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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 216/2005
of 10 February 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 11 February 2005.

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

Done at Brussels, 10 February 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 10 February 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	104,2
	204	78,6
	212	157,6
	248	82,5
	624	81,4
	999	100,9
0707 00 05	052	180,7
	068	65,0
	204	80,6
	999	108,8
0709 10 00	220	36,6
	999	36,6
0709 90 70	052	172,1
	204	242,3
	999	207,2
0805 10 20	052	44,8
	204	42,9
	212	44,7
	220	41,7
	400	45,0
	421	23,4
	448	31,7
	624	56,5
	999	41,3
0805 20 10	052	76,5
	204	79,8
	624	69,9
	999	75,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	60,4
	204	92,7
	400	77,9
	464	42,4
	624	74,2
	662	34,0
	999	63,6
0805 50 10	052	46,6
	220	27,0
	999	36,8
0808 10 80	400	103,1
	404	89,0
	528	96,4
	720	61,4
	999	87,5
0808 20 50	388	81,4
	400	89,6
	528	60,7
	999	77,2

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 217/2005**of 10 February 2005****amending 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 17 May 1999 on the common organisation of the markets in the milk and milk products sector⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 February 2005 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 169/2005⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 169/2005 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 169/2005 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 February 2005.

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

Done at Brussels, 10 February 2005.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1787/2003 (OJ L 270, 21.10.2003, p. 121).

⁽²⁾ OJ L 28, 1.2.2005, p. 26.

ANNEX

Rates of the refunds applicable from 11 February 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	26,53	28,00
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	33,12	35,31
	(b) on exportation of other goods	61,57	65,60
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	42,55	46,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	128,43	138,25
	(c) on exportation of other goods	121,18	131,00

⁽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 218/2005**of 10 February 2005****opening and providing for the administration of an autonomous tariff quota for garlic from
1 January 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Commission Regulation (EC) No 565/2002⁽¹⁾ establishes the method for managing tariff quotas and introduces a system of certificates of origin for garlic imported from third countries.
- (2) Commission Regulation (EC) No 228/2004 of 3 February 2004 laying down transitional measures applicable to Regulation (EC) No 565/2002 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia⁽²⁾ adopts measures allowing importers from these countries to benefit from Regulation (EC) No 565/2002. The aim of the measures is to make a distinction between traditional importers and new importers in the new Member States, and to adapt the definition of the reference quantity so that these importers may benefit from the system.
- (3) To ensure uninterrupted supplies to the enlarged Community market while taking account of the economic supply conditions in the new Member States prior to accession, a new autonomous and temporary import tariff quota should be opened for fresh or chilled garlic falling within CN code 0703 20 00. This new tariff quota is in addition to those opened by Commission Regulations (EC) No 1077/2004⁽³⁾ and (EC) No 1743/2004⁽⁴⁾.

(4) This new quota must be transitional and must not prejudice the outcome of the negotiations under way in the context of the World Trade Organisation (WTO) as a result of the accession of new members.

(5) The Management Committee for fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. An autonomous tariff quota of 4 400 tonnes, (bearing the serial number 09.4115), hereinafter the 'autonomous quota', shall be opened from 1 January 2005 for Community imports of fresh or chilled garlic falling within CN code 0703 20 00.

2. The *ad valorem* duty applicable to products imported under the autonomous quota shall be 9,6 %.

Article 2

Regulations (EC) No 565/2002 and (EC) No 228/2004 shall apply to the management of the autonomous quota, subject to the provisions of this Regulation.

However, Articles 1, 5(5) and 6(1) of Regulation (EC) No 565/2002 shall not apply to the management of the autonomous quota.

Article 3

Import licences issued under the autonomous quota, hereinafter 'licences', shall be valid until 30 June 2005.

Box 24 of licences shall show one of the entries listed in Annex I.

Article 4

1. Importers may submit licence applications to the competent authorities of the Member States in the five working days following the date of entry into force of this Regulation.

⁽¹⁾ OJ L 86, 3.4.2002, p. 11. Regulation as last amended by Regulation (EC) No 537/2004 (OJ L 86, 24.3.2004, p. 9).

⁽²⁾ OJ L 39, 11.2.2004, p. 10.

⁽³⁾ OJ L 203, 8.6.2004, p. 7.

⁽⁴⁾ OJ L 311, 8.10.2004, p. 19.

Box 20 of licence applications shall show one of the entries listed in Annex II.

2. Licence applications submitted by a single importer may not relate to a quantity exceeding 10 % of the autonomous quota.

Article 5

The autonomous quota shall be allocated as follows:

- 70 % to traditional importers,
- 30 % to new importers.

If the quantity allocated to one of the categories of importers is not used in full, the balance may be allocated to the other category.

Article 6

1. Member States shall notify the Commission, on the seventh working day following the entry into force of this Regulation, of the quantities for which licence applications have been made.

2. Licences shall be issued on the twelfth working day following the entry into force of this Regulation, unless the Commission has taken special measures under paragraph 3.

3. If the Commission finds, on the basis of the information notified under paragraph 1, that licence applications exceed the quantities available for a category of importers under Article 5, it shall adopt, by means of a regulation, a single reduction percentage for the applications in question.

Article 7

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

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

Done at Brussels, 10 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Entries referred to in Article 3

- *in Spanish:* Certificado expedido en virtud del Reglamento (CE) n^o 218/2005 y válido únicamente hasta el 30 de junio de 2005
- *in Czech:* licence vydaná na základě nařízení (ES) č. 218/2005 a platná pouze do 30. června 2005
- *in Danish:* licens udstedt i henhold til forordning (EF) nr. 218/2005 og kun gyldig til den 30. juni 2005
- *in German:* Lizenz gemäß der Verordnung (EG) Nr. 218/2005 erteilt und nur bis zum 30. Juni 2005 gültig
- *in Estonian:* määruse (EÜ) nr 218/2005 kohaselt esitatud litsentsitaotlus kehtib ainult kuni 30. juunini 2005
- *in Greek:* πιστοποιητικά που εκδίδονται κατ' εφαρμογήν του κανονισμού (ΕΚ) αριθ. 218/2005 και ισχύουν έως τις 30 Ιουνίου 2005.
- *in English:* licence issued under Regulation (EC) No 218/2005 and valid only until 30 June 2005
- *in French:* certificat émis au titre du règlement (CE) n^o 218/2005 et valable seulement jusqu'au 30 juin 2005
- *in Italian:* Domanda di titolo presentata ai sensi del regolamento (CE) n. 218/2005 e valida soltanto fino al 30 giugno 2005
- *in Latvian:* licence ir izsniegta saskaņā ar Regulu (EK) Nr. 218/2005 un ir derīga tikai līdz 2005. gada 30. jūnijam
- *in Lithuanian:* licencija, išduota pagal Reglamento (EB) Nr. 218/2005 nuostatas, galiojanti tik iki 2005 m. birželio 30 d.
- *in Hungarian:* a 218/2005/EK rendelet szerinti engedélykérelem, 2005. június 30-ig érvényes
- *in Dutch:* overeenkomstig Verordening (EG) nr. 218/2005 afgegeven certificaat dat slechts geldig is tot en met 30 juni 2005
- *in Polish:* pozwolenie wydane zgodnie z rozporządzeniem (WE) nr 218/2005 i ważne wyłącznie do dnia 30 czerwca 2005 r.
- *in Portuguese:* certificado emitido a título do Regulamento (CE) n.º 218/2005 e eficaz somente até 30 de Junho de 2005
- *in Slovak:* licencia vydaná na základe nariadenia (ES) č. 218/2005 a platná len do 30. júna 2005
- *in Slovene:* dovoljenje, izdano v skladu z Uredbo (ES) št. 218/2005 in veljavno samo do 30. junija 2005
- *in Finnish:* asetuksen (EY) N:o 218/2005 mukainen todistus, joka on voimassa ainoastaan 30 päivään kesäkuuta 2005
- *in Swedish:* Licens utfärdad enligt förordning (EG) nr 218/2005, giltig endast till och med den 30 juni 2005.

ANNEX II

Entries referred to in Article 4(1)

- *in Spanish:* Solicitud de certificado presentada al amparo del Reglamento (CE) n° 218/2005
 - *in Czech:* žádost o licenci podaná na základě nařízení (ES) č. 218/2005
 - *in Danish:* licensansøgning i henhold til forordning (EF) nr. 218/2005
 - *in German:* Lizenzantrag gemäß der Verordnung (EG) Nr. 218/2005
 - *in Estonian:* määrus (EÜ) nr 218/2005 kohaselt esitatud litsentsitaotlus
 - *in Greek:* αίτηση χορήγησης πιστοποιητικού κατ' εφαρμογήν του κανονισμού (ΕΚ) αριθ. 218/2005
 - *in English:* licence application under Regulation (EC) No 218/2005
 - *en français:* demande de certificat faite au titre du règlement (CE) n° 218/2005
 - *in Italian:* domanda di titolo presentata ai sensi del regolamento (CE) n. 218/2005
 - *in Latvian:* licence pieprasīta saskaņā ar Regulu (EK) Nr. 218/2005
 - *in Lithuanian:* prašymas išduoti licenciją pagal Reglamentą (EB) Nr. 218/2005
 - *in Hungarian:* a 218/2005/EK rendelet szerinti engedélykérelem
 - *in Dutch:* overeenkomstig Verordening (EG) nr. 218/2005 ingediende certificaataanvraag
 - *in Polish:* wniosek o pozwolenie przedłożony zgodnie z rozporządzeniem (WE) nr 218/2005
 - *in Portuguese:* pedido de certificado apresentado a título do Regulamento (CE) n.º 218/2005
 - *in Slovak:* žiadosť o licenci na základe nariadenia (ES) č. 218/2005
 - *in Slovene:* dovoljenje, izdano v skladu z Uredbo (ES) št. 218/2005
 - *in Finnish:* asetuksen (EY) N:o 218/2005 mukainen todistushakemus
 - *in Swedish:* Licensansökan enligt förordning (EG) nr 218/2005
-

COMMISSION REGULATION (EC) No 219/2005**of 10 February 2005****amending Regulation (EC) No 919/94 laying down detailed rules for the application of Council Regulation (EEC) No 404/93 as regards banana producers' organisations**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas⁽¹⁾, and in particular Article 9 thereof,

Whereas:

(1) Commission Regulation (EC) No 919/94⁽²⁾ lays down, in particular, the conditions for the recognition of producer organisations, and Annex I thereto establishes the minimum volume of marketable production of bananas and the minimum number of producers that the organisations must prove they have as members.

(2) The minimum volume of marketable production of bananas and the minimum number of producers applicable to producer organisations in Cyprus must be established.

(3) In order to fulfil the economic tasks assigned to the producer organisations as regards production and marketing, to increase income from marketing and to

improve the management of the sector, the creation of larger units must be encouraged and the thresholds relating to the number of members and the marketable volumes in Cyprus must be established.

(4) Regulation (EC) No 919/94 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 919/94 is hereby replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 10 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1. Regulation as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 106, 27.4.1994, p. 6. Regulation as last amended by Regulation (EC) No 1042/2002 (OJ L 157, 15.6.2002, p. 43).

ANNEX

‘ANNEX I

Region of production in the Community	Minimum number of members	Minimum volume of marketable production of bananas (in tonnes net weight)
Greece (Crete and Lakonia)	4	40
Spain (Canary Islands)	100	30 000
France:	—	—
— Guadeloupe	100	30 000
— Martinique	100	30 000
Cyprus	125	5 000
Portugal (Madeira, the Azores and Algarve)	5	10'

COMMISSION REGULATION (EC) No 220/2005**of 10 February 2005****opening and providing for the administration of an autonomous tariff quota for preserved mushrooms from 1 January 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Commission Regulation (EC) No 1864/2004⁽¹⁾ opens tariff quotas for preserved mushrooms and lays down rules for the administration thereof. To that end it lays down transitional measures for importers in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. The aim of these measures is to make a distinction between traditional importers and new importers in the new Member States, and to adjust the quantities to which licence applications presented by traditional importers from the new Member States may relate so that these importers may benefit from this system.
- (2) To ensure uninterrupted supplies to the enlarged Community market while taking account of the economic supply conditions in the new Member States prior to accession, a new autonomous and temporary import tariff quota should be opened for preserved mushrooms of the genus *Agaricus* falling within CN codes 0711 51 00, 2003 10 20 and 2003 10 30. This new tariff quota is in addition to those opened by Commission Regulations (EC) Nos 1076/2004 of 7 June 2004⁽²⁾ and 1749/2004 of 7 October 2004⁽³⁾.

- (3) This new quota must be transitional and must not prejudice the outcome of the negotiations under way in the context of the World Trade Organisation (WTO) as a result of the accession of new members.

- (4) The Management Committee for Products Processed from Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. An autonomous tariff quota of 1 200 tonnes (drained net weight), bearing the serial number 09.4111, hereinafter the 'autonomous quota', shall be opened from 1 January 2005 for Community imports of preserved mushrooms of the genus *Agaricus* falling within CN codes 0711 51 00, 2003 10 20 and 2003 10 30.

2. The *ad valorem* tariff rate applicable to products imported under the autonomous quota shall be 12 % for products falling within CN code 0711 51 00 and 23 % for products falling within CN codes 2003 10 20 and 2003 10 30.

Article 2

Regulation (EC) No 1864/2004 shall apply to the management of the autonomous quota, subject to the provisions of this Regulation.

However, Articles 1, 5(2) and (5), 6(2), (3) and (4), 7, 8(2), 9 and 10 of Regulation (EC) No 1864/2004 shall not apply to the management of the autonomous quota.

Article 3

Import licences issued under the autonomous quota, hereinafter 'licences', shall be valid until 30 June 2005.

Box 24 of licences shall show one of the entries listed in Annex I.

⁽¹⁾ OJ L 325, 28.10.2004, p. 30.

⁽²⁾ OJ L 203, 8.6.2004, p. 3.

⁽³⁾ OJ L 312, 9.10.2004, p. 3.

Article 4

1. Importers may submit licence applications to the competent authorities of the Member States in the five working days following the date of entry into force of this Regulation.

Box 20 of licence applications shall show one of the entries listed in Annex II.

2. Licence applications submitted by a single traditional importer may not relate to a quantity exceeding 9 % of the autonomous quota.

3. Licence applications submitted by a single new importer may not relate to a quantity exceeding 1 % of the autonomous quota.

Article 5

The autonomous quota shall be allocated as follows:

- 95 % to traditional importers,
- 5 % to new importers.

If the quantity allocated to one of the categories of importers is not used in full, the balance may be allocated to the other category.

Article 6

1. Member States shall notify the Commission, on the seventh working day following the entry into force of this Regulation, of the quantities for which licence applications have been made.

2. Licences shall be issued on the twelfth working day following the entry into force of this Regulation, unless the Commission has taken special measures under paragraph 3.

3. Where the Commission finds, on the basis of the information notified under paragraph 1, that licence applications exceed the quantities available for a category of importers under Article 5, it shall adopt, by means of a regulation, a single reduction percentage for the applications in question.

Article 7

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

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

Done at Brussels, 10 February 2005

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Entries referred to in Article 3

- *in Spanish:* certificado expedido en virtud del Reglamento (CE) n^o 220/2005 y válido únicamente hasta el 30 de junio de 2005
- *in Czech:* licence vydaná na základě nařízení (ES) č. 220/2005 a platná pouze do 30. června 2005
- *in Danish:* licens udstedt i henhold til forordning (EF) nr. 220/2005 og kun gyldig til den 30. juni 2005
- *in German:* Lizenz gemäß der Verordnung (EG) Nr. 220/2005 erteilt und nur bis zum 30. Juni 2005 gültig
- *in Estonian:* määruse (EÜ) nr 220/2005 kohaselt esitatud litsentsitaotlus kehtib ainult 30. juunini 2005
- *in Greek:* Το πιστοποιητικό εκδόθηκε βάσει του κανονισμού (ΕΚ) αριθ. 220/2005 και ισχύει μόνο έως τις 30 Ιουνίου 2005
- *in English:* licence issued under Regulation (EC) No 220/2005 and valid only until 30 June 2005
- *in French:* certificat émis au titre du règlement (CE) n^o 220/2005 et valable seulement jusqu'au 30 juin 2005
- *in Italian:* domanda di titolo presentata ai sensi del regolamento (CE) n. 220/2005 e valida soltanto fino al 30 giugno 2005
- *in Latvian:* atļauja, kas izdota saskaņā ar Regulu (EK) Nr. 220/2005 un ir derīga tikai līdz 2005. gada 30. jūnijam
- *in Lithuanian:* licencija, išduota pagal Reglamentą (EB) Nr. 220/2005 nuostatas, galiojanti tik iki 2005 m. birželio 30 d.
- *in Hungarian:* a 220/2005/EK rendelet szerint kibocsátott engedély, csak 2005. június 30-ig érvényes.
- *in Dutch:* overeenkomstig Verordening (EG) nr. 220/2005 afgegeven certificaat dat slechts tot en met 30 juni 2005 geldig is
- *in Polish:* pozwolenie wydane zgodnie z rozporządzeniem (WE) nr 220/2005 i ważne wyłącznie do dnia 30 czerwca 2005 r.
- *in Portuguese:* certificado emitido a título do Regulamento (CE) n.º 220/2005 e eficaz somente até 30 de Junho de 2005
- *in Slovak:* licencia vydaná na základe nariadenia (ES) č. 220/2005
- *in Slovene:* dovoljenje, izdano v skladu z Uredbo (ES) št. 220/2005 in veljavno samo do 30. junija 2005
- *in Finnish:* asetuksen (EY) N:o 220/2005 mukainen todistus, joka on voimassa ainoastaan 30 päivään kesäkuuta 2005
- *in Swedish:* Licens utfärdad enligt förordning (EG) nr 220/2005, giltig endast till och med den 30 juni 2005

ANNEX II

Entries referred to in Article 4(1)

- *in Spanish:* solicitud de certificado presentada al amparo del Reglamento (CE) n° 220/2005
 - *in Czech:* žádost o licenci podaná na základě nařízení (ES) č. 220/2005
 - *in Danish:* licensansøgning i henhold til forordning (EF) nr. 220/2005
 - *in German:* Lizenzantrag gemäß der Verordnung (EG) Nr. 220/2005
 - *in Estonian:* määrusse (EÜ) nr 220/2005 kohaselt esitatud litsentsitaotlus
 - *in Greek:* Αίτηση χορήγησης πιστοποιητικού υποβληθείσα βάσει του κανονισμού (ΕΚ) αριθ. 220/2005
 - *in English:* licence application under Regulation (EC) No 220/2005
 - *in French:* demande de certificat faite au titre du règlement (CE) n° 220/2005
 - *in Italian:* domanda di titolo presentata ai sensi del regolamento (CE) n. 220/2005
 - *in Latvian:* atļaujas pieteikums saskaņā ar Regulu (EK) Nr. 220/2005
 - *in Lithuanian:* išduoti licenciją pagal Reglamentą (EB) Nr. 220/2005
 - *in Hungarian:* a 220/2005/EK rendelet szerinti engedélykérelem
 - *in Dutch:* overeenkomstig Verordening (EG) nr. 220/2005 ingediende certificaataanvraag
 - *in Polish:* wniosek o pozwolenie przedłożony zgodnie z rozporządzeniem (WE) nr 220/2005
 - *in Portuguese:* pedido de certificado apresentado a título do Regulamento (CE) n.º 220/2005
 - *in Slovak:* žiadosť o licenci na základe nariadenia (ES) č. 220/2005
 - *in Slovene:* dovoljenje, izdano v skladu z Uredbo (ES) št. 220/2005
 - *in Finnish:* asetuksen (EY) N:o 220/2005 mukainen todistushakemus
 - *in Swedish:* Licensansökan enligt förordning (EG) nr 220/2005
-

COMMISSION REGULATION (EC) No 221/2005**of 10 February 2005****setting delivery obligations for cane sugar to be imported under the ACP Protocol and the Agreement with India for the 2004/2005 delivery period**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/2004, 2004/2005 and 2005/2006 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96⁽²⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1159/2003 sets out the detailed rules for setting delivery obligations at zero duty for products falling within CN code 1701, expressed in white-sugar equivalent, for imports originating in the countries that are signatories to the ACP Protocol and to the Agreement with India.
- (2) Application of Articles 3 and 7 of the ACP Protocol, Articles 3 and 7 of the Agreement with India and Articles 11 and 12 of Regulation (EC) No 1159/2003 has resulted in the Commission setting delivery obligations for 2004/2005 taking account, on the basis of the information currently available, of the difference

between the amount of such delivery obligations and the quantities actually imported during past delivery periods.

- (3) Commission Regulation (EC) No 919/2004⁽³⁾ amended the delivery obligations for cane sugar to be imported under the ACP Protocol and the Agreement with India for the 2003/2004 delivery period set by Commission Regulation (EC) No 443/2004⁽⁴⁾ by transferring 25 376 tonnes of preferential sugar from Mauritius's delivery obligation for 2004/2005 following the loss of an import licence. As *ex-post* checks have confirmed that the lost licence has not been used, the 25 376 tonnes in question should be entered in respect of the delivery obligation set for Mauritius for the 2004/2005 delivery period,

HAS ADOPTED THIS REGULATION:

Article 1

The delivery obligations for imports originating in the countries that are signatories to the ACP Protocol and to the Agreement with India in respect of products falling within CN code 1701, expressed in white-sugar equivalent, in the 2004/2005 delivery period for each exporting country concerned, are hereby fixed as shown in the Annex hereto.

Article 2

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

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

Done at Brussels, 10 February 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 162, 1.7.2003, p. 25. Regulation as last amended by Regulation (EC) No 1409/2004 (OJ L 256, 3.8.2004, p. 11).

⁽³⁾ OJ L 163, 30.4.2004, p. 90.

⁽⁴⁾ OJ L 72, 11.3.2004, p. 52.

ANNEX

Delivery obligations for imports of preferential sugar, expressed in white-sugar equivalent, originating in countries which are signatories to the ACP Protocol and to the Agreement with India for the 2004/2005 delivery period

ACP Protocol/Agreement with India signatory country	Delivery obligations 2004/2005
Barbados	32 978,65
Belize	39 930,96
Congo	10 225,97
Fiji	167 681,64
Guyana	154 998,65
India	9 942,00
Ivory Coast	10 186,10
Jamaica	118 603,50
Kenya	10 000,00
Madagascar	10 760,00
Malawi	20 824,40
Mauritius	491 030,50
Mozambique	12 000,00
St Kitts and Nevis	15 590,80
Suriname	0,00
Swaziland	118 152,46
Tanzania	10 058,92
Trinidad and Tobago	44 184,72
Uganda	0,00
Zambia	14 430,00
Zimbabwe	23 366,69
Total	1 314 945,95

COMMISSION REGULATION (EC) No 222/2005**of 10 February 2005****amending Regulation (EC) No 1943/2003 as regards the exchange rate applicable for the implementation of aid to producer groups granted preliminary recognition in the fruit and vegetable sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, and in particular Article 48 thereof,

Whereas:

(1) Article 3(2) of Commission Regulation (EC) No 1943/2003 of 3 November 2003 laying down rules for the application of Council Regulation (EC) No 2200/96 as regards aid to producer groups granted preliminary recognition⁽²⁾ sets the calculation parameters and the ceilings for the aid provided for in Article 14(2)(a) of Regulation (EC) No 2200/96. These parameters and ceilings are not prices or amounts which are either granted or collected. Articles 2 and 3 of Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro⁽³⁾ do not, therefore, apply to them.

(2) These parameters and ceilings apply to each of the aid instalments referred to in point (d) of the first subparagraph of Article 3(2) of Regulation (EC) No

1943/2003. To express them in the national currencies of the non-participating Member States within the meaning of Article 1 of Regulation (EC) No 2799/98, the exchange rates in force on the first day of the period for which the aid is granted should be used.

(3) Regulation (EC) No 1943/2003 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph 3 is hereby added to Article 3 of Regulation (EC) No 1943/2003:

‘3. The exchange rate applicable to the amounts in euro referred to in paragraph 2 shall be the rate most recently published by the European Central Bank prior to the first day of the period for which the aid in question is granted.’

Article 2

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

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

Done at Brussels, 10 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 286, 4.11.2003, p. 5. Regulation as amended by Regulation (EC) No 2113/2004 (OJ L 366, 11.12.2004, p. 10).

⁽³⁾ OJ L 349, 24.12.1998, p. 1.

COMMISSION REGULATION (EC) No 223/2005**of 10 February 2005****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3.

- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 10 February 2005.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1989/2004 (OJ L 344, 20.11.2004, p. 5).

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

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Red coloured syrupy liquid, tasting of red berries, with a brix value of 67 and with the following composition per 1 000 litres: Water 426,7 l Saccharose 794,0 kg Citric acid 80,0 kg Aromatised preparation of red fruits type 12,0 kg Sodium cyclamate 4,6 kg Acesulfame K 3,5 kg Sodium benzoate 1,0 kg Ascorbic acid 2,0 kg Tri-sodium citrate 7,0 kg Colouring matters The preparation has an alcohol content of 1,3 % vol. After dilution with water the preparation is ready to drink.	2106 90 20	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 2106, 2106 90, 2106 90 20. Because of its alcohol content of more than 0,5 % vol. the preparation has to be regarded as a compound alcoholic preparation, other than those based on odoriferous substances, of a kind used for the manufacture of beverages of heading 3302 (see Additional Note 3 to Chapter 21 and the Harmonised System Explanatory Note to heading 2106, items 7 and 12).

COMMISSION REGULATION (EC) No 224/2005
of 10 February 2005
fixing the export refunds on milk and milk products

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 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third-country markets;
- (b) the most favourable prices in third countries of destination for third-country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds on milk and milk products⁽²⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽³⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽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 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 1846/2004 (OJ L 322, 22.10.2004, p. 16).

⁽³⁾ OJ L 178, 30.6.2001, p. 1. Regulation as amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

- (7) Commission Regulation (EEC) No 896/84⁽¹⁾ laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

- (10) 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

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 11 February 2005.

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

Done at Brussels, 10 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71. Regulation as last amended by Regulation (EEC) No 222/88 (OJ L 28, 1.2.1988, p. 1).

ANNEX

to the Commission Regulation of 10 February 2005 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	1,548	0402 21 11 9300	L01	EUR/100 kg	—
0401 10 90 9000	970	EUR/100 kg	1,548		068	EUR/100 kg	—
0401 20 11 9500	970	EUR/100 kg	2,393		L02	EUR/100 kg	45,96
0401 20 19 9500	970	EUR/100 kg	2,393		A01	EUR/100 kg	58,97
0401 20 91 9000	970	EUR/100 kg	3,028	0402 21 11 9500	L01	EUR/100 kg	—
0401 30 11 9400	970	EUR/100 kg	6,987		068	EUR/100 kg	—
0401 30 11 9700	970	EUR/100 kg	10,49		L02	EUR/100 kg	47,95
0401 30 31 9100	L01	EUR/100 kg	—		A01	EUR/100 kg	61,56
	L02	EUR/100 kg	17,84	0402 21 11 9900	L01	EUR/100 kg	—
	A01	EUR/100 kg	25,49		068	EUR/100 kg	—
0401 30 31 9400	L01	EUR/100 kg	—		L02	EUR/100 kg	51,10
	L02	EUR/100 kg	27,87		A01	EUR/100 kg	65,60
	A01	EUR/100 kg	39,82	0402 21 17 9000	L01	EUR/100 kg	—
0401 30 31 9700	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	30,74		L02	EUR/100 kg	23,20
	A01	EUR/100 kg	43,91		A01	EUR/100 kg	28,00
0401 30 39 9100	L01	EUR/100 kg	—	0402 21 19 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	17,84		068	EUR/100 kg	—
	A01	EUR/100 kg	25,49		L02	EUR/100 kg	45,96
0401 30 39 9400	L01	EUR/100 kg	—		A01	EUR/100 kg	58,97
	L02	EUR/100 kg	27,87	0402 21 19 9500	L01	EUR/100 kg	—
	A01	EUR/100 kg	39,82		068	EUR/100 kg	—
0401 30 39 9700	L01	EUR/100 kg	—		L02	EUR/100 kg	47,95
	L02	EUR/100 kg	30,74		A01	EUR/100 kg	61,56
	A01	EUR/100 kg	43,91	0402 21 19 9900	L01	EUR/100 kg	—
0401 30 91 9100	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	35,03		L02	EUR/100 kg	51,10
	A01	EUR/100 kg	50,05		A01	EUR/100 kg	65,60
0401 30 99 9100	L01	EUR/100 kg	—	0402 21 91 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	35,03		068	EUR/100 kg	—
	A01	EUR/100 kg	50,05		L02	EUR/100 kg	51,42
0401 30 99 9500	L01	EUR/100 kg	—		A01	EUR/100 kg	66,00
	L02	EUR/100 kg	51,49	0402 21 91 9200	L01	EUR/100 kg	—
	A01	EUR/100 kg	73,55		068	EUR/100 kg	—
0402 10 11 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	51,72
	068	EUR/100 kg	—		A01	EUR/100 kg	66,40
	L02	EUR/100 kg	23,20	0402 21 91 9350	L01	EUR/100 kg	—
	A01	EUR/100 kg	28,00		068	EUR/100 kg	—
0402 10 19 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	52,26
	068	EUR/100 kg	—		A01	EUR/100 kg	67,08
	L02	EUR/100 kg	23,20	0402 21 91 9500	L01	EUR/100 kg	—
	A01	EUR/100 kg	28,00		068	EUR/100 kg	—
0402 10 91 9000	L01	EUR/kg	—		L02	EUR/100 kg	56,16
	068	EUR/kg	—		A01	EUR/100 kg	72,09
	L02	EUR/kg	0,2320	0402 21 99 9100	L01	EUR/100 kg	—
	A01	EUR/kg	0,2800		068	EUR/100 kg	—
0402 10 99 9000	L01	EUR/kg	—		L02	EUR/100 kg	51,42
	068	EUR/kg	—		A01	EUR/100 kg	66,00
	L02	EUR/kg	0,2320	0402 21 99 9200	L01	EUR/100 kg	—
	A01	EUR/kg	0,2800		068	EUR/100 kg	—
0402 21 11 9200	L01	EUR/100 kg	—		L02	EUR/100 kg	51,72
	068	EUR/100 kg	—		A01	EUR/100 kg	66,40
	L02	EUR/100 kg	23,20				
	A01	EUR/100 kg	28,00				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 21 99 9300	L01	EUR/100 kg	—	0402 91 19 9370	L01	EUR/100 kg	—
	068	EUR/100 kg	—		L02	EUR/100 kg	4,958
	L02	EUR/100 kg	52,26		A01	EUR/100 kg	7,083
	A01	EUR/100 kg	67,08	0402 91 31 9300	L01	EUR/100 kg	—
0402 21 99 9400	L01	EUR/100 kg	—		L02	EUR/100 kg	5,859
	068	EUR/100 kg	—		A01	EUR/100 kg	8,371
	L02	EUR/100 kg	55,15	0402 91 39 9300	L01	EUR/100 kg	—
	A01	EUR/100 kg	70,80		L02	EUR/100 kg	5,859
0402 21 99 9500	L01	EUR/100 kg	—		A01	EUR/100 kg	8,371
	068	EUR/100 kg	—	0402 91 99 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	56,16		L02	EUR/100 kg	21,53
	A01	EUR/100 kg	72,09		A01	EUR/100 kg	30,75
0402 21 99 9600	L01	EUR/100 kg	—	0402 99 11 9350	L01	EUR/kg	—
	068	EUR/100 kg	—		L02	EUR/kg	0,1268
	L02	EUR/100 kg	60,12		A01	EUR/kg	0,1812
	A01	EUR/100 kg	77,17	0402 99 19 9350	L01	EUR/kg	—
0402 21 99 9700	L01	EUR/100 kg	—		L02	EUR/kg	0,1268
	068	EUR/100 kg	—		A01	EUR/kg	0,1812
	L02	EUR/100 kg	62,36	0402 99 31 9150	L01	EUR/kg	—
	A01	EUR/100 kg	80,06		L02	EUR/kg	0,1316
0402 21 99 9900	L01	EUR/100 kg	—		A01	EUR/kg	0,1880
	068	EUR/100 kg	—	0402 99 31 9300	L01	EUR/kg	—
	L02	EUR/100 kg	64,96		L02	EUR/kg	0,1288
	A01	EUR/100 kg	83,38		A01	EUR/kg	0,1840
0402 29 15 9200	L01	EUR/kg	—	0402 99 39 9150	L01	EUR/kg	—
	L02	EUR/kg	0,2320		L02	EUR/kg	0,1316
	A01	EUR/kg	0,2800		A01	EUR/kg	0,1880
0402 29 15 9300	L01	EUR/kg	—	0403 90 11 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,4596		L02	EUR/100 kg	22,88
	A01	EUR/kg	0,5897		A01	EUR/100 kg	27,61
0402 29 15 9500	L01	EUR/kg	—	0403 90 13 9200	L01	EUR/100 kg	—
	L02	EUR/kg	0,4795		L02	EUR/100 kg	22,88
	A01	EUR/kg	0,6156		A01	EUR/100 kg	27,61
0402 29 15 9900	L01	EUR/kg	—	0403 90 13 9300	L01	EUR/100 kg	—
	L02	EUR/kg	0,5110		L02	EUR/100 kg	45,54
	A01	EUR/kg	0,6560		A01	EUR/100 kg	58,45
0402 29 19 9300	L01	EUR/kg	—	0403 90 13 9500	L01	EUR/100 kg	—
	L02	EUR/kg	0,4596		L02	EUR/100 kg	47,53
	A01	EUR/kg	0,5897		A01	EUR/100 kg	61,01
0402 29 19 9500	L01	EUR/kg	—	0403 90 13 9900	L01	EUR/100 kg	—
	L02	EUR/kg	0,4795		L02	EUR/100 kg	50,65
	A01	EUR/kg	0,6156		A01	EUR/100 kg	65,01
0402 29 19 9900	L01	EUR/kg	—	0403 90 19 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,5110		L02	EUR/100 kg	50,96
	A01	EUR/kg	0,6560		A01	EUR/100 kg	65,41
0402 29 91 9000	L01	EUR/kg	—	0403 90 33 9400	L01	EUR/kg	—
	L02	EUR/kg	0,5142		L02	EUR/kg	0,4554
	A01	EUR/kg	0,6600		A01	EUR/kg	0,5845
0402 29 99 9100	L01	EUR/kg	—	0403 90 33 9900	L01	EUR/kg	—
	L02	EUR/kg	0,5142		L02	EUR/kg	0,5065
	A01	EUR/kg	0,6600		A01	EUR/kg	0,6501
0402 29 99 9500	L01	EUR/kg	—	0403 90 51 9100	970	EUR/100 kg	1,548
	L02	EUR/kg	0,5515		970	EUR/100 kg	10,49
	A01	EUR/kg	0,7080	0403 90 59 9170	L01	EUR/100 kg	—
0402 91 11 9370	L01	EUR/100 kg	—		L02	EUR/100 kg	17,84
	L02	EUR/100 kg	4,958		A01	EUR/100 kg	25,49
	A01	EUR/100 kg	7,083				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0403 90 59 9340	L01	EUR/100 kg	—	0405 10 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	26,11		075	EUR/100 kg	119,99
	A01	EUR/100 kg	37,29		L02	EUR/100 kg	94,80
0403 90 59 9370	L01	EUR/100 kg	—	0405 10 11 9700	A01	EUR/100 kg	127,81
	L02	EUR/100 kg	26,11		L01	EUR/100 kg	—
	A01	EUR/100 kg	37,29		075	EUR/100 kg	122,98
0403 90 59 9510	L01	EUR/100 kg	—	0405 10 19 9500	L02	EUR/100 kg	97,16
	L02	EUR/100 kg	26,11		A01	EUR/100 kg	131,00
	A01	EUR/100 kg	37,29		L01	EUR/100 kg	—
0404 90 21 9120	L01	EUR/100 kg	—	0405 10 19 9700	075	EUR/100 kg	119,99
	L02	EUR/100 kg	19,79		L02	EUR/100 kg	94,80
	A01	EUR/100 kg	23,88		A01	EUR/100 kg	127,81
0404 90 21 9160	L01	EUR/100 kg	—	0405 10 19 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	23,20		075	EUR/100 kg	122,98
	A01	EUR/100 kg	28,00		L02	EUR/100 kg	97,16
0404 90 23 9120	L01	EUR/100 kg	—	0405 10 30 9100	A01	EUR/100 kg	131,00
	L02	EUR/100 kg	23,20		L01	EUR/100 kg	—
	A01	EUR/100 kg	28,00		075	EUR/100 kg	119,99
0404 90 23 9130	L01	EUR/100 kg	—	0405 10 30 9300	L02	EUR/100 kg	94,80
	L02	EUR/100 kg	45,96		A01	EUR/100 kg	127,81
	A01	EUR/100 kg	58,97		L01	EUR/100 kg	—
0404 90 23 9140	L01	EUR/100 kg	—	0405 10 30 9700	075	EUR/100 kg	122,98
	L02	EUR/100 kg	47,95		L02	EUR/100 kg	97,16
	A01	EUR/100 kg	61,56		A01	EUR/100 kg	131,00
0404 90 23 9150	L01	EUR/100 kg	—	0405 10 30 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	51,10		075	EUR/100 kg	122,98
	A01	EUR/100 kg	65,60		L02	EUR/100 kg	97,16
0404 90 29 9110	L01	EUR/100 kg	—	0405 10 50 9300	A01	EUR/100 kg	131,00
	L02	EUR/100 kg	51,42		L01	EUR/100 kg	—
	A01	EUR/100 kg	66,00		075	EUR/100 kg	122,98
0404 90 29 9115	L01	EUR/100 kg	—	0405 10 50 9500	L02	EUR/100 kg	97,16
	L02	EUR/100 kg	51,72		A01	EUR/100 kg	131,00
	A01	EUR/100 kg	66,40		L01	EUR/100 kg	—
0404 90 29 9125	L01	EUR/100 kg	—	0405 10 50 9700	075	EUR/100 kg	119,99
	L02	EUR/100 kg	52,26		L02	EUR/100 kg	94,80
	A01	EUR/100 kg	67,08		A01	EUR/100 kg	127,81
0404 90 29 9140	L01	EUR/100 kg	—	0405 10 50 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	56,16		075	EUR/100 kg	122,98
	A01	EUR/100 kg	72,09		L02	EUR/100 kg	97,16
0404 90 81 9100	L01	EUR/kg	—	0405 10 90 9000	A01	EUR/100 kg	131,00
	L02	EUR/kg	0,2320		L01	EUR/100 kg	—
	A01	EUR/kg	0,2800		075	EUR/100 kg	127,49
0404 90 83 9110	L01	EUR/kg	—	0405 20 90 9500	L02	EUR/100 kg	100,71
	L02	EUR/kg	0,2320		A01	EUR/100 kg	135,79
	A01	EUR/kg	0,2800		L01	EUR/100 kg	—
0404 90 83 9130	L01	EUR/kg	—	0405 20 90 9700	075	EUR/100 kg	112,50
	L02	EUR/kg	0,4596		L02	EUR/100 kg	88,87
	A01	EUR/kg	0,5897		A01	EUR/100 kg	119,83
0404 90 83 9150	L01	EUR/kg	—	0405 20 90 9700	L01	EUR/100 kg	—
	L02	EUR/kg	0,4795		075	EUR/100 kg	116,99
	A01	EUR/kg	0,6156		L02	EUR/100 kg	92,42
0404 90 83 9170	L01	EUR/kg	—	0405 90 10 9000	A01	EUR/100 kg	124,61
	L02	EUR/kg	0,5110		L01	EUR/100 kg	—
	A01	EUR/kg	0,6560		075	EUR/100 kg	153,02
0404 90 83 9936	L01	EUR/kg	—	0405 90 10 9000	L02	EUR/100 kg	120,89
	L02	EUR/kg	0,1268		A01	EUR/100 kg	163,00
	A01	EUR/kg	0,1812				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0405 90 90 9000	L01	EUR/100 kg	—	0406 20 90 9919	L03	EUR/100 kg	—
	075	EUR/100 kg	122,40		L04	EUR/100 kg	40,05
	L02	EUR/100 kg	96,69		400	EUR/100 kg	—
	A01	EUR/100 kg	130,36		A01	EUR/100 kg	50,07
0406 10 20 9100	A00	EUR/100 kg	—	0406 30 31 9710	L03	EUR/100 kg	—
0406 10 20 9230	L03	EUR/100 kg	—		L04	EUR/100 kg	3,04
	L04	EUR/100 kg	14,75		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	7,09
0406 10 20 9290	A01	EUR/100 kg	18,43	0406 30 31 9730	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	4,44
	L04	EUR/100 kg	13,73		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	10,41
0406 10 20 9300	A01	EUR/100 kg	17,15	0406 30 31 9910	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	3,04
	L04	EUR/100 kg	6,02		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	7,09
0406 10 20 9610	A01	EUR/100 kg	7,52	0406 30 31 9930	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	4,44
	L04	EUR/100 kg	20,00		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	10,41
0406 10 20 9620	A01	EUR/100 kg	25,01	0406 30 31 9950	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	6,46
	L04	EUR/100 kg	20,30		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	15,14
0406 10 20 9630	A01	EUR/100 kg	25,36	0406 30 39 9500	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	4,44
	L04	EUR/100 kg	22,65		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	10,41
0406 10 20 9640	A01	EUR/100 kg	28,31	0406 30 39 9700	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	6,46
	L04	EUR/100 kg	33,28		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	15,14
0406 10 20 9650	A01	EUR/100 kg	41,60	0406 30 39 9930	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	6,46
	L04	EUR/100 kg	27,74		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	15,14
0406 10 20 9830	A01	EUR/100 kg	34,67	0406 30 39 9950	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	7,31
	L04	EUR/100 kg	10,30		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	17,13
0406 10 20 9850	A01	EUR/100 kg	12,86	0406 30 90 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	7,66
	L04	EUR/100 kg	12,47		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	17,96
0406 20 90 9100	A00	EUR/100 kg	—	0406 40 50 9000	L03	EUR/100 kg	—
0406 20 90 9913	L03	EUR/100 kg	—		L04	EUR/100 kg	39,14
	L04	EUR/100 kg	25,55		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	48,92
0406 20 90 9915	A01	EUR/100 kg	31,94	0406 40 90 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	40,19
	L04	EUR/100 kg	33,72		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	50,24
0406 20 90 9917	A01	EUR/100 kg	42,16	0406 90 13 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	44,20
	L04	EUR/100 kg	35,85		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	63,26
	A01	EUR/100 kg	44,79				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 15 9100	L03	EUR/100 kg	—	0406 90 63 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	45,68		L04	EUR/100 kg	46,58
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	65,37		A01	EUR/100 kg	67,50
0406 90 17 9100	L03	EUR/100 kg	—	0406 90 69 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	45,68		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	46,58
	A01	EUR/100 kg	65,37		400	EUR/100 kg	—
0406 90 21 9900	L03	EUR/100 kg	—	0406 90 73 9900	A01	EUR/100 kg	67,50
	L04	EUR/100 kg	44,76		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	40,57
	A01	EUR/100 kg	63,90		400	EUR/100 kg	—
0406 90 23 9900	L03	EUR/100 kg	—	0406 90 75 9900	A01	EUR/100 kg	58,12
	L04	EUR/100 kg	39,30		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	40,84
	A01	EUR/100 kg	56,49		400	EUR/100 kg	—
0406 90 25 9900	L03	EUR/100 kg	—	0406 90 76 9300	A01	EUR/100 kg	58,74
	L04	EUR/100 kg	39,04		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	36,83
	A01	EUR/100 kg	55,88		400	EUR/100 kg	—
0406 90 27 9900	L03	EUR/100 kg	—	0406 90 76 9400	A01	EUR/100 kg	52,72
	L04	EUR/100 kg	35,35		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	41,25
	A01	EUR/100 kg	50,62		400	EUR/100 kg	—
0406 90 31 9119	L03	EUR/100 kg	—	0406 90 76 9500	A01	EUR/100 kg	59,05
	L04	EUR/100 kg	32,50		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	39,24
	A01	EUR/100 kg	46,58		400	EUR/100 kg	—
0406 90 33 9119	L03	EUR/100 kg	—	0406 90 78 9100	A01	EUR/100 kg	55,69
	L04	EUR/100 kg	32,50		L03	EUR/100 kg	—
	A00	EUR/100 kg	—		L04	EUR/100 kg	38,05
	A01	EUR/100 kg	46,58		400	EUR/100 kg	—
0406 90 33 9919	A00	EUR/100 kg	—	0406 90 78 9300	A01	EUR/100 kg	55,59
0406 90 33 9951	A00	EUR/100 kg	—		L03	EUR/100 kg	—
0406 90 35 9190	L03	EUR/100 kg	—		L04	EUR/100 kg	40,35
	L04	EUR/100 kg	45,96		400	EUR/100 kg	—
	400	EUR/100 kg	—	0406 90 78 9500	A01	EUR/100 kg	57,62
	A01	EUR/100 kg	66,09		L03	EUR/100 kg	—
0406 90 35 9990	L03	EUR/100 kg	—		L04	EUR/100 kg	39,97
	L04	EUR/100 kg	45,96		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	56,73
	A01	EUR/100 kg	66,09	0406 90 79 9900	L03	EUR/100 kg	—
0406 90 37 9000	L03	EUR/100 kg	—		L04	EUR/100 kg	32,63
	L04	EUR/100 kg	44,20		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	46,90
	A01	EUR/100 kg	63,26	0406 90 81 9900	L03	EUR/100 kg	—
0406 90 61 9000	L03	EUR/100 kg	—		L04	EUR/100 kg	41,25
	L04	EUR/100 kg	48,70		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	59,05
	A01	EUR/100 kg	70,47	0406 90 85 9930	L03	EUR/100 kg	—
0406 90 63 9100	L03	EUR/100 kg	—		L04	EUR/100 kg	44,54
	L04	EUR/100 kg	48,46		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	64,09
	A01	EUR/100 kg	69,89				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 85 9970	L03	EUR/100 kg	—	0406 90 87 9951	L03	EUR/100 kg	—
	L04	EUR/100 kg	40,84		L04	EUR/100 kg	40,51
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	58,74		A01	EUR/100 kg	57,99
0406 90 86 9100	A00	EUR/100 kg	—	0406 90 87 9971	L03	EUR/100 kg	—
0406 90 86 9200	L03	EUR/100 kg	—	L04	EUR/100 kg	40,51	
	L04	EUR/100 kg	37,48	400	EUR/100 kg	—	
	400	EUR/100 kg	—	A01	EUR/100 kg	57,99	
	A01	EUR/100 kg	55,58	0406 90 87 9972	L03	EUR/100 kg	—
0406 90 86 9300	L03	EUR/100 kg	—	L04	EUR/100 kg	17,26	
	L04	EUR/100 kg	38,03	400	EUR/100 kg	—	
	400	EUR/100 kg	—	A01	EUR/100 kg	24,81	
	A01	EUR/100 kg	56,17	0406 90 87 9973	L03	EUR/100 kg	—
0406 90 86 9400	L03	EUR/100 kg	—	L04	EUR/100 kg	39,78	
	L04	EUR/100 kg	40,38	400	EUR/100 kg	—	
	400	EUR/100 kg	—	A01	EUR/100 kg	56,93	
	A01	EUR/100 kg	59,05	0406 90 87 9974	L03	EUR/100 kg	—
0406 90 86 9900	L03	EUR/100 kg	—	L04	EUR/100 kg	43,17	
	L04	EUR/100 kg	44,54	400	EUR/100 kg	—	
	400	EUR/100 kg	—	A01	EUR/100 kg	61,53	
	A01	EUR/100 kg	64,09	0406 90 87 9975	L03	EUR/100 kg	—
0406 90 87 9100	A00	EUR/100 kg	—	L04	EUR/100 kg	44,03	
0406 90 87 9200	L03	EUR/100 kg	—	400	EUR/100 kg	—	
	L04	EUR/100 kg	31,24	A01	EUR/100 kg	62,22	
	400	EUR/100 kg	—	0406 90 87 9979	L03	EUR/100 kg	—
	A01	EUR/100 kg	46,31	L04	EUR/100 kg	39,30	
0406 90 87 9300	L03	EUR/100 kg	—	400	EUR/100 kg	—	
	L04	EUR/100 kg	34,90	A01	EUR/100 kg	56,49	
	400	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	A01	EUR/100 kg	51,58	0406 90 88 9300	L03	EUR/100 kg	—
0406 90 87 9400	L03	EUR/100 kg	—	L04	EUR/100 kg	30,83	
	L04	EUR/100 kg	35,82	400	EUR/100 kg	—	
	400	EUR/100 kg	—	A01	EUR/100 kg	45,40	
	A01	EUR/100 kg	52,36				

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended. The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

L01 Holy See, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control,

L02 Andorra and Gibraltar,

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Turkey, Romania, Bulgaria, Croatia, Canada, Australia, New Zealand and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control,

L04 Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia.

'970' includes the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11) and exports under contracts with armed forces stationed on the territory of a Member State which do not come under its flag.

COMMISSION REGULATION (EC) No 225/2005**of 10 February 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 8 February 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 8 February 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 11 February 2005.

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

Done at Brussels, 10 February 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.

⁽³⁾ OJ L 90, 27.3.2004, p. 58.

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	—	134,00
Butter	ex 0405 10 19 9700	131,00	136,50
Butteroil	ex 0405 90 10 9000	—	166,50

COMMISSION REGULATION (EC) No 226/2005**of 10 February 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 8 February 2005.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 8 February 2005, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 31,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 11 February 2005.

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

Done at Brussels, 10 February 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.

⁽³⁾ OJ L 90, 27.3.2004, p. 58.

COMMISSION REGULATION (EC) No 227/2005**of 10 February 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 11 February 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, 10 February 2005.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 11 February 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⁾	3,456	3,748
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,355	1,355
	– – in other cases	3,748	3,748
	– 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 ⁽⁵⁾ :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	2,519	2,811
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,016	1,016
	– – in other cases	2,811	2,811
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,355	1,355
	– other (including unprocessed)	3,748	3,748
	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⁾	3,017	3,017
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	1,355	1,355
	– in other cases	3,748	3,748

⁽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 228/2005**of 10 February 2005****correcting Regulation (EC) No 115/2005 opening an invitation to tender for the refund on common wheat exports to certain third countries**

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 the first subparagraph of Article 13(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 115/2005 ⁽²⁾ opened an invitation to tender for the refund on common wheat exports to certain third countries.
- (2) A check has shown that as a result of an error the above Regulation does not correspond to the measures that were subject to a favourable vote in the Management Committee concerning the countries to be excluded from the tender. The Regulation in question should therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(2) of Regulation (EC) No 115/2005 shall be replaced by the following:

‘2. The invitation to tender covers common wheat for exportation to destinations with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Liechtenstein, Romania, Serbia and Montenegro (*), and Switzerland.

(*) Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.’

Article 2

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

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

Done at Brussels, 10 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 24, 27.1.2005, p. 3.

COMMISSION REGULATION (EC) No 229/2005
of 10 February 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 9,34/tonne for starch from maize, wheat, barley and oats;
- (b) EUR 11,60/tonne for potato starch.

Article 2

This Regulation shall enter into force on 11 February 2005.

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

Done at Brussels, 10 February 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 230/2005**of 10 February 2005****determining the world market price for unginned cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 17,971 EUR/100 kg.

Article 2

This Regulation shall enter into force on 11 February 2005.

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

Done at Brussels, 10 February 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 231/2005**of 10 February 2005****fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92⁽³⁾. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 February 2005.

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

Done at Brussels, 10 February 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).

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

ANNEX

to the Commission Regulation of 10 February 2005 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7	6th period 8
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	A00	0	-0,46	-0,92	-1,38	-1,38	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	-0,46	-0,92	-1,38	-1,38	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	-0,46	-0,92	-1,38	-1,38	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	-0,63	-1,26	-1,89	-1,89	—	—
1101 00 15 9130	A00	0	-0,59	-1,18	-1,77	-1,77	—	—
1101 00 15 9150	A00	0	-0,54	-1,08	-1,62	-1,62	—	—
1101 00 15 9170	A00	0	-0,50	-1,00	-1,50	-1,50	—	—
1101 00 15 9180	A00	0	-0,47	-0,94	-1,41	-1,41	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.
The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

COMMISSION REGULATION (EC) No 232/2005**of 10 February 2005****fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 1757/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1757/2004⁽²⁾.

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified on 4 February to 10 February 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1757/2004, the maximum refund on exportation of barley shall be 13,98 EUR/t.

Article 2

This Regulation shall enter into force on 11 February 2005.

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

Done at Brussels, 10 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 313, 12.10.2004, p. 10.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 233/2005**of 10 February 2005****fixing the maximum export refund on oats in connection with the invitation to tender issued in
Regulation (EC) No 1565/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1565/2004 of 3 September 2004 on a special intervention measure for oats in Finland and Sweden for the 2004/2005 marketing year⁽³⁾,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries with the

exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1565/2004.

- (2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 4 to 10 February 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1565/2004, the maximum refund on exportation of oats shall be 33,95 EUR/t.

Article 2

This Regulation shall enter into force on 11 February 2005.

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

Done at Brussels, 10 February 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).

⁽³⁾ OJ L 285, 4.9.2004, p. 3.

COMMISSION REGULATION (EC) No 234/2005**of 10 February 2005****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 115/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 115/2005⁽²⁾.

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified on 4 to 10 February 2005, pursuant to the invitation to tender issued in Regulation (EC) No 115/2005, the maximum refund on exportation of common wheat shall be 4,00 EUR/t.

Article 2

This Regulation shall enter into force on 11 February 2005.

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

Done at Brussels, 10 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 24, 27.1.2005, p. 3.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 235/2005**of 10 February 2005****concerning tenders notified in response to the invitation to tender for the import of sorghum
issued in Regulation (EC) No 2275/2004**

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 from third countries in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 2275/2004⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1839/95⁽³⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 25 of Regulation (EC) No 1784/2003 and on the basis of the tenders notified to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 4 to 10 February 2005 in response to the invitation to tender for the reduction in the duty on imported sorghum issued in Regulation (EC) No 2275/2004.

Article 2

This Regulation shall enter into force on 11 February 2005.

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

Done at Brussels, 10 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 396, 31.12.2004, p. 32.

⁽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).

COMMISSION REGULATION (EC) No 236/2005**of 10 February 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2277/2004**

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 2277/2004⁽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 4 to 10 February 2005, pursuant to the invitation to tender issued in Regulation (EC) No 2277/2004, the maximum reduction in the duty on maize imported shall be 27,44 EUR/t and be valid for a total maximum quantity of 30 000 t.

Article 2

This Regulation shall enter into force on 11 February 2005.

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

Done at Brussels, 10 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 396, 31.12.2004, p. 35.

⁽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).

COMMISSION REGULATION (EC) No 237/2005**of 10 February 2005****concerning tenders notified in response to the invitation to tender for the import of maize issued in Regulation (EC) No 2276/2004**

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 in Portugal from third countries was opened pursuant to Commission Regulation (EC) No 2276/2004 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1839/95 ⁽³⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 25 of Regulation (EC) No 1784/2003 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 4 to 10 February 2005 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 2276/2004.

Article 2

This Regulation shall enter into force on 11 February 2005.

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

Done at Brussels, 10 February 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 396, 31.12.2004, p. 34.

⁽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 31 January 2005

appointing a German alternate member of the Committee of the Regions

(2005/120/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the German Government,

Whereas:

- (1) Council Decision 2002/60/EC of 22 January 2002 appointed the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) a seat as an alternate member of the Committee of the Regions has become vacant following the resignation of Ms Maria Theresia OPLADEN, notified to the Council on 29 November 2004,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Hans-Josef VOGEL, Bürgermeister der Stadt Arnsberg, is hereby appointed alternate member of the Committee of the Regions in place of Ms Maria Theresia OPLADEN for the remainder of her term of office, which runs until 25 January 2006.

Done at Brussels, 31 January 2005.

For the Council

The President

J. ASSELBORN

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 31 January 2005
appointing one Portuguese member and two Portuguese alternate members of the Committee of the Regions
(2005/121/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Portuguese Government,

Whereas:

- (1) Council Decision 2002/60/EC of 22 January 2002 appointed the members and alternate members of the Committee of the Regions ⁽¹⁾,
- (2) one seat as a member of the Committee of the Regions has become vacant following the resignation of Mr Pedro SANTANA LOPES, notified to the Council on 22 July 2004, and one seat as an alternate member of the Committee of the Regions has become vacant following the resignation of Mr Roberto de Sousa Rocha AMARAL, notified to the Council on 7 December 2004, and one seat as an alternate member of the Committee of the Regions has become vacant following the nomination of Mr Manuel do Nascimento MARTINS as a member,

HAS DECIDED AS FOLLOWS:

Sole Article

The following are hereby appointed to the Committee of the Regions:

(a) as member:

Mr Manuel do Nascimento MARTINS
Presidente da Câmara Municipal de Vila Real
in place of Mr Pedro SANTANA LOPES;

(b) as alternate members:

Mr Vasco Ilídio ALVES CORDEIRO
Secretário regional da Presidência da Região Autónoma dos Açores
in place of Mr Roberto AMARAL;

Mr Manuel Joaquim BARATA FREXES
Presidente da Câmara Municipal do Fundão
Praça do Município
in place of Mr Manuel do Nascimento MARTINS;

for the remainder of their term of office, which runs until 25 January 2006.

Done at Brussels, 31 January 2005.

For the Council
The President
J. ASSELBORN

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COMMISSION

COMMISSION DECISION

of 30 June 2004

on the State aid which the Netherlands is planning to implement in favour of four shipyards to support six shipbuilding contracts

(notified under document number C(2004) 2213)

(Only the Dutch text is authentic)

(Text with EEA relevance)

(2005/122/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

16 September 2003, it provided the Commission with further information.

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

- (2) By letter dated 11 November 2003, the Commission informed The Netherlands that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid. The Netherlands replied by letters dated 28 November 2003 and 12 December 2003.

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having regard to the Commission Framework on State aid to shipbuilding ⁽¹⁾,

- (3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Union*. The Commission invited interested parties to submit their comments on the aid.

Having called on interested parties to submit their comments ⁽²⁾, pursuant to the provisions cited above and having regard to their comments,

- (4) The Commission received comments from interested parties. It forwarded them to The Netherlands, which was given the opportunity to react; its comments were received by letter dated 23 March 2004.

Whereas:

I. PROCEDURE

- (1) By letters dated 9 September 2002, The Netherlands notified the Commission of the aid. By letters dated 30 January 2003, 16 May 2003, 16 July 2003 and

II. DETAILED DESCRIPTION OF THE AID

- (5) The notifications propose to give aid for a total of EUR 21,6 million, in the form of grants, in support of six shipbuilding contracts to four Dutch shipyards: Bodewes Scheepswerven BV; Bodewes Scheepswerven Volharding Foxhol; Scheepswerf Visser; and Scheepswerf de Merwede. The aid has been offered to the yards, subject to the Commission's approval.

⁽¹⁾ OJ C 317, 30.12.2003, p. 11.

⁽²⁾ OJ C 11, 15.1.2004, p. 5.

- (6) The purpose of the notified aid is to match aid allegedly offered by Spain to certain private Spanish shipyards which competed for the contracts referred to above. According to The Netherlands, the alleged Spanish aid implied a price discount of between 9 and 13 %. The Dutch shipyards received all the concerned orders and the ships are under construction or have already been delivered. Details of the notified Dutch aid are presented in table 1 below.

TABLE 1

Notified aid, ships and benefiting shipyards

(EUR million)			
Notification No	Beneficiary Shipyard	Ships	Aid amount
N 601/02	Bodewes Scheepswerven BV	4 container ships	[...] (*)
N 602/02	Bodewes Scheepswerven BV	3 ro-ro vessels	[...]
N 603/02	Visser	Arctic Trawler	[...]
N 604/02	Bodewes Scheepswerven BV	4 multi-purpose freight vessels	[...]
N 605/02	Bodewes Volharding Foxhol	6 container ships	[...]
N 606/02	De Merwede	2 hopper dredgers	[...]

(*) Confidential information.

Legal basis — the aid scheme

- (7) According to the Netherlands, the proposed aid may be granted under the so-called *heavy matching* provisions (Matchingfonds zwaar) of the Decision on export credit subsidies (Besluit subsidies exportfinancieringsarrangementen, hereinafter called BSE), as first approved by the Commission, letter of 24 June 1992 (SG(92) D/8272 — aid number N 134/92)⁽¹⁾. The BSE was subject to various amendments, among which the most important was approved by the Commission in a letter dated 12 December 1997, reference SG(97) D/10395 (aid number N 337/97)⁽²⁾. In this decision the scheme was approved for the period of 1997 to the end of 2002.

Grounds for initiating the procedure

- (8) The opening of the procedure addressed doubts in the following areas:

- (a) the Commission considered that granting aid to match alleged illegal aid from another EC Member State is contrary to the EC Treaty and therefore had doubts that the notified aid could be compatible. In this context it had doubts that the approval of the Dutch scheme included the right to match aid provided from another EU Member State;

- (b) even if the scheme would allow for such intra-EU matching, the Commission had doubts as to the fulfilment of the procedures in establishing the existence of illegal aid to match;

- (c) the Commission further had doubts that the aid could be approved on the basis of Article 3(4) of the shipbuilding Regulation⁽³⁾, since that Article concerns export credits to shipowners while the Netherlands notified grants to the shipyards.

III. COMMENTS FROM INTERESTED PARTIES

- (9) Comments were received from the representative of the beneficiaries and from a party requesting his identity not to be disclosed. All these parties argue that the aid should be approved, stressing among other things that the Commission had approved the matching scheme, that the presented proof of the alleged Spanish aid was sufficient, and that the Spanish denial that the aid would be available was not sufficiently explicit.
- (10) The representative of the beneficiaries further argued that there is nothing in the Commission's decisions approving the scheme, or in the text of the scheme, that suggests that the matching would only be allowed if the competitor originates from a third (non-EU) country. It also argues that the planned aid is based on an approved scheme and therefore is existing aid, which therefore should not be assessed on the basis of the shipbuilding Regulation.

IV. COMMENTS FROM THE NETHERLANDS

- (11) The Netherlands claims to have acted within the rules (the BSE scheme) governing heavy matching, which were authorised by the Commission and which are in accordance with the relevant OECD procedures. The Netherlands maintains that the BSE scheme does not exclude matching against alleged aid provided by another EU Member State and that the procedures have shown with sufficient certainty that there was indeed Spanish aid. The Netherlands therefore considers that it is entitled to proceed with the matching and that the beneficiaries have legitimate expectations to receive the aid.

⁽¹⁾ OJ C 203, 11.8.1992.

⁽²⁾ OJ C 253, 12.8.1998, p. 13.

⁽³⁾ Council Regulation (EC) No 1540/98 of 29 June 1998 establishing new rules on aid to shipbuilding (OJ L 202, 18.7.1998, p. 1).

- (12) The Netherlands also considers that the aid is existing aid, since it is based on an approved scheme, and the fact that the Dutch authorities nevertheless decided to notify these cases was due to an Exchange of Letters between the Dutch Minister of Economic Affairs and the Commissioner in charge of Competition. The Dutch authorities consider that the Commission, in this case, should have presented to the Netherlands a recommendation containing appropriate measures before launching a formal investigation procedure. Finally, the Netherlands considers that the Commission's doubts, based on Article 3(4) of Regulation (EC) No 1540/98 (the shipbuilding Regulation), concerning the right to provide grants to shipyards instead of credit facilities to shipowners, are unfounded since the legal basis should be the Council decisions based on the OECD export credit rules.

V. ASSESSMENT OF THE AID

Legal basis for the assessment

- (13) According to Article 87(1) of the EC Treaty, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market. Pursuant to established case-law of the European courts, the criterion of trade being affected is met if the recipient firm carries out an economic activity involving trade between Member States.
- (14) The Commission notes that the Netherlands intends to grant subsidies to four shipyards for the construction of vessels, as detailed above. The Commission notes, therefore, that the beneficiaries are involved in an economic activity involving trade between Member States. The alleged 'raison d'être' of the measures is indeed (unfair) competition from shipyards of another Member State. The Commission considers that the notified aid falls within the scope of Article 87(1) of the EC Treaty.
- (15) According to Article 87(3)(c) of the EC Treaty, aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest, may be considered to be compatible with the common market. Based on this Article, the BSE scheme was approved in 1992 and was modified in 1997. However, it was stated in the general provision that requests for subsidies will be turned down if they are in contravention of the EEC Treaty.
- (16) Furthermore, the Commission has clarified its interpretation of the rules on state aid applicable to shipbuilding

in its Framework on State aid to shipbuilding, which is applicable from 1 January 2004 to 31 December 2006. Previously, State aid to shipbuilding was regulated by the shipbuilding Regulation.

Assessment of whether the aid is contrary to general principles of EC law

- (17) The principle that a Member State should not act on its own to counter the effects of unlawful aid from another Member State has been clearly established by the Court. Specifically, the Court has held that it is not possible to justify an aid on the ground that other Member States have granted illegal aid⁽¹⁾. The Commission observes that the notified aid aims at matching alleged illegal aid from another EC Member State. This is therefore contrary to the general principles of the EC Treaty. The notified aid is incompatible with the EC Treaty and should therefore not be authorised.

Assessment whether the aid could be approved based on the BSE scheme

- (18) Since the Netherlands argues that the aid would be compatible with the BSE scheme, and therefore compatible with the EC treaty, this issue has also been assessed by the Commission. The Commission can conclude that the notified aid cannot be authorised under this scheme for two reasons.
- (19) Firstly, the Commission's approval of the BSE scheme expired by the end of 2002. Since the Commission must base its decisions for notified State aid on the legislation in force at the time of its decision, it is not possible to authorise any aid based on an aid scheme for which the approval has expired.
- (20) Secondly, even if the aid scheme had not expired, the Commission considers that the aid scheme in question did not authorise aid to match alleged aid from another Member State.
- (21) Some elements in the Commission decisions indicate, indeed, that intra-EU matching was not authorised under these decisions:

⁽¹⁾ See Case 78/79, *Steinike 1 Weinlig v Federal Republic of Germany* [1977] ECR 595, paragraph 24.

- (a) firstly, the statement expressed in the Commission's decision approving the scheme that 'requests for subsidies will be turned down if they are in contravention of the EEC Treaty' meant not only that the scheme had to be approved by the Commission, but also that the application of the scheme had to be in conformity with the general provisions of the EEC Treaty;
- (b) secondly, in its decision on the modified scheme in 1997 (N 337/97), the Commission stated, as a general observation before assessing the scheme, that 'Although trade effects between Member State are probably felt less intensively in cases of aid to trade transactions outside the EU⁽¹⁾, such effects cannot *a priori* be excluded.'. This is a clear indication that the notified scheme was assumed to involve aid to trade transactions outside the EU.
- (22) The Dutch authorities have claimed that the Commission should not have opened the formal investigation procedure against an aid granted on the basis of an approved scheme. Instead the Commission should have presented the Netherlands with a recommendation for appropriate measures.
- (23) On this issue the Commission notes that it was the Netherlands that notified the aid. Therefore, even though an aid scheme existed at the time of the notification, to which the Netherlands refers, it was the notification by the Netherlands that led the Commission to procedurally handle this case as an *ad hoc* case and not as an individual application of a scheme. In addition, since the aid does not fall within a scheme as approved by the Commission, it had to be individually notified and the Commission had the duty to open the procedure under Article 88(2) of the Treaty in case of doubts on its compatibility with the common market.

Proof of illegal aid to match

- (24) Furthermore, the Commission is of the opinion that all of the conditions of the BSE scheme have not been fulfilled in the present case and that, in particular, sufficient proof of the existence of illegal Spanish aid was not provided. In this respect the comments from the Netherlands and the potential beneficiaries do not alleviate the doubts expressed in the opening decision. The Commission considers that the Spanish authorities have clearly denied that the aid would ever be available. In State aid proceedings the Commission has to, in the last analysis, rely on the statements of the Member State supposed to (have) grant(ed) the aid.

Assessment as *ad hoc* aid

- (25) In the opening of the procedure the Commission also explored the possibility of approving the aid directly based on Article 3(4) of the shipbuilding Regulation, now replaced by section 3.3.4. of the Framework on State aid to shipbuilding, which states that 'aid in the form of State supported credit facilities granted to national and non-national shipowners or third parties for the building (...) of vessels may⁽²⁾ be deemed compatible with the common market and shall not be counted within the ceiling (on operating aid) if it complies with the terms of (...) OECD Understanding on export credits for ships...', since the OECD Understanding for ships contains a matching clause.
- (26) In this respect, the Commission first notes that it does not accept the matching of alleged aid from another Member State; therefore, this provision is not applicable in the present case. The Commission considers that the use of 'may' gives it discretion not to apply this provision for matching alleged aid from another Member State. Secondly, the Commission recalls that no new information has been presented which would make it modify its doubts that there were sufficient proof of the alleged Spanish aid (see recital 24). Thirdly, the Commission confirms, as mentioned in its decision to open the procedure, that the provision concerns credits to shipowners (or third parties) while the aid at stake relates to grants to shipyards. Finally, the Commission disagrees with the Netherlands that the aid should only be assessed on the basis of Council decisions based on the OECD export credit rules. State aid within the meaning of Article 87(1) of the Treaty to the shipbuilding industry has necessarily to be assessed on the basis of the applicable rules that the Commission imposed itself (the framework on State aid to shipbuilding) in order to apply the derogations to the incompatibility of State aid as foreseen by the Treaty.
- (27) The Commission also considers that no other legal basis exists under which the notified State aid could be approved. Besides, the Dutch authorities have not invoked any other derogation of the Treaty.

Legitimate expectations of the beneficiaries

- (28) As already mentioned, the BSE scheme was not applicable and therefore no legitimate expectations from the beneficiaries can be accepted. In any case, the beneficiaries could not claim legitimate expectations since the aid was granted by the Netherlands subject to the outcome of the Commission assessment.

⁽¹⁾ Not underlined in the 1997 decision.

⁽²⁾ Not underlined in the Framework.

VI. CONCLUSION

The Commission concludes that the notified aid is contrary to the general principles of the EC Treaty. Furthermore, the aid scheme, to which the Netherlands authorities have referred, has expired, and even if it were still in force the aid would not be compatible with this scheme. There are no legitimate expectations to approve the aid, and there is no other possibility to approve the aid under any other legal basis. Therefore the notified aid is incompatible with the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The State aid which the Netherlands is planning to implement for Bodewes Scheepswerven BV, amounting to EUR [...], for Scheepswerf Visser, amounting to EUR [...], for Bodewes Scheepswerf Volharding Foxhol, amounting to EUR [...] and for Scheepswerf De Merwede, amounting to EUR [...] is incompatible with the common market.

The aid may accordingly not be implemented.

Article 2

The Netherlands shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 30 June 2004.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION
of 9 February 2005
amending Decision 2004/292/EC on the introduction of the TRACES system and amending
Decision 92/486/EEC

(notified under document number C(2005) 279)

(Text with EEA relevance)

(2005/123/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, and in particular Article 20(3) thereof,

Having regard to Council Decision 92/438/EEC of 13 July 1992 on computerisation of veterinary import procedures (Shift project), amending Directives 90/675/EEC, 91/496/EEC, 91/628/EEC and Decision 90/424/EEC, and repealing Decision 88/192/EEC⁽²⁾, and in particular Article 12 thereof,

Whereas:

(1) Commission Decision 2003/24/EC of 30 December 2003 concerning the development of an integrated computerised veterinary system⁽³⁾ provides for the development of the TRACES computer system.

(2) Entering into the TRACES system all the information contained in the common veterinary entry documents for products, provided for in Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries⁽⁴⁾, constitutes a huge increase in the workload of the border inspection posts.

(3) Imports into the Community of products of animal origin subject to the specific procedures provided for in Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽⁵⁾ must, however, be transmitted via the TRACES system.

(4) Under Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the TRACES system and amending Decision 92/486/EEC⁽⁶⁾, the TRACES system is to be used by the Member States from 1 April 2004.

(5) The Member States need time to raise the awareness of freight forwarders and to train them in order to ensure that they play an active part in entering data into the TRACES system.

(6) Connections between the TRACES system and existing computerised health declaration systems in some Member States require an extensive test phase.

(7) Decision 2004/292/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Article 3(2) of Decision 2004/292/EC is hereby replaced by the following:

⁽¹⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽²⁾ OJ L 243, 25.8.1992, p. 27. Decision as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽³⁾ OJ L 8, 14.1.2003, p. 44.

⁽⁴⁾ OJ L 21, 28.1.2004, p. 11.

⁽⁵⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1. Corrected in OJ L 191, 28.5.2004, p. 1).

⁽⁶⁾ OJ L 94, 31.3.2004, p. 63.

‘2. Member States shall ensure that the following data are entered in TRACES from 31 December 2004:

- (a) Parts I and II of health certificates relating to trade and Part III where a check is undertaken;
- (b) common veterinary entry documents for all animals entering the Community; and
- (c) common veterinary entry documents for all rejected consignments and for all products subject to the following specific procedures under Directive 97/78/EC:
 - (i) the specific monitoring procedure in Article 8(4),
 - (ii) the procedure for the transit of consignments from one third country to another third country in Article 11(1);
 - (iii) the procedure for transferring consignments to a free zone, a free warehouse or a customs warehouse in Article 12(1);

(iv) the procedure for supplying sea transport in Article 13(1); and

(v) the procedure to authorise the re-importation of products of Community origin in Article 15(1).

3. Without prejudice to paragraph 2(c), the Member States shall ensure that all common veterinary entry documents for all products entering the Community whatever the customs arrangements to which they are subject are entered in TRACES from 30 June 2005.’

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 9 February 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION**of 10 February 2005****authorising certain Member States to use information from sources other than statistical surveys for the 2005 survey on the structure of agricultural holdings***(notified under document number C(2005) 284)***(Only the Danish, German, Estonian, English, Finnish, French, Dutch, Slovenian, and Swedish texts are authentic)****(2005/124/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 571/88 of 29 February 1988 on the organisation of Community surveys on the structure of agricultural holdings⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) When determining the characteristics to be surveyed, an effort should be made to limit, as far as possible, the burden on respondents to the survey. In accordance with Article 8(2) of Regulation (EEC) No 571/88, certain Member States have asked to be authorised to use, in the 2005 survey on the structure of agricultural holdings, for certain characteristics, information that is already available from sources other than statistical surveys.
- (2) The results of the Farm Structure Surveys are of great importance to the common agricultural policy. It is necessary to maintain a high quality of information, and therefore the use of data from sources other than statistical surveys can only be accepted if these data are as reliable as those from statistical surveys.
- (3) The Member States having asked to be authorised to use data from sources other than statistical surveys have provided the Commission with technical documentation as to the relevance and the accuracy of these sources. Following examination of this technical documentation, the authorisations requested by the Member States should be granted.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee for Agricultural Statistics established by Council Decision 72/279/EEC⁽²⁾,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States listed in the Annex are authorised to use information already available from sources other than statistical surveys in the Farm Structure Survey 2005 for certain characteristics.

Those sources shall be as set out in the Annex.

2. The Member States concerned shall take the necessary measures to ensure that this information is of at least equal quality to information obtained from statistical surveys. They shall provide a report assessing the quality of these information sources.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Slovenia, the Republic of Finland, the Kingdom of Sweden, and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 10 February 2005.

For the Commission

Joaquín ALMUNIA

Member of the Commission

⁽¹⁾ OJ L 56, 2.3.1988, p. 1. Regulation as last amended by Commission Regulation (EC) No 2139/2004 (OJ L 369, 16.12.2004, p. 26).

⁽²⁾ OJ L 179, 7.8.1972, p. 1.

ANNEX

Member States authorised to use sources other than statistical surveys in the Farm Structure Survey 2005

Member State	Sources	Legal basis
Belgium	Lists of the beneficiaries of public aids within the framework of productive investments and rural development measures	Regulation (EC) No 1257/1999 ⁽¹⁾
Denmark	Integrated Administration and Control System	Regulation (EC) No 1782/2003 ⁽²⁾
	Organic Farming Register	Regulation (EEC) No 2092/91 ⁽³⁾
	System for the identification and registration of bovine animals	Regulation (EC) No 1760/2000 ⁽⁴⁾
	System for the registration of financial aids for rural development	Regulation (EC) No 1257/1999
Germany	Integrated Administration and Control System	Regulation (EC) No 1782/2003
	System for the identification and registration of bovine animals	Regulation (EC) No 1760/2000
Estonia	Organic Farming Register	Regulation (EEC) No 2092/91
	Register of Agricultural Support	Regulation (EC) No 1782/2003
Netherlands	Integrated Administration and Control System	Regulation (EC) No 1782/2003
	System for the registration of financial aids for rural development	Regulation (EC) No 1257/1999
	National Farm Register	Regulation concerning registration and distribution of data, 16 March 1995
Austria	Integrated Administration and Control System	Regulation (EC) No 1782/2003
	Register of bovine animals	Regulation (EC) No 1760/2000
Slovenia	Integrated Administration and Control System	Regulation (EC) No 1782/2003
	Records of financial supports	Agriculture Act (OJ of the Republic of Slovenia, No 54/2000)
	Statistical Register of Agricultural Holdings	National Statistics Act (OJ of the Republic of Slovenia No 45/95 and No 9/01)
Finland	Integrated Administration and Control System	Regulation (EC) No 1782/2003
Sweden	Integrated Administration and Control System	Regulation (EC) No 1782/2003
	System for the identification and registration of bovine animals	Regulation (EC) No 1760/2000
United Kingdom	Integrated Administration and Control System	Regulation (EC) No 1782/2003
	System for the identification and registration of bovine animals	Regulation (EC) No 1760/2000
	Records of Financial Supports	Regulation (EC) No 1257/1999
	Organic Farming Register	Regulation (EEC) No 2092/91

⁽¹⁾ OJ L 160, 26.6.1999, p. 80. Regulation as last amended by Regulation (EC) No 583/2004 (OJ L 91, 30.3.2004, p. 1).

⁽²⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 2217/2004 (OJ L 375, 23.12.2004, p. 1).

⁽³⁾ OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 1481/2004 (OJ L 272, 20.8.2004, p. 11).

⁽⁴⁾ OJ L 204, 11.8.2000, p. 1. Regulation as amended by the Act of accession of 2003.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2185/2004 of 17 December 2004 opening for the year 2005 a tariff quota applicable to the importation into the European Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

(Official Journal of the European Union L 373 of 21 December 2004)

On page 13, in Annex II, in box 10 of the 'Certificate — Mineral waters':

for: 'Place: Oslo 2004
Year',

read: 'Place: Oslo 2005
Year'.
