (<i>Limanda limanda</i>)	Whole fish or gutted fish with head	881
	18. Common flounder (<i>Platichthys flesus</i>)	Whole fish or gutted fish with head	519
	19. Albacore or longfinned tunas (<i>Thunnus alalunga</i>)	Whole fish	2 220
		Gutted fish with head	2 477
	20. Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>)	Whole	1 621
	21. Monkfish (<i>Lophius</i> spp.)	Whole fish or gutted fish with head	2 867
		Without head	5 928
	22. Shrimp of the species <i>Crangon crangon</i>	Simply boiled in water	2 427
	23. Northern prawn (<i>Pandalus borealis</i>)	Simply boiled in water	6 378
		Fresh or chilled	1 598
	24. Edible crab (<i>Cancer pagurus</i>)	Whole	1 731
	25. Norway lobster (<i>Nephrops norvegicus</i>)	Whole	5 337
		Tails	4 237
	26. Sole (<i>Solea</i> spp.)	Whole fish or gutted fish with head	6 679

(EUR/tonne)			
Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/2000	Commercial presentation	Guide price
II	1. Greenland halibut (<i>Reinhardtius hippoglossoides</i>)	Frozen, in original packages containing the same products	1 917
	2. Hake of the genus <i>Merluccius</i> spp.	Frozen, whole, in original packages containing the same products	1 227
		Frozen, filleted, in original packages containing the same products	1 484
	3. Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)	Frozen, in lots or in original packages containing the same products	1 602
	4. Swordfish (<i>Xiphias gladius</i>)	Frozen, whole, in original packages containing the same products	4 079
	5. Cuttlefish (<i>Sepia officinalis</i>) (<i>Rossia macrosoma</i>) (<i>Sepiola rondeletti</i>)	Frozen, in original packages containing the same products	1 946
	6. Octopus (<i>Octopus</i> spp.)	Frozen, in original packages containing the same products	2 140
	7. Squid (<i>Loligo</i> spp.)	Frozen, in original packages containing the same products	1 168
	8. Squid (<i>Ommastrephes sagittatus</i>)	Frozen, in original packages containing the same products	961
	9. <i>Illex argentinus</i>	Frozen, in original packages containing the same products	870
	10. Prawn of the family <i>Penaeidae</i> — Prawn of the species <i>Parapenaeus longirostris</i> — Other species of the family <i>Penaeidae</i>	Frozen, in original packages containing the same products	4 075
		Frozen, in original packages containing the same products	8 101

ANNEX II

			(EUR/tonne)
Species Products listed in Annex III to Regulation (EC) No 104/2000	Weight	Commercial specifications	Community producer price
Yellowfin tuna (<i>Thunnus albacares</i>)	weighing more than 10 kg each	Whole	1 207
		Gilled and gutted	
		Other	
	weighing not more than 10 kg each	Whole	
		Gilled and gutted	
		Other	
Albacore (<i>Thunnus alalunga</i>)	weighing more than 10 kg each	Whole	
		Gilled and gutted	
		Other	
	weighing not more than 10 kg each	Whole	
		Gilled and gutted	
		Other	
Skipjack (<i>Katsuwonus pelamis</i>)		Whole	
		Gilled and gutted	
		Other	
Bluefin tuna (<i>Thunnus thynnus</i>)		Whole	
		Gilled and gutted	
		Other	
Other species of the genera <i>Thunnus</i> and <i>Euthynnus</i>		Whole	
		Gilled and gutted	
		Other	

COMMISSION REGULATION (EC) No 2034/2005**of 14 December 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 15 December 2005.

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

Done at Brussels, 14 December 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 14 December 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	49,1
	204	50,3
	212	88,1
	999	62,5
0707 00 05	052	127,2
	204	59,8
	628	155,5
	999	114,2
0709 90 70	052	138,9
	204	111,4
	999	125,2
0805 10 20	052	66,5
	204	70,8
	388	22,0
	508	13,2
	999	43,1
0805 20 10	052	83,4
	204	59,6
	999	71,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	76,1
	400	82,8
	464	143,4
	624	94,7
	999	99,3
0805 50 10	052	66,2
	999	66,2
0808 10 80	400	106,5
	404	93,3
	720	68,6
	999	89,5
0808 20 50	052	104,1
	400	102,9
	404	53,1
	720	63,7
	999	81,0

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

COMMISSION REGULATION (EC) No 2035/2005**of 12 December 2005****amending Regulation (EC) No 1681/94 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organisation of an information system in this field**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 53(2) thereof,

After consulting the committee established under Article 147 of the Treaty, the Committee on Agricultural Structures and Rural Development and the Standing Management Committee on Fisheries Structures,

Whereas:

they are described in Regulation (EC) No 1783/1999 of the European Parliament and of the Council of 12 July 1999 on the European Regional Development Fund ⁽⁴⁾, in Regulation (EC) No 1784/1999 of the European Parliament and of the Council of 12 July 1999 on the European Social Fund ⁽⁵⁾, in Council Regulation (EC) No 1263/1999 of 21 June 1999 on the financial instrument for fisheries guidance ⁽⁶⁾, and in Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ⁽⁷⁾.

(5) It is necessary to clarify to what extent a Member State participating in cross-border transnational and inter-regional cooperation under Article 20(1)(a) of Regulation (EC) No 1260/1999, known as the 'Interreg' programmes, or in any other programmes having a transnational character, are required to notify irregularities.

(1) Article 54 of Regulation (EC) No 1260/1999 repealed Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾.

(6) It is necessary to specify that the definition of 'irregularity' used for the purposes of Regulation (EC) No 1681/94 is taken from Article 1(2) of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests ⁽⁸⁾.

(2) Article 54 of Regulation (EC) No 1260/1999 provides that references to the repealed Regulation (EEC) No 4253/88 should be construed as references to Regulation (EC) No 1260/1999. Accordingly, Commission Regulation (EC) No 1681/94 ⁽³⁾ applies to the measures adopted under Regulation (EC) No 1260/1999.

(7) It is necessary to define the term 'suspected fraud', taking account of the definition of fraud contained in the Convention of 26 July 1995 on the protection of the European Communities' financial interests ⁽⁹⁾.

(3) Regulation (EC) No 1681/94 should be updated in order to enhance the effectiveness of the system for reporting irregularities.

(8) It is necessary to establish that the definition of 'First administrative or judicial finding of fact' is taken from Article 35 of Council Regulation (EC) No 1290/2005 relating to the financing of the common agricultural policy ⁽¹⁰⁾.

(4) For reasons of legal certainty, it is necessary to clearly specify that the provisions of Regulation (EC) No 1681/94 must also apply to all forms of financial assistance under Regulation (EC) No 1260/1999 as

(9) It is also necessary to define the terms 'bankruptcy' and 'economic operator'.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 173/2005 (OJ L 29, 2.2.2005, p. 3).

⁽²⁾ OJ L 374, 31.12.1988, p. 1.

⁽³⁾ OJ L 178, 12.7.1994, p. 43.

⁽⁴⁾ OJ L 213, 13.8.1999, p. 1.

⁽⁵⁾ OJ L 213, 13.8.1999, p. 5.

⁽⁶⁾ OJ L 161, 26.6.1999, p. 54.

⁽⁷⁾ OJ L 160, 26.6.1999, p. 80. Regulation as last amended by Regulation (EC) No 2223/2004 (OJ L 379, 24.12.2004, p. 1).

⁽⁸⁾ OJ L 312, 23.12.1995, p. 1.

⁽⁹⁾ OJ C 316, 27.11.1995, p. 49.

⁽¹⁰⁾ OJ L 209, 11.8.2005, p. 1.

- (10) In order to enhance the added value of the reporting system, the obligation to report cases of suspected fraud for the purposes of risk analysis should be more closely determined, and for this purpose the quality of the information supplied should be ensured.
- (11) It should be clearly stated that Regulation (EC) No 1681/94 will remain applicable to cases of irregularities of less than EUR 10 000 already reported.
- (12) It is necessary to clarify the question as to the charging of unrecovered amounts in connection with the forms of assistance governed by Regulation (EC) No 1260/1999 and to specify the information needed for dealing with such cases.
- (13) In order to reduce the burden imposed by reporting on the Member States and to improve efficiency, it is necessary to increase the minimum threshold above which irregularities have to be reported by Member States and to determine those cases in which no reporting obligation arises.
- (14) Regulation (EC) No 1681/94 should apply without prejudice to Article 8 of Commission Regulation (EC) No 438/2001 of 2 March 2001 laying down detailed rules for the implementation of Council Regulation (EC) No 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds ⁽¹⁾.
- (15) Account must be taken of the obligations arising out of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾ and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽³⁾.
- (16) Conversion rates should be established for Member States outside the euro zone.
- (17) Regulation (EC) No 1681/94 should be amended accordingly.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Advisory Committee on the Development and Conversion of Regions,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1681/94 is amended as follows:

- Article 1 is replaced by the following:

'Article 1

1. Without prejudice to the obligations arising directly out of Article 23 of Regulation (EEC) No 4253/88 and Article 38 of Regulation (EC) No 1260/1999, this Regulation shall relate to all forms of financial intervention provided for in Regulations (EEC) No 4254/88, (EEC) No 4255/88, (EEC) No 4256/88, (EC) No 2080/93 and in Regulations (EC) No 1783/1999, (EC) No 1784/1999 and (EC) No 1263/1999. This Regulation shall also apply to the measures financed under the first indent of Article 35(2) of Regulation (EC) No 1257/1999 (Guidance Section).

2. Irregularities relating to the Interreg programmes provided for in Article 20(1)(a) of Regulation (EC) No 1260/1999, and other programmes of a transnational character, shall be reported by the Member State in which the expenditure was incurred. The Member State shall at the same time inform the managing authority and the paying authority for the programme and the person or body designated to establish declarations on winding-up under Article 15 of Regulation (EC) No 438/2001¹;

- the following Article 1a is inserted:

'Article 1a

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

- "irregularity" means any infringement of a provision of Community law resulting from an act or omission by an economic operator which has, or would have, the effect of prejudicing the general budget of the Communities by charging an unjustified item of expenditure to the Community budget;
- "economic operator" means any natural or legal person or other entity taking part in the administration of assistance from the Funds, with the exception of Member States exercising their prerogatives as a public authority;
- "primary administrative or judicial finding" means a first written assessment by a competent authority, either administrative or judicial, concluding on the basis of specific facts that an irregularity has been committed, without prejudice to the possibility that this conclusion may subsequently have to be revised or withdrawn as a result of developments in the course of the administrative or judicial procedure;

⁽¹⁾ OJ L 63, 3.3.2001, p. 21. Regulation as amended by Regulation (EC) No 2355/2002 (OJ L 351, 28.12.2002, p. 42).

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

⁽³⁾ OJ L 281, 23.11.1995, p. 31. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

4. “suspected fraud” means an irregularity giving rise to the initiation of administrative and/or judicial proceedings at national level in order to establish the presence of intentional behaviour, in particular fraud, such as is referred to in Article 1(1), point (a), of the Convention on the protection of the European Communities’ financial interests;

5. “bankruptcy” means insolvency proceedings within the meaning of Article 2, point (a), of Council Regulation (EC) No 1346/2000 (*).

(*) OJ L 160, 30.6.2000, p. 1.’

3. Article 2 is deleted;

4. Article 3(1) is replaced by the following:

‘1. During the two months following the end of each quarter, Member States shall report to the Commission any irregularities which have been the subject of a primary administrative and/or judicial finding. To this end Member States shall in all cases give details of:

- (a) the Structural Fund(s) or financial instrument concerned, the objective, identification of the form of assistance and the operation concerned and the ARINCO or CCI (common identification code) numbers;
- (b) the provision which has been infringed;
- (c) the date and source of the first information leading to suspicion that an irregularity had been committed;
- (d) the practices employed in committing the irregularity;
- (e) where appropriate, whether the practice gives rise to a suspicion of fraud;
- (f) the manner in which the irregularity was discovered;
- (g) where appropriate, the Member States and third countries involved;

(h) the period during which, or the moment at which, the irregularity was committed;

(i) the national authorities or bodies which drew up the official report on the irregularity and the authorities responsible for administrative and/or judicial follow-up;

(j) the date on which the primary administrative or judicial finding on the irregularity was established;

(k) the identity of the natural and/or legal persons involved or of any other participating entities, except where this information is irrelevant for the purposes of combating irregularities, given the nature of the irregularity in question;

(l) the total budget approved for the operation and the distribution of its co-financing between Community, national, private and other contributions;

(m) the amount affected by the irregularity and its distribution between Community, national, private and other contributions; where no payment of the public contribution has been made to the persons and/or other entities identified under point (k), the amounts which would have been wrongly paid had the irregularity not been identified;

(n) the suspension of payments, where applicable, and the possibilities of recovery;

(o) the nature of the irregular expenditure.

By way of derogation from the first subparagraph, the following cases need not be reported:

— cases where the irregularity consists solely of the failure to partially or totally execute an operation co-financed by the Community budget owing to the bankruptcy of the final beneficiary and/or the final recipient. However, irregularities preceding a bankruptcy and cases of suspected fraud must be reported,

— cases brought to the attention of the administrative authority by the final beneficiary or the final recipient voluntarily or before detection by the relevant authority, whether before or after the granting of the public contribution,

- cases where the administrative authority finds a mistake regarding the eligibility of the financed project and corrects the mistake prior to payment of the public contribution.’;

5. Article 5 is amended as follows:

- (a) The second subparagraph of Article 5(1) is replaced by the following:

‘Member States shall report to the Commission administrative or judicial decisions, or the main points thereof, concerning the termination of such procedures and shall state in particular whether or not the findings are such that fraud is suspected.’;

- (b) paragraph 2 is replaced by the following:

‘2. Where a Member State considers that an amount cannot be recovered or is not expected to be recovered, it shall inform the Commission, in a special report, of the amount not recovered and the reasons why the amount should, in its view, be borne by the Community or by the Member State.

This information must be sufficiently detailed to allow the Commission to decide as soon as possible, after consulting the authorities of the Member States concerned, on the apportionment of:

- the financial consequences referred to in the third indent of Article 23(1) of Regulation (EEC) No 4253/88,
- the amounts concerned as regards forms of assistance falling under Regulation (EC) No 1260/1999.

This information shall include at least the following:

- (a) a copy of the award decision;
- (b) the date of the last payment made to the final beneficiary or the final recipient;

- (c) a copy of the recovery order;

- (d) where applicable, a copy of the document attesting the final beneficiary’s or final recipient’s insolvency;

- (e) an outline description of the measures taken by the Member State, with indication of their dates, to recover the relevant amount.’;

6. the following Article 6a is inserted:

‘Article 6a

The information required under Articles 3, 4 and 5(1) shall be sent, whenever it is possible to do so, by electronic means, using the module provided by the Commission for the purpose via a secure connection.’;

7. the following Article 8a is inserted:

‘Article 8a

The Commission may use any information of a general or operational nature communicated by Member States under this Regulation to perform risk analyses, using information technology support, and may, on the basis of the information obtained, produce reports and develop early-warning systems serving to identify risks more effectively.’;

8. the second sentence in Article 9 is replaced by the following:

‘The committees referred to in Articles 48, 49, 50 and 51 of Regulation (EC) No 1260/1999 shall also be informed.’;

9. Article 10(3) is replaced by the following:

‘3. The Commission and the Member States shall ensure, when processing personal data pursuant to this Regulation, that the Community and national provisions on the protection of personal data, in particular those laid down by Directive 95/46/EC and, where applicable, by Regulation (EC) No 45/2001, are complied with.’;

10. Article 12 is replaced by the following:

‘Article 12

1. Where the irregularities relate to amounts of less than EUR 10 000 chargeable to the Community budget, Member States shall not send the Commission the information provided for in Articles 3 and 5 unless the latter expressly requests it.

2. Member States which have not adopted the euro as their currency by the date when the irregularity is established shall convert expenditure incurred in national currency into euro. The amount shall be converted into euro by using the Commission's monthly accounting rate for the month in which the expenditure was or would have been entered into the accounts of the paying authority responsible for the operational programme in question.

The Commission publishes this rate electronically once a month.’

Article 2

Article 5 of Regulation (EC) No 1681/94, as it applied prior to the entry into force of this Regulation, shall continue to be applied for those cases involving an amount of less than EUR 10 000 which are notified before 28 February 2006.

Article 3

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

It shall apply from 1 January 2006.

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

Done at Brussels, 12 December 2005.

For the Commission

Siim KALLAS

Vice-President

COMMISSION REGULATION (EC) No 2036/2005

of 14 December 2005

concerning the permanent authorisations of certain additives in feedingstuffs and the provisional authorisation of a new use of certain additives already authorised in feedingstuffs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, and in particular Articles 3, 9d(1) and 9e(1) thereof,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽²⁾, and in particular Article 25 thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition.

(2) Article 25 of Regulation (EC) No 1831/2003 lays down transitional measures for applications for the authorisation of feed additives submitted in accordance with Directive 70/524/EEC before the date of application of Regulation (EC) No 1831/2003.

(3) The applications for the authorisation of the additives listed in the Annexes to this Regulation were submitted before the date of application of Regulation (EC) No 1831/2003.

⁽¹⁾ OJ L 270, 14.12.1970, p. 1. Directive as last amended by Commission Regulation (EC) No 1800/2004 (OJ L 317, 16.10.2004, p. 37).

⁽²⁾ OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

(4) Initial comments on those applications, as provided for in Article 4(4) of Directive 70/524/EEC, were forwarded to the Commission before the date of application of Regulation (EC) No 1831/2003. Those applications are therefore to continue to be treated in accordance with Article 4 of Directive 70/524/EEC.

(5) The use of the micro-organism preparation of *Saccharomyces cerevisiae* (CNCM I-1079) was provisionally authorised, for the first time, for sows by Commission Regulation (EC) No 1436/98 ⁽³⁾. New data were submitted in support of an application for authorisation without a time limit of that micro-organism preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in Annex I, should be authorised without a time limit.

(6) The use of the micro-organism preparation of *Pediococcus acidilactici* (CNCM MA 18/5M) was provisionally authorised, for the first time, for pigs for fattening by Commission Regulation (EC) No 866/1999 ⁽⁴⁾. New data were submitted in support of an application for authorisation without a time limit of that micro-organism preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in Annex I, should be authorised without a time limit.

(7) The use of the micro-organism preparation of *Enterococcus faecium* (CECT 4515) was provisionally authorised, for the first time, for piglets by Commission Regulation (EC) No 654/2000 ⁽⁵⁾. New data were submitted in support of an application for authorisation without a time limit of that micro-organism preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that micro-organism preparation, as specified in Annex I, should be authorised without a time limit.

⁽³⁾ OJ L 191, 7.7.1998, p. 15.

⁽⁴⁾ OJ L 108, 27.4.1999, p. 21.

⁽⁵⁾ OJ L 79, 30.3.2000, p. 26.

- (8) The use of the enzyme preparation of endo-1,3(4)-beta-glucanase produced by *Trichoderma reesei* (CBS 526.94) was provisionally authorised for the first time for chickens for fattening by Commission Regulation (EC) No 2374/98 ⁽¹⁾. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex II, should be authorised without a time limit.
- (9) The use of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (ATCC 2105), endo-1,3(4)-beta-glucanase and alpha-amylase produced by *Bacillus amyloliquefaciens* (DSM 9553), subtilisin produced by *Bacillus subtilis* (ATCC 2107) and polygalacturonase produced by *Aspergillus aculeatus* (CBS 589.94) was provisionally authorised for the first time for chickens for fattening by Commission Regulation (EC) No 418/2001 ⁽²⁾. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex II, should be authorised without a time limit.
- (10) The use of the enzyme preparation of endo-1,4-beta-xylanase produced by *Aspergillus oryzae* (DSM 10287) was authorised without a time limit for chickens for fattening, turkeys for fattening and piglets by Commission Regulation (EC) No 1332/2004 ⁽³⁾. New data were submitted in support of an application to extend the authorisation of the use of this enzyme preparation to ducks and pigs for fattening. The European Food Safety Authority (EFSA) has delivered an opinion on the use of this preparation which concludes that it does not present a risk for this additional animal category. The assessment shows that the conditions laid down in Article 9e(1) of Directive 70/524/EEC for an authorisation of that preparation for that use are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex III, should be authorised for four years.
- (11) The use of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (ATCC 2105) and subtilisin produced by *Bacillus subtilis* (ATCC 2107) was authorised without a time limit for chickens for fattening by Commission Regulation (EC) No 943/2005 ⁽⁴⁾. New data were submitted in support of an application to extend the authorisation of the use of this enzyme preparation to ducks. The EFSA has delivered an opinion on the use of this preparation which concludes that it does not present a risk for this additional animal category. The assessment shows that the conditions laid down in Article 9e(1) of Directive 70/524/EEC for an authorisation of that preparation for that use are satisfied. Accordingly, the use of that enzyme preparation, as specified in Annex III, should be authorised for four years.
- (12) The use of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (ATCC 2105), endo-1,3(4)-beta-glucanase and alpha-amylase produced by *Bacillus amyloliquefaciens* (DSM 9553), subtilisin produced by *Bacillus subtilis* (ATCC 2107) and polygalacturonase produced by *Aspergillus aculeatus* (CBS 589.94) was provisionally authorised for chickens for fattening by Regulation (EC) No 418/2001. New data were submitted in support of two applications to extend the authorisation of the use of this enzyme preparation to ducks and laying hens. The EFSA has delivered an opinion on the use of this preparation on each of the two animal categories which conclude in both cases that it does not present a risk for them. The assessment shows that the conditions laid down in Article 9e(1) of Directive 70/524/EEC for an authorisation of that preparation for that use are satisfied. Accordingly, the use of that enzyme preparation for ducks and laying hens, as specified in Annex III, should be authorised for four years.
- (13) The assessment of these applications shows that certain procedures should be required to protect workers from exposure to the additives set out in the Annexes. Such protection should be assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁵⁾.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 295, 4.11.1998, p. 3.

⁽²⁾ OJ L 62, 2.3.2001, p. 3.

⁽³⁾ OJ L 247, 21.7.2004, p. 8.

⁽⁴⁾ OJ L 159, 22.6.2005, p. 6.

⁽⁵⁾ OJ L 183, 29.6.1989, p. 1. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

The preparations belonging to the group 'Micro-organisms', as specified in Annex I, are authorised for use without a time limit as additives in animal nutrition under the conditions laid down in that Annex.

Article 2

The preparations belonging to the group 'Enzymes', as specified in Annex II, are authorised for use without a time limit as

additives in animal nutrition under the conditions laid down in that Annex.

Article 3

The preparations belonging to the group 'Enzymes', as specified in Annex III, are authorised for use for four years as additives in animal nutrition under the conditions laid down in that Annex.

Article 4

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

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

Done at Brussels, 14 December 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU/kg of complete feedingstuff			
Micro-organisms								
E 1703	<i>Saccharomyces cerevisiae</i> CNCM I-1079	Preparation of <i>Saccharomyces cerevisiae</i> containing a minimum of: 2×10^{10} CFU/g additive	Sows	—	1×10^9	6×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting.	Without a time limit
E 1712	<i>Pediococcus acidilactici</i> CNCM MA 18/5M	Preparation of <i>Pediococcus acidilactici</i> containing a minimum of: 1×10^{10} CFU/g additive	Pigs for fattening	—	1×10^9	1×10^9	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting.	Without a time limit
E 1713	<i>Enterococcus faecium</i> CECT 4515	Preparation of <i>Enterococcus faecium</i> containing a minimum of: 1×10^9 CFU/g additive	Piglets (weaned)	—	1×10^9	1×10^9	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. For use in weaned piglets until approximately 35 kg.	Without a time limit

ANNEX II

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff			
Enzymes								
E 1636	Endo-1,3(4)-beta-glucanase EC 3.2.1.6	Preparation of endo-1,3(4)-beta-glucanase produced by <i>Trichoderma reesei</i> (CBS 526.94) having a minimum activity of: Solid form: 700 000 BU ⁽¹⁾ /g Liquid form: 300 000 BU/g	Chickens for fattening	—	17 500 BU	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: 17 500-50 000 BU. 3. For use in compound feed rich in non-starch polysaccharides (mainly glucans), e.g. containing more than 20 % barley or 30 % rye.	Without a time limit
E 1637	Endo-1,4-beta-xylanase EC 3.2.1.8 Endo-1,3(4)-beta-glucanase EC 3.2.1.6 Subtilisin EC 3.4.21.62 Alpha-amylase EC 3.2.1.1 Polygalacturonase EC 3.2.1.15	Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2105), endo-1,3(4)-beta-glucanase and alpha-amylase produced by <i>Bacillus amyloliquefaciens</i> (DSM 9553), subtilisin produced by <i>Bacillus subtilis</i> (ATCC 2107), polygalacturonase produced by <i>Aspergillus aculeatus</i> (CBS 589.94) having a minimum activity of: Endo-1,4-beta-xylanase: 300 U ⁽²⁾ /g Endo-1,3(4)-beta-glucanase: 150 U ⁽³⁾ /g Subtilisin: 4 000 U ⁽⁴⁾ /g Alpha-amylase: 400 U ⁽⁵⁾ /g Polygalacturonase: 25 U ⁽⁶⁾ /g	Chickens for fattening	—	endo-1,4-beta-xylanase: 300 U endo-1,3(4)-beta-glucanase: 150 U subtilisin: 4 000 U alpha-amylase: 400 U polygalacturonase: 25 U	— — — —	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,4-beta-xylanase: 300 U endo-1,3(4)-beta-glucanase: 150 U subtilisin: 4 000 U alpha-amylase: 400 U polygalacturonase: 25 U. 3. For use in compound feed rich in starch and non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 40 % maize or 60 % wheat.	Without a time limit

⁽¹⁾ 1 BU is the amount of enzyme which liberates 0,06 micromoles of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 4,8 and 50 °C.

⁽²⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) from oat spelt xylan per minute at pH 5,3 and 50 °C.

⁽³⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 5,0 and 30 °C.

⁽⁴⁾ 1 U is the amount of enzyme which liberates 1 microgram of phenolic compound (tyrosine equivalents) from a casein substrate per minute at pH 7,5 and 40 °C.

⁽⁵⁾ 1 U is the amount of enzyme which hydrolyses 1 micromole of glucosidic linkages from a water insoluble cross-linked starch polymer substrate per minute at pH 6,5 and 37 °C.

⁽⁶⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing material (galacturonic acid equivalents) from a poly D-galacturonic substrate per minute at pH 5,0 and 40 °C.

(1) 1 BU is the amount of enzyme which liberates 0,06 micromoles of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 4,8 and 50 °C.

(2) 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) from oat spelt xylan per minute at pH 5,3 and 50 °C.

(3) 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 5,0 and 30 °C.

(4) 1 U is the amount of enzyme which liberates 1 microgram of phenolic compound (tyrosine equivalents) from a casein substrate per minute at pH 7,5 and 40 °C.

(5) 1 U is the amount of enzyme which hydrolyses 1 micromole of glucosidic linkages from a water insoluble cross-linked starch polymer substrate per minute at pH 6,5 and 37 °C.

(6) 1 U is the amount of enzyme which liberates 1 micromole of reducing material (galacturonic acid equivalents) from a poly D-galacturonic substrate per minute at pH 5,0 and 40 °C.

ANNEX III

EC No or No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Units of activity/kg of complete feedingstuff		Other provisions	End of period of authorisation
					Minimum content	Maximum content		
Enzymes								
5	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase produced by <i>Aspergillus oryzae</i> (DSM 10287) having a minimum activity of: Coated form: 1 000 FXU (1)/g Liquid form: 650 FXU/ml	Pigs for fattening	—	200 FXU	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: 200-400 FXU. 3. For use in compound feed rich in non- starch polysaccharides (mainly arabi- noxylans), e.g. containing more than 50 % cereals (e.g. wheat, barley, rye or triticale).	4.1.2010
			Ducks	—	100 FXU	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: 100-200 FXU. 3. For use in compound feed rich in non- starch polysaccharides (mainly arabi- noxylans), e.g. containing more than 50 % cereals (e.g. wheat, barley, rye or triticale).	4.1.2010

EC No or No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff			
337	Endo-1,4-beta-xylanase EC 3.2.1.8 Subtilisin EC 3.4.21.62	Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2105) and subtilisin produced by <i>Bacillus subtilis</i> (ATCC 2107) having a minimum activity of: Endo-1,4-beta-xylanase: 5 000 U ⁽²⁾ /g Subtilisin: 1 600 U ⁽³⁾ /g	Ducks	—	endo-1,4-beta-xylanase: 2 500 U subtilisin: 800 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,4-beta-xylanase: 2 500 U subtilisin: 800 U. 3. For use in compound feed e.g. containing more than 65 % wheat.	4.1.2010
559	Endo-1,4-beta-xylanase EC 3.2.1.8 Endo-1,3(4)-beta-glucanase EC 3.2.1.6 Subtilisin EC 3.4.21.62 Alpha-amylase EC 3.2.1.1 Polygalacturonase EC 3.2.1.15	Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2105), endo-1,3(4)-beta-glucanase and alpha-amylase produced by <i>Bacillus amyloliquefaciens</i> (DSM 9553), subtilisin produced by <i>Bacillus subtilis</i> (ATCC 2107), polygalacturonase produced by <i>Aspergillus aculeatus</i> (CBS 589.94) having a minimum activity of: Endo-1,4-beta-xylanase: 300 U ⁽²⁾ /g Endo-1,3(4)-beta-glucanase: 150 U ⁽⁴⁾ /g Subtilisin: 4 000 U ⁽³⁾ /g Alpha-amylase: 400 U ⁽⁵⁾ /g Polygalacturonase: 25 U ⁽⁶⁾ /g	Ducks	—	endo-1,4-beta-xylanase: 300 U endo-1,3(4)-beta-glucanase: 150 U subtilisin: 4 000 U alpha-amylase: 400 U polygalacturonase: 25 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,4-beta-xylanase: 300 U endo-1,3(4)-beta-glucanase: 150 U subtilisin: 4 000 U alpha-amylase: 400 U polygalacturonase: 25 U. 3. For use in compound feed rich in starch and non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 40 % maize.	4.1.2010

EC No or No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff				
			Laying hens	—	endo-1,4-beta- xylanase: 225 U	—	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelletting.	4.1.2010
					endo-1,3(4)- beta-glucanase: 112 U	—	—	2. Recommended dose per kg of complete feedingstuff: endo-1,4-beta-xylanase: 225 U endo-1,3(4)-beta-glucanase: 112 U subtilisin: 3 000 U alpha-amylase: 300 U polygalacturonase: 18 U.	
					polygalac- turonase: 18 U	—	—	3. For use in compound feed rich in starch and non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 40 % maize.	

¹⁾ 1 FXU is the amount of enzyme which liberates 7.8 micromoles of reducing sugars (xylose equivalents) from azo-wheat arabinoxylan per minute at pH 6.0 and 50 °C.

²⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) from oat spelt xylan per minute at pH 5.3 and 50 °C.

³⁾ 1 U is the amount of enzyme which liberates 1 microgram of phenolic compound (tyrosine equivalents) from a casein substrate per minute at pH 7.5 and 40 °C.

⁴⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 5.0 and 30 °C.

⁵⁾ 1 U is the amount of enzyme which hydrolyses 1 micromole of glucosidic linkages from a water insoluble cross-linked starch polymer substrate per minute at pH 6.5 and 37 °C.

⁶⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing material (galacturonic acid equivalents) from a poly D-galacturonic substrate per minute at pH 5.0 and 40 °C.

COMMISSION REGULATION (EC) No 2037/2005**of 14 December 2005****amending the conditions for authorisation of a feed additive belonging to the group of coccidiostats****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾ and in particular Article 13(3) thereof,

Whereas:

(1) The additive lasalocid A sodium (Avatec 15 %) was authorised under certain conditions in accordance with Council Directive 70/524/EEC ⁽²⁾. This additive is currently authorised in the group 'coccidiostats' for turkeys by Commission Regulation (EC) No 2430/1999 ⁽³⁾ and chickens reared for laying and chickens for fattening by Commission Regulation (EC) No 1455/2004 ⁽⁴⁾. This additive has been notified as existing product on the basis of Article 10 of Regulation (EC) No 1831/2003 and is subject to the verifications and the procedures in application of that provision.

(2) The company concerned submitted a new supplementary dossier requesting a modification of existing carrier.

(3) Regulation (EC) No 1831/2003 provides for the possibility to modify the authorisation of an additive further to an opinion of the European Food Safety Authority (the Authority) on whether the authorisation still meets the conditions set out in that Regulation.

(4) The Commission asked the Authority to evaluate the relevant data supporting the application for the change of authorisation referred to in Regulations (EC) Nos

2430/1999 and 1455/2004 and to advise on the possible harmful effects on safety and efficacy when lasalocid A sodium is used by new carrier. Following this request, the Authority has published on 26 August 2005 an opinion on the use of lasalocid A sodium in feedingstuffs.

(5) The opinion of the Authority concludes that the use of the new formulation would not be expected to introduce any additional risks or concerns for human, animal and environmental safety and that the new formulation does not adversely influence the stability of lasalocid A sodium.

(6) A Maximum Residue Level (MRL) for substance concerned has been established by Council Regulation (EEC) No 2377/90 of 26 June 1990 ⁽⁵⁾ laying down a Community procedure for the establishment of maximum residue levels of veterinary medicinal products in foodstuffs of animal origin.

(7) Regulations (EC) Nos 2430/1999 and 1455/2004 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health.

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EC) No 2430/1999, the entry relating to E 763, lasalocid A sodium, is replaced by the text in Annex I to this Regulation.

Article 2

The Annex to Regulation (EC) No 1455/2004 is replaced by Annex II to this Regulation.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29. Regulation as amended by Commission Regulation (EC) No 378/2005 (OJ L 59, 5.3.2005, p. 8).

⁽²⁾ OJ L 270, 14.12.1970, p. 1. Directive repealed by Regulation (EC) No 1831/2003.

⁽³⁾ OJ L 296, 17.11.1999, p. 3.

⁽⁴⁾ OJ L 269, 17.8.2004, p. 14.

⁽⁵⁾ OJ L 224, 18.8.1990, p. 1. Regulation as amended by Commission Regulation (EC) No 712/2005 (OJ L 120, 12.5.2005, p. 3).

Article 3

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

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

Done at Brussels, 14 December 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

Registration number of additive	Name and registration number of person responsible for putting additive into circulation	Additive (Trade name)	Composition, chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation	Maximum Residue Limits (MRLs)
						mg of active substance/kg of complete feedingstuff				
Coccidiostats and histomonostats										
E 763	Alpharma (Belgium) BVBA	Lasalocid A sodium 15 g/100 g (Avatec 15 % cc)	Additive composition: Lasalocid A sodium: 15 g/100 g Corn cob meal: 80,95 g/100 g Lecithin: 2 g/100 g Soya oil: 2 g/100 g Ferric oxide: 0,05 g/100 g Active substance: Lasalocid A sodium, C ₃₄ H ₅₃ O ₈ Na, CAS number: 25999-20-6, sodium salt of 6-[(3R, 4S, 5S, 7R)-7-[(2S, 3S, 5S)-5-ethyl-5-[(2R, 5R, 6S)-5-ethyl-5-hydroxy-6-methyltetrahydro-2H-pyran 2-yl]-tetrahydro-3-methyl-2-furyl]-4-hydroxy-3,5-dimethyl-6-oxononyl]-2,3-cresotic acid, produced by <i>Streptomyces lasaliensis</i> subsp. <i>lasaliensis</i> (ATCC 31180) Related impurities: Lasalocid sodium B-E: ≤ 10 %	Turkeys	12 weeks	90	125	Use prohibited at least five days before slaughter. Indicate in the instructions for use: 'Dangerous for equine species' 'This feedingstuff contains an ionophore: simultaneous use with certain medicinal substances can be contra-indicated'.	30.9.2009	Regulation (EEC) No 2377/90

Registration number of additive	Name and registration number of person responsible for putting additive into circulation	Additive (Trade name)	Composition, chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation	Maximum Residue Limits (MRLs)
						mg of active substance/kg of complete feedingstuff				
		Lasalocid A sodium 15 g/100 g (Avatec 150 G)	Additive composition: Lasalocid A sodium: 15 g/100 g Calcium sulphate dihydrate: 80,9 g/100 g Calcium lignosulphonate 4 g/100 g Ferric oxide: 0,1 g/100 g Active substance: Lasalocid A sodium, C ₃₄ H ₅₃ O ₈ Na, CAS number: 25999-20-6, sodium salt of 6-[(3R, 4S, 5S, 7R)-7-[(2S, 3S, 5S)-5-ethyl-5-[[(2R, 5R, 6S)-5-ethyl-5-hydroxy-6-methyltetrahydro-2H-pyran-2-yl]-tetrahydro-3-methyl-2-furyl]-4-hydroxy-3,5-dimethyl-6-oxononyl]-2,3-cresotic acid, produced by <i>Streptomyces lasaliensis</i> subsp. <i>lasaliensis</i> (ATCC 31180) Related impurities: Lasalocid sodium B-E: ≤ 10 %	Turkeys	12 weeks	90	125	Use prohibited at least five days before slaughter. Indicate in the instructions for use: 'Dangerous for equine species' 'This feedingstuff contains an ionophore: simultaneous use with certain medicinal substances can be contra-indicated'.	30.9.2009	Regulation (EEC) No 2377/90

ANNEX II

Registration number of additive	Name and registration number of person responsible for putting additive into circulation	Additive (Trade name)	Composition, chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation	Maximum Residue Limits (MRLs)
						mg of active substance/kg of complete feedingstuff				
Coccidiostats and histomonostats										
E 763	Alphaarma (Belgium) BVBA	Lasalocid A sodium 15 g/100 g (Avatec 15 % cc)	Additive composition: Lasalocid A sodium: 15 g/100 g Corn cob meal: 80,95 g/100 g Lecithin: 2 g/100 g Soya oil: 2 g/100 g Ferric oxide: 0,05 g/100 g Active substance: Lasalocid A sodium, C ₃₄ H ₅₃ O ₈ Na, CAS number: 25999-20-6, sodium salt of 6-[(3R, 4S, 5S, 7R)-7-[(2S, 3S, 5S)-5-ethyl-5-[(2R, 5R, 6S)-5-ethyl-5-hydroxy-6-methyltetrahydro-2H-pyran-2-yl]-tetrahydro-3-methyl-2-furyl]-4-hydroxy-3,5-dimethyl-6-oxononyl]-2,3-cresotic acid, produced by <i>Streptomyces lasaliensis</i> subsp. <i>lasaliensis</i> (ATCC 31180) Related impurities: Lasalocid sodium B-E: ≤ 10 %	Chickens for fattening	—	75	125	Use prohibited at least five days before slaughter. Indicate in the instructions for use: 'Dangerous for equine species' 'This feedstuff contains an ionophore: simultaneous use with certain medicinal substances can be contra-indicated'.	20.8.2014	Regulation (EEC) No 2377/90
				Chickens reared for laying	16 weeks	75	125		20.8.2014	

Registration number of additive	Name and registration number of person responsible for putting additive into circulation	Additive (Trade name)	Composition, chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation	Maximum Residue Limits (MRLs)
						mg of active substance/kg of complete feedingstuff	mg of active substance/kg of complete feedingstuff			
		Lasalocid A sodium 15 g/100 g (Avatec 150 G)	Additive composition: Lasalocid A sodium: 15 g/100 g Calcium sulphate dihydrate: 80,9 g/100 g Calcium lignosulphonate 4 g/100 g Ferric oxide: 0,1 g/100 g Active substance: Lasalocid A sodium, C ₃₄ H ₅₃ O ₈ Na, CAS number: 25999-20-6, sodium salt of 6-[(3R, 4S, 5S, 7R)-7-[(2S, 3S, 5S)-5-ethyl-5-[[(2R, 5R, 6S)-5-ethyl-5-hydroxy-6-methyltetrahydro-2H-pyran-2-yl]-tetrahydro-3-methyl-2-furyl]-4-hydroxy-3,5-dimethyl-6-oxononyl]-2,3-cresotic acid, produced by <i>Streptomyces lasaliensis</i> subsp. <i>lasaliensis</i> (ATCC 31180) Related impurities: Lasalocid sodium B-E: ≤ 10 %	Chickens for fattening	—	75	125	Use prohibited at least five days before slaughter. Indicate in the instructions for use: 'Dangerous for equine species' 'This feedingstuff contains an ionophore: simultaneous use with certain medicinal substances can be contra-indicated'.	20.8.2014	Regulation (EEC) No 2377/90
				Chickens reared for laying	16 weeks	75	125		20.8.2014	

COMMISSION REGULATION (EC) No 2038/2005**of 14 December 2005****laying down rules for the management and distribution of textile quotas established for the year 2006 under Council Regulation (EC) No 517/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

ceiling on the quantities which can be allocated to each operator by that method.

Having regard to the Treaty establishing the European Community,

(6) To guarantee a degree of continuity in trade and efficient quota administration, operators should be allowed to make their initial import authorisation application for 2006 equivalent to the quantity which they imported in 2005.

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules ⁽¹⁾, and in particular Article 17(3) and (6) and Article 21(2) thereof,

(7) To achieve optimum use of the quantities, an operator who has used up at least one half of the amount already authorised should be permitted to apply for a further amount, provided that quantities are available in the quotas.

Whereas:

(1) Regulation (EC) No 517/94 established quantitative restrictions on imports of certain textile products originating in certain third countries to be allocated on a first come, first served basis.

(8) For the sake of sound administration, import authorisations should be valid for nine months from the date of issue but only until the end of the year at the latest. Member States should issue licences only after being notified by the Commission that quantities are available and only if an operator can prove the existence of a contract and can certify, in the absence of a specific provision to the contrary, that he has not already been allocated a Community import authorisation under this Regulation for the categories and countries concerned. The competent national authorities should, however, be authorised, in response to importers' applications, to extend by three months and up to 31 March 2007 licences of which at least one half has been used by the application date.

(2) Under that Regulation it is possible, in certain circumstances, to use other allocation methods, to divide quotas into tranches, or to reserve a proportion of a specific quantitative limit exclusively for applications which are supported by evidence of the results of past import performance.

(3) Rules for management of the quotas established for 2006 should be adopted before the quota year begins so that the continuity of trade flows is not affected unduly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee established by Article 25 of Regulation (EC) No 517/94,

(4) The measures adopted in previous years, such as those in Commission Regulation (EC) No 2171/2004 of 17 December 2004 laying down rules for the management and distribution of textile quotas established for the year 2005 under Council Regulation (EC) No 517/94 ⁽²⁾, proved to be satisfactory and it is therefore appropriate to adopt similar rules for 2006.

HAS ADOPTED THIS REGULATION:

Article 1

The purpose of this Regulation is to lay down rules on the management of quantitative quotas for imports of certain textile products set out in Annexes IIIB and IV to Regulation (EC) No 517/94 for the year 2006.

(5) In order to satisfy the greatest possible number of operators it is appropriate to make the 'first come, first served' allocation method more flexible by placing a

Article 2

The quotas referred to in Article 1 shall be allocated according to the chronological order of receipt by the Commission of Member States' notifications of applications from individual operators, for amounts not exceeding the maximum quantities per operator set out in Annex I.

⁽¹⁾ OJ L 67, 10.3.1994, p. 1. Regulation as last amended by Commission Regulation (EC) No 931/2005 (OJ L 162, 23.6.2005, p. 37).

⁽²⁾ OJ L 371, 18.12.2004, p. 20.

The maximum quantities shall not, however, apply to operators able to prove to the competent national authorities, when making their first application for 2006, that, in respect of given categories and given third countries, they imported more than the maximum quantities specified for each category pursuant to import licences granted to them for 2005.

In the case of such operators, the competent authorities may authorise imports not exceeding the quantities imported in 2005 from given third countries and in given categories, provided that enough quota capacity is available.

Article 3

Any importer who has already used up 50 % or more of the amount allocated to him under this Regulation may make a further application, in respect of the same category and country of origin, for amounts not exceeding the maximum quantities laid down in Annex I.

Article 4

1. The competent national authorities listed in Annex II may, from 10 a.m. on 4 January 2006, notify the Commission of the amounts covered by requests for import authorisations.

The time fixed in the first subparagraph shall be understood as Brussels time.

2. The competent national authorities shall issue authorisations only after being notified by the Commission pursuant

to Article 17(2) of Regulation (EC) No 517/94 that quantities are available for importation.

They shall issue authorisations only if an operator:

- (a) proves the existence of a contract relating to the provision of the goods and,
- (b) certifies in writing that, in respect of the categories and countries concerned:
 - (i) he has not already been allocated an authorisation under this Regulation, or
 - (ii) he has been allocated an authorisation under this Regulation but has used up at least 50 % of it.

3. Import authorisations shall be valid for nine months from the date of issue, but until 31 December 2006 at the latest.

The competent national authorities may, however, at the importer's request, grant a three-month extension for authorisations which are at least 50 % used up at the time of the request. Such extension shall in no circumstances expire later than 31 March 2007.

Article 5

This Regulation shall enter into force on 1 January 2006.

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

Done at Brussels, 14 December 2005.

For the Commission

Peter MANDELSON

Member of the Commission

ANNEX I

Maximum amounts referred to in Articles 2 and 3

Country concerned	Category	Unit	Maximum amount
North Korea	1	Kilograms	10 000
	2	Kilograms	10 000
	3	Kilograms	10 000
	4	Pieces	10 000
	5	Pieces	10 000
	6	Pieces	10 000
	7	Pieces	10 000
	8	Pieces	10 000
	9	Kilograms	10 000
	12	Pairs	10 000
	13	Pieces	10 000
	14	Pieces	10 000
	15	Pieces	10 000
	16	Pieces	10 000
	17	Pieces	10 000
	18	Kilograms	10 000
	19	Pieces	10 000
	20	Kilograms	10 000
	21	Pieces	10 000
	24	Pieces	10 000
	26	Pieces	10 000
	27	Pieces	10 000
	28	Pieces	10 000
	29	Pieces	10 000
	31	Pieces	10 000
	36	Kilograms	10 000
	37	Kilograms	10 000
	39	Kilograms	10 000
	59	Kilograms	10 000
	61	Kilograms	10 000
	68	Kilograms	10 000
	69	Pieces	10 000
	70	Pieces	10 000
	73	Pieces	10 000
	74	Pieces	10 000
	75	Pieces	10 000
	76	Kilograms	10 000
	77	Kilograms	5 000
	78	Kilograms	5 000
	83	Kilograms	10 000
	87	Kilograms	10 000
	109	Kilograms	10 000
	117	Kilograms	10 000
	118	Kilograms	10 000
	142	Kilograms	10 000
	151A	Kilograms	10 000
	151B	Kilograms	10 000
	161	Kilograms	10 000

Country concerned	Category	Unit	Maximum amount
Republic of Montenegro, Kosovo ⁽¹⁾	1	Kilograms	20 000
	2	Kilograms	20 000
	2a	Kilograms	10 000
	3	Kilograms	10 000
	5	Pieces	10 000
	6	Pieces	10 000
	7	Pieces	10 000
	8	Pieces	10 000
	9	Kilograms	10 000
	15	Pieces	10 000
	16	Pieces	10 000
	67	Kilograms	10 000

⁽¹⁾ As defined by the United Nations Security Council Resolution 1244 of 10 June 1999.

ANNEX II

List of licensing offices referred to in Article 4

1. Belgium Federale Overheidsdienst Economie Algemene Directie Economisch Potentieel Dienst Vergunningen Leuvenseweg 44 B-1040 Brussel Tel. (32-2) 548 64 69 Fax (32-2) 548 65 70	Service public fédéral Économie Direction générale du potentiel économique Service des licences Rue de Louvain 44 B-1000 Bruxelles Tél. (32 2) 548 64 69 Fax (32 2) 548 65 70	2. Cyprus Ministry of Commerce, Industry and Tourism Trade Department 6 Andrea Araouzou Str. CY-1421 Nicosia Tel.: (357-2) 867100 Fax: (357-2) 375120
3. Czech Republic Ministerstvo průmyslu a obchodu Licenční správa Na Františku 32 CZ-110 15 Praha 1 Tel: (420-2) 24 90 71 11 Fax: (420-2) 24 21 21 33		4. Denmark Erhvervs- og Byggestyrelsen Økonomi- og Erhvervsministeriet Vejlsøvej 29 DK-8600 Silkeborg Tel.: (45) 35 46 64 30 Fax: (45) 35 46 64 01
5. Germany Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA) Frankfurter Str. 29—35 D-65760 Eschborn Tel.: (49 61 96) 9 08-0 Fax: (49 61 96) 9 42 26		6. Greece Υπουργείο Οικονομίας & Οικονομικών Γενική Διεύθυνση Σχεδιασμού & Διαχείρισης Πολιτικής Διεύθυνση Διεθνών Οικονομικών Ροών Κορνάρου 1 GR-105 63 Αθήνα Τηλ.: (30) 210 328 60 31-5 Φαξ: (30) 210 328 60 94
7. Spain Ministerio de Industria, Turismo y Comercio Secretaría General de Comercio Exterior Paseo de la Castellana nº 162 E-28046 Madrid Tel.: (34 91) 349 38 17, 349 37 48 Fax: (34 91) 563 18 23, 349 38 31		8. Estonia Majandus- ja Kommunikatsiooniministeerium Harju 11 15072 Tallinn Estonia Tel.: (372) 6256 400 Fax: (372) 6313 660
9. France Ministère de l'économie, des finances et de l'industrie Direction générale des entreprises Service des industries manufacturières et de la poste (SIMAP) Bureau «Textile-Importations» Le Bervil, 12 rue Villiot F-75572 Paris Cedex 12 Tél. (33-1) 53 44 96 60 Fax (33-1) 53 44 91 81		10. Hungary Magyar Kereskedelmi Engedélyezési Hivatal H-1024 Budapest Margit krt. 85. Postafiók: 1537 Budapest, Pf. 345. Tel: (36-1) 336 73 00 Fax: (36-1) 336 73 02
11. Ireland Department of Enterprise, Trade and Employment Internal Market Kildare Street Dublin 2 Ireland Tel.: (353-1) 631 21 21 Fax: (353-1) 631 28 26		12. Italy Ministero del Commercio con l'estero Direzione generale per la Politica commerciale e per la gestione del regime degli scambi DIV. III Viale America, 341 I-00144 Roma Tel. (39 6) 59 64 75 17, 59 93 22 02/22 15 Fax (39 6) 59 93 22 35/22 63 Telex (39 6) 59 64 75 31
13. Latvia Ekonomikas ministrija Brīvības iela 55 LV-1519 Rīga tel: (371) 701 30 06 fax: (371) 728 08 82		14. Lithuania Lietuvos Respublikos ūkio ministerija Gedimino pr. 38/2 LT-01104 Vilnius Tel.: (370) 5 262 87 50; (370) 5 261 94 88 faksas (370) 5 262 39 74

15. Luxembourg Ministère des affaires étrangères Office des licences Boîte postale 113 L-2011 Luxembourg Tél. (352) 47 82 371 Fax (352) 46 61 38	16. Malta Ministry of Finance and Economic Affairs Trade Services Directorate, Commerce Division Lascaris Valletta CMR02 Malta tel: 00 356 21 246 800 fax: 00 356 21 251 515
17. Netherlands Belastingdienst/Douane Centrale dienst voor in- en uitvoer Engelse Kamp 2 Postbus 30003 9700 RD Groningen Nederland Tel. (31-50) 523 91 11 Fax (31-50) 523 22 10	18. Poland Ministerstwo Gospodarki Pl. Trzech Krzyży 3/5 00-950 Warszawa tel.: 0048/22/693 55 53 fax: 0048/22/693 40 21
19. Portugal Ministério das Finanças Direcção Geral das Alfândegas e dos Impostos Especiais sobre o Consumo Rua Terreiro do Trigo Edifício da Alfândega PT-1149-060 LISBOA Tel.: (351-1) 218 814 263 Fax: (351-1) 218 814 261 E-mail: dsl@dgaiec.min-financas.pt	20. Slovakia Ministerstvo hospodárstva SR Odbor licencií Mierová 19 827 15 Bratislava Slovenská republika Tel.: 00 421 2 48 54 20 21/00 421 2 48 54 71 19 Fax: 00 421 2 43 42 39 19
21. Slovenia Ministrstvo za finance Carinska uprava Republike Slovenije Carinski urad Jesenice Center za TARIC in kvote Spodnji Plavž 6c SI-4270 Jesenice Tel. (386-4) 297 44 70 Faks (386-4) 297 44 72 E-pošta: taric.cuje@gov.si	22. United Kingdom Department of Trade and Industry Import Licensing Branch Queensway House West Precinct Billingham TS23 2NF United Kingdom Tel.: (44-1642) 36 43 33/36 43 34 Fax: (44-1642) 53 35 57
23. Austria Bundesministerium für Wirtschaft und Arbeit Aussenwirtschaftsadministration Abteilung C2/2 Stubenring 1 A-1011 Wien Tel.: (43 1) 71100-0 Fax: (43 1) 71100-8386	24. Sweden National Board of Trade (Kommerskollegium) Box 6803 S-113 86 Stockholm Tel (46 8) 690 48 00 Fax (46 8) 30 67 59
25. Finland Tullihallitus Erottajankatu 2 FIN-00101 Helsinki Tel.: (358-9) 61 41 Fax: (358-20) 492 28 52	

COMMISSION REGULATION (EC) No 2039/2005**of 14 December 2005****amending Regulation (EC) No 1238/95 establishing implementing rules for the application of Council Regulation (EC) 2100/94 as regards the fees payable to the Community Plant Variety Office**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights ⁽¹⁾, and in particular Article 113 thereof,

After consulting the Administrative Council of the Community Plant Variety Office,

Whereas:

- (1) Commission Regulation (EC) No 1238/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office ⁽²⁾ sets out fees payable to the Community Plant Variety Office (the Office), and the levels of such fees.
- (2) The financial reserve of the Office has reached a level which exceeds the level necessary to safeguard the continuity of its operations. For this reason, the level of the annual fee and the fees related to technical examinations were decreased during a transitional period.
- (3) As regards the annual fee, the transitional period during which the level of this fee was decreased was already prolonged until the end of 2007. As regards the fees for technical examinations, the transitional period during which the level of these fees was decreased was prolonged until the end of 2006.

(4) It is however foreseen that despite the measures taken in order to decrease the financial reserve of the Office, the level of the reserve will not decrease to an appropriate level in the short term. The level of the annual fee should therefore be further decreased. Therefore, Regulation (EC) No 1238/95 should be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Community Plant Variety Rights,

HAS ADOPTED THIS REGULATION:

Article 1

Article 9(1) of Regulation (EC) No 1238/95 is replaced by the following:

'1. The office shall charge a holder of a Community plant variety right (hereinafter referred to as the holder) a fee for each year of the duration of a Community plant variety right (hereinafter referred to as annual fee) of EUR 300 for the years 2003 to 2005 and of EUR 200 for the year 2006 and the following years. Where a person paid a fee of EUR 300 for the year 2006, the office shall refund the difference of EUR 100 to that person.'

Article 2

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

It shall apply from 1 January 2006.

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

Done at Brussels, 14 December 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 227, 1.9.1994, p. 1. Regulation as last amended by Regulation (EC) No 873/2004 (OJ L 162, 30.4.2004, p. 38).

⁽²⁾ OJ L 121, 1.6.1995, p. 31. Regulation as last amended by Regulation (EC) No 1177/2005 (OJ L 189, 21.7.2005, p. 26).

COMMISSION REGULATION (EC) No 2040/2005**of 14 December 2005****laying down rules of application in the pigmeat sector for the import arrangements provided for in the Europe Agreements with Bulgaria and Romania**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

(1) The Protocols approved by Council Decision 2003/286/EC of 8 April 2003 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions ⁽²⁾ and Council Decision 2003/18/EC of 19 December 2002 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions ⁽³⁾, provide for concessions for certain pigmeat products imported under the tariff quotas opened in accordance with those Agreements.

(2) Council and Commission Decision 2005/430/EC, Euratom of 18 April 2005 on the conclusion of the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union ⁽⁴⁾, and Council and Commission Decision 2005/431/EC, Euratom of 25 April 2005 on the conclusion of the Additional

Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union ⁽⁵⁾, provide for additional concessions as regards pigmeat products.

(3) The arrangements should be managed by means of import licences, and detailed rules on the submission of applications and the particulars which are to appear on applications and licences should be defined, in accordance with 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 ⁽⁶⁾.

(4) Licences should be issued after a period of consideration and should be subject, where applicable, to a uniform percentage reduction.

(5) In order to ensure proper management of the quantities, the expiry date for licences should be set at the end of each quota year.

(6) In order to ensure efficient management of the arrangements, the amount of the security for import licences under those arrangements should be fixed. In view of the risk of speculation inherent in the arrangements in the pigmeat sector, traders' access to the arrangements should be subject to compliance with specific conditions.

(7) In order to guarantee proper management of the arrangements, Member States should provide the Commission with precise information on the quantities actually imported. For reasons of clarity, a single form is to be used for the transmission of information on quantities between the Member States and the Commission.

⁽¹⁾ OJ L 282, 1.11.1975, p. 1. Regulation last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 102, 24.4.2003, p. 60.

⁽³⁾ OJ L 8, 14.1.2003, p. 18.

⁽⁴⁾ OJ L 155, 17.6.2005, p. 1.

⁽⁵⁾ OJ L 155, 17.6.2005, p. 26.

⁽⁶⁾ OJ L 152, 24.6.2000, p. 1. Regulation last amended by Regulation (EC) No 1856/2005 (OJ L 297, 15.11.2005, p. 7).

- (8) In order to guarantee a smooth transition to the new arrangements and, in particular, ensure that products falling under serial numbers 09.4752 and 09.4756 which are imported under licences as from 1 July 2005 in the context of the additional Protocols benefit from the lowering of customs duty to 0 %, provision should be made for refunding the amounts paid in excess, in accordance with the conditions laid down in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾ and by 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 ⁽²⁾.
- (9) Following the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, Commission Regulation (EC) No 1898/97 of 29 September 1997 laying down rules of application in the pigmeat sector for the arrangements covered by the Europe Agreements with Bulgaria, the Czech Republic, the Slovak Republic, Romania, the Republic of Poland and the Republic of Hungary ⁽³⁾ now relate to only Bulgaria and Romania. It is necessary, therefore, to repeal Regulation (EC) No 1898/97 and adopt a new Regulation laying down detailed rules for applying the trade aspects of the Europe Agreements with those two countries in the pigmeat sector.
- (10) The annual quantities to be imported are set for periods beginning on 1 July.
- (11) The Additional Protocols to the Europe Agreements with Bulgaria and Romania are to enter into force on the first day of the month following that in which the last instrument of approval is lodged.
- (12) For Bulgaria, the date of entry into force of the Additional Protocol to the Europe Agreement is 1 July 2005. Provision should therefore be made for this Regulation to apply to Bulgaria from that date.
- (13) For Romania, the date of entry into force of the Additional Protocol to the Europe Agreement is 1 August 2005. Provision should therefore be made for this Regulation to apply to Romania from that date.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat.

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be presented for imports into the Community from Bulgaria or Romania of products falling under serial numbers 09.4671, 09.4752 and 09.4756, as referred to in Annex I hereto, under the arrangements laid down by Decisions 2003/286/EC and 2005/430/EC and by Decisions 2003/18/EC and 2005/431/EC.

The annual quantities of products eligible for the arrangements and the reduced rate of customs duty established by the Common Customs Tariff are laid down in Annex I for each tariff quota with a serial number appearing in that Annex.

Article 2

The annual quantities referred to in Article 1 shall be spread over four periods as follows:

- (a) 25 % from 1 July to 30 September,
- (b) 25 % from 1 October to 31 December,
- (c) 25 % from 1 January to 31 March,
- (d) 25 % from 1 April to 30 June.

Article 3

1. Applications for import licences may be presented only by natural or legal persons who, at the time of lodging the application, are able to prove to the satisfaction of the competent authorities of the Member States that they have been engaged in trade in pigmeat with third countries for at least twelve months.

However, retail or catering establishments selling their products to the final consumer shall be ineligible for the arrangements referred to in Article 1.

2. Licence applications shall mention only one of the serial numbers referred to in Annex I.

Licence applications may cover several products falling under different Combined Nomenclature codes and originating in a single country. In such cases, all the Combined Nomenclature codes and the relevant descriptions shall be entered in boxes 16 and 15 of the application respectively.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

⁽³⁾ OJ L 267, 30.9.1997, p. 58. Regulation last amended by Regulation (EC) No 1467/2003 (OJ L 210, 20.8.2003, p. 11).

Licence applications shall be for a minimum of 1 tonne and a maximum of 25% of the quantity available under the serial number concerned during one of the quarters referred to in Article 2.

3. Box 8 of the licence application and the licence shall show the country of origin. Licences are valid only for imports of products originating in that country.

4. Box 20 of the licence application and the licence shall contain one of the references appearing in Annex II.

5. Box 24 of the licence shall contain one of the references appearing in Annex III.

Article 4

1. Licence applications may be lodged only in the first seven days of the month preceding each period referred to in Article 2.

2. Licence applications shall be admissible only if applicants declare in writing that they have not lodged and will not lodge, for the relevant period as referred to in Article 2, other applications for products falling under the same serial number in the Member State where the application is lodged or in another Member State. If applicants lodge more than one application for products coming under the same serial number, none of their applications shall be admissible.

3. Member States shall notify the Commission, on the third working day following the end of the period for lodging applications, of the applications lodged for each of the products falling under the serial numbers in question. Such notification shall include a list of the applicants and a summary of the quantities for each serial number.

Notifications shall be made by electronic mail or fax in accordance with the specimen in Annex IV if no applications have been lodged, or in accordance with the specimens in Annexes IV and V if applications have been lodged.

Article 5

1. The Commission shall decide as soon as possible to what extent the licence applications can be granted.

If the quantities in respect of which licences have been requested exceed those available, the Commission shall set a single acceptance percentage for the quantities requested.

If the overall quantity for which applications have been submitted is less than the quantity available, the Commission shall calculate the residual quantity, which shall be added to the quantity available for the following period specified in Article 2.

2. Licences shall be issued as soon as possible after the Commission has taken a decision in accordance with paragraph 1.

3. The licences issued shall be valid throughout the Community.

Article 6

Member States shall notify the Commission, before the end of the fourth month following each annual period referred to in Annex I, of the quantities actually imported under this Regulation during the period in question.

Notifications, including those indicating that no imports have taken place, shall be made in accordance with the specimen in Annex VI.

Article 7

1. For the purposes of Article 23(2) of Regulation (EC) No 1291/2000, import licences shall be valid for 150 days from their actual date of issue.

They shall however expire on 30 June of the year in which they were issued.

2. Import licences issued under this Regulation shall not be transferable.

Article 8

Security of EUR 20 per 100 kilograms shall be lodged against applications for import licences.

Article 9

The provisions of Regulation (EC) No 1291/2000 shall be applicable except as otherwise provided by this Regulation.

By way of derogation from Article 8(4) of Regulation (EC) 1291/2000, quantities imported under this Regulation shall not exceed the amount indicated in boxes 17 and 18 of the import licence. To that end '0' shall be entered in box 19 of the licence.

Article 10

The rules of origin applicable to imports under this Regulation shall be those provided for in Protocol 4 of the Europe Agreement with Bulgaria and in Protocol 4 of the Europe Agreement with Romania.

Article 11

The duties exceeding the amount legally due booked to account since 1 July 2005 shall be reimbursed or returned.

To this end interested parties are hereby invited to lodge applications in accordance with Article 236 of Regulation (EEC) No 2913/92 establishing the Community Customs Code and with the relevant implementing provisions contained in Regulation (EEC) No 2454/93.

Article 12

Regulation (EC) No 1898/97 is hereby repealed as from 1 July 2005.

It shall, however, continue to apply to imports from Romania until 31 July 2005.

Licences issued under Regulation (EC) No 1898/97 for use during the periods from 1 July to 30 September 2005, from 1 October to 31 December 2005 and from 1 January to 31 March 2006 shall be valid for the same periods under this Regulation.

Quantities which are provided for the periods from 1 July to 30 September 2005, from 1 October to 31 December 2005 and from 1 January to 31 March 2006 under this Regulation and were not allocated under Regulation (EC) No 1898/97 shall be added to the quantity available for the period from 1 April to 30 June 2006.

Article 13

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

It shall apply to imports from Bulgaria as from 1 July 2005.

It shall apply to imports from Romania as from 1 August 2005.

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

Done at Brussels, 14 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

A. PRODUCTS ORIGINATING IN BULGARIA

Serial No	CN Code	Description ⁽¹⁾	Duty applicable (% of MFN)	Annual quantity from 1.7.2005 to 30.6.2006 (tonnes)	Annual increase as from 1.7.2006 (tonnes)	Specific provisions
09.4671	ex 0203	Meat of domestic swine, fresh, chilled or frozen	Exemption	4 400	500	(2) (3)
	0210 11	Meat of swine, salted or in brine, dried or smoked				
	0210 12					
	0210 19					
	1601 00	Sausages and similar products				
	1602 41	Prepared or preserved meat, meat offal or blood of swine				
	1602 42					
	1602 49					

B. PRODUCTS ORIGINATING IN ROMANIA

Serial No	CN Code	Description ⁽¹⁾	Duty applicable (% of MFN)	Annual quantity from 1.7.2005 to 30.6.2006 (tonnes)	Annual increase as from 1.7.2006 (tonnes)	Specific provisions
09.4752	1602 41 10	Preserved meat of domestic swine	Exemption	2 125	0	
	1602 42 10					
	1602 49 11					
	1602 49 13					
	1602 49 15					
	1602 49 19					
	1602 49 30					
	1602 49 50					
09.4756	ex 0203	Meat of domestic swine, fresh, chilled or frozen	Exemption	15 625	0	(3)
	0210 11	Meat of swine, salted or in brine, dried or smoked				
	0210 12					
	0210 19					

⁽¹⁾ By way of derogation from the rules on the interpretation of the Combined Nomenclature, the wording of the description of the products shall be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the preferential scheme shall be determined by application to the CN code and corresponding description taken together.

⁽²⁾ This concession shall apply only to products not benefiting from any kind of export subsidy.

⁽³⁾ Excluding tenderloin presented alone.

ANNEX II

Entries referred to in Article 3(4)

- *In Spanish:* Reglamento (CE) n° 2040/2005
 - *In Czech:* Nařízení (ES) č. 2040/2005
 - *In Danish:* Forordning (EF) nr. 2040/2005
 - *In German:* Verordnung (EG) Nr. 2040/2005
 - *In Estonian:* Määrus (EÜ) nr 2040/2005
 - *In Greek:* Κανονισμός (ΕΚ) αριθ. 2040/2005
 - *In English:* Regulation (EC) No 2040/2005
 - *In French:* Règlement (CE) n° 2040/2005
 - *In Italian:* Regolamento (CE) n. 2040/2005
 - *In Latvian:* Regula (EK) Nr. 2040/2005
 - *In Lithuanian:* Reglamentas (EB) Nr. 2040/2005
 - *In Hungarian:* 2040/2005/EK rendelet
 - *In Maltese:* Regolament (KE) Nru 2040/2005
 - *In Dutch:* Verordening (EG) nr. 2040/2005
 - *In Polish:* Rozporządzenie (WE) nr 2040/2005
 - *In Portuguese:* Regulamento (CE) n.º 2040/2005
 - *In Slovak:* Nariadenie (ES) č. 2040/2005
 - *In Slovene:* Uredba (ES) št. 2040/2005
 - *In Finnish:* Asetus (EY) N:o 2040/2005
 - *In Swedish:* Förordning (EG) nr 2040/2005
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ANNEX III

Entries referred to in Article 3(5)

- *In Spanish:* Reducción del derecho de aduana en virtud del Reglamento (CE) n° 2040/2005
 - *In Czech:* Snížení cla stanovené nařízením (ES) č. 2040/2005
 - *In Danish:* Nedsættelse af importafgiften jf. forordning (EF) nr. 2040/2005
 - *In German:* Ermäßigung des Zollsatzes nach dem GZT gemäß Verordnung (EG) Nr. 2040/2005
 - *In Estonian:* Tollimaksu vähendamise vasatavalt määrusele (EÜ) nr 2040/2005
 - *In Greek:* Μείωση του δασμού όπως προβλέπεται στον κανονισμό (ΕΚ) αριθ. 2040/2005
 - *In English:* Customs duty reduction as provided for in Regulation (EC) No 2040/2005
 - *In French:* Réduction du droit de douane comme prévu au règlement (CE) n° 2040/2005
 - *In Italian:* Riduzione del dazio doganale a norma del regolamento (CE) n. 2040/2005
 - *In Latvian:* Regulā (EK) Nr. 2040/2005 paredzētais muitas nodokļa pazeminājums
 - *In Lithuanian:* Reglamente (EB) Nr. 2040/2005 numatytas muito sumažinimas
 - *In Hungarian:* Csökkentett vám az 2040/2005/EK rendeletnek megfelelően
 - *In Maltese:* Tnaqqis tad-dazju tad-Dwana kif ipprovdut fir-Regolament (KE) Nru 2040/2005
 - *In Dutch:* Douanerecht verlaagd overeenkomstig Verordening (EG) nr. 2040/2005
 - *In Polish:* Obniżka cla przewidziana w rozporządzeniu (WE) nr 2040/2005
 - *In Portuguese:* Redução do direito aduaneiro conforme previsto no Regulamento (CE) n.º 2040/2005
 - *In Slovak:* Zníženie cla v zmysle nariadenia (ES) č. 2040/2005
 - *In Slovene:* Znižanje carin, kakor je predvideno v Uredbi (ES) št. 2040/2005
 - *In Finnish:* Tullialennus, josta on säädetty asetuksessa (EY) N:o 2040/2005
 - *In Swedish:* Nedsättning av tullavgiften enligt förordning (EG) nr 2040/2005
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ANNEX IV

Application of Regulation (EC) No 2040/2005

EUROPEAN COMMISSION

Addressee: DG AGRI/D/2 — e-mail: AGRI-IMP-PORK@cec.eu.int or fax: +32 2 2921739

Import licence application	Date	Period
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Member State:

Consignor:

Contact person:

Telephone:

Fax:

Serial No	Quantity requested
09.4671	
09.4752	
09.4756	

ANNEX V

Application of Regulation (EC) No 2040/2005

EUROPEAN COMMISSION

Addressee: DG AGRI/D/2 — e-mail: AGRI-IMP-PORK@cec.eu.int or fax: +32 2 292 17 39

Import licence application	Date	Period
----------------------------	------	--------

Member State:

(tonnes)				
Serial No	CN Code	Applicant (name and address)	Quantity	Country of origin
09.4671				
		Total		

(tonnes)				
Serial No	CN Code	Applicant (name and address)	Quantity	Country of origin
09.4752				
		Total		

(tonnes)				
Serial No	CN Code	Applicant (name and address)	Quantity	Country of origin
09.4756				
		Total		

ANNEX VI

Notification of quantities actually imported

Member State:

Application of second paragraph of Article 6 of Regulation (EC) No 2040/2005

Quantities of products actually imported:

EUROPEAN COMMISSION

Addressee: DG AGRI/D/2 — e-mail: AGRI-IMP-PORK@cec.eu.int or fax: +32 2 2921739

Serial No	Quantity actually imported	Country of origin

COMMISSION REGULATION (EC) No 2041/2005**of 14 December 2005****laying down, for the 2005/06 marketing year, the revised production estimate for unginned cotton and the resulting new provisional reduction in the guide price**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular the second indent of Article 19(2) thereof,

Whereas:

(1) Article 16(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme ⁽³⁾ provides that the revised production estimate for unginned cotton referred to in the second subparagraph of Article 14(3) of Regulation (EC) No 1051/2001 and the resulting new provisional reduction in the guide price are to be established before 1 December of the marketing year concerned.

(2) Article 19(2) of Regulation (EC) No 1051/2001 provides that the revised production estimate is to be established taking account of the progress of the harvest. That revised estimate should therefore be fixed on the basis of data available for the 2005/06 marketing year.

(3) The second subparagraph of Article 14(3) of Regulation (EC) No 1051/2001 provides that from 16 December following the start of the marketing year, the amount of the advance is to be determined based on the revised production estimate, plus at least 7,5 %. In view of the most recent figures on quantities placed in supervised storage notified by the Member States in accordance with Article 15(4)(c)(i) of Regulation (EC)

No 1591/2001 and of uncertainty about the situation with regard to Greek production, as a safety margin, a percentage increase of 12,5 % for Greece and 7,5 % for Spain and Portugal should be applied for the 2005/06 marketing year.

(4) The new provisional reduction in the guide price must be calculated in accordance with Article 7 of Regulation (EC) No 1051/2001, but replacing actual production by the revised production estimate increased as above.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Natural Fibres,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 2005/06 marketing year, the revised production estimate for unginned cotton is hereby set at:

- 1 100 000 tonnes for Greece,
- 335 780 tonnes for Spain,
- 611 tonnes for Portugal.

2. For the 2005/06 marketing year, the new provisional reduction in the guide price shall be:

- EUR 39,650/100 kg for Greece,
- EUR 23,918/100 kg for Spain,
- EUR 0/100 kg for Portugal.

Article 2

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

⁽¹⁾ Protocol as last amended by Council Regulation (EC) No 1050/2001 (OJ L 148, 1.6.2001, p. 1).

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

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

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

Done at Brussels, 14 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 2042/2005**of 13 December 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 16 December 2005.

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

Done at Brussels, 13 December 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 81,80 223,22	13,58 16,53 15,95	687,91 10,17	176,48 91,37	370,67 5 673,99	6 066,30 900,84
1.40	Garlic 0703 20 00	138,34 477,66 1 303,50	79,31 96,53 93,13	4 017,14 59,39	1 030,57 533,57	2 164,56 33 134,01	35 424,93 5 260,55
1.50	Leeks ex 0703 90 00	70,37 242,97 663,05	40,34 49,10 47,37	2 043,40 30,21	524,22 271,41	1 101,05 16 854,32	18 019,65 2 675,89
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	52,48 181,20 494,49	30,09 36,62 35,33	1 523,91 22,53	390,95 202,41	821,13 12 569,48	13 438,55 1 995,60
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	— — —	— — —	— —	— —	— —	— —
1.100	Chinese cabbage ex 0704 90 90	104,01 359,13 980,02	59,63 72,58 70,02	3 020,24 44,65	774,82 401,16	1 627,40 24 911,44	26 633,84 3 955,08
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	30,30 104,62 285,50	17,37 21,14 20,40	879,85 13,01	225,72 116,86	474,09 7 257,15	7 758,92 1 152,19
1.140	Radishes ex 0706 90 90	117,45 405,53 1 106,66	67,33 81,96 79,07	3 410,51 50,42	874,94 452,99	1 837,69 28 130,45	30 075,42 4 466,15
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	450,56 1 555,68 4 245,33	258,30 314,40 303,32	13 083,29 193,42	3 356,43 1 737,75	7 049,69 107 913,00	115 374,23 17 132,90

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	103,23 356,44 972,69	59,18 72,04 69,50	2 997,65 44,32	769,03 398,16	1 615,23 24 725,10	26 434,62 3 925,50
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	151,09 521,68 1 423,63	86,62 105,43 101,71	4 387,35 64,86	1 125,54 582,74	2 364,04 36 187,57	38 689,62 5 745,35
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	242,82 838,42 2 287,98	139,21 169,44 163,47	7 051,10 104,24	1 808,91 936,54	3 799,36 58 158,58	62 179,74 9 233,60
1.200.2	— other ex 0709 20 00	477,17 1 647,58 4 496,10	273,56 332,97 321,23	13 856,09 204,85	3 554,68 1 840,40	7 466,10 114 287,20	122 189,15 18 144,90
1.210	Aubergines (eggplants) 0709 30 00	115,89 400,14 1 091,96	66,44 80,87 78,02	3 365,21 49,75	863,32 446,98	1 813,28 27 756,81	29 675,95 4 406,83
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	138,52 478,28 1 305,19	79,41 96,66 93,25	4 022,34 59,47	1 031,90 534,26	2 167,37 33 176,93	35 470,82 5 267,36
1.230	Chantarelles 0709 59 10	334,34 1 154,41 3 150,29	191,68 233,30 225,08	9 708,56 143,53	2 490,67 1 289,52	5 231,28 80 077,77	85 614,44 12 713,61
1.240	Sweet peppers 0709 60 10	148,73 513,52 1 401,35	85,26 103,78 100,12	4 318,68 63,85	1 107,93 573,62	2 327,04 35 621,17	38 084,06 5 655,42
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	103,41 357,06 974,40	59,29 72,16 69,62	3 002,90 44,40	770,37 398,85	1 618,06 24 768,40	26 480,92 3 932,38
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	68,30 235,82 643,54	39,16 47,66 45,98	1 983,26 29,32	508,79 263,42	1 068,65 16 358,27	17 489,30 2 597,13

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	151,77 524,05 1 430,08	87,01 105,91 102,17	4 407,22 65,16	1 130,64 585,38	2 374,75 36 351,41	38 864,79 5 771,36
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	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins ex 0805 10 20	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others ex 0805 10 20	— — —	— — —	— — —	— — —	— — —	— — —
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	111,47 384,88 1 050,29	63,90 77,78 75,04	3 236,80 47,85	830,38 429,92	1 744,09 26 697,63	28 543,53 4 238,67
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	88,34 305,04 832,42	50,65 61,65 59,47	2 565,36 37,93	658,13 340,74	1 382,30 21 159,49	22 622,48 3 359,40
2.90.2	— pink ex 0805 40 00	92,10 317,99 867,77	52,80 64,26 62,00	2 674,29 39,54	686,07 355,21	1 440,99 22 057,96	23 583,07 3 502,05

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	227,26 784,67 2 141,30	130,29 158,58 152,99	6 599,06 97,56	1 692,94 876,50	3 555,78 54 430,08	58 193,44 8 641,64
2.110	Water melons 0807 11 00	43,58 150,47 410,63	24,98 30,41 29,34	1 265,48 18,71	324,65 168,08	681,88 10 437,85	11 159,53 1 657,17
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	47,36 163,53 446,27	27,15 33,05 31,88	1 375,31 20,33	352,83 182,67	741,06 11 343,79	12 128,12 1 801,01
2.120.2	— Other ex 0807 19 00	88,85 306,78 837,17	50,94 62,00 59,81	2 580,01 38,14	661,88 342,68	1 390,19 21 280,30	22 751,64 3 378,58
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	383,14 1 322,89 3 610,06	219,65 267,35 257,93	11 125,49 164,48	2 854,17 1 477,72	5 994,77 91 764,81	98 109,53 14 569,11
2.160	Cherries 0809 20 95 0809 20 05	687,82 2 374,91 6 480,93	394,33 479,96 463,04	19 972,95 295,28	5 123,92 2 652,86	10 762,06 164 740,03	176 130,35 26 155,09
2.170	Peaches 0809 30 90	299,20 1 033,07 2 819,16	171,53 208,78 201,42	8 688,11 128,45	2 228,87 1 153,98	4 681,43 71 660,89	76 615,61 11 377,30
2.180	Nectarines ex 0809 30 10	299,27 1 033,33 2 819,86	171,57 208,83 201,47	8 690,26 128,48	2 229,43 1 154,26	4 682,59 71 678,66	76 634,61 11 380,12
2.190	Plums 0809 40 05	289,48 999,50 2 727,55	165,96 202,00 194,87	8 405,78 124,27	2 156,45 1 116,48	4 529,30 69 332,23	74 125,94 11 007,59
2.200	Strawberries 0810 10 00	433,58 1 497,07 4 085,38	248,57 302,55 291,89	12 590,35 186,14	3 229,97 1 672,28	6 784,08 103 847,22	111 027,34 16 487,39

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	703,30	403,20	20 422,36	5 239,22	11 004,22	180 093,44
		2 428,35	490,76	301,93	2 712,55	168 446,83	26 743,60
		6 626,75	473,46				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 262,99	724,07	36 674,70	9 408,64	19 761,50	323 413,85
		4 360,85	881,31	542,20	4 871,23	302 498,73	48 026,46
		11 900,40	850,24				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	132,12	75,74	3 836,40	984,20	2 067,17	33 831,05
		456,17	92,19	56,72	509,56	31 643,20	5 023,86
		1 244,85	88,94				
2.230	Pomegranates ex 0810 90 95	160,76	92,16	4 668,16	1 197,58	2 515,35	41 165,89
		555,07	112,18	69,01	620,04	38 503,70	6 113,07
		1 514,75	108,22				
2.240	Khakis (including sharon fruit) ex 0810 90 95	145,09	83,18	4 213,20	1 080,87	2 270,21	37 153,89
		500,98	101,25	62,29	559,61	34 751,15	5 517,30
		1 367,12	97,68				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

COMMISSION REGULATION (EC) No 2043/2005**of 14 December 2005****on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements**

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 Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽²⁾,

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96 ⁽³⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1159/2003 stipulates how the delivery obligations at zero duty of products of CN code 1701, expressed in white sugar equivalent, are to be determined for imports originating in signatory countries to the ACP Protocol and the Agreement with India.
- (2) Article 16 of Regulation (EC) No 1159/2003 stipulates how the zero duty tariff quotas for products of CN code 1701 11 10, expressed in white sugar equivalent, are to be determined for imports originating in signatory

countries to the ACP Protocol and the Agreement with India.

- (3) Article 22 of Regulation (EC) No 1159/2003 opens tariff quotas at a duty of EUR 98 per tonne for products of CN code 1701 11 10 for imports originating in Brazil, Cuba and other third countries.
- (4) In the week of 5 to 9 December 2005 applications were presented to the competent authorities in line with Article 5(1) of Regulation (EC) No 1159/2003 for import licences for a total quantity exceeding a country's delivery obligation quantity of ACP-India preferential sugar determined pursuant to Article 9 of that Regulation.
- (5) In these circumstances the Commission must set reduction coefficients to be used so that licences are issued for quantities scaled down in proportion to the total available and must indicate that the limit in question has been reached,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of import licence applications presented from 5 to 9 December 2005 in line with Article 5(1) of Regulation (EC) No 1159/2003 licences shall be issued for the quantities indicated in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 15 December 2005.

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

Done at Brussels, 14 December 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 987/2005 (OJ L 167, 29.6.2005, p. 12).

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 162, 1.7.2003, p. 25. Regulation as last amended by Regulation (EC) No 568/2005 (OJ L 97, 15.4.2005, p. 9).

ANNEX

ACP-INDIA preferential sugar**Title II of Regulation (EC) No 1159/2003****2005/06 marketing year**

Country	Week of 5.12.2005-9.12.2005: percentage of requested quantity to be granted	Limit
Barbados	100	reached
Belize	100	
Congo	100	
Fiji	100	
Guyana	100	reached
India	0	
Côte d'Ivoire	100	
Jamaica	100	
Kenya	100	reached
Madagascar	100	
Malawi	100	
Mauritius	100	
Mozambique	0	reached
Saint Kitts and Nevis	100	
Swaziland	100	
Tanzania	100	
Trinidad and Tobago	100	reached
Zambia	100	
Zimbabwe	0	

Special preferential sugar**Title III of Regulation (EC) No 1159/2003****2005/06 marketing year**

Country	Week of 5.12.2005-9.12.2005: percentage of requested quantity to be granted	Limit
India	100	
ACP	100	

CXL concessions sugar**Title IV of Regulation (EC) No 1159/2003****2005/06 marketing year**

Country	Week of 5.12.2005-9.12.2005: percentage of requested quantity to be granted	Limit
Brazil	0	reached
Cuba	100	
Other third countries	0	reached

COMMISSION REGULATION (EC) No 2044/2005**of 14 December 2005****fixing the A1 and B export refunds for fruit and vegetables (tomatoes, oranges, lemons and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular the third subparagraph of Article 35(3),

Whereas:

- (1) Commission Regulation (EC) No 1961/2001 ⁽²⁾ lays down the detailed rules of application for export refunds on fruit and vegetables.
- (2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant exports, the products exported by the Community may be covered by export refunds, within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Under Article 35(2) of Regulation (EC) No 2200/96, care must be taken to ensure that the trade flows previously brought about by the refund scheme are not disrupted. For this reason and because exports of fruit and vegetables are seasonal in nature, the quantities scheduled for each product should be fixed, based on the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽³⁾. These quantities must be allocated taking account of the perishability of the products concerned.
- (4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the

other hand. Account must also be taken of the transport and marketing costs and of the economic aspect of the exports planned.

- (5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint.
- (6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.
- (7) Tomatoes, oranges, lemons and apples of classes Extra, I and II of the common quality standards can currently be exported in economically significant quantities.
- (8) In order to ensure the best use of available resources and in view of the structure of Community exports, it is appropriate to fix the A1 and B export refunds.
- (9) 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

1. For system A1, the refund rates, the refund application period and the scheduled quantities for the products concerned are fixed in the Annex hereto. For system B, the indicative refund rates, the licence application period and the scheduled quantities for the products concerned are fixed in the Annex hereto.

2. The licences issued in respect of food aid as referred to in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁴⁾ shall not count against the eligible quantities in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 January 2006.

⁽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 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 558/2005 (OJ L 94, 13.4.2005, p. 22).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1856/2005 (OJ L 297, 15.11.2005, p. 7).

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

Done at Brussels, 14 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

**to the Commission Regulation of 14 December 2005 fixing the export refunds on fruit and vegetables
(tomatoes, oranges, lemons and apples)**

Product code ⁽¹⁾	Destination ⁽²⁾	System A1 Refund application period 10.1.2006 to 9.3.2006		System B Licence application period 17.1.2006 to 16.3.2006	
		Refund amount (EUR/t net weight)	Scheduled quantity (t)	Indicative refund amount (EUR/t net weight)	Scheduled quantity (t)
0702 00 00 9100	F08	30		30	4 885
0805 10 20 9100	A00	36		36	71 092
0805 50 10 9100	A00	60		60	10 105
0808 10 80 9100	F04, F09	34		34	41 830

⁽¹⁾ The product codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

⁽²⁾ The 'A' series destination codes are set out in Annex II to Regulation (EEC) No 3846/87.

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:

F03: All destinations except Switzerland.

F04: Sri Lanka, Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica and Japan.

F08: All destinations except Bulgaria.

F09: The following destinations:

- Norway, Iceland, Greenland, Faeroe Islands, Romania, Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah, Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia,
- African countries and territories except for South Africa,
- destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

COMMISSION REGULATION (EC) No 2045/2005**of 14 December 2005****setting the export refunds for nuts (shelled almonds, hazelnuts in shell, shelled hazelnuts and walnuts in shell) using system A1**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

prices that are most favourable from the point of view of exportation.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular the third subparagraph of Article 35(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1961/2001 ⁽²⁾ sets detailed rules covering export refunds on fruit and vegetables.

(2) Under Article 35(1) of Regulation (EC) No 2200/96 refunds can be granted on products exported by the Community, to the extent necessary to enable economically significant quantities to be exported and within the limits ensuing from agreements concluded in line with Article 300 of the Treaty.

(3) In line with Article 35(2) of Regulation (EC) No 2200/96 care should be taken to ensure that trade flows already engendered by the granting of refunds are not disturbed. For that reason and given the seasonal nature of fruit and vegetable exports quantities should be set product by product using the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽³⁾. In setting quantities account must be taken of perishability.

(4) Article 35(4) of Regulation (EC) No 2200/96 stipulates that when refunds are set account is to be taken of the existing situation and outlook for prices and availability of fruit and vegetables on the Community market and for international trade prices, of marketing and transport costs and of the economic aspects of the exportation envisaged.

(5) Article 35(5) of Regulation (EC) No 2200/96 requires Community market prices to be determined using the

(6) The international trade situation or specific requirements of certain markets may necessitate differentiation of the refund on a given product by destination.

(7) Economically significant exports can at present be made of shelled almonds, hazelnuts and walnuts in shell.

(8) Since nuts have a relatively long storage life export refunds can be set at longer intervals.

(9) In order to permit the best possible use of available resources the export refunds should, given the structure of exportation from the Community, be set using system A1.

(10) 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

1. Export refund rates for nuts, the period for lodging licence applications and the quantities permitted are stipulated in the Annex hereto.

2. Licences for food aid purposes issued as indicated in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁴⁾ shall not be counted against the quantities indicated in the Annex hereto.

3. Without prejudice to Article 5(6) of Regulation (EC) No 1961/2001, the type A1 licences shall be valid for three months.

Article 2

This Regulation shall enter into force on 10 January 2006.

⁽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 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 2180/2003 (OJ L 335, 22.12.2003, p. 1).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1856/2005 (OJ L 297, 15.11.2005, p. 7).

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

Done at Brussels, 14 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

to the Commission Regulation of 14 December 2005 setting the export refunds for nuts (system A1)

Period for lodging licence applications: from 10 January 2006 to 23 June 2006.

Produce code ⁽¹⁾	Destination ⁽²⁾	Rate of refund (EUR/t net)	Permitted quantities (t)
0802 12 90 9000	A00	45	1 752
0802 21 00 9000	A00	53	62
0802 22 00 9000	A00	103	2 764
0802 31 00 9000	A00	66	37

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

⁽²⁾ The series A destination codes are defined in Annex II to Regulation (EEC) No 3846/87. The numerical destination codes are defined in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 12 December 2005

appointing a Belgian member to the Committee of the Regions

(2005/901/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Belgian Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2002 to 25 January 2006 ⁽¹⁾.
- (2) The seat of a member of the Committee of the Regions has become vacant following the expiry of the mandate of the 'Ministre-Président du gouvernement wallon', Mr Jean-Claude VAN CAUWENBERGHE, member,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Jean-Claude VAN CAUWENBERGHE,

Membre du Parlement wallon,

is hereby appointed a member of the Committee of the Regions for the remainder of the term of office, which ends on 25 January 2006.

Article 2

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

It shall take effect on the date of its adoption.

Done at Brussels, 12 December 2005.

For the Council

The President

J. STRAW

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION**of 12 December 2005****determining the order in which the office of President of the Council shall be held**

(2005/902/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular the second paragraph of Article 203 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 116 thereof,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 41(1) thereof,

Whereas:

- (1) By Decision 95/2/EC, Euratom, ECSC ⁽¹⁾, the Council established the order in which the office of President of the Council was to be held for the Member States of the European Union at the date of 1 January 1995.
- (2) The European Union was enlarged on 1 May 2004 to include 10 new Member States.
- (3) The order in which the office of President of the Council shall be held should accordingly be determined taking into account the new Member States.
- (4) This Decision shall be without prejudice to amendments to the order in which the office of President shall be held adopted by the Council after the accession of Bulgaria and Romania,

Article 1

1. The order in which the Member States shall hold the Presidency of the Council from 1 January 2006 is set out in the Annex hereto.

2. The Council, acting unanimously on a proposal from the Member States concerned, may decide that a Member State may hold the Presidency during a period other than that resulting from the order established in the Annex hereto.

Article 2

This Decision shall take effect on 1 January 2006.

Article 3

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

Done at Brussels, 12 December 2005.

For the Council
The President
J. STRAW

⁽¹⁾ OJ L 1, 1.1.1995, p. 220. Decision as amended by Decision 2002/105/EC, ECSC, Euratom (OJ L 39, 9.2.2002, p. 17).

ANNEX

Austria	January-June	2006
Finland	July-December	2006
Germany	January-June	2007
Portugal	July-December	2007
Slovenia	January-June	2008
France	July-December	2008
Czech Republic	January-June	2009
Sweden	July-December	2009
Spain	January-June	2010
Belgium	July-December	2010
Hungary	January-June	2011
Poland	July-December	2011
Denmark	January-June	2012
Cyprus	July-December	2012
Ireland	January-June	2013
Lithuania	July-December	2013
Greece	January-June	2014
Italy	July-December	2014
Latvia	January-June	2015
Luxembourg	July-December	2015
Netherlands	January-June	2016
Slovakia	July-December	2016
Malta	January-June	2017
United Kingdom	July-December	2017
Estonia	January-June	2018

COMMISSION

COMMISSION DECISION

of 13 December 2005

amending Decision 2005/263/EC on authorising Member States to adopt certain derogations pursuant to Directive 94/55/EC with regard to the transport of dangerous goods by road

(notified under document number C(2005) 3565)

(Only the English, Lithuanian and Swedish texts are authentic)

(Text with EEA relevance)

(2005/903/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road ⁽¹⁾, and in particular Article 6(9) thereof,

Whereas:

(1) Pursuant to Article 6(9) of Directive 94/55/EC, Member States must give the Commission advance notification of their derogations for the first time by 31 December 2002 or up to two years after the last date of application of the amended versions of the Annexes to the Directive.

(2) Commission Directive 2003/28/EC ⁽²⁾ amended Annexes A and B to Directive 94/55/EC. By virtue of Directive 2003/28/EC Member States had to bring into force national legislation no later than 1 July 2003, as the last date of application referred to in Article 6(9) of Directive 94/55/EC was 30 June 2003.

(3) Certain Member States had notified the Commission by 31 December 2003 of their wish to adopt derogations from Directive 94/55/EC. By Decision 2005/263/EC of 4 March 2005 authorising Member States to adopt certain derogations pursuant to Directive 94/55/EC

with regard to the transport of dangerous goods by road ⁽³⁾, the Commission authorised the adoption by the Member States of the derogations listed in Annexes I and II to that Decision.

(4) Sweden, the United Kingdom and Lithuania notified the Commission by 31 December 2004 of their wish to adopt new derogations and to amend their existing derogations in Annexes I and II to Decision 2005/263/EC. The Commission has examined the notifications for compliance with the conditions laid down in Article 6(9) of Directive 94/55/EC and has approved them. Those Member States should therefore be authorised to adopt the derogations in question.

(5) It is therefore necessary to amend Annexes I and II to Decision 2005/263/EC.

(6) The measures provided for in this Decision are in accordance with the opinion of the Committee on the transport of dangerous goods set up under Article 9 of Directive 94/55/EC,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/263/EC is hereby amended as follows:

1. Annex I shall be amended by the derogations listed in Annex I to this Decision.

2. Annex II shall be amended by the derogations listed in Annex II to this Decision.

⁽¹⁾ OJ L 319, 12.12.1994, p. 7. Directive as last amended by Commission Directive 2004/111/EC (OJ L 365, 10.12.2004, p. 25).

⁽²⁾ OJ L 90, 8.4.2003, p. 45.

⁽³⁾ OJ L 85, 2.4.2005, p. 58.

Article 2

This Decision is addressed to the Republic of Lithuania, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 13 December 2005.

For the Commission

Jacques BARROT

Vice-President

ANNEX I

Derogations for Member States on small quantities of certain dangerous goods

THE UNITED KINGDOM

RO-SQ 15.1 (amended)

Subject: Carriage of certain low-hazard radioactives such as clocks, watches, smoke detectors, compass dials (E1).

Reference to the Annex to the Directive: Most requirements of ADR.

Content of the Annex to the Directive: Requirements concerning the carriage of Class 7 material.

Reference to the national legislation: The Radioactive Material (Road Transport) Regulations 2002 Regulation 5(4)(d). The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 3(10).

Content of the national legislation: Total exemption from the provisions of the national regulations for certain commercial products containing limited quantities of radioactive material. (A luminous device intended to be worn by a person; in any one vehicle or railway vehicle no more than 500 smoke detectors for domestic use with an individual activity not exceeding 40 kBq; or in any one vehicle or railway vehicle no more than five gaseous tritium light devices with an individual activity not exceeding 10 GBq).

Comments: This derogation is a short-term measure, which will no longer be required when similar amendments to the IAEA regulations have been incorporated into ADR.

RO-SQ 15.2 (amended)

Subject: Exemption from the requirement to carry a transport document for certain quantities of dangerous goods (other than Class 7) as defined in 1.1.3.6 (E2).

Reference to the Annex to the Directive: 1.1.3.6.2 and 1.1.3.6.3.

Content of the Annex to the Directive: Exemptions from certain requirements for certain quantities per transport unit.

Reference to the national legislation: The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 3(7)(a).

Content of the national legislation: Transport document is not required for limited quantities, except where these form part of a larger load.

Comments: This exemption is suited to national transport, where a transport document is not always appropriate in cases where local distribution is involved.

RO-SQ 15.3 (amended)

Subject: Carriage of light-gauge metal cylinders for use in hot-air balloons between the filling site and the launch/landing site (E3).

Reference to the Annex to the Directive: 6.2.

Content of the Annex to the Directive: Requirements for construction and testing of gas receptacles.

Reference to the national legislation: The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 5(15).

Content of the national legislation: Allows carriage of non-ADR-compliant cylinders for the carriage of UN 1011, 1965 and 1978, subject to stringent aviation requirements.

Comments: Gas cylinders used for hot-air balloons are designed to be as lightweight as possible, which precludes their meeting the normal requirements for gas cylinders. The average balloon cylinder has a water capacity of 70 litres, and the largest does not exceed 90 litres. Not more than five cylinders are carried on the vehicle at any one time.

RO-SQ 15.4 (amended)

Subject: Exemption from the requirement for vehicles carrying low-level radioactive material to carry fire-fighting equipment (E4).

Reference to the Annex to the Directive: 8.1.4.

Content of the Annex to the Directive: Requirement for vehicles to carry fire-fighting appliances.

Reference to national legislation: The Radioactive Material (Road Transport) Regulations 2002 Regulation 5(4)(d).

Content of national legislation: Removes requirement to carry fire extinguishers when carrying only exempted packages (UN 2908, 2909, 2910 and 2911).

Restricts the requirement where only a small number of packages are carried.

Comments: Carriage of fire-fighting equipment is in practice irrelevant to the transport of UN 2908, 2909, 2910, UN 2911, which may often be carried in small vehicles.

RO-SQ 15.5 (amended)

Subject: Distribution of goods in inner packagings to retailers or users (excluding those of classes 1, 4.2, 6.2 and 7) from local distribution depots to retailers or users and from retailers to end users (N1).

Reference to the Annex to the Directive: 6.1.

Content of the Annex to the Directive: Requirements for the construction and testing of packagings.

Reference to national legislation: The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 7(4) and Regulation 36 Authorisation Number 13.

Content of national legislation: Packagings are not required to have been allocated an RID/ADR or UN mark or to be otherwise marked if they contain goods as set out in Schedule 3.

Comments: ADR requirements are inappropriate for the final stages of carriage from a distribution depot to a retailer or user or from a retailer to an end user. The purpose of this derogation is to allow the inner receptacles of goods for retail distribution to be carried on the final leg of a local distribution journey without an outer packaging.

RO-SQ 15.6 (amended)

Subject: Movement of nominally empty fixed tanks not intended as transport equipment (N2).

Reference to the Annex to the Directive: Parts 5 and 7 to 9.

Content of the Annex to the Directive: Requirements concerning consignment procedures, carriage, operation and vehicles.

Reference to national legislation: The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 5(14).

Content of national legislation: The regulations do not apply to the carriage of nominally empty storage tanks.

Comments: Movement of such fixed tanks is not carriage of dangerous goods in the normal sense, and ADR provisions cannot in practice be applied. As the tanks are 'nominally empty', the amount of dangerous goods actually contained in them is by definition extremely small.

LITHUANIA

RO-SQ 20.1 (new)

Subject: Adoption of RO-SQ 15.8.

Reference to the national legislation: Lietuvos Respublikos Vyriausybės 2000 m. kovo 23 d. nutarimas Nr. 337 'Dėl pavojingų krovinių vežimo kelių transportu Lietuvos Respublikoje' (Government Resolution No 337 on the Transport of Dangerous Goods by Road in the Republic of Lithuania, adopted on 23 March 2000).

ANNEX II

Derogations for Member States on local transport limited to their territory

SWEDEN

RO-LT 14.12 (new)

Subject: Carriage of UN 0335 FIREWORKS.

Reference to the Annex to the Directive: Annex B, section 7.2.4, V2 (1).

Content of the Annex to the Directive: Provisions for the use of EX/II and EX/III vehicles.

Reference to the national legislation: Appendix S — Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act.

Content of the national legislation: When carrying UN 0335 FIREWORKS, Special Provision V2 (1) in 7.2.4 is only applicable for a net explosive content of more than 3 000 kg (4 000 kg with trailer), provided the fireworks has been assigned to UN 0335 according to the default fireworks classification table in 2.1.3.5.5 of the fourteenth revised edition of the UN Recommendations on the Transport of Dangerous Goods.

Such assignment shall be made with the agreement of the competent authority. A verification of the assignment shall be carried on the transport unit.

Comments: The carriage of fireworks is limited in time to two short periods of the year, the turn of the year and the turn of the month April/May. The carriage from consigners to terminals can be done by the present fleet of EX-approved vehicles without great problems. However, the distribution of fireworks from terminals to shopping areas and the surplus back to the terminal is limited due to lack of EX-approved vehicles. The carriers are not interested to invest in such approvals because they cannot recover their expenses. This leads to a risk for the whole existence for the consigners of fireworks because they cannot get their products on the market.

When using this derogation, the classification of the fireworks must have been made on basis of the default list in the UN Recommendations, in order to get the best-updated classification possible.

A similar type of exception is for UN 0336 FIREWORKS incorporated in Special Provision 651, section 3.3.1 of ADR 2005.

LITHUANIA

RO-LT 20.1 (new)

Subject: Adoption of RO-LT 4.1.

Reference to national legislation: Lietuvos Respublikos Vyriausybės 2000 m. kovo 23 d. nutarimas Nr. 337 'Dėl pavojingų krovinių vežimo kelių transportu Lietuvos Respublikoje' (Government Resolution No 337 on the Transport of Dangerous Goods by Road in the Republic of Lithuania, adopted on 23 March 2000).

RO-LT 20.2 (new)

Subject: Adoption of RO-LT 4.2.

Reference to the national legislation: Lietuvos Respublikos Vyriausybės 2000 m. kovo 23 d. nutarimas Nr. 337 'Dėl pavojingų krovinių vežimo kelių transportu Lietuvos Respublikoje' (Government Resolution No 337 on the Transport of Dangerous Goods by Road in the Republic of Lithuania, adopted on 23 March 2000).
