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Contents

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- ★ **Council Regulation (EC) No 485/2005 of 16 March 2005 amending Regulation (EC) No 2792/1999 as regards a specific action for transfers of vessels to countries hit by the tsunami in 2004** 1
- Commission Regulation (EC) No 486/2005 of 29 March 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 4
- Commission Regulation (EC) No 487/2005 of 29 March 2005 opening an invitation to tender for the reduction in the duty on maize imported into Portugal from third countries 6
- ★ **Commission Regulation (EC) No 488/2005 of 21 March 2005 on the fees and charges levied by the European Aviation Safety Agency ⁽¹⁾** 7
- ★ **Commission Regulation (EC) No 489/2005 of 29 March 2005 laying down detailed rules for implementing Council Regulation (EC) No 1785/2003 as regards determining the intervention centres and the taking over of paddy rice by the intervention agencies** 26
- ★ **Commission Regulation (EC) No 490/2005 of 29 March 2005 on the division between 'deliveries' and 'direct sales' of national reference quantities fixed for 2004/2005 in Annex I to Council Regulation (EC) No 1788/2003** 38
- Commission Regulation (EC) No 491/2005 of 29 March 2005 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Jordan 41
- Commission Regulation (EC) No 492/2005 of 29 March 2005 determining the world market price for unginned cotton 43
- ★ **Commission Directive 2005/27/EC of 29 March 2005 amending, for the purposes of its adaptation to technical progress, Directive 2003/97/EC of the European Parliament and of the Council, concerning the approximation of the laws of the Member States relating to the type-approval of devices for indirect vision and of vehicles equipped with these devices ⁽¹⁾** 44

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

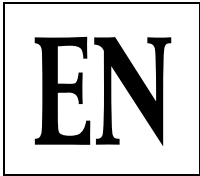
Commission

2005/264/EC:

★ **Commission Decision of 23 March 2005 amending Decision 2004/832/EC as regards the eradication and emergency vaccination plan for feral pigs against classical swine fever in Northern Vosges, France** (notified under document number C(2005) 917) ⁽¹⁾ 48

Acts adopted under Title V of the Treaty on European Union

★ **Council Joint Action 2005/265/CFSP of 23 March 2005 appointing a Special Representative of the European Union for Moldova** 50



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 485/2005**of 16 March 2005****amending Regulation (EC) No 2792/1999 as regards a specific action for transfers of vessels to countries hit by the tsunami in 2004**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas:

(1) On 26 December 2004, a strong tsunami in the Indian Ocean struck a number of third countries, ravaging their coasts and their industries and causing heavy loss of life. Many fishing vessels were wrecked at sea or destroyed in port.

(2) Within the framework of the common fisheries policy, fishing vessels can be withdrawn from the Community fishing fleet with public aid only if they are scrapped or reassigned for non-profitable purposes other than fishing.

(3) It is appropriate to extend the possibility of withdrawal of fishing vessels from the Community fishing fleet with public aid to vessels which are transferred to the countries affected by the tsunami for the benefit of the fishing communities concerned.

(4) This would help those communities to rebuild their fishing fleets swiftly, taking into account local needs as recorded by the Food and Agriculture Organisation of the United Nations.

(5) To meet the needs of those communities, only vessels which are fully seaworthy, suitable for fishing activity and of an overall length of less than 12 metres should be eligible for the measures provided for by this Regulation.

(6) It is appropriate to provide for the grant of an additional premium to cover the expenses incurred by public or private organisations for the transport of the vessels to the third countries and to compensate owners for equipping their vessels and making them fully seaworthy.

(7) A procedure for the transfer of vessels should be set up.

(8) Reports on steps taken under this Regulation should be submitted by the Member States and by the Commission in order to guarantee transparency of the Financial Instrument for Fisheries Guidance (FIFG) pursuant to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds⁽²⁾.

(9) It is particularly useful to assess the transfers to ensure that the measures are implemented to the benefit of the fishing communities concerned, to ensure consistency with the general principles of the common fisheries policy and promote long-term sustainability of fishing activities and to avoid negative effects on the local economy.

(10) Given the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in paragraph I(3) of the Protocol on the role of the national parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities.

(11) Regulation (EC) No 2792/1999⁽³⁾ should therefore be amended accordingly,

⁽¹⁾ Opinion delivered on 24 February 2005 (not yet published in the Official Journal).

⁽²⁾ OJ L 161, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 173/2005 (OJ L 29, 2.2.2005, p. 3).

⁽³⁾ OJ L 337, 30.12.1999, p. 10. Regulation as last amended by Regulation (EC) No 1421/2004 (OJ L 260, 6.8.2004, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2792/1999 is hereby amended as follows:

1. Article 7 shall be amended as follows:

(a) paragraph 2 shall be replaced by the following:

‘2. Measures to stop vessels’ fishing activities may be applied only to vessels 10 years old or more.

However, until 30 June 2006, vessels five years old or more, not using towed gear, may be eligible for permanent transfer in accordance with paragraph 3(d).’;

(b) the following point shall be added to paragraph 3:

‘(d) until 30 June 2006, permanent transfer of the vessel to a third country hit by the tsunami in the Indian Ocean in December 2004, provided that the following criteria are met:

(i) the vessel has an overall length of less than 12 metres and is not more than 20 years old;

(ii) the Member State which authorises the transfer ensures that the vessel is fully seaworthy and suitable for fishing activity, that it is transferred to a region affected by the tsunami for the benefit of the fishing communities having suffered the consequences thereof and that adverse effects on the fisheries resources and the local economy are avoided.

(iii) the transfer meets the needs identified by the assessment of the Food and Agriculture Organisation of the United Nations and is in accordance with the third country’s requests.’;

(c) the following paragraph shall be added:

‘6. By way of derogation from paragraph 5(a), public aid for the permanent transfer of vessels in accordance with paragraph 3(d) shall be calculated as follows:

(i) for vessels of five to 15 years old, the premium referred to in paragraph 5(a)(i) shall apply and for vessels of 16 to 20 years old, the premium referred to in paragraph 5(a)(ii) shall apply;

(ii) the premium referred to in paragraph 5(a) may be increased by up to 20 % for the following purposes:

— to cover the expenses incurred by the public or private organisations designated by Member States to be responsible for the transfer of the vessel to the third country,

— to compensate the vessel owner benefiting from the premium for equipping the vessel and making it fully seaworthy and suitable for fishing activity in the third countries concerned.

Vessels for which an application for permanent cessation of activities has been submitted to the competent authorities of a Member State before 2 April 2005 may also benefit from the premiums under this paragraph.’;

2. the following sentence shall be added to Article 10(4):

‘This paragraph shall not apply to vessels transferred pursuant to Article 7(3)(d).’;

3. the following Articles shall be inserted:

‘Article 18a

Procedure for the transfer of vessels pursuant to Article 7(3)(d)

1. Member States shall notify the Commission of the vessels for which a transfer pursuant to Article 7(3)(d) is envisaged, as well as the intended destination.

2. Within two months of such notification, the Commission may inform the Member State concerned that the transfer does not meet the criteria laid down in Article 7(3)(d), and in particular point (iii) thereof.

If the Member State concerned is not so informed by the Commission within two months of notification, it may proceed with the transfer.

*Article 18b***Reporting on the transfer of vessels pursuant to Article 7(3)(d)**

1. By 30 September 2005 and every three months thereafter Member States shall present to the Commission all available information on transfers of vessels pursuant to Article 7(3)(d).

2. On the basis of the information referred to in paragraph 1 and any other information, the Commission shall report every six months to the European Parliament

and to the Council on transfers of vessels pursuant to Article 7(3)(d).

3. Member States shall include in the annual report provided for in Article 37 of Regulation (EC) No 1260/1999 on the implementation of the FIFG intervention and submitted to the Commission in 2007, a section on transfers of vessels pursuant to Article 7(3)(d) of 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, 16 March 2005.

For the Council

The President

J. ASSELBORN

COMMISSION REGULATION (EC) No 486/2005**of 29 March 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 30 March 2005.

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

Done at Brussels, 29 March 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 29 March 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	98,5
	204	74,9
	212	127,5
	624	83,4
	999	96,1
0707 00 05	052	151,9
	066	73,3
	068	87,2
	096	39,9
	204	90,9
	220	122,9
	999	94,4
0709 10 00	220	121,4
	999	121,4
0709 90 70	052	125,5
	204	53,5
	999	89,5
0805 10 20	052	44,6
	204	47,8
	212	55,2
	220	48,8
	400	57,4
	512	118,1
	624	61,3
	999	61,9
0805 50 10	052	52,3
	400	79,1
	999	65,7
0808 10 80	052	72,1
	388	79,7
	400	114,9
	404	115,3
	508	64,0
	512	73,0
	528	69,7
	720	63,4
	999	81,5
0808 20 50	388	62,0
	512	69,6
	528	56,8
	720	46,2
	999	58,7

⁽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 487/2005**of 29 March 2005****opening an invitation to tender for the reduction in the duty on maize imported into Portugal from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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) Pursuant to the Community's international obligations in the context of the Uruguay Round of multilateral trade negotiations⁽²⁾, it is necessary to create the conditions to import a certain quantity of maize into Portugal.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal⁽³⁾, lays down the special additional detailed rules necessary for implementing the invitation to tender.
- (3) In view of the current market demand in Portugal, an invitation to tender for the reduction in the duty on maize is appropriate.
- (4) The Management Committee for Cereals has not issued an opinion by the time limit laid down by its Chairman,

Article 1

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EC) No 1784/2003 on maize to be imported into Portugal.

2. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

Article 2

The invitation to tender shall be open until 23 June 2005. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

Article 3

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

Article 4

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, 29 March 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 336, 23.12.1994, p. 22.

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

COMMISSION REGULATION (EC) No 488/2005**of 21 March 2005****on the fees and charges levied by the European Aviation Safety Agency****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency⁽¹⁾, and in particular Article 53(1) thereof,

After consulting the Management Board of the European Aviation Safety Agency,

Whereas:

- (1) The revenues of the European Aviation Safety Agency (hereinafter the Agency) consist of a contribution from the Community and from any European third country which has entered into the agreements referred to in Article 55 of Regulation (EC) No 1592/2002, the fees paid by applicants for certificates and approvals issued, maintained or amended by the Agency, and charges for publications, handling of appeals, training and any other service provided by the Agency.
- (2) The Agency's revenue and expenditure should be in balance.
- (3) Fees and charges referred to in this Regulation should be demanded and levied by the Agency only, in euro. They should be set in a transparent, fair and uniform manner.
- (4) The fees levied by the Agency should not jeopardise the competitiveness of the European industries concerned. Furthermore, they should be established on a basis which takes due account of the ability of small undertakings to pay. Moreover, the geographical location of the undertakings in the territories of the Member States should not be a discriminatory factor.
- (5) The applicant should be informed, as far as possible, of the foreseeable amount to be paid for the service which will be provided and the way in which payment must be made before provision of the service starts. The criteria for determining the amount to be paid should be clear, uniform and public. Where it is impossible to determine this amount in advance, the applicant should be

informed accordingly before provision of the service starts. In such a case, clear rules for assessing the amount to be paid during the provision of the service should be agreed before it is provided.

- (6) The amount of the fees to be paid by the applicant should depend on the complexity of the task carried out by the Agency and the workload involved.
- (7) The industry should enjoy good financial visibility and be able to anticipate the cost of the fees it will be required to pay. At the same time, it is necessary to ensure a balance between overall expenditure incurred by the Agency in carrying out certification tasks and overall income from the fees it levies. It should therefore be possible to review the levels of fees annually on the basis of the Agency's financial results and forecasts.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 54(1) of Regulation (EC) No 1592/2002,

HAS ADOPTED THIS REGULATION:

CHAPTER I**GENERAL PROVISIONS***Article 1*

This Regulation shall apply to the fees and charges levied by the European Aviation Safety Agency (hereinafter the Agency) as compensation for the services it provides, including the supply of goods.

It determines in particular the matters for which fees and charges referred to in Article 48(1) of Regulation (EC) No 1592/2002 are due, the amount of those fees and charges and the way in which they are to be paid.

Article 2

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

- (a) 'charges' means the amounts levied by the Agency and payable by applicants for services, other than certification tasks, provided by the Agency;

⁽¹⁾ OJ L 240, 7.9.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 1701/2003 (OJ L 243, 27.9.2003, p. 5).

- (b) 'fees' means the amounts levied by the Agency and payable by applicants to obtain, maintain or amend the certificates and approvals referred to in Article 15 of Regulation (EC) No 1592/2002 which are issued, maintained or amended by the Agency;
- (c) 'certification tasks' means all activities carried out by the Agency directly or indirectly for the purposes of issuing, maintaining or amending the certificates and approvals referred to in Article 15 of Regulation (EC) No 1592/2002;
- (d) 'applicant' means any natural or legal person requesting to benefit from a service provided by the Agency, including the maintenance or amendment of a certificate or an approval;
- (e) 'direct costs' means the wage bills of the staff directly involved in the certification tasks and the transport costs of such staff in the context of certification tasks;
- (f) 'specific costs' means the costs of accommodation and meals, the incidental expenses and the travel allowances paid to staff in the context of certification tasks;
- (g) 'indirect costs' means the share of the Agency's general costs attributable to the performance of certification tasks, including those resulting from development of part of the regulatory material;
- (h) 'real cost' means the expenditure actually incurred by the Agency;
- (i) 'regulatory material' means any documentation drawn up by the Agency pursuant to Article 14(2) of Regulation (EC) No 1592/2002.

CHAPTER II

CHARGES

Article 3

Charges shall be levied by the Agency for all services, including the supply of goods, which it provides to applicants, except for:

- (a) certification tasks;
- (b) the transmission of documents and information, in whatever form, pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council ⁽¹⁾;
- (c) the documents available free of charge on the Agency website.

The Agency shall also levy charges when an appeal is lodged against one of its decisions pursuant to Article 35 of Regulation (EC) No 1592/2002.

⁽¹⁾ OJ L 145, 31.5.2001, p. 43.

Article 4

1. The amount of the charges levied by the Agency shall be equal to the real cost of the service provided, including the cost of making it available to the applicant.

2. The charges payable when an appeal is lodged pursuant to Article 35 of Regulation (EC) No 1592/2002 shall take the form of a fixed-rate sum, the amount of which is specified in the Annex. If the appeal is concluded in favour of the person lodging the appeal, the fixed-rate sum shall be automatically refunded by the Agency to that person.

3. The amount of the charges shall be expressed in euro. It shall be communicated to the applicant before the service is provided, together with the terms for the payment of the charges.

Article 5

The charges shall be payable by the applicant or, where appropriate, the person lodging an appeal.

They shall be payable in euro.

In the absence of contractual agreement to the contrary, the charges shall be levied before the service is provided or, where appropriate, before the appeal procedure is launched.

CHAPTER III

FEEES

Article 6

1. The fees shall ensure a total revenue which is sufficient to cover all the costs, direct, indirect and specific, arising out of the certification tasks, including costs arising from the related continuing oversight.

2. The Agency shall distinguish among its revenue and expenditure those which are attributable to certification tasks.

For this purpose:

- (a) the fees levied by the Agency as compensation for certification tasks shall be kept in a separate account and shall be the subject of a separate accounting procedure;
- (b) the Agency shall draw up analytical accounts of its revenue and expenditure; for each item of expenditure listed in the budget nomenclature, a scale shall be used to determine the proportion of that expenditure attributable to certification tasks.

3. The fees shall be the subject of an overall provisional estimate at the beginning of each financial year. This estimate shall be based on the Agency's previous financial results, its estimate of expenditure and revenue and its forward working plan.

4. In order to avoid any discrimination between undertakings situated in the territories of the Member States, the transport costs related to the certification tasks carried out on behalf of such undertakings shall be aggregated and uniformly divided between the applicants.

5. The Annex shall be re-examined, and revised if necessary, within 14 months following the date of entry into force of this Regulation. It may be revised annually thereafter.

The amounts and coefficients set out in the Annex shall be published in the Agency's official publication.

Article 7

The fees shall consist of one or more of the following elements:

- (a) a fixed part, the amount of which shall vary according to the complexity of the task carried out by the Agency; the different values of the fixed part and of the coefficients which affect them are set out in the Annex;
- (b) a variable part proportional to the workload involved, expressed as a number of hours multiplied by an hourly rate calculated in accordance with Article 9(2); the amount of the hourly rate is specified in the Annex;
- (c) the amount equal to the specific costs arising out of a certification task, which shall be recovered in full at real cost.

Article 8

1. The fees shall be established at levels such that:

$$\Sigma R = x D$$

where:

ΣR = annual amount of fees levied by the Agency

D = annual expenditure included in the Agency's budget

x = percentage of annual expenditure directly or indirectly attributable to certification tasks.

2. During the transitional period referred to in the second subparagraph of Article 53(4) of Regulation (EC) No 1592/2002, part of the contribution referred to in Article 48(1)(a) of that Regulation may be used, if necessary, to cover costs incurred by the Agency for certification tasks. In such a case, the fees shall be established during that period in such a way that:

$$\Sigma R = xD - C_p$$

where:

C_p = share of the contribution referred to in Article 48(1)(a) of Regulation (EC) No 1592/2002 used to finance certification tasks carried out by the Agency.

From 1 January 2008 at the latest, $C_p = 0$.

Article 9

1. The amount of the fee shall depend on the complexity of the certification task and the workload involved. It shall be determined according to the following formula:

$$R = F + (nh * t) + S$$

where:

R = fee due

F = fixed part, depending on the kind of operation carried out (see Annex)

nh = number of hours invoiced (if applicable, see Annex)

t = hourly rate (if applicable, see Annex)

S = specific costs.

2. The hourly rate (t) shall be determined by the overall annual wage bill of the Agency's staff directly involved in the certification tasks. It shall be determined according to the following formula:

$$t = Cs/N$$

where:

Cs = overall annual wage bill (salaries, pension contributions and social security contributions) of the Agency's staff directly involved in the certification tasks.

N = annual sum of the working hours of the Agency's staff directly involved in the certification tasks.

Article 10

Without prejudice to Article 9, where a certification task is conducted, fully or in part, outside the territories of the Member States, the fee invoiced to the applicant shall include the costs of transport outside those territories. For that task, or part thereof, the amount of the fee due shall be determined according to the formula:

$$R = F + (nh * t) + S + V$$

where:

R = fee due

F = fixed part, depending on the kind of operation carried out (see Annex)

nh = number of hours invoiced (if applicable, see Annex)

t = hourly rate (if applicable, see Annex)

S = specific costs

V = additional transport costs.

The additional transport costs invoiced to the applicant shall include the real costs of transport outside the territories of the Member States and the time spent by experts in those means of transport which shall be invoiced at the hourly rate.

Article 11

At the request of the applicant, a certification task may be carried out in a special way, with the agreement of the Executive Director.

In such a case, the certification task shall be carried out in the following way:

- (a) by assigning categories of staff to it which the Agency would not normally assign to it under its standard procedures, and/or
- (b) by assigning such human resources to it that the operation is performed faster than under the Agency's standard procedures.

In such a case, an exceptional increase shall be applied to the fee levied in order to cover all of the costs incurred by the Agency in meeting the special request.

Article 12

1. The fee shall be payable by the applicant. It shall be payable in euro.

2. The issue, maintenance or amendment of a certificate or an approval shall be subject to payment of the full amount of the fee due. In the event of non-payment, the Agency may revoke the relevant certificate or approval after having given formal warning to the applicant.

3. The scale of fees applied by the Agency, and the terms of payment, shall be communicated to applicants when they submit their applications.

4. For all certification tasks which give rise to the payment of a variable part, the Agency shall provide the applicant with a quote which must be approved by the applicant before the task concerned starts. The quote shall be amended by the Agency if it appears that the task is simpler or can be carried out faster than initially foreseen or, on the contrary, if it is more complex

and takes longer to carry out than the Agency could reasonably have foreseen.

5. For operations which only give rise to the payment of a fixed part, half of that part shall be payable before the task concerned starts, the balance being payable in exchange for issue of the certificate or approval.

6. For tasks which give rise to the payment of a variable part, 30 % of the total amount of the fee due (including any fixed part) shall be payable before the task concerned starts, and 40 % of the amount shall be payable as the task proceeds, in quarterly instalments. The balance of 30 % shall be payable in exchange for issue of the certificate or approval.

7. Fees for the maintenance of existing certificates and approvals shall be payable in accordance with a timetable decided by the Agency and communicated to the holders of such certificates and approvals. The timetable shall be based on the inspections carried out by the Agency to check that such certificates and approvals are still valid.

8. If, after a first check, the Agency decides not to accept an application, any fees already paid shall be returned to the applicant, with the exception of an amount to cover the administrative costs of handling the application. That amount shall be equivalent to the fixed fee D set out in the Annex.

9. If a certification task has to be interrupted by the Agency because the applicant has insufficient resources or fails to comply with the applicable requirements, the balance of any fees due shall be payable in full at the time the Agency stops working.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

Article 13

From 1 June 2005, the fees shall be demanded and levied by the Agency only.

Member States shall not levy fees for certification tasks, even if they carry out those tasks on behalf of the Agency.

The Agency shall reimburse the Member States for the certification tasks they provide on its behalf.

For certification tasks carried out by Member States on behalf of the Agency which are ongoing on 1 June 2005, fees shall be levied by the Agency so as to avoid double payment by the applicant.

Article 14

For the purposes of the application of this Regulation, and at the latest 30 days before the date of application of Articles 1 to 13, the Agency shall confirm in writing to the Commission that

it is able to assume the tasks imposed on it by this Regulation, and in particular to calculate and to invoice the amounts of fees due by the applicants and to reimburse the Member States.

Article 15

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

Articles 1 to 13 shall apply from 1 June 2005.

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

Done at Brussels, 21 March 2005.

For the Commission

Jacques BARROT

Vice-President

ANNEX

CONTENTS

(i) Type Certificates and Restricted Type Certificates or equivalent	13
(ii) Supplemental Type Certificates	14
(iii) Major changes and major repairs	15
(iv) Minor changes and minor repairs	17
(v) Annual fee for holders of EASA Type Certificates and Restricted Type Certificates	18
(vi) Design Organisation Approval	19
(vii) Demonstration of design capability by means of alternative procedures	21
(viii) Production Organisation Approval	21
(ix) Production without approval	22
(x) Maintenance Organisation Approval	22
(xi) Continuing Airworthiness Management Organisation Approval	23
(xii) Fees for acceptance of approvals equivalent to 'Part 145' approvals in accordance with applicable bilateral agreements	23
(xiii) Maintenance Training Organisation Approval	24
(xiv) Appeals	25

Explanatory note

— Certification specifications (CS) referred to in this Annex are those adopted pursuant to Article 14(2) of Regulation (EC) No 1592/2002 and published in the Agency's official publication in accordance with EASA Decision 2003/8 of 30 October 2003 (www.easa.eu.int).

— For the purposes of this Annex:

— 'Value of equipment', in Tables (i), (iii), (iv) and (v), refers to the relevant manufacturer's list price.

— 'Value of activities' in Tables (vi), (viii), (x) and (xiii), means: {number of active technical employees in the organisation whose work is strictly relevant to the activity subject to the approval} * {100*1 400 hours = EUR 140 000/technical employee} unless applicant provides evidence that a different hourly rate should be applied.

— The number of active technical employees is independent of the number of individual sites that are covered by the approval, is taken to include subcontractors, and is to be provided by the applicant.

— Administrative staff within the applicant organisation will not be included in the calculation of the value of activities.

— Subcontractors' technical and administrative staff (whose work is relevant to the activity) will not be included in the calculation of the value of the applicant's activities, if the subcontractors have already been granted their own approval.

— Applicants and holders of Agency approvals are required to supply a signed certificate from an authorised representative of the organisation concerned in order for the Agency to be able to determine the corresponding fee category.

(i) **Type Certificates and Restricted Type Certificates or equivalent (referred to in subparts B and O of the Annex to Commission Regulation (EC) No 1702/2003⁽¹⁾)**

- All applications attract the fixed fee A shown in the table, multiplied by the coefficient indicated for the product in question.
- Products shaded in the table also attract an hourly fee for the time spent by EASA agents, at the rate indicated in the table.
- This table covers derivative and significant changes as described in Part 21, Subpart D of the Annex to Regulation (EC) No 1702/2003 (in particular part 21A.01) which involve changes to aircraft geometry and/or power plant.

Fixed fee A	EUR 21 000
Hourly rate	EUR 99

Product type	Comments	Fixed fee coefficient
CS-25	Large aeroplanes	8
— CS-25(D)	— derivatives and significant changes thereof	4
CS-23.A	Aircraft defined in CS-23 Article 1.a.2 (commuter aircraft)	6
— CS-23.A(D)	— derivatives and significant changes thereof	3
CS-23.B	Aircraft defined in CS-23 Article 1.a.1 with maximum take-off weight (MTOW) of between 2 000 kg and 5 670 kg	0,5
— CS-23.B(D)	— derivatives and significant changes thereof	0,25
CS-29	Large rotorcraft	5
— CS-29(D)	— derivatives and significant changes thereof	2,5
CS-27	Small rotorcraft	0,8
— CS-27(D)	— derivatives and significant changes thereof	0,4
CS-E.T.A	Turbine engines with take-off thrust equal to or greater than 25 000 N or power output equal to or greater than 2 000 kW	5,25
— CS-E.T.A(D)	— derivatives and significant changes thereof	1,55
CS-E.T.B	Turbine engines with take-off thrust of less than 25 000 N or power output of less than 2 000 kW	2
— CS-E.T.B(D)	— derivatives and significant changes thereof	0,55
CS-E.NT	Non-turbine engines	0,1
— CS-E.NT(D)	— derivatives and significant changes thereof	0,03
CS-23.C	Aircraft defined in CS-23 Article 1.a.1 with MTOW of less than 2 000 kg	0,2
— CS-23.C(D)	— derivatives and significant changes thereof	0,1
CS-22	Sailplanes and powered sailplanes	0,2
CS-VLA	Very light aircraft	0,2

⁽¹⁾ Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 243, 27.9.2003, p. 6).

Product type	Comments	Fixed fee coefficient
CS-VLR	Very light rotorcraft	0,25
CS-APU	Auxiliary power unit	0,15
CS-P.A	For use on aircraft certified to CS-25 (or equivalent)	0,2
— CS-P.A(D)	— derivatives and significant changes thereof	0,1
CS-P.B	For use on aircraft certified to CS-23, CS-VLA and CS-22 (or equivalent)	0,05
— CS-P.B(D)	— derivatives and significant changes thereof	0,025
CS-22.J	For use on aircraft certified to CS-22	0,04
— CS-22.J(D)	— derivatives and significant changes thereof	0,02
CS-22.H	Non-turbine engines	0,07
CS-22.H(D)	— derivatives and significant changes thereof	0,05
CS-balloons	Not yet available	0,1
CS-airships	Not yet available	0,5
CS-34	No additional fixed fee when included with initial type certification - additional hours only as required	
CS-36	No additional fixed fee when included with initial type certification - additional hours only as required	
CS-AWO	Post type certification activity, certification for all weather operation treated as a change to type certification	
CS-ETSO.A	Value of equipment above EUR 20 000	0,045
CS-ETSO.B	Value of equipment between EUR 2 000 and EUR 20 000	0,025
CS-ETSO.C	Value of equipment below EUR 2 000	0,01

(ii) **Supplemental Type Certificates (referred to in subpart E of the Annex to Regulation (EC) No 1702/2003)**

— All applications attract the fixed fee B shown in the table, multiplied by the coefficient indicated for the product in question.

— Products shaded in the table also attract an hourly fee for the time spent by EASA agents, at the rate indicated in the table.

— For Supplemental Type Certificates involving changes to an aircraft's geometry and/or power plant, the respective Type Certificate and Restricted Type Certificate fee as defined in (i) above will apply.

Fixed fee B	EUR 680	
Hourly rate	EUR 99	
Product type	Comments	Fixed fee coefficient
CS-25	Large aeroplanes	—
	significant (level 1)	5
	level 2	4

Product type	Comments	Fixed fee coefficient
CS-23.A	Aircraft defined in CS-23 Article 1.a.2 (commuter aircraft)	—
	significant (level 1)	5
	level 2	4
CS-23.B	Aircraft defined in CS-23 Article 1.a.1 with MTOW of between 2 000 kg and 5 670 kg	—
	significant (level 1)	3
	level 2	2
CS-29	Large rotorcraft	—
	significant (level 1)	4
	level 2	4
CS-27	Small rotorcraft	0,5
CS-E.T.A	Turbine engines with take-off thrust equal to or greater than 25 000 N or power output equal to or greater than 2 000 kW	—
	significant (level 1)	1
	level 2	1
CS-E.T.B	Turbine engines with take-off thrust of less than 25 000 N or power output of less than 2 000 kW	0,5
CS-E.NT	Non-turbine engines	0,2
CS-23.C	Aircraft defined in CS-23 Article 1.a.1 with MTOW of less than 2 000 kg	1
CS-22	Sailplanes and powered sailplanes	0,2
CS-VLA	Very light aircraft	0,2
CS-VLR	Very light rotorcraft	0,2
CS-APU	Auxiliary power unit	0,25
CS-P.A	For use on aircraft certified to CS-25 (or equivalent)	0,25
CS-P.B	For use on aircraft certified to CS-23, CS-VLA and CS-22 (or equivalent)	0,15
CS-22.J	For use on aircraft certified to CS-22	0,15
CS-22.H	Non-turbine engines	0,15
CS-balloons	Not yet available	0,2
CS-airships	Not yet available	0,5

(iii) **Major changes and major repairs (referred to in subparts D and M of the Annex to Regulation (EC) No 1702/2003)**

— All applications attract the fixed fee C shown in the table, multiplied by the coefficient indicated for the product in question.

— Products shaded in the table also attract an hourly fee for the time spent by EASA agents, at the rate indicated in the table.

- Significant major changes as described in Part 21, Subpart D of the Annex to Regulation (EC) No 1702/2003 (in particular part 21A.01) which involve changes to aircraft geometry and/or power plant attract the fee for the respective Type Certificate/Restricted Type Certificate as defined in Table (i) above.
- The fees set out in this table do not apply to those major repairs carried out by design organisations in accordance with part 21A.263(c)(5) of Part 21, Subpart D of the Annex to Regulation (EC) No 1702/2003.

Fixed fee C	EUR 385
Hourly rate	EUR 99

Product type	Comments	Fixed fee coefficient
CS-25	Large aeroplanes - with extensive technical investigation	5
	large aeroplanes - with limited technical investigation	4
CS-23.A	Aircraft defined in CS-23 Article 1.a.2 (commuter aircraft)	5
CS-23.B	Aircraft defined in CS-23 Article 1.a.1 with MTOW of between 2 000 kg and 5 670 kg	3
CS-29	Large rotorcraft	4
CS-27	Small rotorcraft	0,5
CS-E.T.A	Turbine engines with take-off thrust equal to or greater than 25 000 N or power output equal to or greater than 2 000 kW	1
CS-E.T.B	Turbine engines with take-off thrust of less than 25 000 N or power output of less than 2 000 kW	0,5
CS-E.NT	Non-turbine engines	0,2

CS-23.C	Aircraft defined in CS-23 Article 1.a.1 with MTOW of less than 2 000 kg	1
CS-22	Sailplanes and powered sailplanes	0,3
CS-VLA	Very light aircraft	0,3
CS-VLR	Very light rotorcraft	0,3
CS-APU	Auxiliary power unit	0,4
CS-P.A	For use on aircraft certified to CS-25 (or equivalent)	0,4
CS-P.B	For use on aircraft certified to CS-23, CS-VLA and CS-22 (or equivalent)	0,3
CS-22.J	For use on aircraft certified to CS-22	0,3
CS-22.H	Non-turbine engines	0,3
CS-balloons	Not yet available	0,3
CS-airships	Not yet available	0,5

CS-ETSO.A	Value of equipment above EUR 20 000	0,4
CS-ETSO.B	Value of equipment between EUR 2 000 and EUR 20 000	0,3
CS-ETSO.C	Value of equipment below EUR 2 000	0,25

(iv) **Minor changes and minor repairs (referred to in subparts D and M of the Annex to Regulation (EC) No 1702/2003)**

— Applications attract the fixed fee D shown in the table, multiplied by the coefficient indicated for the product in question.

— The fees set out in this table do not apply to those minor changes and repairs carried out by design organisations in accordance with part 21A.263(c)(2) of Part 21, Subpart D of the Annex to Regulation (EC) No 1702/2003.

Fixed fee D	EUR 375	
Product type	Comments	Fixed fee coefficient
CS-25	Large aeroplanes	2
CS-23.A	Aircraft defined in CS-23 Article 1.a.2 (commuter aircraft)	2
CS-23.B	Aircraft defined in CS-23 Article 1.a.1 with MTOW of between 2 000 kg and 5 670 kg	1
CS-23.C	Aircraft defined in CS-23 Article 1.a.1 with MTOW of less than 2 000 kg	0
CS-22	Sailplanes and powered sailplanes	0
CS-VLA	Very light aircraft	0
CS-29	Large rotorcraft	2
CS-27	Small rotorcraft	1,5
CS-VLR	Very light rotorcraft	0
CS-APU	Auxiliary power unit	1
CS-P.A	For use on aircraft certified to CS-25 (or equivalent)	0
CS-P.B	For use on aircraft certified to CS-23, CS-VLA and CS-22 (or equivalent)	0
CS-22.J	For use on aircraft certified to CS-22	0
CS-E.T.A	Turbine engines with take-off thrust equal to or greater than 25 000 N or power output equal to or greater than 2 000 kW	1
CS-E.T.B	Turbine engines with take-off thrust of less than 25 000 N or power output of less than 2 000 kW	1
CS-E.NT/CS-22H	All non-turbine engines	0
CS-balloons	Not yet available	0
CS-airships	Not yet available	0
CS-ETSO.A	Value of equipment above EUR 20 000	0
CS-ETSO.B	Value of equipment between EUR 2 000 and EUR 20 000	0
CS-ETSO.C	Value of equipment below EUR 2 000	0

(v) **Annual fee for holders of EASA Type Certificates and Restricted Type Certificates and other Type Certificates deemed to be accepted under Regulation (EC) No 1592/2002**

— The annual fee is levied on all current holders of Agency Type Certificates and Restricted Type Certificates.

— This fee is intended to cover the cost to the Agency of ensuring that its type certificates remain valid including aspects of continuing airworthiness not related to post-type certification changes.

— The fee shall be levied each year. It shall be first levied at the start of the calendar year following initial certification for those products certified after the entry into force of this Regulation. For other certificates the fee shall be first applied upon entry into force of this Regulation and annually thereafter.

— The level of the fee to be paid is shown in the table below with the corresponding product category:

Product type ⁽¹⁾	Type Certificate EU Member State of design products (EUR)	Type Certificate third country State of design products (EUR)	Restricted Type Certificate EU Member State of design products (EUR)	Restricted Type Certificate third country State of design products (EUR)
CS-25 (Large aeroplanes with MTOW greater than 50 tonnes)	120 000	40 000	30 000	10 000
CS-25 (Large aeroplanes with MTOW between 22 tonnes and 50 tonnes)	50 000	16 667	12 500	4 167
CS-25 (Large aeroplanes with MTOW of less than 22 tonnes)	25 000	8 333	6 250	2 083
CS-23.A	12 000	4 000	3 000	1 000
CS-23.B	2 000	667	500	167
CS-23.C	1 000	333	250	100
CS-22	450	150	112,50	100
CS-VLA	450	150	112,50	100
CS-29	25 000	8 333	6 250	2 083
CS-27	20 000	6 667	5 000	1 667
CS-VLR	1 000	333	250	100
CS-APU	800	267	200	100
CS-P.A	1 500	500	375	125
CS-P.B	400	133	100	100
CS-22.J	150	100	100	100
CS-E.T.A	30 000	10 000	7 500	2 500
CS-E.T.B	15 000	5 000	3 750	1 250
CS-E.NT	1 000	333	250	100
CS-22.H	200	100	100	100
CS-balloons	300	100	100	100
CS-airships	500	167	125	100
CS-34	0	0	0	0
CS-36	0	0	0	0
CS-AWO	0	0	0	0
CS-ETSO.A (Value of equipment above EUR 20 000)	1 000	333	250	100

Product type ⁽¹⁾	Type Certificate EU Member State of design products (EUR)	Type Certificate third country State of design products (EUR)	Restricted Type Certificate EU Member State of design products (EUR)	Restricted Type Certificate third country State of design products (EUR)
CS-ETSO.B (Value of equipment between EUR 2 000 and EUR 20 000)	500	167	125	100
CS-ETSO.C (Value of equipment below EUR 2 000)	250	100	100	100

⁽¹⁾ For freighter versions of an aircraft, a coefficient of 0,85 is applied to the fee for the equivalent passenger version.

- For holders of multiple Type Certificates and/or multiple Restricted Type Certificates, a reduction to the annual fee is applied to the second and subsequent Type Certificates in the same product category as shown in the following table:

Product in identical category	Reduction applied to TC fee
1st	0 %
2nd	10 %
3rd	20 %
4th	30 %
5th	40 %
6th	50 %
7th	60 %
8th	70 %
9th	80 %
10th	90 %
11th and subsequent products	100 %

- For aircraft of which less than 50 examples are registered worldwide, continued airworthiness activities will be charged at the hourly rate indicated in the table below, up to the level of the fee for the relevant aircraft product category. For products, parts and appliances which are not aircraft, the limitation concerns the number of aircraft on which the product, part or appliance in question is installed.

Hourly rate	EUR 99
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(vi) **Design Organisation Approval (referred to in subpart J of the Annex to Regulation (EC) No 1702/2003)**

1. *General*

- (a) Fees are levied for the issue of a Design Organisation Approval and for surveillance thereof.

- (b) The Agency shall levy additional hourly fees (at the rate indicated in the table below) to cover the additional costs of the approval and surveillance of bodies with design facilities in more than one location.

2. Application fee

- (a) All new applications for Design Organisation Approval attract the fixed fee E shown in the table, multiplied by the coefficient indicated for the corresponding fee category for the organisation in question.
- (b) For new approvals and for surveillance, hourly fees (at the rate indicated in the table) shall also apply to those applications the investigation of which lead to level 1 findings and/or more than three level 2 findings per year as described in Part 21A.258 of the Annex to Regulation (EC) No 1702/2003. The hourly fees shall be levied to cover the cost of the follow-up of these findings by the Agency.

3. Surveillance fee

- (a) Approved Design Organisations shall be charged the surveillance fee, equivalent to fixed fee E, multiplied by the coefficient indicated for the corresponding fee category for the organisation in question.
- (b) The surveillance fee is payable every three years, in the form of three equal, annual instalments. For existing approvals, the first instalment shall be payable upon entry into force of this Regulation. For subsequent approvals, the first instalment shall be charged immediately following the granting of the approval.
- (c) The surveillance fee covers changes to existing approvals, without prejudice to the provisions of paragraph 2(b) above.

Fixed fee E	EUR 12 000
Hourly rate	EUR 99

Fee category according to the value of activities subject to approval (EUR)	Coefficient
Less than 500 001	0,1
between 500 001 and 700 000	0,2
between 700 001 and 1 200 000	0,5
between 1 200 001 and 2 800 000	1
between 2 800 001 and 4 200 000	1,5
between 4 200 001 and 5 000 000	2,5
between 5 000 001 and 7 000 000	3
between 7 000 001 and 9 800 000	3,5
between 9 800 001 and 14 000 000	4
between 14 000 001 and 50 000 000	5
between 50 000 001 and 140 000 000	8
between 140 000 001 and 250 000 000	10
between 250 000 001 and 500 000 000	25
between 500 000 001 and 750 000 000	50
over 750 000 000	75

(vii) **Demonstration of design capability by means of alternative procedures (referred to in subpart B part 21.A.14 (b) of the Annex to Regulation (EC) No 1702/2003)**

- Certification of design capability by means of alternative procedures shall be charged on an hourly basis at the rate indicated.

Hourly rate	EUR 99
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(viii) **Production Organisation Approval (referred to in subpart G of the Annex to Regulation (EC) No 1702/2003)**

1. *General*

- (a) Fees are levied for the issue of a Production Organisation Approval and for surveillance thereof.
- (b) The Agency shall levy additional hourly fees (at the rate indicated in the table) to cover the additional costs of the approval and surveillance of organisations with production facilities in more than one location. For complex international organisations with multiple production sites in more than two Member States, the relevant coefficient will be multiplied by two in order to cover the additional cost of multinational surveillance activities.

2. *Application fee*

- (a) All new applications for Production Organisation Approval attract the fixed fee F shown in the table, multiplied by the coefficient indicated for the corresponding fee category for the organisation in question.
- (b) For new approvals and for surveillance, hourly fees (at the rate indicated in the table) shall also apply to those applications the investigation of which lead to level 1 findings and/or more than three level 2 findings per year as described in Part 21A.58 of the Annex to Regulation (EC) No 1702/2003. The hourly fees shall be levied to cover the cost of the follow-up of these findings by the Agency.

3. *Surveillance fee*

- (a) Approved Production Organisations shall be charged the surveillance fee, equivalent to the fixed fee F, multiplied by the coefficient indicated for the corresponding fee category for the organisation in question.
- (b) The surveillance fee is payable every two years, in the form of two equal, annual instalments. For existing approvals, the first instalment shall be payable upon entry into force of this Regulation. For subsequent approvals, the first instalment shall be charged immediately following the granting of the approval.
- (c) The surveillance fee covers changes to existing approvals, without prejudice to the provisions of paragraph 2(b) above.

Fixed fee F	EUR 12 000
Hourly rate	EUR 99
Fee category according to the value of activities subject to approval (EUR)	Fixed fee coefficient
Less than 500 001	0,1
between 500 001 and 700 000	0,25

Fee category according to the value of activities subject to approval (EUR)	Fixed fee coefficient
between 700 001 and 1 400 000	0,5
between 1 400 001 and 2 800 000	1,25
between 2 800 001 and 5 000 000	2
between 5 000 001 and 7 000 000	4
between 7 000 001 and 14 000 000	6
between 14 000 001 and 21 000 000	8
between 21 000 001 and 42 000 000	12
between 42 000 001 and 70 000 000	16
between 70 000 001 and 84 000 000	20
between 84 000 001 and 105 000 000	25
between 105 000 001 and 140 000 000	30
between 140 000 001 and 420 000 000	40
between 420 000 001 and 700 000 000	55
between 700 000 001 and 1 400 000 000	65
between 1 400 000 001 and 2 100 000 000	75
over 2 100 000 000	120

(ix) **Production without approval (referred to in subpart F of the Annex to Regulation (EC) No 1702/2003)**

— Certification of production without approval shall be charged on an hourly basis at the rate indicated below.

Hourly rate	EUR 99
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(x) **Maintenance Organisation Approval (referred to in Annex I, subpart F, and Annex II to Commission Regulation (EC) No 2042/2003 ⁽¹⁾)**

1. *General*

(a) Fees are levied for the issue of a Maintenance Organisation Approval and for surveillance thereof.

(b) The Agency shall levy additional hourly fees (at the rate indicated in the table below) to cover the additional costs of the approval and surveillance of organisations with maintenance facilities in more than one location.

2. *Application fee*

(a) All new applications for Maintenance Organisation Approval attract the fixed fee G shown in the table, multiplied by the coefficient indicated for the corresponding fee category for the organisation in question.

(b) For new approvals and for surveillance, hourly fees (at the rate indicated in the table) shall also apply to those applications the investigation of which lead to level 1 findings and/or more than three level 2 findings per year as described in Part M.A.619 of Annex I or Part 145.B.50 of Annex II to Regulation (EC) No 2042/2003. The hourly fees shall be levied to cover the cost of the follow-up of these findings by the Agency.

⁽¹⁾ Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 315, 28.11.2003, p. 1).

3. Surveillance fee

- (a) Approved Maintenance Organisations shall be charged the surveillance fee, equivalent to the fixed fee G, multiplied by the coefficient indicated for the corresponding fee category for the organisation in question.
- (b) The surveillance fee is payable every two years, in the form of two equal, annual instalments. For existing approvals, the first instalment shall be payable upon entry into force of this Regulation. For subsequent approvals, the first instalment shall be charged immediately following the granting of the approval.
- (c) The surveillance fee covers changes to existing approvals, without prejudice to the provisions of paragraph 2(b) above.

Fixed fee G	EUR 12 000
Hourly rate	EUR 99

Fee category according to the value of activities subject to approval (EUR)	Coefficient
Less than 500 001	0,1
between 500 001 and 700 000	0,25
between 700 001 and 1 400 000	0,5
between 1 400 001 and 2 800 000	1,25
between 2 800 001 and 5 000 000	2
between 5 000 001 and 7 000 000	4
between 7 000 001 and 14 000 000	6
between 14 000 001 and 21 000 000	8
between 21 000 001 and 42 000 000	12
between 42 000 001 and 70 000 000	16
between 70 000 001 and 84 000 000	20
between 84 000 001 and 105 000 000	25
over 105 000 000	30

(xi) **Continuing Airworthiness Management Organisation Approval (referred to in Part M, Subpart G of Annex I to Regulation (EC) No 2042/2003)**

— Fees are levied for the issue of a Continuing Airworthiness Management Organisation Approval and for surveillance thereof. The fixed fees charged are identical to those for a Maintenance Organisation Approval set out in Table x, subject to the imposition of an additional coefficient of 1.5.

— References to findings contained in section x shall by analogy be taken to be references to those described in Part M.A.716 of Annex I to Regulation (EC) No 2042/2003.

(xii) **Fees for acceptance of approvals equivalent to 'Part 145' approvals in accordance with applicable bilateral agreements**

— New approvals attract the fixed fee H shown in the table

— The renewal fee, equivalent to the fixed fee I shown in the table, is payable every two years.

New approvals

Fixed fee H	EUR 1 500
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Renewals of existing approvals

Fixed fee I	EUR 1 200
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(xiii) **Maintenance Training Organisation Approval (referred to in Annex IV to Regulation (EC) No 2042/2003)**1. *General*

- (a) Fees are levied for the issue of a Maintenance Training Organisation Approval and for surveillance thereof.
- (b) The Agency shall levy additional hourly fees (at the rate indicated in the table below) to cover the additional costs of the approval and surveillance of organisations with maintenance training facilities in more than one location.

2. *Application fee*

- (a) All new applications for Maintenance Training Organisation Approval attract the fixed fee J shown in the table, multiplied by the coefficient indicated for the corresponding fee category for the organisation in question.
- (b) For new approvals and for surveillance, hourly fees (at the rate indicated in the table) shall also apply to those applications the investigation of which lead to level 1 findings and/or more than three level 2 findings per year as described in Part 147.B.130 of Annex IV to Regulation (EC) No 2042/2003. The hourly fees shall be levied to cover the cost of the follow-up of these findings by the Agency.

3. *Surveillance fee*

- (a) Approved Maintenance Training Organisations shall be charged the surveillance fee, equivalent to the fixed fee J, multiplied by the coefficient indicated for the corresponding fee category for the organisation in question.
- (b) The surveillance fee is payable every two years, in the form of two equal, annual instalments. For existing approvals, the first instalment shall be payable upon entry into force of this Regulation. For subsequent approvals, the first instalment shall be charged immediately following the granting of the approval.
- (c) The surveillance fee covers changes to existing approvals, without prejudice to the provisions of paragraph 2(b) above.

Fixed fee J	EUR 12 000
Hourly rate	EUR 99

Fee category according to the value of activities subject to approval (EUR)	Coefficient
Less than 500 001	0,1
between 500 001 and 700 000	0,25
between 700 001 and 1 400 000	0,75
between 1 400 001 and 2 800 000	1
between 2 800 001 and 5 000 000	1,5
between 5 000 001 and 7 000 000	3
between 7 000 001 and 14 000 000	6
between 14 000 001 and 21 000 000	8
between 21 000 001 and 42 000 000	10
between 42 000 001 and 84 000 000	15
over 84 000 000	20

(xiv) **Appeals**

- Charges are levied for the administration of appeals referred to in Article 35 of Regulation (EC) No 1592/2002.
- All appeal applications attract the fixed charge K shown in the table, multiplied by the coefficient indicated for the corresponding charge category for the person or organisation in question.
- The charge shall be refunded in those cases where the appeal results in a revocation of a Decision of the Agency.
- Organisations are required to supply a signed certificate from an authorised representative of the organisation concerned in order for the Agency to be able to determine the corresponding charge category.

Fixed charge K	EUR 10 000
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Charge category for natural persons	Coefficient
	0,1

Charge category for organisations, according to financial turnover of the appellant (EUR)	Coefficient
Less than 100 001	0,25
between 100 001 and 1 200 000	0,5
between 1 200 001 and 2 500 000	0,75
between 2 500 001 and 5 000 000	1
between 5 000 001 and 50 000 000	2,5
between 50 000 001 and 500 000 000	5
between 500 000 001 and 1 000 000 000	7,5
over 1 000 000 000	10

COMMISSION REGULATION (EC) No 489/2005**of 29 March 2005****laying down detailed rules for implementing Council Regulation (EC) No 1785/2003 as regards determining the intervention centres and the taking over of paddy rice by the intervention agencies**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice⁽¹⁾, and in particular Articles 6(3) and 7(5) thereof,

Whereas:

- (1) Regulation (EC) No 1785/2003 defines the standard quality of paddy rice for which the intervention price is fixed.
- (2) In order to encourage the production of good quality rice, the intervention criteria should be strengthened. An increase in milling yields, and a simultaneous reduction in the tolerance of yields that deviate from the basic yield are the most effective ways of promoting quality rice production and ensuring the quality of the rice stored by the intervention agencies. This is also the occasion to remove certain obsolete varieties from the list of varieties contained in Annex II to Commission Regulation (EC) No 708/98 of 30 March 1998 on the taking over of paddy rice by the intervention agencies and fixing the corrective amounts and price increases and reductions to be applied⁽²⁾.
- (3) To ensure the satisfactory management of intervention, a minimum quantity should be fixed for each offer. However, provision should be made for setting a higher limit so that account can be taken of the trading customs and conditions pertaining on the wholesale market in some Member States.
- (4) Paddy rice whose quality does not permit suitable use or storage should not be accepted for intervention. When

fixing the minimum quality, particular consideration should be given to weather conditions in the rice-growing areas of the Community. In order to allow uniform lots to be taken over; it should be specified that a lot is to be made up of the same rice variety.

- (5) Regulation (EC) No 1785/2003 lays down that the intervention price is fixed for paddy rice of a specific standard quality and that, if the quality of the rice offered for intervention differs from that standard quality, the intervention price is adjusted by applying price increases or reductions.
- (6) For the application of the price increases and reductions, account should be taken of the basic characteristics of the paddy rice, thereby allowing an objective assessment of its quality to be made; assessing the moisture content, the milling yield and grain defects, using simple and effective methods, meets this requirement.
- (7) Regulation (EC) No 1785/2003 limits the quantity that can be bought in by the intervention agencies to 75 000 tonnes per marketing year. In order to allocate this quantity fairly, the quantities for each producer Member State should be fixed, taking account of the national base areas fixed by Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽³⁾ and the average yield set out in Annex VII to that Regulation.
- (8) To make the intervention scheme as simple and efficient as possible, offers should be submitted to the intervention centre closest to the place where the goods are stored and provisions on the costs of their transport to the store where the intervention agency takes them over should be laid down.

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 98, 31.3.1998, p. 21. Regulation as last amended by Regulation (EC) No 1107/2004 (OJ L 211, 12.6.2004, p. 14).

⁽³⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 118/2005 (OJ L 24, 27.1.2005, p. 15).

- (9) The checks to ensure that the requirements on the weight and quality of the goods offered are complied with should be precisely laid down; a distinction must be made between, on the one hand, acceptance of the goods offered after the quantity and compliance with the minimum quality requirements have been checked and, on the other hand, fixing the price to be paid to the applicant after the necessary tests have been carried out to identify the precise characteristics of each lot based on representative samples.
- (10) Specific provisions applying to cases where goods are taken over in the applicant's stores should be laid down; in such cases reference should be made to the applicant's stock accounts, subject to additional checks to ensure that the intervention agency's requirements on taking over are complied with.
- (11) As the provisions of this Regulation replace those of Commission Regulations (EC) No 708/98 and (EC) No 549/2000 determining the rice intervention centres⁽¹⁾, those Regulations should be repealed.
- (12) 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

Intervention centres

The intervention centres referred to in Article 6(2) of Regulation (EC) No 1785/2003 shall be those listed in Annex I to this Regulation.

Article 2

Buying in by the intervention agency

1. During the buying-in period fixed in Article 7(1) of Regulation (EC) No 1785/2003, any holder of a lot of at least 20 tonnes of paddy rice harvested in the Community shall be entitled to offer such rice to the intervention agency.

A lot shall be made up of rice of the same variety.

The Member States may set the minimum quantity of the lot referred to in the first subparagraph at a higher level.

2. Where a lot is delivered in several loads (by lorry, barge, railway wagon, etc.) each load must comply with the requisite minimum characteristics laid down in Article 3, Article 12 notwithstanding.

⁽¹⁾ OJ L 67, 15.3.2000, p. 14. Regulation as last amended by Regulation (EC) No 1091/2004 (OJ L 209, 11.6.2004, p. 8).

Article 3

Requisite minimum characteristics

1. To be accepted for intervention, paddy rice shall be of sound and fair merchantable quality.
2. Paddy rice shall be considered of sound and fair merchantable quality if:
 - (a) it is free of odour and does not contain live insects;
 - (b) its moisture content does not exceed 14,5 %;
 - (c) the milling yield is not more than five points below the basic yields listed in Annex II.A;
 - (d) the percentage of miscellaneous impurities, the percentage of rice grains of other varieties and the percentage of grains that are not of unimpaired quality as defined in Annex III to Regulation (EC) No 1785/2003, do not exceed the maximum percentages set out in Annex III to this Regulation, by type of rice;
 - (e) the level of radioactivity does not exceed the maximum levels permitted by Community legislation.
3. For the purposes of this Regulation, 'miscellaneous impurities' means foreign matter other than rice.

Article 4

Price increases and reductions

The price increases and reductions provided for in Article 7(2) of Regulation (EC) No 1785/2003 shall apply to the intervention price for paddy rice offered for intervention by multiplying it by the sum of the established percentage increases or reductions, as follows:

- (a) where the moisture content of the paddy rice exceeds 13 %, the percentage reduction in its intervention price shall be equal to the difference between the percentage moisture content of the paddy rice offered for intervention, measured to one decimal place, and 13 %;
- (b) where the milling yield of the rice differs from the basic milling yield for the variety concerned as set out in Part A of Annex II hereto, the price increases and reductions to be applied to each rice variety shall be as shown in Part B of Annex II;
- (c) where the defects in the grains of paddy rice exceed the permitted tolerances for the standard quality of paddy rice, the percentage reduction to be applied to the intervention price shall be as set out in Annex IV, by type of rice;

- (d) where the percentage of miscellaneous impurities in the paddy rice exceeds 0,1 %, it shall be bought in with a reduction in the intervention price of 0,02 % for each additional 0,01 % difference;
- (e) where a lot of paddy rice is offered for intervention for a particular variety but includes grains of other varieties exceeding 3 %, the lot shall be bought in with a 0,1 % reduction in the intervention price for each additional 0,1 % difference.
- (i) proof that the applicant has lodged a security of EUR 50 per tonne of paddy rice, or EUR 20 per tonne of paddy rice for producers or producer groups who have met the requirements of Commission Regulation (EC) No 1709/2003 ⁽¹⁾;
- (j) the declaration that the product is of Community origin, indicating the production region;
- (k) the pesticide treatments carried out, specifying the doses used.

Article 5

Quantities eligible for intervention

With effect from the 2004/2005 marketing year, the quantities of paddy rice eligible for intervention for each year shall be divided into a tranche specific to each producer Member State (tranche 1), as set out in the table in Annex V, and a common tranche for the entire Community made up of the quantities not allocated in tranche 1 (tranche 2).

Article 6

Traders' offers

1. All offers for sale into intervention shall be made in writing, and sent preferably by e-mail, to an intervention agency, using the form drawn up by it.

To be eligible, the offers for tranches 1 and 2 must be presented between 1 and 9 April and 1 and 9 June respectively.

2. The offer shall include the following information:

- (a) name of applicant;
- (b) place of storage of the rice offered;
- (c) quantity offered in accordance with Article 2;
- (d) variety;
- (e) main characteristics, including overall yield and whole-grain milling yield;
- (f) year of harvest;
- (g) minimum quantity of the offer, below which the offer is deemed by the applicant not to stand;
- (h) the intervention centre for which the offer is made;

3. All offers shall be made to the intervention agency of the producer Member State in respect of the intervention centre in that Member State which is nearest to where the paddy rice is held when the offer is made. For the purposes of this Regulation, 'the nearest intervention centre' means the centre in the producer Member State to which the paddy rice can be delivered at least expense.

4. Once submitted, an offer may not be altered or withdrawn.

5. Where an offer is ineligible, the intervention agency shall inform the relevant trader of that fact within 10 working days of the offer's submission.

Article 7

Award of quantities

1. No later than the first working day in May, the competent authority in the Member State shall examine whether or not the total quantity offered for tranche 1 exceeds the available quantity. Where there is an overrun, it shall apply a coefficient, to six decimal places, for awarding the quantities. This coefficient shall be set at the highest possible value, to ensure (given the minimum quantity of each offer) that the total quantity awarded is equal to or less than the available quantity. Where there is no overrun, the award coefficient shall be 1.

Where appropriate, the unused quantity, or the difference between the available quantity and the total quantity awarded, shall be added to the quantity fixed for tranche 2.

The competent authority in the Member State shall inform the Commission of the value of the award coefficient, the total quantity awarded and the quantity unused and carried over to tranche 2, no later than the day following the date indicated in the first subparagraph. The Commission shall make this information available to the public on its website as quickly as possible.

⁽¹⁾ OJ L 243, 27.9.2003, p. 92.

No later than the second day following the date given in the first subparagraph, the competent authority in the Member State shall notify the applicant that the offer has been accepted for an awarded quantity equal to the quantity offered multiplied by the award coefficient. However, if this quantity is below the minimum quantity indicated in the offer, it shall be reduced to 0.

2. For tranche 2, the Member States shall inform the Commission, no later than the first working day in July, of the quantities offered with, where appropriate, the specified minimum quantities. This notification shall be made electronically using the model in Annex VI. It must be made even if no quantity of rice has been offered.

The Commission shall collect all the offers presented in the Member States and shall examine whether or not the total quantity offered exceeds the quantity available. Where there is an overrun, it shall apply a coefficient, to six decimal places, for awarding the quantities. This coefficient shall be set at the highest possible value, to ensure (given the minimum quantity of each offer) that the total quantity awarded is equal to or less than the available quantity. Where there is no overrun, the award coefficient shall be 1.

No later than the third working day after publication of the award coefficient in the *Official Journal of the European Union*, the competent authority in the Member State shall notify the applicant that the offer has been accepted for an awarded quantity equal to the quantity offered multiplied by the award coefficient. However, if this quantity is below the minimum quantity indicated in the offer, it shall be reduced to 0.

3. The security referred to in paragraph 6(2)(i) shall be released proportionately to the quantity offered but not awarded. For the quantity awarded, it shall be released in its entirety once 95 % of the quantity has been delivered in accordance with Article 9.

Article 8

Transport costs

1. The costs of transporting the goods from the depot where they are stored at the time the offer is submitted to the nearest intervention centre shall be borne by the applicant.

2. If the intervention agency does not take the paddy rice over at the nearest intervention centre, the additional transport costs shall be borne by the intervention agency.

3. The costs referred to in paragraphs 1 and 2 shall be established by the intervention agency.

Article 9

Delivery

1. The intervention agency shall fix the date and intervention centre of delivery and shall notify the applicant of both forthwith. These conditions may be appealed no later than two working days from the receipt of the notification.

2. Delivery to the intervention centre must occur not later than the end of the third month following receipt of the offer and in any case not later than 31 August of the current marketing year.

In the case of staggered deliveries, the last part of the lot must be delivered in accordance with the first subparagraph.

3. The intervention agency shall take the goods over in the presence of the applicant or his/her duly authorised agent.

Article 10

Taking-over by the intervention agency

1. The rice offered shall be taken over by the intervention agency where the minimum quantity and characteristics laid down in Articles 2 and 3 have been established by the intervention agency or its agent for the goods delivered to the intervention store, in accordance with Article 12.

2. The quantity delivered shall be established by weight in the presence of the applicant and a representative of the intervention agency, who must have no relationship to the applicant. The storekeeper may represent the intervention agency.

3. In this case the intervention agency shall itself carry out a check within 30 days of the completion of delivery. The weight at least must be checked, using volumetric measurement.

If, having used the volumetric method referred to in the first subparagraph, the weight is less than 6 % below the quantity recorded in the storekeeper's accounts, the storekeeper shall bear all the costs relating to the missing quantities established as such in a subsequent weighing compared to the weight recorded in the accounts at taking over.

If, having used the method referred to in the first subparagraph, the weight is more than 6 % below the quantity recorded in the storekeeper's accounts, the goods shall be immediately weighed. The weighing costs involved shall be borne by the storekeeper if the weight established is less than the weight recorded in the accounts. In the opposite case, the intervention agency shall bear the weighing costs.

Article 11

Taking-over at the applicant's warehouse

1. The intervention agency can take the paddy rice over at the place where it is stored when the offer is submitted rather than at the intervention centre nominated by the applicant. In this case the goods taken over must be stored separately from other goods.

The date of taking over shall coincide with the date on which the minimum characteristics listed in the take-over record referred to in Article 14 have been noted.

2. Where take-over is carried out under the conditions laid down in paragraph 1, the quantity can be established on the basis of the stock accounts — drawn up to professional specifications and in accordance with the intervention agency's requirements — provided that:

(a) the accounts show:

- the weight recorded by weighing, carried out not more than 10 months previously,
- the quality characteristics at the time of weighing, the moisture content in particular,
- any transsilages,
- and the processing carried out;

(b) the storekeeper declares that the lot offered corresponds in every detail to the information in the accounts.

The weight to be recorded shall be the weight entered in the accounts, adjusted as appropriate to take account of any difference between the moisture content established at weighing and the content established on the basis of the representative sample.

However, the intervention agency shall carry out a volumetric check within 30 days of the date of taking over. Any difference between the quantity weighed and the estimated quantity using the volumetric method must not be more than 6 %.

If, having used the volumetric method referred to in the third subparagraph, the weight is less than 6 % below the quantity recorded in the storekeeper's accounts, the storekeeper shall bear all the costs relating to the missing quantities established as such in a subsequent weighing compared to the weight recorded in the accounts at taking over.

If, having used the method referred to in the third subparagraph, the weight is more than 6 % below the quantity

recorded in the storekeeper's accounts, the storekeeper shall immediately weigh the rice. The storekeeper shall bear the weighing costs if the weight thus established is less than the weight as recorded. The EAGGF shall bear the costs in the opposite case.

Article 12

Verification of quality requirements

1. With a view to verifying the requisite quality requirements under Article 3 for accepting the rice into intervention, samples shall be taken by the intervention agency in the presence of the applicant or his/her duly authorised agent.

Three representative samples, each weighing a minimum of one kilogram, shall be collected. One each shall go to:

- (a) the applicant,
- (b) the store where take-over is to take place,
- (c) the intervention agency.

To make up the representative samples, the number of individual samples to be taken shall be obtained by dividing the quantity of the lot on offer by 10 tonnes. Each individual sample shall weigh the same. The representative samples shall be made up of the sum of the individual samples, divided by three.

The requisite quality requirements shall be verified using the representative sample intended for the store where take-over is to take place.

2. Where rice is taken over outside the applicant's store, representative samples shall be taken of each part-delivery (by lorry, barge, railway wagon) under the conditions laid down in paragraph 1.

Before its entry into the intervention store the examination of each part-delivery can be restricted to a check of the moisture content and impurity level and verification that no live insects are present. However, if it later becomes apparent when the check is finalised that a part-delivery does not satisfy the minimum quality requirements, the lot shall be refused for take over. The entire lot must be withdrawn. The applicant shall bear the costs of this operation.

If the intervention agency in a Member State is able to check all the minimum quality requirements for each part-delivery before it enters the store, it shall refuse take-over of any part-delivery that fails to satisfy these requirements.

3. Where take-over occurs at the applicant's store, as provided for in Article 11, checking shall be based on a representative sample of the lot offered under the conditions laid down in paragraph 1.

The check should establish that the goods comply with the minimum quality requirements. Should this not be the case, the lot shall not be taken over.

Article 13

Establishing the rice's characteristics

1. Where the goods are accepted, once the examination under Article 12 has been carried out the precise characteristics of the goods shall be identified with a view to establishing the price to be paid to the applicant. This price shall be established for the lot offered on the basis of the weighted average of the test results on the representative samples as defined in Article 12.

The test results shall be notified to the applicant in the take-over record provided for in Article 14.

2. Should the applicant contest the result of the test carried out to determine the price under paragraph 1, a laboratory approved by the competent authorities shall carry out a further, detailed analysis of the characteristics of the goods using a new representative sample made up equally of samples held by the applicant and the intervention agency. In the case of part-deliveries of the lot offered, the result shall be obtained from the weighted average of the findings of the analyses of the new representative samples of each part-delivery.

The result of these analyses shall be final and shall decide the price to be paid to the applicant. The cost of carrying out these new analyses shall be borne by the losing party.

Article 14

Take-over record

A take-over record shall be drawn up by the intervention agency for each lot. The applicant or his/her agent can be present when the record is being drawn up.

It shall indicate:

(a) the date on which the quantity and the minimum characteristics were verified;

(b) the variety and the weight delivered;

(c) the number of samples taken to make up the representative sample;

(d) the physical and qualitative characteristics noted.

Article 15

Establishing the price to be paid to the applicant and payment

1. The price to be paid to the applicant shall be that fixed in accordance with Article 7(2) of Regulation (EC) No 1785/2003 for goods delivered not unloaded to the storage depot and valid on the date fixed as the first day of delivery, account being taken of the price increases and reductions provided for in Article 4 and the provisions of Article 8 of this Regulation.

Where the rice is taken over at the applicant's store pursuant to Article 11, the price to be paid shall be established on the basis of the intervention price valid on the date the offer is accepted, adjusted by the applicable price increases and reductions, and reduced by the most advantageous transport costs between the place where the paddy rice is taken over and the nearest intervention centre, and by the costs of removal from storage. Such costs shall be determined by the intervention agency.

2. Payment shall be made between the 32nd and 37th day following the day of taking over referred to in Article 10(1) or Article 11(1).

Where Article 13(2) applies, payment shall be made as soon as possible after the results of the last test are notified to the applicant.

Where applicants must submit an invoice before they can be paid and where this invoice is not submitted within the time limit laid down in the first subparagraph, payment shall be made within five working days of the actual submission of the invoice.

Article 16

Monitoring the stored rice

Operators storing the products bought in on the intervention agency's behalf shall regularly monitor their presence and their state of preservation and shall inform the agency forthwith of any problems in this regard.

The intervention agency shall check the quality of the stored product at least once a year. Sampling for this purpose can be done during the annual inventory required by Commission Regulation (EC) No 2148/96⁽¹⁾.

⁽¹⁾ OJ L 288, 9.11.1996, p. 6.

*Article 17***Checking the level of radioactive contamination**

The rice shall be monitored for radioactive contamination only if the situation so requires and for the necessary period. Where necessary, the duration and scope of checks shall be determined in accordance with the procedure referred to in Article 26(2) of Regulation (EC) No 1785/2003.

*Article 18***National rules**

The intervention agencies shall, where necessary, adopt additional take-over procedures and conditions, compatible with the provisions of this Regulation, to take account of any special conditions prevailing in the Member State to which they belong.

*Article 19***Repeal**

Regulations (EC) No 708/98 and (EC) No 549/2000 are hereby repealed.

*Article 20***Entry into force**

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

It shall apply from 1 April 2005.

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

Done at Brussels, 29 March 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

INTERVENTION CENTRES

1. Greece

Regions	Name of centre
Central Greece	Volos Lamia Messolongi Larissa Elassona
Macedonia	Skotoysa Drymos Platy Provatas Pyrgos Thessaloniki Yannitsa
Peloponnese	Messini

2. Spain

Regions	Name of centre
Aragón	Ejea de los Caballeros Grañén
Catalonia	Aldea-Tortosa
Valencia	Albal-Silla Sueca Cullera
Murcia	Calasparra
Extremadura	Don Benito Montijo Madrigalejo
Andalucía	Coria del Río Las Cabezas de San Juan La Puebla del Río Los Palacios Véjer de la Frontera
Navarre	Tudela

3. France

Departments	Name of centre
Bouches-du-Rhône	Arles Port-Saint-Louis-du-Rhône
Gard	Beaucaire Saint-Gilles
French Guiana	Mana (Saint-Laurent-du-Maroni)

4. Italy

Regions	Name of centre
Piedmont	Vercelli Novara Cuneo Turin Alessandria Biella
Veneto	Rovigo
Lombardy	Pavia Mantua Milan Lodi
Emilia-Romagna	Piacenza Parma Ferrara Bologna Ravenna Reggio Emilia
Sardinia	Oristano Cagliari

5. Hungary

Regions	Name of centre
Northern Great Plain	Karcag
Southern Great Plain	Szarvas

6. Portugal

Regions	Name of centre
Beira Litoral	Granja do Ulmeiro
Ribatejo	Mora Fronteira
Alentejo	Cuba Évora

ANNEX II

A. BASIC MILLING YIELD

Description of variety	Whole-grain yield (%)	Overall yield (%)
Argo, Selenio, Couachi	66	73
Alpe, Arco, Balilla, Balilla GG, Balilla Sollana, Bomba, Bombon, Colina, Elio, Flipper, Frances, Lido, Riso, Matusaka, Monticili, Pegonil, Sara, Strella, Thainato, Thaiperla, Ticinese, Veta, Leda, Marenny, Clot, Albada, Guadiamar	65	73
Ispaniki A, Makedonia	64	73
Bravo, Europa, Loto, Riva, Rosa Marchetti, Savio, Veneria	63	72
Tolima	63	71
Inca	63	70
Alfa, Ariete, Bahia, Carola, Cigalon, Corallo, Cripto, Cristal, Drago, Eolo, Girona, Gladio, Graldo, Indio, Italico, Jucar, Koral, Lago, Lemont, Mercurio, Miara, Molo, Navile, Niva, Onda, Padano, Panda, Pierina, Marchetti, Ribe, Ringo, Rio, S. Andrea, Saturno, Senia, Sequial, Smeraldo, Star, Stirpe, Vela, Vitro, Calca, Dion, Zeus	62	72
Strymonas	62	71
Anseatico, Baldo, Belgioioso, Betis, Euribe, Italpatna, Marathon, Redi, Ribello, Rizzotto, Rocca, Roma, Romanico, Romeo, Tebre, Volano	61	72
Bonnet Bell, Rita, Silla, Thaibonnet, L 202, Puntal	60	72
Evropi, Melas	60	70
Arborio, Blue Belle, Blue Belle 'E', Blue Bonnet, Calendal, Razza 82, Rea	58	72
Maratelli, Precoce Rossi	58	70
Carnaroli, Elba, Vialone Nano	57	72
Axios	57	67
Roxani	57	66
Pygmalion	52	71
Unnamed varieties	64	72

B. PRICE INCREASES AND REDUCTIONS RELATING TO MILLING YIELD

Yield of whole-grain milled paddy rice	Price increases and reductions per yield point
Above the basic yield	0,75 % increase
Below the basic yield	1 % reduction
Overall yield of milled paddy rice	Price increases and reductions per yield point
Above the basic yield	0,60 % increase
Below the basic yield	0,80 % reduction

ANNEX III

MAXIMUM PERCENTAGES REFERRED TO IN ARTICLE 3(2)(D)

Grain defects	Round-grain rice CN code 1006 10 92	Medium and long-grain A CN codes 1006 10 94 and 1006 10 96	Long-grain B CN code 1006 10 98
Chalky grains	6	4	4
Grains striated with red	10	5	5
Spotted and stained grains	4	2,75	2,75
Amber grains	1	0,50	0,50
Yellow grains	0,175	0,175	0,175
Miscellaneous impurities	1	1	1
Rice grains of other varieties	5	5	5

ANNEX IV

PRICE REDUCTIONS FOR DEFECTIVE GRAINS

Grain defects	Percentage of defective grains resulting in a reduction in the intervention price			Percentage reduction ⁽¹⁾ applicable to the additional discrepancy beyond the lower limit
	Round-grain rice CN code 1006 10 92	Medium and long-grain A CN codes 1006 10 94 and 1006 10 96	Long-grain B CN code 1006 10 98	
Chalky grains	from 2 % to 6 %	from 2 % to 4 %	from 1,5 % to 4 %	1 % for each additional 0,5 % discrepancy
Grains striated with red	from 1 % to 10 %	from 1 % to 5 %	from 1 % to 5 %	1 % for each additional 1 % discrepancy
Spotted and stained grains	from 0,50 % to 4 %	from 0,50 % to 2,75 %	from 0,50 % to 2,75 %	0,8 % for each additional 0,25 % discrepancy
Amber grains	from 0,05 % to 1 %	from 0,05 % to 0,50 %	from 0,05 % to 0,50 %	1,25 % for each additional 0,25 % discrepancy
Yellow grains	from 0,02 % to 0,175 %	from 0,02 % to 0,175 %	from 0,02 % to 0,175 %	6 % for each additional 0,125 % discrepancy

⁽¹⁾ Each discrepancy is calculated from the percentage of defective grains, to the second decimal place.

ANNEX V

TRANCHE 1 REFERRED TO IN ARTICLE 5

Member State	Tranche 1
Greece	4 674 t
Spain	20 487 t
France	4 181 t
Italy	40 764 t
Hungary	307 t
Portugal	4 587 t

ANNEX VI

INFORMATION TO BE CONTAINED IN THE NOTIFICATION REFERRED TO IN ARTICLE 7(2)

Member State:

Offer number	Quantity offered (t)	Minimum quantity (t)
1		
2		
3		
4		
5		
6		
7		
8		
etc.		

Address for electronic transmission of information in accordance with Article 7(2): AGRI-INTERV-RICE@CEC.EU.INT

COMMISSION REGULATION (EC) No 490/2005**of 29 March 2005****on the division between 'deliveries' and 'direct sales' of national reference quantities fixed for 2004/2005 in Annex I to Council Regulation (EC) No 1788/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1788/2003 of 29 September 2003 establishing a levy in the milk and milk products sector⁽¹⁾, and in particular Article 6(4) and Article 8 thereof,

Whereas:

- (1) Article 6 of Regulation (EC) No 1788/2003 provides that the Member States shall establish the producers' individual reference quantities; that producers may have one or two individual reference quantities, one for deliveries and the other for direct sales and that these quantities may be converted from one reference quantity to the other at the duly justified request of the producer.
- (2) In accordance with Article 25(1) of Commission Regulation (EC) No 595/2004 of 30 March 2004 laying down detailed rules for applying Council Regulation (EC) No 1788/2003 establishing a levy on milk and milk products⁽²⁾, Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden, and the United Kingdom have notified the Commission the division between deliveries and direct sales of individual reference quantities resulting from the application of Article 6(1) of Regulation (EC) No 1788/2003.
- (3) For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia the basis for the individual reference quantities were set out in table (f) of Annex I to Regulation (EC) No 1788/2003.
- (4) In accordance with Article 25(2) of Regulation (EC) No 595/2004, Belgium, Czech Republic, Denmark,

Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, the Netherlands, Austria, Portugal, Slovakia, Finland, Sweden, and the United Kingdom have notified quantities which have been definitively converted at the request of the producers between individual reference quantities for deliveries and for direct sales.

- (5) (Article 6(4) of Regulation (EC) No 1788/2003 provides that the part of the Finnish national reference quantity allocated to deliveries referred to in Article 1 of that Regulation may be increased to compensate 'SLOM' producers, up to a maximum of 200 000 tonnes. In accordance with Article 6 of Commission Regulation (EC) No 671/95 of 29 March 1995 on the assignment of specific reference quantities to certain producers of milk and milk products in Austria and Finland⁽³⁾, Finland has notified the quantities concerned for the 2004/2005 marketing year.
- (6) It is therefore appropriate to establish the division between 'deliveries' and 'direct sales' of the national reference quantities applicable for the period from 1 April 2004 to 31 March 2005 fixed in Annex I to Regulation (EC) No 1788/2003.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The division between 'deliveries' and 'direct sales' of the national reference quantities applicable for the period from 1 April 2004 to 31 March 2005 fixed in Annex I to Regulation (EC) No 1788/2003 is set out in the Annex to this Regulation.

⁽¹⁾ OJ L 270, 21.10.2003 p. 123. Regulation amended by Regulation (EC) No 2217/2004 (OJ L 375, 23.12.2004, p. 1).

⁽²⁾ OJ L 94, 31.3.2004, p. 22.

⁽³⁾ OJ L 70, 30.3.1995, p. 2. Regulation amended by Regulation (EC) No 1390/95 (OJ L 135, 21.6.1995, p. 4).

Article 2

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

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

Done at Brussels, 29 March 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

(tonnes)		
Member States	Deliveries	Direct sales
Belgium	3 231 623,120	78 807,880
Czech Republic	2 614 412,222	67 730,778
Denmark	4 454 894,257	453,743
Germany	27 768 308,989	95 518,299
Estonia	554 656,506	69 826,494
Greece	819 730,000	783,000
Spain	6 045 387,486	71 562,514
France	23 872 196,114	363 601,886
Ireland	5 390 829,642	4 934,358
Italy	10 281 085,000	248 975,000
Cyprus	141 337,000	3 863,000
Latvia	631 855,798	63 539,202
Lithuania	1 279 788,156	367 150,844
Luxembourg	268 554,000	495,000
Hungary	1 782 841,919	164 438,081
Malta	48 698,000	0,000
Netherlands	11 001 255,000	73 437,000
Austria	2 622 284,217	128 105,495
Portugal ⁽¹⁾	1 861 474,000	8 987,000
Slovakia	1 003 594,404	9 721,596
Finland	2 399 475,287	8 230,616
Sweden	3 300 000,000	3 000,000
United Kingdom	14 482 260,813	127 486,187
⁽¹⁾ Except Madeira.		

COMMISSION REGULATION (EC) No 491/2005

of 29 March 2005

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Jordan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip⁽¹⁾, and in particular Article 5(2)(a) thereof,

Whereas:

- (1) Under Articles 2(2) and 3 of Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-week periods. Under Article 1(b) of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip⁽²⁾, those prices are determined for two-week periods on the basis of weighted prices provided by the Member States.
- (2) Those prices should be fixed immediately so the customs duties applicable can be determined.
- (3) Following the accession of Cyprus to the European Union on 1 May 2004, it is no longer necessary to fix import prices for Cyprus.
- (4) Likewise, it is no longer necessary to fix import prices for Israel, Morocco and the West Bank and the Gaza Strip, in order to take account of the agreements approved by Council Decisions 2003/917/EC of 22 December 2003

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 2 to the EC-Israel Association Agreement⁽³⁾, 2003/914/EC of 22 December 2003 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Morocco concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 3 to the EC-Morocco Association Agreement⁽⁴⁾ and 2005/4/EC of 22 December 2004 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Palestine Liberation Organisation (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 2 to the EC-Palestinian Authority Interim Association Agreement⁽⁵⁾.

- (5) The Commission must adopt these measures in between the meetings of the Management Committee for Live Plants and Floriculture Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1 of Regulation (EEC) No 4088/87 shall be as set out in the Annex hereto for the period from 30 March to 12 April 2005.

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, 29 March 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

⁽²⁾ OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 1).

⁽³⁾ OJ L 346, 31.12.2003, p. 65.

⁽⁴⁾ OJ L 345, 31.12.2003, p. 117.

⁽⁵⁾ OJ L 2, 5.1.2005, p. 4.

ANNEX

(EUR/100 pieces)

Period from 30 March to 12 April 2005				
Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	19,13	14,98	30,54	16,65
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Jordan	—	—	—	—

COMMISSION REGULATION (EC) No 492/2005**of 29 March 2005****determining the world market price for unginne d 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 unginne d 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 unginne d cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme ⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginne d

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 unginne d cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginne d cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 20,238 EUR/100 kg.

Article 2

This Regulation shall enter into force on 30 March 2005.

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

Done at Brussels, 29 March 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 DIRECTIVE 2005/27/EC**of 29 March 2005****amending, for the purposes of its adaptation to technical progress, Directive 2003/97/EC of the European Parliament and of the Council, concerning the approximation of the laws of the Member States relating to the type-approval of devices for indirect vision and of vehicles equipped with these devices****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers⁽¹⁾, and in particular Article 13(2) thereof,

Having regard to Directive 2003/97/EC of the European Parliament and of the Council of 10 November 2003 on the approximation of the laws of the Member States relating to the type-approval of devices for indirect vision and of vehicles equipped with these devices, amending Directive 70/156/EEC and repealing Directive 71/127/EEC⁽²⁾ and in particular Article 2 thereof,

Whereas:

(1) Directive 2003/97/EC is one of the separate Directives in the context of the Community type-approval procedure under Directive 70/156/EEC. The provisions of Directive 70/156/EEC relating to systems, components and separate technical units for vehicles therefore apply to Directive 2003/97/EC.

(2) In order to reduce the blind spot of N₂ vehicles of mass not exceeding 7,5 tonnes, it is necessary to modify certain requirements laid down in Directive 2003/97/EC.

(3) Since 2003, technical progress with regard to rear view mirrors has advanced considerably. It is now possible to install wide-angle rear-view mirrors on some N₂ vehicles of mass not exceeding 7,5 tonnes. It is therefore appropriate to amend Directive 2003/97/EC by extending the obligation to fit Class IV wide-angle mirrors to those

vehicles of category N₂ having a cabin similar to that of N₃ vehicles. The appropriate criterion for distinguishing the two types of N₂ vehicles should be whether a class V close-proximity mirror can be fitted.

(4) Vehicles having seats with a fixed seat-back angle would not be able to fulfil the standard requirements. A correction factor for such vehicles should therefore be introduced.

(5) It is also appropriate to amend the administrative provisions for type-approval by introducing the distinguishing numbers of the Member States which acceded to the Community on 1 May 2004.

(6) The measures provided for in this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress set up under Article 13(1) of Directive 70/156/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I and III to Directive 2003/97/EC are amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 19 October 2005 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

⁽¹⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Commission Directive 2004/104/EC (OJ L 337, 13.11.2004, p. 13).

⁽²⁾ OJ L 25, 29.1.2004, p. 1.

2. Member States shall communicate to the Commission the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 29 March 2005.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Annexes I and III to Directive 2003/97/EC are amended as follows:

1. In Annex I, item 1.1.1.12, after the first sentence, the following new sentence is inserted:

'In the case of a seat with fixed seat-back angle, the location of the ocular points shall be adjusted in accordance with the provisions of Appendix 7 to this Annex.'

2. In Appendix 5 to Annex I, the following is added to the enumeration of distinguishing numbers in point 1.1:

' "8 for the Czech Republic," "29 for Estonia," "49 for Cyprus, 32 for Latvia, 36 for Lithuania," "7 for Hungary, 50 for Malta," "20 for Poland," "26 for Slovenia, 27 for Slovakia" '.

3. In Annex I, the following Appendix 7 is added:

'Appendix 7

Determination of the ocular points for a seat with a fixed seat-back angle

1. The position of the ocular points in relation to the R point shall be adjusted as indicated in the table below by X coordinates from the three-dimensional reference grid. The table indicates the basic coordinates for a fixed seat-back angle of 25 degrees. The three-dimensional reference grid for the coordinates is as defined in point 2.3 of Annex I to Directive 77/649/EEC as amended.

Seat back angle	Horizontal coordinates
(in degrees)	ΔX
25	68 mm

2. Further correction for fixed seat-back angles other than 25

The table below indicates the further corrections, from the ocular position with a fixed seat-back angle of 25 degrees, to be made to the X and Z coordinates of the ocular points when the design seat-back angle is not 25 degrees.

Seat-back angle	Horizontal coordinates	Vertical coordinates
(in degrees)	ΔX	ΔZ
5	- 186 mm	28 mm
6	- 177 mm	27 mm
7	- 167 mm	27 mm
8	- 157 mm	27 mm
9	- 147 mm	26 mm
10	- 137 mm	25 mm
11	- 128 mm	24 mm
12	- 118 mm	23 mm
13	- 109 mm	22 mm
14	- 99 mm	21 mm
15	- 90 mm	20 mm
16	- 81 mm	18 mm
17	- 72 mm	17 mm
18	- 62 mm	15 mm
19	- 53 mm	13 mm

Seat-back angle	Horizontal coordinates	Vertical coordinates
(in degrees)	ΔX	ΔZ
20	- 44 mm	11 mm
21	- 35 mm	9 mm
22	- 26 mm	7 mm
23	- 18 mm	5 mm
24	- 9 mm	3 mm
25	0 mm	0 mm
26	9 mm	- 3 mm
27	17 mm	- 5 mm
28	26 mm	- 8 mm
29	34 mm	- 11 mm
30	43 mm	- 14 mm
31	51 mm	- 18 mm
32	59 mm	- 21 mm
33	67 mm	- 24 mm
34	76 mm	- 28 mm
35	84 mm	- 32 mm
36	92 mm	- 35 mm
37	100 mm	- 39 mm
38	108 mm	- 43 mm
39	115 mm	- 48 mm
40	123 mm	- 52 mm'

4. In the table in Annex III and in the cell for Class IV wide-angle mirrors for motor vehicles of category $N_2 \leq 7,5$ t, the text is replaced by the following:

'Compulsory

For both sides if a Class V mirror can be fitted

Optional

For both sides together if not';

5. In the table in Annex III and in the cell for Class V close-proximity mirrors for motor vehicles of category $N_2 \leq 7,5$ t, the text is replaced by the following:

'Compulsory, see Annex III items 3.7 and 5.5.5

One on the passenger's side

Optional

One on the driver's side

(both must be fitted at least 2 m above the ground)

A tolerance of + 10 cm may be applied'.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 March 2005

amending Decision 2004/832/EC as regards the eradication and emergency vaccination plan for feral pigs against classical swine fever in Northern Vosges, France

(notified under document number C(2005) 917)

(Only the French text is authentic)

(Text with EEA relevance)

(2005/264/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever⁽¹⁾, and in particular the second subparagraph of Article 16(1) and the fourth subparagraph of Article 20(2) thereof,

Whereas:

- (1) Commission Decision 2004/832/EC of 3 December 2004 approving the plans for the eradication of classical swine fever in feral pigs and the emergency vaccination of such pigs in the Northern Vosges, France⁽²⁾ was adopted as one of a number of measures to combat classical swine fever.
- (2) France has informed the Commission about the recent evolution of that disease in feral pigs in the Northern Vosges area of France. In the light of the epidemiological information, the eradication plan should be extended to the area of the Northern Vosges located west of the Rhine and the channel Rhine Marne, north of the motorway A 4, east of the river Sarre and south of the border with Germany. In addition, the emergency vacci-

nation plan for feral pigs against classical swine fever should be amended to cover that area.

- (3) Decision 2004/832/EC should therefore be amended accordingly.
- (4) 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

The Annex to Decision 2004/832/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 23 March 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 316, 1.12.2001, p. 5. Directive as amended by the 2003 Act of Accession.

⁽²⁾ OJ L 359, 4.12.2004, p. 62.

ANNEX

'ANNEX

1. Areas where the eradication plan is to be implemented

The territory of the Department of Bas-Rhin and Moselle located west of the Rhine and the Rhine-Marne Canal, north of the A 4 motorway, east of the river Sarre and south of the border with Germany.

2. Areas where the emergency vaccination plan is to be implemented

The territory of the Department of Bas-Rhin and Moselle located west of the Rhine and the Rhine-Marne Canal, north of the A 4 motorway, east of the river Sarre and south of the border with Germany.'

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

COUNCIL JOINT ACTION 2005/265/CFSP
of 23 March 2005
appointing a Special Representative of the European Union for Moldova

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 14 June 2004 the Council stated the willingness of the European Union to play a more active political role in Moldova.
- (2) On 22 February 2005 the EU and Moldova reaffirmed their willingness to work together fully to exploit the new opportunities presented by European Neighbourhood Policy (ENP) based on the shared values which underpin the policy.
- (3) There is a need to ensure coordination and consistency of external actions of the EU in Moldova.
- (4) It is therefore appropriate to appoint a Special Representative of the EU for Moldova,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mr Adriaan JACOBOWITS de SZEGED is hereby appointed as the EU Special Representative (EUSR) for Moldova.

Article 2

1. The EUSR's mandate shall be based on the EU's policy objectives in Moldova. These objectives include:

- (a) to contribute to a peaceful settlement of the Transnistria conflict and to the implementation of such a settlement on the basis of a viable solution, respecting the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognised borders;

- (b) to contribute to the strengthening of democracy, rule of law and respect for human rights and fundamental freedoms for all citizens of the Republic of Moldova;

- (c) to promote good and close relations between the Republic of Moldova and the EU on the basis of common values and interests and as set out in the ENP Action Plan;

- (d) to assist in the fight against the trafficking of human beings and of weapons and other goods, from and through Moldova;

- (e) to contribute to strengthening stability and cooperation in the region;

- (f) to enhance EU effectiveness and visibility in the Republic of Moldova and the region.

2. The EUSR shall support the work of the High Representative in the Republic of Moldova and the region, and work in close cooperation with the Presidency, EU Heads of Missions and the Commission.

Article 3

1. In order to achieve the policy objectives, the EUSR's mandate shall be to:

- (a) strengthen the EU contribution to the resolution of the Transnistria conflict in accordance with agreed EU policy objectives and in close coordination with the OSCE, representing the EU through appropriate channels and in agreed fora and by developing and maintaining close contacts with all relevant actors;

(b) assist in the preparation, as appropriate, of EU contributions to the implementation of an eventual conflict settlement;

(c) follow closely political developments in the Republic of Moldova, including in the Transnistrian region, by developing and maintaining close contacts with the Government of the Republic of Moldova and other domestic actors, and offer as appropriate the EU's advice and facilitation;

(d) assist in the further development of the EU's policy towards the Republic of Moldova and the region, in particular regarding conflict prevention and conflict resolution.

2. For the purpose of the fulfilment of his mandate, the EUSR shall maintain an overview of all EU activities, notably the relevant aspects of the ENP Action Plan.

Article 4

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the High Representative. The EUSR shall be accountable to the Commission for all expenditure.

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political input within the framework of the mandate.

Article 5

1. The financial reference amount intended to cover the expenditure related to the EUSR's mandate shall be EUR 278 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the budget, with the exception that any pre-financing shall not remain the property of the Community.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The expenditure shall be eligible as from the date on which this Joint Action enters into force.

4. The Presidency, Commission, and/or Member States, as appropriate, shall provide logistical support in the region.

Article 6

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team in consultation with the Presidency, assisted by the Secretary General/High Representative, and in full association with the Commission.

2. Member States and EU institutions may propose the secondment of staff to work with the EUSR. The remuneration of staff who might be seconded by a Member State or an EU institution to the EUSR shall be covered by the Member State or the EU institution concerned respectively.

3. All A-type posts which are not covered by secondment shall be advertised as appropriate by the General Secretariat of the Council and notified to Member States and institutions in order to recruit the best qualified applicants.

4. The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

Article 7

As a rule, the EUSR shall report in person to the High Representative and to the PSC and may report also to the relevant Working Group. Regular written reports shall be circulated to the High Representative, the Council and the Commission. On the recommendation of the High Representative and the PSC, the EUSR may report to the General Affairs and External Relations Council.

Article 8

To ensure the consistency of the external action of the EU, the activities of the EUSR shall be coordinated with those of the High Representative, the Presidency and the Commission. EUSRs shall provide regular briefings to Member States' missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and Heads of Mission, who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 9

The implementation of this Joint Action and its consistency with other contributions from the EU to the region shall be kept under regular review. The EUSR shall present a comprehensive written report on the implementation of the mandate to the High Representative, the Council and the Commission two months before the mandate expires. The report shall form a basis for evaluation of this Joint Action in the relevant Working Groups and by the PSC. In the context of overall priorities for deployment, the High Representative shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

It shall apply until 31 August 2005.

Article 11

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

Done at Brussels, 23 March 2005.

Article 10

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

For the Council
The President
J. ASSELBORN
