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EN

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 999/2005
of 30 June 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 1 July 2005.

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

Done at Brussels, 30 June 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 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to Commission Regulation of 30 June 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	55,7
	999	55,7
0707 00 05	052	82,3
	999	82,3
0709 90 70	052	87,5
	999	87,5
0805 50 10	382	71,1
	388	65,2
	528	60,0
	999	65,4
0808 10 80	388	90,4
	400	105,2
	508	77,6
	512	70,6
	524	62,4
	528	63,5
	720	39,2
	804	91,7
999	75,1	
0809 10 00	052	177,1
	999	177,1
0809 20 95	052	281,4
	068	218,2
	400	325,6
	999	275,1
0809 40 05	624	121,9
	999	121,9

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

COMMISSION REGULATION (EC) No 1000/2005

of 30 June 2005

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 14 of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 14 of Regulation (EC) No 1785/2003 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽³⁾ on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash,

crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 1549/2004 (OJ L 280, 31.8.2004, p. 13).

⁽³⁾ OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

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

Done at Brussels, 30 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

to Commission Regulation of 30 June 2005 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	59,50	1104 23 10 9300	C10	EUR/t	48,88
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	51,00	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	51,00	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C11	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	10,63
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	76,50	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	59,50	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	51,00	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	51,00	1108 12 00 9200	C10	EUR/t	68,00
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	68,00
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	68,00
1103 20 60 9000	C12	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	68,00
1103 20 20 9000	C11	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	66,62
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	51,00
1104 19 50 9110	C10	EUR/t	68,00	1702 30 91 9000	C10	EUR/t	66,62
1104 19 50 9130	C10	EUR/t	55,25	1702 30 99 9000	C10	EUR/t	51,00
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	51,00
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	66,62
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	51,00
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	69,81
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	48,45
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	51,00
1104 23 10 9100	C10	EUR/t	63,75				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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

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

The other destinations are as follows:

C10: All destinations

C11: All destinations except for Bulgaria

C12: All destinations except for Romania

C13: All destinations except for Bulgaria and Romania

COMMISSION REGULATION (EC) No 1001/2005
of 30 June 2005
fixing production refunds on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

- (2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.
- (3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (a) EUR 19,28/tonne for starch from maize, wheat, barley and oats;
- (b) EUR 23,81/tonne for potato starch.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

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

COMMISSION REGULATION (EC) No 1002/2005

of 30 June 2005

amending Regulation (EC) No 1239/95 as regards the grant of compulsory licences and the rules on public inspection and access to documents held by the Community Plant Variety Office

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights⁽¹⁾, and in particular Article 114 thereof,

Regulation (EC) No 1239/95 is amended as follows:

Whereas:

1. Chapter IV of Title II is replaced by the following:

(1) Article 29 of Regulation (EC) No 2100/94 has been amended in order to include a reference to compulsory licences provided for in Article 12 of Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions⁽²⁾ and to replace the term 'compulsory exploitation right' by 'compulsory licence'.

'CHAPTER IV

COMMUNITY LICENCES TO BE GRANTED BY THE OFFICE

Section 1

Compulsory licences pursuant to Article 29 of the Basic Regulation

Article 37

Applications for a compulsory licence

(2) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents⁽³⁾, which lays down the general principles and limits governing the right of access to documents provided for in Article 255 of the Treaty, has been made applicable to documents held by the Community Plant Variety Office by way of insertion of a new Article 33a in Regulation (EC) No 2100/94.

1. The application for a compulsory licence pursuant to Article 29(1), (2) and (5) of the basic Regulation shall contain:

(3) It is therefore appropriate to amend Commission Regulation (EC) No 1239/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the Community Plant Variety Office⁽⁴⁾ accordingly.

(a) the designation of the applicant and the opposing holder of the variety concerned as parties to proceedings;

(4) The Administrative Council of the Community Plant Variety office has been consulted.

(b) the variety denomination and the plant species of the variety or varieties concerned;

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

(c) a proposal for the type of acts to be covered by the compulsory licence;

(d) a statement setting out the public interest concerned, including details of facts, items of evidence and arguments presented in support of the public interest claimed;

⁽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 213, 30.7.1998, p. 13.

⁽³⁾ OJ L 145, 31.5.2001, p. 43.

⁽⁴⁾ OJ L 121, 1.6.1995, p. 37. Regulation as last amended by Regulation (EC) No 2181/2002 (OJ L 331, 7.12.2002, p. 14).

(e) in the case of an application referred to in Article 29(2) of the basic Regulation, a proposal for the category of persons to which the compulsory licence shall be granted, including, as the case may be, the specific requirements related to that category of persons.

(f) a proposal for an equitable remuneration and the basis for calculating the remuneration.

2. The application for a compulsory licence referred to in Article 29(5a) of the basic Regulation shall contain:

- (a) the designation of the applicant holding a patent right and the opposing holder of the variety concerned as parties to proceedings;
- (b) the variety denomination and the plant species of the variety or varieties concerned;
- (c) a certified copy of the patent certificate showing the number and claims of the patent for a biotechnological invention and the granting authority of the patent;
- (d) a proposal for the type of acts to be covered by the compulsory licence;
- (e) a proposal for an equitable remuneration and the basis for calculating the remuneration;
- (f) a statement setting out why the biotechnological invention constitutes significant technical progress of considerable economic interest compared with the protected variety, including details of facts, items of evidence and arguments in support of the claim;
- (g) a proposal for the territorial scope of the licence, which may not exceed the territorial scope of the patent referred to in point (c).

3. The application for a cross-licence referred to in Article 29(5a) of the basic Regulation shall contain:

- (a) the designation of the applicant holding a patent right and the opposing holder of the variety concerned as parties to proceedings;
- (b) the variety denomination and the plant species of the variety or varieties concerned;
- (c) a certified copy of the patent certificate showing the number and claims of the patent for a biotechnological invention and the granting authority of the patent;
- (d) an official document showing that a compulsory licence for a patented biotechnological invention has been granted to the holder of the plant variety right;
- (e) a proposal for the type of acts to be covered by the cross-licence;
- (f) a proposal for an equitable remuneration and the basis for calculating the remuneration;

- (g) a proposal for the territorial scope of the cross-licence, which may not exceed the territorial scope of the patent referred to in point (c).

4. The application for a compulsory licence shall be accompanied by documents evidencing that the applicant has applied unsuccessfully to obtain a contractual licence from the holder of the plant variety right. Should the Commission or a Member State be the applicant for a compulsory licence pursuant to Article 29(2) of the basic Regulation, the Office may waive this condition in the case of *force majeure*.

5. A request for a contractual licence shall be considered unsuccessful within the meaning of paragraph 4 if:

- (a) the opposing holder has not given a final reply to the person seeking such right within a reasonable period, or
- (b) the opposing holder has refused to grant a contractual licence to the person seeking it, or
- (c) the opposing holder has offered a licence to the person seeking it, on obviously unreasonable fundamental terms including those relating to the royalty to be paid, or on terms which, seen as a whole, are obviously unreasonable.

Article 38

Examination of the application for a compulsory licence

1. Oral proceedings and the taking of evidence shall in principle be held together in one hearing.

2. Requests for further hearings shall be inadmissible except for those requests based on circumstances which have undergone change during or after the hearing.

3. Before taking a decision, the Office shall invite the parties concerned to come to an amicable settlement on a contractual licence. If appropriate, the Office shall make a proposal for such an amicable settlement.

Article 39

Tenure of a Community plant variety right during the proceedings

1. If the commencement of an action in respect of a claim referred to in Article 98(1) of the basic Regulation against the holder has been entered in the Register of Community Plant Variety Rights, the Office may suspend the proceedings on the grant of a compulsory licence. It shall not resume them prior to the entry in the same Register of the final judgment upon, or any other termination of, such action.

2. If a transfer of the Community plant variety right is binding on the Office, the new holder shall enter the proceedings as party thereto, upon request of the applicant, if that applicant has unsuccessfully requested the new holder to grant him a licence within two months of receipt of communication from the Office that the name of the new holder has been entered in the Register of Community Plant Variety Rights. A request from the applicant shall be accompanied by sufficient documentary evidence of his vain attempt and, if appropriate, of the conduct of the new holder.

3. In the case of an application referred to in Article 29(2) of the basic Regulation, the new holder shall enter the proceedings as party thereto. Paragraph 1 of this Article shall not apply.

Article 40

Contents of the decision on the application

The written decision shall be signed by the President of the Office. The decision shall contain:

- (a) a statement that the decision is delivered by the Office;
- (b) the date when the decision was taken;
- (c) the names of the members of the committee having taken part in the proceedings;
- (d) the names of the parties to proceedings and of their procedural representatives;
- (e) the reference to the opinion of the Administrative Council;
- (f) a statement of the issues to be decided;
- (g) a summary of the facts;
- (h) the grounds on which the decision is based;
- (i) the order of the Office; if need be, the order shall include the stipulated acts covered by the compulsory licence, the specific conditions pertaining thereto and the category of persons, including where appropriate the specific requirements relating to that category.

Article 41

Grant of a compulsory licence

The decision to grant a compulsory licence pursuant to Article 29(1), (2) and (5) of the basic Regulation shall

contain a statement setting out the public interest involved.

1. The following grounds may in particular constitute a public interest:

- (a) the protection of life or health of humans, animals or plants,
- (b) the need to supply the market with material offering specific features,
- (c) the need to maintain the incentive for continued breeding of improved varieties.

2. The decision to grant a compulsory licence pursuant to Article 29(5a) of the basic Regulation shall contain a statement setting out the reasons why the invention constitutes significant technical progress of considerable economic interest. The following grounds may in particular constitute reasons why the invention constitutes significant technical progress of considerable economic interest compared with the protected plant variety:

- (a) improvement of cultural techniques;
- (b) improvement of the environment;
- (c) improvement of techniques to facilitate the use of genetic biodiversity;
- (d) improvement of quality;
- (e) improvement of yield;
- (f) improvement of resistance;
- (g) improvement of adaptation to specific climatological and/or environmental conditions.

3. The compulsory licence shall be non-exclusive.

4. The compulsory licence may not be transferred, otherwise than together with that part of an enterprise which makes use of the compulsory licence, or, in the circumstances set out in Article 29(5) of the basic Regulation, together with the assignment of the rights of an essentially derived variety.

*Article 42***Conditions pertaining to the person to whom a compulsory licence is granted**

1. Without prejudice to the other conditions referred to in Article 29(3) of the basic Regulation, the person to whom the compulsory licence is granted shall have the appropriate financial and technical capacity to make use of the compulsory licence.

2. Compliance with the conditions pertaining to the compulsory licence and laid down in the decision thereupon shall be considered a 'circumstance' under Article 29(4) of the basic Regulation.

3. The Office shall provide that the person to whom a compulsory licence is granted may not bring a legal action for infringement of a Community plant variety right unless the holder has refused or neglected to do so within two months after being so requested.

*Article 43***Category of persons satisfying specific requirements pursuant to Article 29(2) of the basic Regulation**

1. Any person intending to make use of a compulsory licence who comes under the category of person satisfying specific requirements referred to in Article 29(2) of the basic Regulation shall declare his intention to the Office and to the holder by registered letter with advice of delivery. The declaration shall include:

- (a) the name and address of that person as laid down for parties to proceedings pursuant to Article 2 of this Regulation;
- (b) a statement on the facts meeting the specific requirements;
- (c) a statement setting out the acts to be effected; and
- (d) an assurance that that person has the appropriate financial resources as well as information about his technical capacity, to make use of the compulsory licence.

2. Upon request, the Office shall enter a person in the Register of Community Plant Variety Rights if such person has fulfilled the conditions relating to the declaration referred to in paragraph 1. Such person shall not be entitled to make use of the compulsory licence prior to the entry. The entry shall be communicated to that person and the holder.

3. Article 42(3) of this Regulation shall apply *mutatis mutandis* to a person entered in the Register of Community Plant Variety Rights pursuant to paragraph 2 of this Article. Any judgment, or other termination, of the legal action in respect of the act of infringement shall apply to the other persons entered or to be entered.

4. The entry referred to in paragraph 2 may be deleted on the sole grounds that the specific requirements laid down in the decision on the grant of a compulsory licence or the financial and technical capacities established pursuant to paragraph 2 have undergone change more than one year after the grant of the compulsory licence and within any time-limit stipulated in that grant. The deletion of the entry shall be communicated to the person entered and the holder.

Section 2**Exploitation rights pursuant to Article 100(2) of the Basic Regulation***Article 44***Exploitation rights pursuant to Article 100(2) of the basic Regulation**

1. A request for a contractual non-exclusive exploitation right from a new holder, as referred to in Article 100(2) of the basic Regulation, shall be made, in the case of the former holder within two months, or in the case of a person having enjoyed an exploitation right within four months, of receipt of notification from the Office that the name of the new holder has been entered in the Register of Community Plant Variety Rights.

2. An application for an exploitation right to be granted pursuant to Article 100(2) of the basic Regulation shall be accompanied by documents supporting the unsuccessful request referred to in paragraph 1. The provisions of Article 37(1)(a), (b), (c) and (5), Article 38, Article 39(3), Article 40 except letter (f), Article 41(3) and (4) and Article 42 of this Regulation shall apply *mutatis mutandis*;

2. Article 82 is replaced by the following:

*'Article 82***Public inspection of the Registers**

1. The Registers shall be open for public inspection on the premises of the Office.

Access to the Registers and the documents held therein shall be granted under the same terms and conditions as apply to the access to documents held by the Office within the meaning of in Article 84.

2. On the spot inspection of the Registers shall be free of charge.

The production and delivery of extracts from the Registers in any form that requires the processing or manipulating of data other than the mere reproduction of a document or parts thereof shall be subject to the payment of a fee.

3. The President of the Office may provide for public inspection of the Registers on the premises of national agencies, or sub-offices designated, pursuant to Article 30(4) of the basic Regulation.;

3. Article 84 is replaced by the following:

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

Done at Brussels, 30 June 2005.

'Article 84

Access to documents held by the Office

1. The Administrative Council shall adopt the practical arrangements for access to the documents held by the Office, including the Registers.

2. The Administrative Council shall adopt the categories of documents of the Office to be made directly accessible to the public by way of publication, including publication by electronic means.'

Article 2

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

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION REGULATION (EC) No 1003/2005

of 30 June 2005

implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No 2160/2003

(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 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents⁽¹⁾ and, in particular Article 4(1) and Article 13 thereof,

Whereas:

- (1) The purpose of Regulation (EC) No 2160/2003 is to ensure that proper and effective measures are taken to detect and control salmonella and other zoonotic agents at all relevant stages of production, processing and distribution, particularly at the level of primary production, in order to reduce their prevalence and the risk they pose to public health.
- (2) Under that Regulation a Community target is to be established for the reduction of the prevalence of all salmonella serotypes with public health significance in breeding flocks of *Gallus gallus* at the level of primary production.
- (3) Regulation (EC) No 2160/2003 provides that the Community target is to include a numerical expression of the maximum percentage of epidemiological units remaining positive and/or the minimum percentage of reduction in the number of epidemiological units remaining positive, the maximum time-limit within which the target must be achieved and the definition of the testing schemes necessary to verify achievement of the target. It is also to include a definition, where relevant, of serotypes with public health significance.

(4) That Regulation also provides that for a transitional period of three years, the Community target for breeding flocks of *Gallus gallus* is to cover the five most frequent salmonella serotypes in human salmonellosis, which are to be identified on the basis of data collected through Community monitoring systems.

(5) The information from Community monitoring systems shows that the five most frequent salmonella serotypes in human salmonellosis are *Salmonella enteritidis*, *Salmonella hadar*, *Salmonella infantis*, *Salmonella typhimurium* and *Salmonella virchow*. The Community target established by this Regulation should therefore cover those serotypes.

(6) In order to set the Community target, comparable data on the prevalence of the concerned salmonella serotypes in breeding flocks of *Gallus gallus* in Member States should be available. The minimum requirements for control of salmonella in accordance with Council Directive 92/117/EEC⁽²⁾ have been used as a basis for collecting the relevant data on prevalence in the Member States. Such information was collected during an appropriate period of time in all Member States in the year 2004.

(7) In order to verify achievement of the target and taking into account the relatively low prevalence of the relevant salmonella serotypes in breeding flocks of *Gallus gallus* in the Community, it is necessary to organise repeated sampling of a representative number of flocks of a sufficient size, which should be 250 birds or more, as was required under Directive 92/117/EEC.

(8) The testing scheme necessary to verify the achievement of the Community target is significantly different and likely to be more sensitive than the scheme that was used to collect comparable data in Member States pursuant to Directive 92/117/EEC. It is therefore necessary to provide for a review of the Community target after a maximum of one year of implementation of the corresponding national control programmes.

⁽¹⁾ OJ L 325, 12.12.2003, p. 1.

⁽²⁾ OJ L 62, 15.3.1993, p. 38. Directive repealed by Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31).

- (9) Due to that period of collection of information, comparable data were not available in time before the establishment of the Community target within the date laid down in Annex I to Regulation (EC) No 2160/2003 in relation to breeding flocks of *Gallus gallus*. The date of establishment of that target should therefore be extended with six months and Regulation (EC) No 2160/2003 should be amended accordingly.
- (10) The measures foreseen in Article 4(5) of Regulation (EC) No 2160/2003 for the establishment of the Community target in breeding flocks of *Gallus gallus* during the transitional period are based on the methodology for controlling salmonella already established pursuant to Directive 92/117/EEC, and the remaining aspects of the measures relate to risk management. The measures provided for in this Regulation have been prepared in a working group with the participation of the European Food Safety Authority (EFSA). Without prejudice to the requirement to consult EFSA provided for in Article 15 of Regulation (EC) No 2160/2003 on any matter that could have a significant impact on public health, a formal consultation of EFSA is not necessary at this stage.
- (11) 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

Community target

1. The Community target for the reduction of *Salmonella enteritidis*, *Salmonella hadar*, *Salmonella infantis*, *Salmonella typhimurium* and *Salmonella virchow* in breeding flocks of *Gallus gallus*

shall be a reduction of the maximum percentage of adult breeding flocks comprising at least 250 birds remaining positive to 1 % or less by 31 December 2009.

However, for Member States with fewer than 100 breeding flocks, not more than one adult breeding flock shall remain positive.

2. The testing scheme to verify the achievement of the Community target is set out in the Annex.

Article 2

Review

The Commission shall review the Community target set out in Article 1 in the light of the results of the first year of implementation of the national control programmes approved in accordance with Article 6 of Regulation (EC) No 2160/2003.

Article 3

Amendment of Regulation (EC) No 2160/2003

In Annex I to Regulation (EC) No 2160/2003, the text in column 4 of the first row is replaced by the following:

'18 months after the date of entry into force of this Regulation.'

Article 4

Entry into force

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

It shall apply from 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Testing scheme necessary to verify the achievement of the Community target for the reduction of *Salmonella enteritidis*, *Salmonella hadar*, *Salmonella infantis*, *Salmonella typhimurium* and *Salmonella virchow* in adult breeding flocks of *Gallus gallus***1. Sampling frame**

The sampling frame shall cover all adult breeding flocks of *Gallus gallus* comprising at least 250 birds ('breeding flocks').

2. Monitoring in breeding flocks**2.1. Location, frequency and status of sampling**

For the purpose of this Regulation, breeding flocks shall be sampled at the initiative of the operator and as part of official controls.

2.1.1. Sampling at the initiative of the operator

Sampling shall take place every two weeks at the place designated by the competent authority from the following two possible options:

- (a) at the hatchery; or
- (b) at the holding.

The competent authority shall implement one of the above options to the whole testing scheme, and shall set up a procedure so that the detection of salmonella serotypes referred to in Article 1(1) ('relevant salmonella') during the sampling at the initiative of the operator is notified without delay to the competent authority by the operator, the sampler or the laboratory performing the analyses.

2.1.2. Official control sampling

Without prejudice to Annex II, Part C.2 of Regulation (EC) No 2160/2003, official sampling shall consist in:

2.1.2.1. If sampling at the initiative of the operator takes place at the hatchery:

- (a) routine sampling every 16 weeks at the hatchery, which shall on that occasion replace the corresponding sampling at the initiative of the operator;
- (b) routine sampling at the holding on two occasions during the production cycle, the first one being within four weeks following moving to laying phase or laying unit and the second one being towards the end of the laying phase, not earlier than eight weeks before the end of the production cycle;
- (c) confirmatory sampling at the holding, following detection of relevant salmonella from sampling at the hatchery.

2.1.2.2. If sampling at the initiative of the operator takes place at the holding, routine sampling shall be carried out on three occasions during the production cycle:

- (a) within four weeks following moving to laying phase or laying unit;
- (b) towards the end of the laying phase, not earlier than eight weeks before the end of the production cycle;
- (c) during the production, at any time sufficiently distant from the samples referred to in points (a) and (b).

2.2. Sampling protocol**2.2.1. Sampling at the hatchery**

For each breeding flock, the sample shall consist of a minimum of one composite sample of visibly soiled hatcher basket liners taken at random from five separate hatcher baskets or locations in the hatcher, to reach a total of at least 1 m². If the hatching eggs from a breeding flock occupy more than one incubator, then one such composite sample shall be taken from each incubator.

In cases where hatcher basket liners are not used, 10 g broken eggshells shall be taken from 25 separate hatcher baskets, crushed, mixed and a 25 g sub sample taken.

That procedure shall be followed for sampling at the initiative of the operator as well as for official sampling.

2.2.2. Sampling at the holding

2.2.2.1. Routine sampling at the initiative of the operator

Sampling shall primarily consist of faecal samples and shall aim to detect a 1 % within flock prevalence, with 95 % confidence limit. To that effect, the samples shall comprise one of the following:

- (a) Pooled faeces made up of separate samples of fresh faeces each weighing not less than 1 g taken at random from a number of sites in the building in which the birds are kept, or where the birds have free access to more than one building on a particular holding, from each group of buildings on the holding in which the birds are kept. Faeces may be pooled for analysis up to a minimum of two pools.

The number of sites from which separate faeces samples are to be taken in order to make a pooled sample shall be as follows:

Number of birds kept in a building	Number of faeces samples to be taken in the building or group of buildings on the holding
250-349	200
350-449	220
450-799	250
800-999	260
1 000 or more	300

- (b) Five pairs of boot swabs:

Boot swabs used shall be sufficiently absorptive to soak up moisture. Tubegauze 'socks' are also acceptable.

The surface of the boot swab shall be moistened using appropriate diluent (such as 0,8 % sodium chloride, 0,1 % peptone in sterile deionised water, or sterile water).

Walking around shall be done in a manner which will sample representatively all parts of the sector, including littered and slatted areas when slats are safe to walk on. All separate pens within a house shall be included in the sampling. On completion of sampling in the chosen sector, boot swabs must be removed carefully so as not to dislodge adherent material.

The boot swabs may be pooled for analysis into a minimum of two pools.

- (c) In cage breeding flocks, sampling may consist of naturally mixed faeces from dropping belts, scrapers or deep pits, depending on the type of house. Two samples of at least 150 g shall be collected to be tested individually:

- (i) droppings belts beneath each tier of cages which are run regularly and discharged into an auger or conveyor system;
- (ii) droppings pit system in which deflectors beneath the cages are scraped into a deep pit beneath the house;
- (iii) droppings pit system in a step cage house when cages are offset and faeces fall directly into the pit.

There are normally several stacks of cages within a house. Pooled faeces from each stack shall be represented in the overall pooled sample. Two pooled samples shall be taken from each flock as described below.

In systems where there are belts or scrapers, these shall be run on the day of the sampling before sampling is carried out.

In systems where there are deflectors beneath cages and scrapers, pooled faeces which has lodged on the scraper after it has been run, shall be collected.

In step-cage systems where there is no belt or scraper system it is necessary to collect pooled faeces from the deep pit.

Droppings belt systems: pooled faecal material from the discharge ends of the belts shall be collected.

2.2.2.2. Official sampling

- (a) Routine sampling shall be as described in point 2.2.2.1.
- (b) Confirmatory sampling following detection of relevant salmonella from sampling at the hatchery shall be carried out as follows.

In addition to the sampling as described in point 2.2.2.1, the sampling may include a sample of birds taken at random from within each house of birds on the farm, normally up to five birds per house, unless the authority deems necessary to sample a higher number of birds. The examination shall consist in a test for research of anti-microbials or of bacterial growth inhibitory effect in samples. A test is considered failed if a positive is found in any of the birds.

In case the presence of relevant salmonella is not detected but anti-microbials or bacterial growth inhibitory effect are, sampling of the flock for relevant salmonella and bacterial growth inhibitory effect shall be repeated until no bacterial growth inhibitory effect is detected, or the breeding flock is destroyed. In the latter case, the breeding flock shall be accounted for as an infected breeding flock for the purpose of the Community target.

- (c) Suspect cases

In exceptional cases where the competent authority has reasons to suspect false negative results at the first official sampling at the holding, a secondary official confirmatory sampling may be performed, composed of faeces or birds (for the detection of salmonella in organs).

In exceptional cases where the competent authority has reasons to suspect false positive sampling performed at the initiative of the operator at the holding, follow-up official sampling may be performed.

3. Examination of the samples

3.1. Preparation of the samples

3.1.1. Hatcher basket liners

- (a) place in 1 litre Buffered Peptone Water (BPW) which has been prewarmed at room temperature and mix gently;
- (b) continue culture of the sample by using the detection method in 3.2.

3.1.2. Boot swabs samples

- (a) carefully unpack the pair of boot swabs (or 'socks') to avoid dislodging adherent faecal material and place in 225 ml BPW which has been prewarmed to room temperature;
- (b) where five pairs of boot swabs are pooled into two samples, place five individual samples into a minimum of 225 ml BPW and ensure that all the samples are totally immersed in the BPW;
- (c) swirl to fully saturate the sample and continue culture by using the detection method in 3.2.

3.1.3. Other faecal material samples

- (a) at the laboratory place each sample (or pooled sample as appropriate) into an equal weight of Buffered Peptone Water and mix gently;

- (b) allow the sample to soften for 10-15 minutes then mix gently;
- (c) immediately after mixing remove 50 g of the mixture and add to 200 ml of Buffered Peptone Water which has been pre-warmed to room temperature;
- (d) continue culture of the sample by using the detection method in 3.2.

3.2. *Detection method*

The method recommended by the Community Reference Laboratory for Salmonella in Bilthoven, Netherlands, shall be used: the method is a modification of ISO 6579 (2002), where a semi solid medium (MSRV) is used as the single selective enrichment medium. The semi-solid medium should be incubated at $41,5 \pm 1$ °C for $2 \times (24 \pm 3)$ hours.

As regards the boot swabs samples and other faecal material samples referred to in paragraph 3.1., it is possible to pool incubated BPW enrichment broth for future culture. To do that, incubate both samples in BPW as normal. Take 1 ml of incubated broth from each sample and mix thoroughly then take 0,1 ml of the mixture and inoculate the MSRV plates in the usual way.

3.3. *Serotyping*

At least one isolate from each positive sample shall be typed, following the Kaufmann-White scheme.

4. **Results and reporting**

A breeding flock shall be considered positive for the purpose of verifying the achievement of the Community target, when presence of relevant salmonella (other than vaccine strains) was detected in one or more faecal samples (or if there is a secondary official confirmation in the Member State, in the relevant faecal samples or birds organ samples), taken at the holding. This shall not apply in exceptional cases of suspect breeding flocks where salmonella detection at the holding at the initiative of the operator was not confirmed by official sampling.

The cumulative results from sampling and testing in breeding flocks at holding level shall be accounted for, i.e. each breeding flock shall be counted only once irrespective of the number of sampling and testing operations. Positive breeding flocks shall be counted only once, irrespective of the number of sampling and testing operations.

Reporting shall include:

- (a) detailed description of the options implemented for the sampling scheme and the type of samples taken, as appropriate;
 - (b) number of existing breeding flocks and those tested;
 - (c) results of the testing;
 - (d) explanations on the results, in particular concerning exceptional cases.
-

COMMISSION REGULATION (EC) No 1004/2005

of 30 June 2005

laying down detailed rules for the opening and administration of the tariff quotas for sugar products originating in Albania, Bosnia and Herzegovina and Serbia, Montenegro and Kosovo, as provided for in Council Regulation (EC) No 2007/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000⁽¹⁾, and in particular the second paragraph of Article 6 thereof,

1. This Regulation lays down detailed rules of implementation for imports of sugar products under headings 1701 and 1702 of the Combined Nomenclature originating in Albania, Bosnia and Herzegovina and Serbia, Montenegro and Kosovo, covered by the annual duty-free tariff quotas referred to in Article 4(4) of Regulation (EC) No 2007/2000.

2. Imports referred to in paragraph 1 shall be subject to production of an import licence which shall bear the following quota order numbers:

Whereas:

— 09.4324 for the quota of 1 000 tonnes (net weight) of sugar products originating in Albania,

(1) Article 4(4) of Council Regulation (EC) No 2007/2000 lays down that imports of sugar products under headings 1701 and 1702 of the Combined Nomenclature originating in Albania, Bosnia and Herzegovina and Serbia, Montenegro and Kosovo⁽²⁾, shall be subject to annual duty-free tariff quotas. Those quotas should be opened on a multiannual basis and detailed rules should be adopted for their application for 12-month periods starting on 1 July.

— 09.4325 for the quota of 12 000 tonnes (net weight) of sugar products originating in Bosnia and Herzegovina,

— 09.4326 for the quota of 180 000 tonnes (net weight) of sugar products originating in Serbia, Montenegro and Kosovo.

(2) In view of introducing a duty free tariff quota in order to ensure an economically sustainable development of the sugar sectors of the countries concerned as well as considering the relatively large quantity approved for Serbia, Montenegro and Kosovo, the tariff quota of this country should be managed according to a system of export certificates issued by authorities in that country. The form and layout of this certificate and the procedures for using them should be specified.

Article 2

Import licences provided for in Article 1(2) shall be issued in accordance with Commission Regulation (EC) No 1291/2000⁽³⁾ and Commission Regulation (EC) No 1464/95⁽⁴⁾, save where this Regulation provides otherwise.

(3) To ensure efficient management of preferential imports under this Regulation, measures need to be adopted making it possible for the Member States to keep records of the relevant data, and to report them to the Commission.

Article 3

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

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

(a) 'import period' means the one-year-period from 1 July to 30 June the following year;

(b) 'working day' means a working day at the Commission offices in Brussels.

⁽¹⁾ OJ L 240, 23.9.2000, p. 1. Regulation as last amended by Council Regulation (EC) No 374/2005 (OJ L 59, 5.3.2005, p. 1).

⁽²⁾ As defined by UN Security Council Resolution 1244.

⁽³⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1747/2004 (OJ L 311, 8.10.2004, p. 17).

⁽⁴⁾ OJ L 144, 28.6.1995, p. 14. Regulation as last amended by Regulation (EC) No 96/2004 (OJ L 15, 22.1.2004, p. 3).

Article 4

1. Import licence applications shall be lodged with the competent authorities of the Member States.

2. Import licence applications shall be accompanied by the following documents:

- (a) proof that the applicant has lodged a security of EUR 2 per 100 kilograms;
- (b) in the case of imports from Serbia, Montenegro and Kosovo, the original plus a copy of the export licence issued by the authorities in Serbia, Montenegro and Kosovo, in accordance with the model form set out in Annex I, for a quantity equal to the quantity of the import licence application. The original of the export licence shall be kept by the competent authority of the Member State.

Article 5

Import licence applications and import licences shall show:

- (a) in section 8, 'Albania', 'Bosnia and Herzegovina' or 'Serbia, Montenegro and Kosovo', the word 'yes' being marked with a cross. Import licences shall be valid only for products originating in Albania, Bosnia and Herzegovina or Serbia, Montenegro and Kosovo.
- (b) in section 20 for Albania, one of the entries listed in Part A of Annex II.
- (c) in section 20 for Bosnia and Herzegovina, one of the entries listed in Part B of Annex II.
- (d) in section 20 for Serbia, Montenegro and Kosovo, one of the entries listed in Part C of Annex II.

Article 6

1. Import licence applications may be presented each week from Monday to Friday. No later than the first working day of the following week Member States shall notify the Commission of the quantities of sugar products, broken down by eight-digit CN code, for which import licence applications have been presented during the preceding week.

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

2. The Commission shall draw up a weekly total of the quantities for which import licence applications have been presented.

3. Where licence applications for one of the tariff quotas referred to in Article 4(4) of Regulation (EC) No 2007/2000 exceed the level of that quota, the Commission shall suspend the submission of further applications for that quota for the current import period, fix a single reducing coefficient to be applied and shall inform the Member States that the limit concerned has been reached.

4. Where, in application of measures adopted pursuant to paragraph 3, the quantity for which a licence is issued is less than the quantity applied for, the licence application may be withdrawn within three working days of the adoption of those. In the event of such a withdrawal the security shall be released immediately.

5. Licences shall be issued on the third working day following the notification referred to in paragraph 1, subject to measures taken by the Commission pursuant to paragraph 3.

6. Where, in application of measures adopted pursuant to paragraph 3, the quantity for which the import licence is issued is less than the quantity applied for, the amount of the security shall be reduced proportionately.

Article 7

Import licences shall be valid from their actual date of issue until 30 June of the relevant import period.

Article 8

1. By way of derogation from Article 8(4) of Regulation (EC) No 1291/2000, the quantity released into free circulation may not exceed that indicated in sections 17 and 18 of the import licence. The figure '0' shall be entered to that effect in section 19 of the licence.

2. By way of derogation from Article 9(1) of Regulation (EC) No 1291/2000, rights deriving from import licences shall not be transferable.

Article 9

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

It shall apply from 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Model export licence as referred to in Article 4(2)(b)

1 Exporter (name, full address, country)	ORIGINAL	2 SERIAL No
	3 Import period	
4 Importer (name, full address, country) <i>(optional)</i>	EXPORT LICENCE SUGAR	
5 Place and date of loading — means of transport <i>(optional)</i>	6 Country of origin	7 Country of destination
	8 Additional details Producer of sugar (name, full address)	
9 Description of goods	10 CN code (8-digit)	11 Quantity (kg)
<p>12 CERTIFICATION BY COMPETENT AUTHORITY</p> <p>I, the undersigned, hereby certify that the total quantity of sugar for which export licences have been issued under Regulation (EC) No 1004/2005 for the import period indicated in Box 3, including this export licence, is less than or equal to the tariff quota referred to in Article 4(4)(c) of Regulation (EC) No 2007/2000.</p>		
13 Competent authority (name, complete address, country)	At:	On:
	<i>(signature)</i>	<i>(stamp)</i>

ANNEX II

A. Entries referred to in Article 5(b):

- *in Spanish:* Exención de derechos de importación [Reglamento (CE) n° 2007/2000, artículo 4, apartado 4], número de orden 09.4324
- *in Czech:* Osvozeno od dovozního cla (nařízení (ES) č. 2007/2000, čl. 4 odst. 4), sériové číslo 09.4324
- *in Danish:* Fritages for importtold (artikel 4, stk. 4, i forordning (EF) nr. 2007/2000), løbenummer 09.4324
- *in German:* Frei von Einfuhrabgaben (Verordnung (EG) Nr. 2007/2000, Artikel 4 Absatz 4), laufende Nummer 09.4324
- *in Estonian:* Impordimaksust vabastatud (määruse (EÜ) nr 2007/2000 artikli 4 lõige 4), järjekorranumber 09.4324
- *in Greek:* Δασμολογική απαλλαγή [κανονισμός (ΕΚ) αριθ. 2007/2000, άρθρο 4 παράγραφος 4], αύξων αριθμός 09.4324
- *in English:* Free from import duty (Regulation (EC) No 2007/2000, Article 4(4)), order number 09.4324
- *in French:* Exemption du droit d'importation [article 4, paragraphe 4, du règlement (CE) n° 2007/2000], numéro d'ordre 09.4324
- *in Italian:* Esenzione dal dazio all'importazione [Regolamento (CE) n. 2007/2000, articolo 4(4)], numero d'ordine 09.4324
- *in Latvian:* Atbrīvots no importa nodokļa (Regula (EK) Nr. 2007/2000, 4. panta 4. punkts), kārtas numurs 09.4324
- *in Lithuanian:* Atleista nuo importo maito (Reglamentas (EB) Nr. 2007/2000, 4(4) straipsnis), kvotos numeris 09.4324
- *in Hungarian:* Mentés a behozatali vám alól (a 2007/2000/EK rendelet, 4. cikk (4) bekezdés), rendelésszám 09.4324
- *in Dutch:* Vrij van invoerrechten (Verordening (EG) nr. 2007/2000, artikel 4, lid 4), volgnummer 09.4324
- *in Polish:* Wolne od przywozowych opłat celnych (rozporządzenie (WE) nr 2007/2000, art. 4 ust. 4), numer seryjny 09.4324
- *in Portuguese:* Isenção de direitos de importação [Reglamento (CE) n.º 2007/2000, n.º 4 do artigo 4.º], número de ordem 09.4324
- *in Slovak:* Oslobodený od dovozného cla (nariadenie (ES) č. 2007/2000, článok 4 ods. 4), poradové číslo 09.4324
- *in Slovenian:* Brez uvozne carine (Uredba (ES) št. 2007/2000, člen 4(4)), številka kvote 09.4324
- *in Finnish:* Vapaa tuontitulleista (Asetuksen (EY) N:o 2007/2000 4 artiklan 4 kohta), järjestyksnumero 09.4324
- *in Swedish:* Importtullfri (förordning (EG) nr 2007/2000, artikel 4.4), löpnummer 09.4324

B. Entries referred to in Article 5(c):

- *in Spanish:* Exención de derechos de importación [Reglamento (CE) n° 2007/2000, artículo 4, apartado 4], número de orden 09.4325
- *in Czech:* Osvozeno od dovozního cla (nařízení (ES) č. 2007/2000, čl. 4 odst. 4), sériové číslo 09.4325
- *in Danish:* Fritages for importtold (artikel 4, stk. 4, i forordning (EF) nr. 2007/2000), løbenummer 09.4325

- *in German*: Frei von Einfuhrabgaben (Verordnung (EG) Nr. 2007/2000, Artikel 4 Absatz 4), laufende Nummer 09.4325
- *in Estonian*: Impordimaksust vabastatud (määruse (EÜ) nr 2007/2000 artikli 4 lõige 4), järjekorranumber 09.4325
- *in Greek*: Δασμολογική απαλλαγή [κανονισμός (ΕΚ) αριθ. 2007/2000, άρθρο 4 παράγραφος 4], αύξων αριθμός 09.4325
- *in English*: Free from import duty (Regulation (EC) No 2007/2000, Article 4(4)), order number 09.4325
- *in French*: Exemption du droit d'importation [article 4, paragraphe 4, du règlement (CE) n° 2007/2000], numéro d'ordre 09.4325
- *in Italian*: Esenzione dal dazio all'importazione [Regolamento (CE) n. 2007/2000, articolo 4(4)], numero d'ordine 09.4325
- *in Latvian*: Atbrīvots no importa nodokļa (Regula (EK) Nr. 2007/2000, 4. panta 4. punkts), kārtas numurs 09.4325
- *in Lithuanian*: Atleista nuo importo muito (Reglamentas (EB) Nr. 2007/2000, 4(4) straipsnis), kvotos numeris 09.4325
- *in Hungarian*: Mentés a behozatali vám alól (a 2007/2000/EK rendelet, 4. cikk (4) bekezdés), rendelésszám 09.4325
- *in Dutch*: Vrij van invoerrechten (Verordening (EG) nr. 2007/2000, artikel 4, lid 4), volgnummer 09.4325
- *in Polish*: Wolne od przywozowych opłat celnych (rozporządzenie (WE) nr 2007/2000, art. 4 ust. 4), numer seryjny 09.4325
- *in Portuguese*: Isenção de direitos de importação [Regulamento (CE) n.º 2007/2000, n.º 4 do artigo 4.º], número de ordem 09.4325
- *in Slovak*: Oslobodený od dovozného cla (nariadenie (ES) č. 2007/2000, článok 4 ods. 4), poradové číslo 09.4325
- *in Slovenian*: Brez uvozne carine (Uredba (ES) št. 2007/2000, člen 4(4)), številka kvote 09.4325
- *in Finnish*: Vapaa tuontitulleista (Asetuksen (EY) N:o 2007/2000 4 artiklan 4 kohta), järjestyksnumero 09.4325
- *in Swedish*: Importtullfri (förordning (EG) nr 2007/2000, artikel 4.4), löpnummer 09.4325

C. Entries referred to in Article 5(d):

- *in Spanish*: Exención de derechos de importación [Reglamento (CE) n° 2007/2000, artículo 4, apartado 4], número de orden 09.4326
- *in Czech*: Osvobozeno od dovozního cla (nařízení (ES) č. 2007/2000, čl. 4 odst. 4), sériové číslo 09.4326
- *in Danish*: Fritages for importtold (artikel 4, stk. 4, i forordning (EF) nr. 2007/2000), løbenummer 09.4326
- *in German*: Frei von Einfuhrabgaben (Verordnung (EG) Nr. 2007/2000, Artikel 4 Absatz 4), laufende Nummer 09.4326
- *in Estonian*: Impordimaksust vabastatud (määruse (EÜ) nr 2007/2000 artikli 4 lõige 4), järjekorranumber 09.4326
- *in Greek*: Δασμολογική απαλλαγή [κανονισμός (ΕΚ) αριθ. 2007/2000, άρθρο 4 παράγραφος 4], αύξων αριθμός 09.4326
- *in English*: Free from import duty (Regulation (EC) No 2007/2000, Article 4(4)), order number 09.4326

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- *in French:* Exemption du droit d'importation [article 4, paragraphe 4, du règlement (CE) n° 2007/2000], numéro d'ordre 09.4326
- *in Italian:* Esenzione dal dazio all'importazione [Regolamento (CE) n. 2007/2000, articolo 4(4)], numero d'ordine 09.4326
- *in Latvian:* Atbrīvots no importa nodokļa (Regula (EK) Nr. 2007/2000, 4. panta 4. punkts), kārtas numurs 09.4326
- *in Lithuanian:* Atleista nuo importo maito (Reglamentas (EB) Nr. 2007/2000, 4(4) straipsnis), kvotos numeris 09.4326
- *in Hungarian:* Mentés a behozatali vám alól (a 2007/2000/EK rendelet, 4. cikk (4) bekezdés), rendelésszám 09.4326
- *in Dutch:* Vrij van invoerrechten (Verordening (EG) nr. 2007/2000, artikel 4, lid 4), volgnummer 09.4326
- *in Polish:* Wolne od przywozowych opłat celnych (rozporządzenie (WE) nr 2007/2000, art. 4 ust. 4), numer seryjny 09.4326
- *in Portuguese:* Isenção de direitos de importação [Regulamento (CE) n.º 2007/2000, n.º 4 do artigo 4.º], número de ordem 09.4326
- *in Slovak:* Oslobodený od dovozného cla (nariadenie (ES) č. 2007/2000, článok 4 ods. 4), poradové číslo 09.4326
- *in Slovenian:* Brez uvozne carine (Uredba (ES) št. 2007/2000, člen 4(4)), številka kvote 09.4326
- *in Finnish:* Vapaa tuontitulleista (Asetuksen (EY) N:o 2007/2000 4 artiklan 4 kohta), järjestyksnumero 09.4326
- *in Swedish:* Importtullfri (förordning (EG) nr 2007/2000, artikel 4.4), löpnummer 09.4326
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COMMISSION REGULATION (EC) No 1005/2005**of 30 June 2005****fixing the derived intervention prices for white sugar for the 2005/2006 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 2(4) thereof,

Whereas:

- (1) Article 2(1)(a) of Regulation (EC) No 1260/2001 fixes the intervention price for white sugar for non-deficit areas at EUR 631,9/tonne for the 2001/2002 to 2005/2006 marketing years.
- (2) Article 2(1)(b) of that Regulation provides that derived intervention prices for white sugar are to be fixed for each deficit area each year. When those prices are fixed, account is to be taken of the regional variations in the price of sugar, which, given a normal harvest and free movement of sugar, may be expected to occur under natural conditions of price formation on the market and in view of experience gained and the costs of transporting sugar from surplus areas to deficit areas.
- (3) To establish whether an area is a deficit area, projections should be made on the basis of the data returned by the Member States relating both to the current marketing year as regards consumption trends, and to the

prospects for the coming marketing year as regards developments in available production. As a result, areas should be recognised as deficit areas only where the projections clearly indicate that a deficit is likely to occur.

- (4) On this basis, the areas of production in Spain, Ireland and the United Kingdom, Portugal and Finland are likely to be deficit areas.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The derived intervention prices for white sugar in the deficit areas of the Community for the 2005/2006 marketing year shall be:

- (a) EUR 648,80/tonne for all areas in Spain;
- (b) EUR 646,50/tonne for all areas in Ireland and the United Kingdom;
- (c) EUR 646,50/tonne for all areas in Portugal;
- (d) EUR 646,50/tonne for all areas in Finland.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

COMMISSION REGULATION No 1006/2005

of 30 June 2005

amending Regulation (EC) No 1549/2004 derogating from Council Regulation (EC) No 1785/2003 as regards the arrangements for importing rice and laying down separate transitional rules for imports of basmati rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽¹⁾, and in particular Articles 10(2) and 11(4) thereof,

Having regard to Council Decision 2005/476/EC of 21 June 2005 on the conclusion of an Agreement in the form of an exchange of letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice ⁽²⁾, and in particular Article 2 thereof,

Whereas:

- (1) Decision 2005/476/EC lays down special procedures for calculating the customs duties applying to Community imports of husked rice falling within CN code 1006 20 between 1 March 2005 and 30 June 2006. The necessary measures should therefore be taken as regards the customs duties applicable to imports of husked rice falling within CN code 1006 20 for the transitional period in question.
- (2) Decision 2005/476/EC also extends to 30 June 2006 the maximum period in which the Commission, pending the Regulation amending Article 11(2) of Regulation (EC) No 1785/2003, can adopt the measures on rice import arrangements by way of a derogation from Regulation (EC) No 1785/2003.
- (3) To prevent the arrangements laid down in Decision 2005/476/EC from being disrupted by improper import licence applications, the security for husked rice import licences should be set at a sufficiently high level. To this end a derogation should be made to Article 12(a) of Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾.

(4) As the Agreement approved by Decision 2005/476/EC applies from 1 March 2005, application of this Regulation as regards the customs duties applicable to husked rice imports and the amendments that result from it as regards wholly milled rice and basmati rice should apply from that same date.

(5) Commission Regulation (EC) No 1549/2004 ⁽⁴⁾ should therefore be amended..

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1549/2004 is hereby amended as follows:

(a) Article 1 is replaced by the following:

'Article 1

1. Notwithstanding Article 11(2) of Regulation (EC) No 1785/2003, the import duty on husked rice falling within CN code 1006 20 shall be fixed by the Commission within 10 days of the end of the reference period concerned:

(a) at EUR 30 per tonne in the following cases:

— where it is noted that the imports of husked rice made over the course of the marketing year just ended did not reach the annual reference quantity referred to in the first subparagraph of paragraph 3, less 15 %,

— where it is noted that the imports of husked rice made over the course of the first six months of the marketing year do not reach the partial reference quantity referred to in the second subparagraph of paragraph 3, less 15 %,

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ See page 67 of this Official Journal.

⁽³⁾ OJ L 189, 29.7.2003, p. 12. Regulation as last amended by Commission Regulation (EC) No 1092/2004 (OJ L 209, 11.6.2004, p. 9).

⁽⁴⁾ OJ L 280, 31.8.2004, p. 13.

(b) at EUR 42.5 per tonne in the following cases:

— where it is noted that the imports of husked rice made over the course of the marketing year just ended exceed the annual reference quantity referred to in the first subparagraph of paragraph 3, less 15 %, but do not exceed that same annual reference quantity plus 15 %,

— where it is noted that the imports of husked rice made in the first six months of the marketing year exceed the partial reference quantity referred to in the second subparagraph of paragraph 3, less 15 %, but do not exceed that same partial reference quantity plus 15 %,

(c) at EUR 65 per tonne in the following cases:

— where it is noted that the imports of husked rice made over the course of the marketing year just ended exceed the annual reference quantity referred to in the first subparagraph of paragraph 3, plus 15 %,

— where it is noted that the imports of husked rice made over the course of the first six months of the marketing year exceed the partial reference quantity referred to in the second subparagraph of paragraph 3, plus 15 %.

The Commission shall fix the applicable duty only if the calculations made under this paragraph lead to its amendment. Until a new applicable duty is fixed, the duty fixed previously shall apply.

2. In order to calculate the imports referred to in paragraph 1, account shall be taken of the quantities for which import licences for husked rice falling within CN code 1006 20 were issued under the first subparagraph of Article 10(1) of Regulation (EC) No 1785/2003 in the corresponding reference period, except for the import licences for basmati rice referred to in Article 4 of this Regulation.

3. The annual reference quantity shall be 431 678 tonnes for the 2004/2005 marketing year. This quantity shall be increased by 6 000 tonnes a year for the 2005/2006, 2006/2007 and 2007/2008 marketing years.

The partial reference quantity for each marketing year shall correspond to half the annual reference quantity referred to in the first subparagraph.;

(b) the following Article 1a is added:

'Article 1 a

Notwithstanding Article 12 of Regulation (EC) No 1342/2003, the security relating to the import licences for husked rice shall be EUR 30 per tonne.;

(c) the following Article 1b is inserted:

'Article 1 b

Notwithstanding Article 11(2) of Regulation (EC) No 1785/2003, the import duty for wholly milled rice falling within CN code 1006 30 shall be EUR 175 a tonne.;

(d) the following Article 1c is inserted:

'Article 1 c

Notwithstanding Article 11(2) of Regulation (EC) No 1785/2003, the basmati rice varieties falling within CN codes 1006 20 17 and 1006 20 98 listed in Annex I to this Regulation shall qualify for a zero rate of import duty.

Where the first paragraph applies, the measures provided for in Articles 2 to 8 shall apply.;

(e) the second paragraph of Article 9 is deleted;

(f) in Article 10 'the import duties referred to in Article 1(1) of this Regulation' is replaced by 'the import duties for husked rice established in accordance with Article 1 of this Regulation or, as appropriate, the import duty for wholly milled rice referred to in Article 1b.;

(g) in Article 11, '30 June 2005' is replaced by '30 June 2006';

(h) in Annex I, the title is replaced by:

'Varieties referred to in Article 1c'.

Article 2

The first fixing of duties under Article 1(a) shall be made within three days of the publication of this Regulation.

Article 3

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

Article 1(a), (c), (d), (f), and (h) shall apply from 1 March 2005.

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

Done at Brussels, 30 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1007/2005
of 30 June 2005
fixing the import duties applicable to certain husked rice from 1 March 2005

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

should be made to reimburse the traders concerned any duty overpayments, at their request,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Having regard to Commission Regulation (EC) No 1549/2004 of 30 August 2004 derogating from Council Regulation (EC) No 1785/2003 as regards the arrangements for importing rice and laying down separate transitional rules for imports of basmati rice ⁽¹⁾, and in particular Article 1 thereof,

Article 1

The import duty for husked rice falling within CN code 1006 20 shall be EUR 42,50 a tonne.

Whereas:

Article 2

(1) Based on the information provided by the competent authorities, the Commission notes that import licences for husked rice falling within CN code 1006 20, other than import licences for basmati rice, were issued in respect of 212 325 tonnes for the period from 1 September 2004 to 28 February 2005. In accordance with Article 1 of Regulation (EC) No 1549/2004, the import duty on husked rice falling within CN code 1006 20 other than basmati rice must therefore be adjusted. This adjustment must take effect on 1 March 2005 to take account of the application on that date of Regulation (EC) No 1006/2005 amending Regulation (EC) No 1549/2004.

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

To this end interested parties are hereby invited to lodge applications in accordance with Article 236 of Council Regulation (EC) No 2913/92 establishing the Community Customs Code ⁽²⁾ and with the relevant implementing provisions contained in Commission Regulation (EC) No 2454/93 ⁽³⁾.

Article 3

(2) As the applicable duty must be fixed within three days of the entry into force of Regulation (EC) No 1006/2005, this Regulation should enter into force immediately. Because this duty is being fixed retroactively, provision

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

It shall apply from 1 March 2005.

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

Done at Brussels, 30 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 280, 3.8.2004, p. 13. Regulation as last amended by Commission Regulation (EC) No 1006/2005 (see page 26 of this Official Journal).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by the 2003 Act of Accession.

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 837/2005 (OJ L 139, 2.6.2005, p. 1).

COMMISSION REGULATION (EC) No 1008/2005**of 30 June 2005****amending Regulation (EC) No 2771/1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 2771/1999 ⁽²⁾ provides for an intervention system for the buying-in of butter at fixed prices.
- (2) Article 4(1) of Regulation (EC) No 1255/1999 provides for reductions of the intervention prices of butter. It is therefore necessary to specify the intervention price to be used for the calculation of the buying-in price when the intervention price changes.
- (3) Regulation (EC) No 2771/1999 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2(1) of Regulation (EC) No 2771/1999 the following subparagraph is added:

'The intervention price to be used for the calculation of the buying-in price shall be that in force on the day of manufacture of the butter.'

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 as of 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

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

COMMISSION REGULATION (EC) No 1009/2005

of 30 June 2005

amending Regulation (EC) No 2799/1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

In Article 7 of Regulation (EC) No 2799/1999, paragraph 1 is replaced by the following:

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Articles 10 and 15 thereof,

‘1. Aid is fixed at:

- (a) EUR 2,42 per 100 kg of skimmed milk with a protein content of not less than 35,6 % of the non-fatty dry extract;
- (b) EUR 2,14 per 100 kg of skimmed milk with a protein content of not less than 31,4 % but less than 35,6 % of the non-fatty dry extract;
- (c) EUR 30,00 per 100 kg of skimmed-milk powder with a protein content of not less than 35,6 % of the non-fatty dry extract;
- (d) EUR 26,46 per 100 kg of skimmed-milk powder with a protein content of not less than 31,4 % but less than 35,6 % of the non-fatty dry extract.’

Whereas:

(1) Article 7(1) of Commission Regulation (EC) No 2799/1999 ⁽²⁾ fixes the amount of aid for skimmed milk and skimmed-milk powder intended for animal feed taking into account the factors set out in Article 11(2) of Regulation (EC) No 1255/1999. In view of reduction in the intervention price of skimmed milk powder from 1 July 2005, the amount of aid should be reduced.

(2) Regulation (EC) No 2799/1999 should therefore be amended accordingly.

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

Article 2

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

It shall apply as of 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

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

COMMISSION REGULATION (EC) No 1010/2005

of 30 June 2005

amending Regulation (EC) No 628/2005 imposing a provisional anti-dumping duty on imports of farmed salmon originating in Norway

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

on a minimum import price sufficient to remove the effects of injurious dumping were the preferred form of the measures.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation) and in particular Article 7 thereof,

(4) However, in imposing provisional measures in the current case, the Commission provisionally considered that a minimum import price might be difficult to enforce and be more open to circumvention than other forms of measures. Therefore, in this investigation, provisional measures were originally imposed in the form of *ad valorem* duties.

After consulting the Advisory Committee,

(5) After the adoption of provisional measures, the Community market has seen a significant, unprecedented and unforeseeable rise in market prices for farmed salmon. The situation is aggravated by the fact that salmon is to a large extent traded as a fresh product with a short shelf-life. Thus, the excessive variations of market prices cannot be offset by stocking sufficient quantities of the product.

Whereas:

1. EXISTING MEASURES

- (1) Following the initiation ⁽²⁾ of an anti-dumping investigation on 23 October 2004, the Commission imposed on 23 April 2005 by Regulation (EC) No 628/2005 ⁽³⁾ provisional anti-dumping duties on imports of farmed salmon originating in Norway (Regulation imposing a provisional duty).
- (2) The provisional anti-dumping duties which took the form of *ad valorem* duties ranging between 6,8 % and 24,5 % of the value of the imported products apply as of 27 April 2005.

(6) In the specific circumstances of this case, the original considerations for not imposing minimum import prices are no longer present. Indeed, currently there is minimal risk that a minimum import price will be evaded, contrary to some experience in the past. However, the volatility now observed in the market would also suggest that this dramatic development is not of such a lasting nature as to put into question the findings of dumping and injury made with regard to the investigation period.

2. FORM OF THE PROVISIONAL ANTI-DUMPING MEASURES

- (3) Anti-dumping measures may take different forms. For example, whereas the actual amount of an *ad valorem* duty varies in response to the import prices, the effect of a minimum import price is static in nature. The purpose of both forms of measures is to eliminate the injurious effects of dumping. When choosing the form of the measure, the Commission has a wide discretion. In previous investigations of farmed salmon, duties based

(7) Under these circumstances, it is considered appropriate to change the form of the measures to a minimum import price. As stated above, the purpose of the minimum price is the same as that of an *ad valorem* duty, i.e. to remove the effects of the injurious dumping.

(8) Where imports are undertaken at a cif Community border price equal to or above the minimum import price established, no duty would be payable. If imports are undertaken at a lower price, the difference between the actual price and the minimum import price established would become payable.

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

⁽²⁾ OJ C 261, 23.10.2004, p. 8.

⁽³⁾ OJ L 104, 23.4.2005, p. 5.

- (9) As regards the level of the minimum import price necessary to remove the effects of the injurious dumping, the present amendment does not change the findings and methodology used in the Regulation imposing a provisional duty, in particular as set out in recitals 132 to 134 of that Regulation.
- (10) As imports from Norway made at prices at or above the minimum import price will remove the effects of the injurious dumping, it is appropriate that the minimum price should apply to all imports from Norway.
- (11) Farmed salmon is commonly traded in different presentations (gutted head on, gutted head off, whole fish fillets, other fillets or fillet portions). Therefore, when amending the existing duties into their new form, a non-injurious minimum import price level had to be established for each of these presentations, to reflect the added costs incurred in preparing each of them. In this respect, the different minimum import prices are based on the findings in previous anti-dumping investigations of the product concerned, as well as the findings in this investigation. They are essentially derived from the conversion factors, as contained in Council Regulation (EC) No 772/1999⁽¹⁾, and also used in this investigation.
- (12) The exporting producers should be aware that if it is found that the measures are not effective, in particular, if the minimum import price is manipulated, absorbed or circumvented, the Commission may, after consulting the Advisory Committee, further amend Regulation (EC) No 628/2005, where appropriate, in order to ensure the effectiveness of the measures.

3. DURATION OF THE MEASURES

- (13) The provisional anti-dumping measures were originally imposed for a period of six months. Exporting producers representing a significant percentage of the trade involved have requested an extension of the provisional measures for a further period not exceeding three months.
- (14) Therefore, and in accordance with Article 7(7) of the basic Regulation, it is decided to extend the duration of the provisional measures until 22 January 2006, inclusive.

4. FINAL PROVISION

- (15) In the interest of sound administration, and having regard to the fact that time-limits for comments had already been set in the Regulation imposing a provisional duty, a period should be fixed, within which the interested parties which made themselves known within the time-limit specified in the notice of initiation may make their views known in writing and request a hearing. Furthermore, it should be stated that the findings concerning the imposition of duties made for the purposes of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 628/2005 is hereby replaced by the following:

1. A provisional anti-dumping duty is hereby imposed on imports of farmed (other than wild) salmon, whether or not filleted, fresh, chilled or frozen, falling within CN codes ex 0302 12 00, ex 0303 11 00, ex 0303 19 00, ex 0303 22 00, ex 0304 10 13 and ex 0304 20 13 (hereinafter farmed salmon) originating in Norway.

2. Wild salmon shall not be subject to the provisional anti-dumping duty. For the purpose of this Regulation, wild salmon shall be that in respect of which the competent authorities of the Member State, where the customs declaration for free circulation is accepted, are satisfied, by means of all appropriate documents to be provided by interested parties, that it was caught at sea for Atlantic or Pacific salmon or in rivers for Danube salmon.

3. The amount of the provisional anti-dumping duty shall be the difference between the minimum import price fixed in paragraph 4 and the free-at-Community-frontier price, before duty, if the latter is lower than the former. No duty shall be collected where the net, free-at-Community-frontier price is equal to or higher than corresponding minimum import price fixed in paragraph 4.

4. For the purpose of paragraph 3, the following minimum import price shall apply per kilogram net product weight:

⁽¹⁾ OJ L 101, 16.4.1999, p. 1. Regulation as last amended by Regulation (EC) No 321/2003 (OJ L 47, 21.2.2003, p. 3).

Presentation of farmed salmon	Minimum import price EUR/kg net product weight	TARIC code
Whole fish, fresh, chilled or frozen	2,81	0302 12 00 12 0302 12 00 33 0302 12 00 93 0303 11 00 93 0303 19 00 93 0303 22 00 12 0303 22 00 83
Gutted, head-on, fresh, chilled or frozen	3,12	0302 12 00 13 0302 12 00 34 0302 12 00 94 0303 11 00 94 0303 19 00 94 0303 22 00 13 0303 22 00 84
Other (including gutted, head-off), fresh, chilled or frozen	3,51	0302 12 00 15 0302 12 00 36 0302 12 00 96 0303 11 00 18 0303 11 00 96 0303 19 00 18 0303 19 00 96 0303 22 00 15 0303 22 00 86
Whole fish fillets and fillets cut in pieces, weighing more than 300 g per fillet, fresh, chilled or frozen	4,99	0304 10 13 12 0304 10 13 93 0304 20 13 12 0304 20 13 93
Other whole fish fillets and fillets cut in pieces, weighing 300 g or less per fillet, fresh, chilled or frozen	6,00	0304 10 13 15 0304 10 13 96 0304 20 13 15 0304 20 13 96

5. The release for free circulation in the Community of the product referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

6. In cases, where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Commission Regulation (EEC) No 2454/93 (*), the amount of anti-dumping duty, calculated on the basis of paragraph 4, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.

7. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

(*) OJ L 253, 11.10.1993, p. 1'

Article 2

Without prejudice to Article 20 of Regulation (EC) No 384/96, interested parties may request disclosure of the essential facts and considerations on the basis of which this Regulation was adopted, make their views known in writing and apply to be heard orally by the Commission within 10 working days of the date of entry into force of this Regulation.

Article 3

The second sentence of Article 3 of Regulation (EC) No 628/2005 is hereby replaced by the following:

'Article 1 of this Regulation shall apply until 22 January 2006.'

Article 4

This Regulation shall enter into force three days 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, 30 June 2005.

For the Commission

Peter MANDELSON

Member of the Commission

COMMISSION REGULATION (EC) No 1011/2005**of 30 June 2005****fixing the representative prices and additional import duties for certain products in the sugar sector in the 2005/06 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Pursuant to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, the cif import prices for raw sugar and white sugar set in accordance with Commission Regulation (EEC) No 784/68 ⁽³⁾ are to be considered the representative prices. Those prices are fixed for the standard qualities defined in Annex I(l) and II to Regulation (EC) No 1260/2001.
- (2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 2 of Regulation (EEC) No 764/68, except in the cases provided for in Article 3 of that Regulation.
- (3) For the purpose of adjusting prices not relating to the standard quality, the price increases or reductions referred to in Article 5(1)(a) of Regulation (EEC) No 784/68 must be applied to the offers taken into consideration in the

case of white sugar. In the case of raw sugar, the corrective factors provided for in point (b) of that paragraph must be applied.

- (4) Where there is a difference between the trigger price for the product concerned and the representative price, additional import duties should be fixed under the terms laid down in Article 3 of Regulation (EC) No 1423/95.
- (5) The representative prices and additional import duties for the products concerned should be fixed in accordance with the second paragraph of Article 1(2) and Article 3(1) of Regulation (EC) No 1423/95.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto for the 2005/06 marketing year.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

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

⁽³⁾ OJ L 145, 27.6.1968, p. 10. Regulation as amended by Regulation (EC) No 260/96 (OJ L 34, 13.2.1996, p. 16).

ANNEX

Representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 1 July 2005

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	21,64	5,48
1701 11 90 ⁽¹⁾	21,64	10,80
1701 12 10 ⁽¹⁾	21,64	5,29
1701 12 90 ⁽¹⁾	21,64	10,28
1701 91 00 ⁽²⁾	24,83	13,03
1701 99 10 ⁽²⁾	24,83	8,30
1701 99 90 ⁽²⁾	24,83	8,30
1702 90 99 ⁽³⁾	0,25	0,40

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

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

⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 1012/2005**of 30 June 2005****fixing the representative prices and the additional import duties for molasses in the sugar sector
applicable from 1 July 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

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

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

ANNEX

Representative prices and additional duties for imports of molasses in the sugar sector applicable from 1 July 2005

(EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽¹⁾
1703 10 00 ⁽²⁾	11,45	—	0
1703 90 00 ⁽²⁾	12,00	—	0

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

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

COMMISSION REGULATION (EC) No 1013/2005**of 30 June 2005****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING
APPLICABLE FROM 1 JULY 2005 ⁽¹⁾**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	32,04 ⁽²⁾
1701 11 90 9910	S00	EUR/100 kg	32,04 ⁽²⁾
1701 12 90 9100	S00	EUR/100 kg	32,04 ⁽²⁾
1701 12 90 9910	S00	EUR/100 kg	32,04 ⁽²⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3483
1701 99 10 9100	S00	EUR/100 kg	34,83
1701 99 10 9910	S00	EUR/100 kg	34,83
1701 99 10 9950	S00	EUR/100 kg	34,83
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3483

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

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

The other destinations are:

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

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

⁽²⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 1014/2005

of 30 June 2005

fixing the export refunds on syrups and certain other sugar products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.
- (3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽³⁾, to the products listed in the Annex to the last mentioned Regulation.
- (4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said Regulation exported in the natural state must be equal to one-hundredth of an amount which takes

account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward-processing arrangements.

- (5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.
- (6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.
- (7) The abovementioned refunds must be fixed every month; they may be altered in the intervening period.
- (8) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (9) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial in nature.

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

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

- (10) In order to prevent any abuses associated with the reimportation into the Community of sugar sector products that have qualified for export refunds, refunds for the products covered by this Regulation should not be fixed for all the countries of the western Balkans.
- (11) In view of the above, refunds for the products in question should be fixed at the appropriate amounts.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d), (f), (g) and (h) of Regulation (EC) No 1260/2001, exported in the natural state, shall be set out in the Annex hereto to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 1 JULY 2005 ⁽¹⁾

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	34,83 ⁽²⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	34,83 ⁽²⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	66,17 ⁽³⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3483 ⁽⁴⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	34,83 ⁽²⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3483 ⁽⁴⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3483 ⁽⁴⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,3483 ⁽⁴⁾ ⁽⁵⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	34,83 ⁽²⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3483 ⁽⁴⁾

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

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

The other destinations are defined as follows:

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

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

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

⁽⁴⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽⁵⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1015/2005**of 30 June 2005****fixing the maximum export refund for white sugar to certain third countries for the 31st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 1327/2004 of 19 July 2004 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽²⁾, for the 2004/2005 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1327/2004 a maximum export refund shall be fixed,

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 31st partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1327/2004 the maximum amount of the export refund shall be 37,970 EUR/100 kg.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 246, 20.7.2004, p. 23. Regulation as amended by Regulation (EC) No 1685/2004 (OJ L 303, 30.9.2004, p. 21).

COMMISSION REGULATION (EC) No 1016/2005**of 30 June 2005****fixing the production refund on white sugar used in the chemical industry for the period from 1 to 31 July 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the fifth indent of Article 7(5) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 33,170 EUR/100 kg net for the period from 1 to 31 July 2005.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 1017/2005
of 30 June 2005
fixing the import duties in the cereals sector applicable from 1 July 2005

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission
J. M. SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

ANNEX I

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

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	31,38
1005 10 90	Maize seed other than hybrid	56,45
1005 90 00	Maize other than seed ⁽²⁾	56,45
1007 00 90	Grain sorghum other than hybrids for sowing	36,37

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

- EUR 3/t, where the port of unloading is on the Mediterranean Sea, or
- EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

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

ANNEX II

Factors for calculating duties

period from 16.6.2005-29.6.2005

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	121,61 (***)	73,59	170,08	160,08	140,08	91,34
Gulf premium (EUR/t)	—	9,19	—			—
Great Lakes premium (EUR/t)	31,79	—	—			—

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 22,80 EUR/t; Great Lakes–Rotterdam: 34,31 EUR/t.

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

COMMISSION REGULATION (EC) No 1018/2005**of 30 June 2005****limiting the term of validity of export licences for certain products processed from cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 9 thereof,

Having regard to Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾, and in particular Article 7(1) thereof,

Whereas:

- (1) Article 7(1) of Regulation (EC) No 1342/2003 fixes the term of validity of export licences, in particular for products processed from maize. That term of validity extends to the end of the fourth month following that of issue of the licence. The term of validity is fixed in accordance with market requirements and the need for sound management.
- (2) The current situation on the maize market makes it desirable to limit the issuing of licences in order to avoid committing quantities from the new marketing year. Licences to be issued in forthcoming months must be reserved for exports before 3 September 2005. To that end, the term of validity of export licences to be issued for execution up to 2 September 2005 must be limited. A temporary derogation should accordingly be introduced to Article 7(1) of Regulation (EC) No 1342/2003.
- (3) In order to ensure sound management of the market and to prevent speculation, provision should be made for customs export formalities for export licences for products processed from maize to be completed by 2 September 2005 at the latest either as direct exports or exports under the arrangements laid down in Articles 4 and 5 of Council Regulation (EEC) No 565/80 of

4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽³⁾. Such limiting of the term of validity of export licences entails a derogation from Articles 28(6) and 29(5) of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽⁴⁾.

- (4) The application of the measures provided for in this Regulation must coincide with its entry into force in order to avoid potential market disturbance.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding Article 7(1) of Regulation (EC) No 1342/2003, export licences for products referred to in Annex I applied for from the date of entry into force of this Regulation to 26 August 2005 shall be valid until 2 September 2005 only.

2. Customs export formalities for the above licences must be completed by 2 September 2005 at the latest.

That deadline shall also apply to the formalities referred to in Article 32 of Regulation (EC) No 800/1999 in respect of products placed under the arrangements referred to in Regulation (EEC) No 565/80 under cover of such licences.

One of the indications in Annex II shall be entered in Section 22 of the licences.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 189, 29.7.2003, p. 12. Regulation as last amended by Regulation (EC) No 1092/2004 (OJ L 209, 11.6.2004, p. 9).

⁽³⁾ OJ L 62, 7.3.1980, p. 5. Regulation as last amended by Regulation (EC) No 444/2003 (OJ L 67, 12.3.2003, p. 3).

⁽⁴⁾ OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 671/2004 (OJ L 105, 14.4.2004, p. 5).

ANNEX I

to Commission Regulation of 30 June 2005 limiting the term of validity of export licences for certain products processed from cereals

CN code	Description
	Products derived from maize, consisting of the following subheadings:
1102 20	Maize flour
1103 13	Maize groats
1103 29 40	Maize pellets
1104 19 50	Rolled or flaked maize
1104 23	Hulled maize
1108 12 00	Maize starch
1108 13 00	Potato starch

ANNEX II

Indications referred to in Article 1(2)

- *in Spanish:* Limitación establecida en el apartado 2 del artículo 1 del Reglamento (CE) n^o 1018/2005
- *in Czech:* Omezení stanovené na základě čl. 1 ods. 2 nařízení (ES) č. 1018/2005
- *in Danish:* Begrænsning, jf. artikel 1, stk. 2, i forordning (EF) nr. 1018/2005
- *in German:* Kürzung der Gültigkeitsdauer gemäß Artikel 1 Absatz 2 der Verordnung (EG) Nr. 1018/2005
- *in Estonian:* Piirang on ette nähtud määruse (EÜ) nr 1018/2005 artikli 1 lõike 2 alusel
- *in Greek:* Περιορισμός που προβλέπεται στο άρθρο 1 παράγραφος 2 του κανονισμού (ΕΚ) αριθ. 1018/2005
- *in English:* Limitation provided for in Article 1(2) of Regulation (EC) No 1018/2005
- *in French:* Limitation prévue à l'article 1^{er}, paragraphe 2, du règlement (CE) n^o 1018/2005
- *in Italian:* Limitazione prevista all'articolo 1, paragrafo 2 del regolamento (CE) n. 1018/2005
- *in Latvian:* Ierobežojums paredzēts Regulas (EK) Nr. 1018/2005 1. panta 2. punktā
- *in Lithuanian:* Apribojimas numatytas Reglamente (EB) Nr. 1018/2005 1 straipsnio 2 dalyje
- *in Hungarian:* Korlátozott érvényességi időtartam az 1018/2005/EK rendelet 1. cikk (2) bekezdésének megfelelően
- *in Dutch:* Beperking als bepaald in artikel 1, lid 2, van Verordening (EG) nr. 1018/2005
- *in Polish:* Ograniczenie przewidziane w art. 1 ust. 2 rozporządzenia (WE) nr 1018/2005
- *in Portuguese:* Limitação estabelecida n.º 2 do artigo 1.º do Regulamento (CE) n.º 1018/2005
- *in Slovak:* Obmedzenie stanovené článkom 1 ods. 2 nariadenia (ES) č. 1018/2005
- *in Slovene:* Omejitev določena v členu 1(2) Uredbe (ES) št. 1018/2005
- *in Finnish:* Asetuksen (EY) N:o 1018/2005 1 artiklan 2 kohdassa säädetty rajoitus
- *in Swedish:* Begränsning enligt artikel 1.2 i förordning (EG) nr 1018/2005.

COMMISSION REGULATION (EC) No 1019/2005
of 30 June 2005
determining the world market price for unginne

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginne cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 21,815 EUR/100 kg.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

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

COMMISSION REGULATION (EC) No 1020/2005

of 30 June 2005

fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations

without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 to the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1(1) of Regulation (EC) No 1785/2003, exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, are fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 270, 21.10.2003, p. 96.

⁽³⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 30 June 2005.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 1 July 2005 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description of products ⁽²⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	—	—
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	3,160	3,423
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,988	1,988
	– – in other cases	4,250	4,250
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	2,098	2,361
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,491	1,491
	– – in other cases	3,188	3,188
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,988	1,988
	– other (including unprocessed)	4,250	4,250
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	2,769	3,174
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,988	1,988
	– in other cases	4,250	4,250

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

(EUR/100 kg)

CN code	Description of products ⁽²⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽²⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E to Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽³⁾ The goods concerned fall in under CN code 3505 10 50.

⁽⁴⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁵⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 1021/2005

of 30 June 2005

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e) and (g) of that Regulation and prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kg for each of the basic products in question must be fixed for each month.
- (4) However in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.
- (5) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to Regulation (EC) No 1520/2000 or to assimilated products.
- (6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.
- (7) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999 shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

⁽²⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

⁽³⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Commission Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

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

Done at Brussels, 30 June 2005.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 1 July 2005 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	15,00	15,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	24,10	24,10
	(b) on exportation of other goods	52,10	52,10
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	41,00	41,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	104,25	104,25
	(c) on exportation of other goods	97,00	97,00

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

COMMISSION REGULATION (EC) No 1022/2005**of 30 June 2005****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex V to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽²⁾ specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 1260/2001.
- (2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kg for each of the basic products in question must be fixed for each month.
- (3) Article 27(3) of Regulation (EC) No 1260/2001 lays down that the export refund for a product contained

in a good may not exceed the refund applicable to that product when exported without further processing.

- (4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1(1) and (2) of Regulation (EC) No 1260/2001, and exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission
Günter VERHEUGEN
Vice-President

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

⁽²⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

ANNEX

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

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	white sugar	34,83	34,83

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

COMMISSION REGULATION (EC) No 1023/2005**of 30 June 2005****fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter ⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 28 June 2005.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 28 June 2005, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund	
		For export to the destination referred to in the first indent of Article 1(1) of Regulation (EC) No 581/2004	For export to the destinations referred to in the second indent of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—	99,00
Butter	ex 0405 10 19 9700	104,00	104,50
Butteroil	ex 0405 90 10 9000	—	127,50

COMMISSION REGULATION (EC) No 1024/2005**of 30 June 2005****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds for skimmed milk powder ⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the tenders submitted in response to the invitation to

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 28 June 2005.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 28 June 2005, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 17,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 90, 27.3.2004, p. 67. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 2250/2004.

COMMISSION REGULATION (EC) No 1025/2005**of 30 June 2005****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

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

ANNEX

**to the Commission Regulation of 30 June 2005 fixing the export refunds on cereals and on wheat or rye flour,
groats and meal**

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

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

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

COMMISSION REGULATION (EC) No 1026/2005**of 30 June 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 868/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 868/2005 ⁽²⁾.
- (2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95 ⁽³⁾ the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 24 to 30 June 2005, pursuant to the invitation to tender issued in Regulation (EC) No 868/2005, the maximum reduction in the duty on maize imported shall be 20,20 EUR/t and be valid for a total maximum quantity of 6 000 t.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 30 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 145, 9.6.2005, p. 18.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 June 2005

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice and amending Decisions 2004/617/EC, 2004/618/EC and 2004/619/EC

(2005/476/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 26 June 2003, the Council authorised the Commission to open negotiations under Article XXVIII of the GATT 1994 with a view to modifying certain concessions for rice. Accordingly, the European Community notified the WTO on 2 July 2003 of its intention to modify certain concessions in EC Schedule CXL.
- (2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.
- (3) The Commission has negotiated with the United States of America, having a principal supplying interest in products of HS code 1006 20 (husked rice) and substantial supplier interest in products of HS code 1006 30 (milled rice), Thailand, having a principal supplying interest in products of HS code 1006 30

(milled rice) and substantial supplier interest in products of HS code 1006 20 (husked rice) and India and Pakistan, each having a substantial supplier interest in products of HS code 1006 20 (husked rice).

- (4) The Agreements with India and with Pakistan have been approved on behalf of the Community by Council Decisions 2004/617/EC ⁽¹⁾ and 2004/618/EC ⁽²⁾ respectively. A new tariff rate for husked rice (CN code 1006 20) and milled rice (CN code 1006 30) was fixed by Council Decision 2004/619/EC ⁽³⁾.
- (5) The Commission has successfully negotiated an Agreement in the form of an Exchange of Letters between the European Community and the United States of America which should therefore be approved.
- (6) In order to ensure that the Agreement may be fully applied as from 1 March 2005 and pending the amendment of Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽⁴⁾, the Commission should be authorised to adopt temporary derogations from that Regulation, and to adopt implementing measures.
- (7) For the same reason the corresponding derogations contained in Decisions 2004/617/EC, 2004/618/EC and 2004/619/EC should also be extended until 30 June 2006.

⁽¹⁾ OJ L 279, 28.8.2004, p. 17.

⁽²⁾ OJ L 279, 28.8.2004, p. 23.

⁽³⁾ OJ L 279, 28.8.2004, p. 29.

⁽⁴⁾ OJ L 270, 21.10.2003, p. 96.

- (8) For the sake of legal certainty, it is also appropriate to clarify in Decisions 2004/617/EC and 2004/618/EC that the authorisation given to the Commission to adopt temporary derogations from Regulation (EC) No 1785/2003 for implementing the Agreements concerned also includes the authorisation to adopt detailed implementing measures.
- (9) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

1. To the extent necessary to permit the full application of this Agreement as from 1 March 2005, the Commission may derogate from Regulation (EC) No 1785/2003, in accordance with the procedure referred to in Article 6(2) of this Decision, until that Regulation is amended but at the latest until 30 June 2006.
2. The Commission shall adopt the detailed rules for implementing the Agreement in accordance with the procedure laid down in Article 6(2) of this Decision.

Article 3

Article 2 of Decision 2004/617/EC shall be replaced by the following:

'Article 2

1. To the extent necessary to permit the full application of this Agreement by 1 September 2004, the Commission may derogate from Regulation (EC) No 1785/2003, in accordance with the procedure referred to in Article 3(2) of this Decision, until that Regulation is amended but at the latest until 30 June 2006.
2. The Commission shall adopt the detailed rules for implementing the Agreement in accordance with the procedure referred to in Article 3(2) of this Decision.'

Article 4

Article 2 of Decision 2004/618/EC shall be replaced by the following:

'Article 2

1. To the extent necessary to permit the full application of this Agreement by 1 September 2004, the Commission may derogate from Regulation (EC) No 1785/2003, in accordance with the procedure referred to in Article 3(2) of this Decision, until that Regulation is amended but at the latest until 30 June 2006.
2. The Commission shall adopt the detailed rules for implementing the Agreement in accordance with the procedure referred to in Article 3(2) of this Decision.'

Article 5

In Article 2 of Decision 2004/619/EC, the date '30 June 2005' shall be replaced by the date '30 June 2006'.

Article 6

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 25 of Regulation (EC) No 1784/2003 ⁽²⁾.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

Article 7

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the Community ⁽³⁾.

Done at Luxembourg, 21 June 2005.

For the Council
The President
F. BODEN

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 270, 21.10.2003, p. 78.

⁽³⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**between the European Community and the United States of America relating to the method of calculation of applied duties for husked rice***A. Letter from the European Community*

Sir,

Following negotiations between the European Community (EC) and the United States of America, the EC agrees to the conclusions as outlined below.

Applied rate of duty for certain husked rice (CN code 1006 20)

1. The EC shall apply a rate of duty for certain husked rice in accordance with paragraphs 2 to 7.
2. Annual reference import level
 - (a) First marketing year: in the first marketing year within the scope of this agreement (1 September 2004 to 31 August 2005), the annual reference import level shall be calculated as the average volume of total husked rice imports entering the EC-25 from all origins in the marketing years 1 September 1999-31 August 2000, 1 September 2000-31 August 2001, and 1 September 2001-31 August 2002, less imports of Basmati husked rice into the EC-25, plus 10 % (i.e. 431 678 MT).
 - (b) Increase in subsequent marketing years: for each marketing year 2005/06, 2006/07 and 2007/08, the annual reference import level shall be increased by 6 000 MT/year from the level of the previous marketing year. No later than 90 days before the end of the marketing year 1 September 2007, to 31 August 2008, both parties shall enter into consultations on the annual increase for subsequent marketing years, taking into account the developments in the EC's rice market notably as regards the evolution of consumption, and shall agree on the annual increase no later than 31 August 2008.
3. Six-month reference import level: in each marketing year, a six-month reference import level shall be calculated as 50 percent of the annual reference import level calculated in paragraph 2 above, which in the first marketing year would be 215 839 MT.
4. Mid-year adjustment to applied tariff rate: within 10 days after the end of the first six months of each marketing year, the EC shall review and, if necessary, adjust the applied tariff rate as follows:
 - (a) if actual husked rice imports for the just-completed six-month period are more than 15 percent below the six-month reference import level for that period, as calculated under paragraph 3 above (i.e., for the first marketing year less than 183 463 MT), the EC shall apply a tariff rate of EUR 30/MT;
 - (b) if actual husked rice imports for the just-completed six-month period are more than 15 percent above the six-month reference import level for that period, as calculated under paragraph 3 above (i.e., for the first marketing year more than 248 215 MT), the EC shall apply a tariff rate of EUR 65/MT;
 - (c) if actual husked rice imports for the just-completed six-month period are within 15 percent (inclusive) of the six-month reference import level for that period, as calculated under paragraph 3 above (i.e., for the first marketing year between 183 463 and 248 215 MT), the applied rate shall be EUR 42,5/MT.

For purposes of (a) through (c) above, actual husked rice imports are all imports entering the EC-25 from all origins under the CN codes 1006 20 less imports of Basmati husked rice into the EC-25.

5. End-of-year adjustment to applied tariff rate: within 10 days after the end of the marketing year, the EC shall review and, if necessary, adjust the applied tariff rate as follows:
 - (a) if actual husked rice imports for the just-completed marketing year are more than 15 percent below the annual reference import level for that twelve-month period, as calculated under paragraph 2 above (i.e., for the first marketing year less than 366 926 MT), the EC shall apply a tariff rate of EUR 30/MT;
 - (b) if actual husked rice imports for the just-completed marketing year are more than 15 percent above the annual reference import level for that twelve-month period, as calculated under paragraph 2 above (i.e., for the first marketing year more than 496 430 MT), the EC shall apply a tariff rate of EUR 65/MT;
 - (c) if actual husked rice imports for the just-completed marketing year are within 15 percent (inclusive) of the annual reference import level for that twelve-month period, as calculated under paragraph 2 above (i.e., for the first marketing year between 366 926 and 496 430 MT), the EC shall apply a tariff rate of EUR 42,5/MT.

For purposes of (a) through (c) above, actual husked rice imports are all imports entering the EC-25 from all origins under the CN codes 1006 20 less imports of Basmati husked rice into the EC-25.

6. Data: The calculation of the annual and six-month actual import levels under paragraphs 4 and 5 above shall be determined using EC rice imports license data. The EC shall publish these data on the Internet on a weekly basis.
7. Transparency: The EC shall promptly provide public notice of any adjustment in the applied tariff rate.
8. Consultation: At the request of either party, the parties shall, within 30 days of the receipt of such a request, enter into consultations on matters covered by this agreement.
9. If the parties are unable to resolve the issues subject to consultation within 30 days after receipt of the request, the United States may submit written notification to the EC that it intends to exercise any rights under Article XXVIII:3(a) of the GATT 1994 as provided in paragraph 10 below and the EC may submit written notification to the United States that it intends to withdraw from the present agreement as provided in paragraph 11 below.
10. Extension of deadline for exercise of any rights under Article XXVIII of the GATT 1994:
 - (a) The parties agree that the deadline for withdrawal of substantially equivalent concessions pursuant to Article XXVIII:3(a) shall be considered to be extended. Accordingly, the United States may exercise any right to withdraw substantially equivalent concessions under Article XXVIII:3(a) at any time after the expiration of 30 days written notice to the EC of the U.S. intent to exercise such rights, and the EC shall not assert that the United States is precluded from taking action pursuant to Article XXVIII:3(a) on the ground that the action was untimely.
 - (b) Notwithstanding (a) above, the United States shall not exercise any right to withdraw substantially equivalent concessions unless it has requested consultations and provided notification pursuant to paragraph 9 above. Should the EC withdraw from the agreement, the US shall be entitled to exercise any applicable rights under Article XXVIII:3(a) with immediate effect.

11. The EC shall not withdraw from the present agreement unless it has requested consultations and provided notification pursuant to paragraph 9 above. The EC may withdraw from the agreement at any time after the expiration of 30 days from the notification referred to in paragraph 9. Should the United States withdraw concessions pursuant to paragraph 10 above, the EC shall be entitled to withdraw from the present agreement with immediate effect.
12. Subject to the provisions of paragraph 10, this agreement is without prejudice to any right of the EC to challenge any withdrawal of concessions by the United States if it considers the withdrawal to be incompatible with Article XXVIII of the GATT 1994 or other relevant provisions of the WTO Agreement.
13. The EC shall consult and cooperate with the United States to obtain the approval by the WTO General Council of the extension of the deadline for withdrawal of substantially equivalent concessions pursuant to Article XXVIII:3(a).
14. This agreement shall be approved by the parties in accordance with their own procedures. The EC considers that this agreement shall not serve as a precedent for future Article XXVIII negotiations.
15. The provisions of this agreement shall be applicable as from 1 March 2005. To this purpose, the EC shall put in place the necessary internal procedures in order to ensure the implementation of paragraph 4 for husked rice imports entering in the period 1 March 2005 to 31 August 2005.

I would be grateful if you could confirm the agreement of your Government to the above.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the European Community

B. Letter from the United States of America

Sir,

I have the honour to acknowledge receipt of your letter of today's date, worded as follows:

Following negotiations between the European Community (EC) and the United States of America, the EC agrees to the conclusions as outlined below.

Applied rate of duty for certain husked rice (CN code 1006 20)

1. The EC shall apply a rate of duty for certain husked rice in accordance with paragraphs 2 to 7.
2. Annual reference import level
 - (a) First marketing year: in the first marketing year within the scope of this agreement (1 September 2004 to 31 August 2005), the annual reference import level shall be calculated as the average volume of total husked rice imports entering the EC-25 from all origins in the marketing years 1 September 1999-31 August 2000, 1 September 2000-31 August 2001, and 1 September 2001-31 August 2002, less imports of Basmati husked rice into the EC-25, plus 10 % (i.e. 431 678 MT).
 - (b) Increase in subsequent marketing years: for each marketing year 2005/06, 2006/07 and 2007/08, the annual reference import level shall be increased by 6 000 MT/year from the level of the previous marketing year. No later than 90 days before the end of the marketing year 1 September 2007, to 31 August 2008, both parties shall enter into consultations on the annual increase for subsequent marketing years, taking into account the developments in the EC's rice market notably as regards the evolution of consumption, and shall agree on the annual increase no later than 31 August 2008.
3. Six-month reference import level: in each marketing year, a six-month reference import level shall be calculated as 50 percent of the annual reference import level calculated in paragraph 2 above, which in the first marketing year would be 215 839 MT.
4. Mid-year adjustment to applied tariff rate: within 10 days after the end of the first six months of each marketing year, the EC shall review and, if necessary, adjust the applied tariff rate as follows:
 - (a) if actual husked rice imports for the just-completed six-month period are more than 15 percent below the six-month reference import level for that period, as calculated under paragraph 3 above (i.e., for the first marketing year less than 183 463 MT), the EC shall apply a tariff rate of EUR 30/MT;
 - (b) if actual husked rice imports for the just-completed six-month period are more than 15 percent above the six-month reference import level for that period, as calculated under paragraph 3 above (i.e., for the first marketing year more than 248 215 MT), the EC shall apply a tariff rate of EUR 65/MT;
 - (c) if actual husked rice imports for the just-completed six-month period are within 15 percent (inclusive) of the six-month reference import level for that period, as calculated under paragraph 3 above (i.e., for the first marketing year between 183 463 and 248 215 MT), the applied rate shall be EUR 42,5/MT.

For purposes of (a) through (c) above, actual husked rice imports are all imports entering the EC-25 from all origins under the CN codes 1006 20 less imports of Basmati husked rice into the EC-25.

5. End-of-year adjustment to applied tariff rate: within 10 days after the end of the marketing year, the EC shall review and, if necessary, adjust the applied tariff rate as follows:
 - (a) if actual husked rice imports for the just-completed marketing year are more than 15 percent below the annual reference import level for that twelve-month period, as calculated under paragraph 2 above (i.e., for the first marketing year less than 366 926 MT), the EC shall apply a tariff rate of EUR 30/MT;
 - (b) if actual husked rice imports for the just-completed marketing year are more than 15 percent above the annual reference import level for that twelve-month period, as calculated under paragraph 2 above (i.e., for the first marketing year more than 496 430 MT), the EC shall apply a tariff rate of EUR 65/MT;
 - (c) if actual husked rice imports for the just-completed marketing year are within 15 percent (inclusive) of the annual reference import level for that twelve-month period, as calculated under paragraph 2 above (i.e., for the first marketing year between 366 926 and 496 430 MT), the EC shall apply a tariff rate of EUR 42,5/MT.

For purposes of (a) through (c) above, actual husked rice imports are all imports entering the EC-25 from all origins under the CN codes 1006 20 less imports of Basmati husked rice into the EC-25.

6. Data: The calculation of the annual and six-month actual import levels under paragraphs 4 and 5 above shall be determined using EC rice imports license data. The EC shall publish these data on the Internet on a weekly basis.
7. Transparency: The EC shall promptly provide public notice of any adjustment in the applied tariff rate.
8. Consultation: At the request of either party, the parties shall, within 30 days of the receipt of such a request, enter into consultations on matters covered by this agreement.
9. If the parties are unable to resolve the issues subject to consultation within 30 days after receipt of the request, the United States may submit written notification to the EC that it intends to exercise any rights under Article XXVIII:3(a) of the GATT 1994 as provided in paragraph 10 below and the EC may submit written notification to the United States that it intends to withdraw from the present agreement as provided in paragraph 11 below.
10. Extension of deadline for exercise of any rights under Article XXVIII of the GATT 1994:
 - (a) The parties agree that the deadline for withdrawal of substantially equivalent concessions pursuant to Article XXVIII:3(a) shall be considered to be extended. Accordingly, the United States may exercise any right to withdraw substantially equivalent concessions under Article XXVIII:3(a) at any time after the expiration of 30 days written notice to the EC of the U.S. intent to exercise such rights, and the EC shall not assert that the United States is precluded from taking action pursuant to Article XXVIII:3(a) on the ground that the action was untimely.
 - (b) Notwithstanding (a) above, the United States shall not exercise any right to withdraw substantially equivalent concessions unless it has requested consultations and provided notification pursuant to paragraph 9 above. Should the EC withdraw from the agreement, the US shall be entitled to exercise any applicable rights under Article XXVIII:3(a) with immediate effect.

11. The EC shall not withdraw from the present agreement unless it has requested consultations and provided notification pursuant to paragraph 9 above. The EC may withdraw from the agreement at any time after the expiration of 30 days from the notification referred to in paragraph 9. Should the United States withdraw concessions pursuant to paragraph 10 above, the EC shall be entitled to withdraw from the present agreement with immediate effect.
12. Subject to the provisions of paragraph 10, this agreement is without prejudice to any right of the EC to challenge any withdrawal of concessions by the United States if it considers the withdrawal to be incompatible with Article XXVIII of the GATT 1994 or other relevant provisions of the WTO Agreement.
13. The EC shall consult and cooperate with the United States to obtain the approval by the WTO General Council of the extension of the deadline for withdrawal of substantially equivalent concessions pursuant to Article XXVIII:3(a).
14. This agreement shall be approved by the parties in accordance with their own procedures. The EC considers that this agreement shall not serve as a precedent for future Article XXVIII negotiations.
15. The provisions of this agreement shall be applicable as from 1 March 2005. To this purpose, the EC shall put in place the necessary internal procedures in order to ensure the implementation of paragraph 4 for husked rice imports entering in the period 1 March 2005 to 31 August 2005'.

The United States of America has the honour of confirming its agreement with the content of this letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the United States of America

COMMISSION

COMMISSION DECISION

of 29 June 2005

providing for a derogation from certain provisions of Council Directive 2000/29/EC in respect of plants of *Vitis L.*, other than fruits, originating in Croatia

(notified under document number C(2005) 1920)

(2005/477/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular Article 15(1) thereof,

Having regard to the request made by Italy and Slovenia,

Whereas:

(1) Under Directive 2000/29/EC, plants of *Vitis L.*, other than fruits, originating in third countries may not in principle be introduced into the Community.

(2) Italy and Slovenia have requested a derogation to permit imports of plants of *Vitis L.*, other than fruits, from Croatia for a limited period of time in order to enable specialised nurseries to multiply these plants in the Community before re-exporting them to Croatia.

(3) The Commission considers that there is no risk of spreading harmful organisms to plants or plant products provided that plants of *Vitis L.* other than fruits originating in Croatia are subject to the specific conditions laid down in this Decision.

(4) Member States should therefore for a limited period be authorised to permit the introduction into their territory of such plants subject to specific conditions.

(5) That authorisation should be terminated if it is established that the specific conditions laid down in this Decision are not sufficient to prevent the introduction of harmful organisms into the Community or have not been complied with.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 4(1) of Directive 2000/29/EC with regard to point 15 of Part A of Annex III to that Directive, Member States shall be authorised to permit the introduction into their territory of plants of *Vitis L.*, other than fruits, intended for grafting in the Community and originating in Croatia (hereinafter referred to as the plants).

In order to qualify for that derogation the plants shall be subject, in addition to the requirements laid down in Annexes I and II to Directive 2000/29/EC, to the conditions provided for in the Annex to this Decision, and be introduced into the Community between 1 January 2006 and 31 March 2006.

Article 2

Member States which make use of the derogation provided for in Article 1 shall provide the Commission and the other Member States, by 1 July 2006 at the latest, with:

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2005/16/EC (OJ L 57, 3.3.2005, p. 19).

(a) the information on quantities of plants imported pursuant to this Decision; and

(b) a detailed technical report of the official inspections referred to in point 6 of the Annex.

Any Member State in which the plants are subsequently grafted after their introduction into its territory, shall also provide the Commission and the other Member States, by 1 July 2006 at the latest, with a detailed technical report of the official inspections and testing referred to in point 8(b) of the Annex.

Article 3

Member States shall immediately notify the Commission and the other Member States of all consignments introduced into

their territory pursuant to this Decision which were subsequently found not to comply with this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 29 June 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Specific conditions applying to plants of *Vitis L.*, other than fruits, originating in Croatia benefiting from the derogation provided for in Article 1

1. The plants shall be propagating material in the form of dormant buds of the varieties Babić, Borgonja, Dišča belina, Graševina, Grk, Hrvatica, Kraljevina, Malvazija istarska, Maraština, Malvasija, Muškat momjanski, Muškat ruža porečki, Plavac mali, Plavina-Plavka, Pošip, Škrlet, Teran, Trnjak, Plavac veli, Vugava or Žlahtina that shall be:
 - (a) intended to be grafted in the Community at the premises referred to in point 7, onto rootstocks produced in the Community;
 - (b) harvested in stock nurseries, which are officially registered in Croatia. The lists of the registered nurseries shall be made available to the Member States making use of the derogation and to the Commission, at the latest by 31 October 2005. These lists shall include the name of the variety, the number of rows planted with this variety, the number of plants per row for each of these nurseries, as far as they are deemed suitable for dispatch to the Community in 2006, under the conditions laid down in this Decision;
 - (c) properly packed and the packaging made recognisable with a marking, enabling the identification of the registered nursery and the variety.
2. The plants shall be accompanied by a phytosanitary certificate issued in Croatia in accordance with Article 13(1) of Directive 2000/29/EC, on the basis of the examination laid down therein, confirming, in particular, freedom from the following harmful organisms:

Daktulosphaira vitifoliae (Fitch)

Xylophilus ampelinus (Panagopoulos) Willems et al.

Grapevine Flavescence dorée

Xylella fastidiosa (Well et Raju)

Trechispora brinkmannii (Bresad.) Rogers

Tobacco ringspot virus

Tomato ringspot virus

Blueberry leaf mottle virus

Peach rosette mosaic virus

The certificate shall state under 'Additional Declaration', the indication 'This consignment meets the conditions laid down in Decision 2005/477/EC'.

3. The official plant protection organisation of Croatia shall ensure the identity of the plants from the time of harvesting as referred to in point 1(b) until the time of loading for export to the Community.
4. The plants shall be introduced through points of entry designated for the purpose by the Member State in which they are situated.

Those points of entry and the name and address of the responsible official body referred to in Directive 2000/29/EC in charge of each point of entry shall be notified sufficiently in advance by the Member States to the Commission and shall be made available on request to other Member States.

Where the introduction of the plants into the Community takes place in a Member State other than the Member State making use of the authorisation referred to in Article 1 (hereinafter referred to as the authorisation), the responsible official bodies of the Member State of introduction shall inform and cooperate with the responsible official bodies of the Member States making use of the authorisation to ensure that this Decision is complied with.

5. Prior to introduction into the Community, the importer shall be officially informed of the conditions laid down in points 1 to 4; the said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State, without delay, shall convey the details of the notification to the Commission, indicating:

- (a) the type of material;
- (b) the variety and the quantity;
- (c) the declared date of introduction and confirmation of the point of entry;
- (d) the names, addresses and the locations of the premises referred to in point 7 where the buds will be grafted and stored.

The importer shall inform the official bodies concerned of any changes to the above details as soon as they are known.

The Member State concerned shall inform the Commission of the above details, and details of any change to them without delay.

At least two weeks before the date of introduction the importer shall notify the responsible official body of the premises referred to in point 7 where the plants are to be grafted.

6. The inspections, including testing, as appropriate, required pursuant to Article 13 of Directive 2000/29/EC and in accordance with provisions laid down in the present Decision, shall be made by the responsible official bodies of the Member State making use of this authorisation, and where appropriate, in cooperation with the responsible official bodies of the Member State where the plants are to be stored.

During those inspections, Member State(s) shall also inspect and, where appropriate, test for harmful organisms mentioned in point 2. Any finding of such harmful organisms shall immediately be notified to the Commission. Appropriate action shall be taken to destroy the harmful organisms and where appropriate the plants concerned.

7. The plants shall be grafted only at premises officially registered and approved for the purposes of this authorisation.

The person who intends to graft the plants shall notify in advance the responsible official bodies of the Member State in which the premises are situated of the name and address of the owner of those premises.

Where the place of grafting is situated in a Member State other than the Member State making use of the authorisation, the responsible official bodies of the Member State making use of the authorisation shall inform the responsible official bodies of the Member State where the plants are to be grafted of the names and addresses of the premises where the plants are to be grafted. Such information shall be given at the moment of the receipt of the advance notification from the importer as referred to in the last paragraph of point 5.

8. At the premises referred to in point 7:
- (a) the plants which have been found free from the harmful organisms referred to in point 2 may then be used for grafting onto rootstock of Community origin. The grafted plants shall subsequently be kept under appropriate conditions in a suitable growing medium but shall not be planted or further grown in fields. The grafted plants shall remain at the premises until they are moved to a destination outside the Community as referred to in point 9;

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- (b) in the period following grafting the plants shall be visually inspected by the said responsible official bodies of the Member State in which they are grafted, at appropriate times, for the presence of harmful organisms or for signs or symptoms caused by any harmful organism; as a result of such visual inspection any harmful organism having caused such signs or symptoms shall be identified by an appropriate testing procedure;
- (c) any grafted plant which has not been found free, during the said inspections or testing referred to in points (a) and (b), from harmful organisms listed in point 2, or otherwise of quarantine concern, shall be immediately destroyed under the control of the said responsible official bodies.
9. Any plant resulting from a successful grafting using the buds referred to in point 1 shall only be released as grafted plants for movement to Croatia. The responsible official bodies of a Member State making use of this authorisation shall ensure that any plant not so moved shall be officially destroyed. Records shall be kept of the amounts of successfully grafted plants, of officially destroyed plants and of plants subsequently re-exported to Croatia. This information shall be made available to the Commission.
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