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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 560/2005**of 12 April 2005****imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

Having regard to Council Common Position 2004/852/CFSP of 13 December 2004 concerning restrictive measures against Côte d'Ivoire⁽¹⁾,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽²⁾,

Whereas:

- (1) In Resolution 1572 (2004) of 15 November 2004, the UN Security Council, acting under Chapter VII of the Charter of the United Nations and deploring the resumption of hostilities in Côte d'Ivoire and the repeated violations of the ceasefire agreement of 3 May 2003, decided to impose certain restrictive measures against Côte d'Ivoire.
- (2) Common Position 2004/852/CFSP provides for implementation of the measures set out in UN Security Council Resolution 1572 (2004), including the freezing of funds and economic resources of persons, designated by the competent United Nations Sanctions Committee, who constitute a threat to the peace and national reconciliation process in Côte d'Ivoire, in particular those who block implementation of the Linas-Marcoussis and Accra III Agreements, any other person determined as responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire on the basis of relevant information, any other person who incites publicly hatred and violence, and any other person determined by the Committee to be in violation of the arms embargo also imposed by Resolution 1572 (2004).

(3) These measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement them as far as the Community is concerned. For the purpose of this Regulation, the territory of the Community is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty.

(4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

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

1. 'Sanctions Committee' means the Committee of the Security Council of the United Nations which was established pursuant to paragraph 14 of UN Security Council Resolution 1572 (2004);
2. 'funds' means financial assets and benefits of every kind, including but not limited to:
 - (a) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (d) interest, dividends or other income on or value accruing from or generated by assets;

⁽¹⁾ OJ L 368, 15.12.2004, p. 50.

⁽²⁾ Opinion delivered on 24 February 2005 (not yet published in the Official Journal).

- (e) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (f) letters of credit, bills of lading, bills of sale;
 - (g) documents evidencing an interest in funds or financial resources;
 - (h) any other instrument of export-financing.
3. 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;
4. 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;
5. 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them.

Article 2

1. All funds and economic resources owned, or controlled, directly or indirectly, by the natural or legal persons or entities listed in Annex I shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons or entities listed in Annex I.
3. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

Article 3

1. By way of derogation from Article 2, provided that the competent authorities of the Member States, as listed in Annex II, have notified the Sanctions Committee of their intention to authorise access to such funds and economic resources and have not received a negative decision by the Sanctions Committee within two working days of such notification, they may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources.

2. By way of derogation from Article 2, the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, after having determined that the funds or economic resources are necessary for extraordinary expenses, provided that they have notified that determination to the Sanctions Committee and that the determination has been approved by that Committee, under the conditions envisaged by paragraph 14(e) of UN Security Council Resolution 1572 (2004).

Article 4

By way of derogation from Article 2, the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources if the following conditions are met:

- (a) the funds or economic resources are subject of a judicial, administrative or arbitral lien established prior to 15 November 2004 or of a judicial, administrative or arbitral judgment rendered prior to that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the lien or judgment is not for the benefit of a person or entity listed in Annex I;
- (d) recognising the lien or judgment is not contrary to public policy in the Member State concerned;
- (e) the competent authorities have notified the lien or judgment to the Sanctions Committee.

Article 5

The relevant competent authority shall inform the competent authorities of the other Member States and the Commission of any authorisation granted under Articles 3 or 4.

Article 6

Article 2(2) shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to this Regulation,

provided that any such interest, other earnings and payments are frozen in accordance with Article 2(1).

Article 7

Article 2(2) shall not prevent the crediting of frozen accounts by financial institutions that receive funds transferred by third parties to the accounts of the persons or entities listed in Annex I provided that any such additions to such accounts are also frozen. The financial institution shall inform the competent authorities about such transactions without delay.

Article 8

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, natural and legal persons, entities and bodies shall:

- (a) supply immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2, to the competent authorities of the Member States listed in Annex II where they are resident or located, and shall transmit such information, directly or through these competent authorities, to the Commission;
- (b) cooperate with the competent authorities listed in Annex II in any verification of this information.

2. Any additional information directly received by the Commission shall be made available to the competent authorities of the Member State concerned.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 9

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with

this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as result of negligence.

Article 10

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

Article 11

The Commission shall be empowered to:

- (a) amend Annex I on the basis of determinations made by the Sanctions Committee; and
- (b) amend Annex II on the basis of information supplied by Member States.

Article 12

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 13

This Regulation shall apply:

- (a) within the territory of the Community, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Community who is a national of a Member State;
- (d) to any legal person, group or entity which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, group or entity doing business within the Community.

Article 14

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 Luxembourg, 12 April 2005.

For the Council
The President
J.-C. JUNKER

ANNEX I

List of natural or legal persons or entities referred to in Articles 2, 4 and 7

ANNEX II

List of competent authorities referred to in Articles 3, 4, 5, 7 and 8

BELGIUM

Federale Overheidsdienst Financiën
Thesaurie
Kunstlaan 30
B-1040 Brussel
Fax (32-2) 233 74 65
E-mail: Quesfinvragen.tf@minfin.fed.be

Service public fédéral des finances
Trésorerie
Avenue des Arts 30
B-1040 Bruxelles
Fax (32-2) 233 74 65
E-mail: Quesfinvragen.tf@minfin.fed.be

CZECH REPUBLIC

Ministerstvo financí
Finanční analytický útvar
P. O. BOX 675
Jindřišská 14
111 21 Praha 1
tel.: (420-2) 57 04 45 01
fax: (420-2) 57 04 45 02

Ministerstvo zahraničních věcí
Odbor společné zahraniční a bezpečnostní politiky EU
Loretánské nám. 5
118 00 Praha 1
tel.: (420-2) 24 18 29 87
fax: (420-2) 24 18 40 80

DENMARK

Erhvervs- og Byggestyrelsen
Dahlerups Pakhus
Langelinie Allé 17
DK-2100 København Ø
Tlf. (45) 35 46 62 81
Fax (45) 35 46 62 03

Udenrigsministeriet
Asiatisk Plads 2
DK-1448 København K
Tlf. (45) 33 92 00 00
Fax (45) 32 54 05 33

Justitsministeriet
Slotholmsgade 10
DK-1216 København K
Tlf. (45) 33 92 33 40
Fax (45) 33 93 35 10

GERMANY

Concerning freezing of funds:
Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D-80281 München
Tel.: (49) 89 28 89 38 00
Fax: (49) 89 35 01 63 38 00

Concerning technical assistance:
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29-35
D-65760 Eschborn
Tel: (49) 61 96 908-0
Fax: (49) 61 96 908-800

ESTONIA

Eesti Välisministeerium
Islandi väljak 1
15049 Tallinn
Tel: +372 6317 100
Fax: +372 6317 199

Finantsinspektsioon
Sakala 4
15030 Tallinn
Tel: +372 6680 500
Fax: +372 6680 501

GREECE

A. Freezing of Assets
Ministry of Economy and Finance
General Directory of Economic Policy
5 Nikis Str.
GR-105 63 Athens
Tel.: (30) 210 333 27 86
Fax: (30) 210 333 28 10

A. Δέσμευση κεφαλαίων

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/ση Οικονομικής Πολιτικής
Νίκης 5
GR-105 63 Αθήνα
Τηλ.: (30) 210 333 27 86
Φαξ: (30) 210 333 28 10

B. Import- Export restrictions

Ministry of Economy and Finance
General Directorate for Policy Planning and Management
Kornaroy Str.
GR-101 80 Athens
Tel.: (30) 210 328 64 01-3
Fax: (30) 210 328 64 04

B. Περιορισμοί εισαγωγών — εξαγωγών

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/ση Σχεδιασμού και Διαχείρισης Πολιτικής
Κορνάρου 1
GR-101 80 Αθήνα
Τηλ.: (30) 210 328 64 01-3
Φαξ: (30) 210 328 64 04

SPAIN

Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y control de Movimiento y Capitales
Ministerio de Economía
Paseo del Prado, 6
E-28014 Madrid
Tel. (34) 912 09 95 11

Subdirección General de Inversiones Exteriores
Ministerio de Industria Comercio y Turismo
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (34) 913 49 39 83

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale du Trésor et de la politique économique
Service des affaires multilatérales et du développement
Sous-direction «Politique commerciale et investissements»
Service «Investissements et propriété intellectuelle»
139, rue de Bercy
75572 Paris Cedex 12
Tel. (33) 144 87 72 85
Fax (33) 153 18 96 55

Ministère des affaires étrangères
Direction générale des affaires politiques et de sécurité
Direction des Nations unies et des organisations internationales
Sous-direction des affaires politiques
Tel. (33) 143 17 59 68
Fax (33) 143 17 46 91
Service de la politique étrangère et de sécurité commune
Tel. (33) 143 17 45 16
Fax (33) 143 17 45 84

IRELAND

United Nations Section
Department of Foreign Affairs,
Iveagh House
79-80 Saint Stephen's Green
Dublin 2.
Telephone + 353 1 478 0822
Fax + 353 1 408 2165
Central Bank and Financial Services Authority of Ireland
Financial Markets Department
Dame Street
Dublin 2.
Telephone + 353 1 671 6666
Fax + 353 1 679 8882

ITALY

Ministero degli Affari esteri
Piazzale della Farnesina, 1 — 00194 Roma
D.G.A.S. — Ufficio I
Tel. (39) 06 36 91 73 34
Fax (39) 06 36 91 54 46

Ministero dell'Economia e delle finanze
Dipartimento del Tesoro
Comitato di Sicurezza finanziaria
Via XX Settembre, 97 — 00187 Roma
Tel. (39) 06 47 61 39 42
Fax (39) 06 47 61 30 32

CYPRUS

Ministry of Commerce, Industry and Tourism
6 Andrea Araouzou
CY-1421 Nicosia
Tel: (357) 22 86 71 00
Fax: (357) 22 31 60 71

Central Bank of Cyprus
80 Kennedy Avenue
CY-1076 Nicosia
Tel: (357) 22 71 41 00
Fax: (357) 22 37 81 53

Ministry of Finance (Department of Customs)
M. Karaoli
CY-1096 Nicosia
Tel: (357) 22 60 11 06
Fax: (357) 22 60 27 41/47

LATVIA

Latvijas Republikas Ārlietu ministrija
Brīvības iela 36
Rīga LV-1395
Tālr.: (371) 7016 201
Fakss: (371) 7828 121

LITHUANIA

Financial Crime Investigation Service under the Ministry of Interior of the Republic of Lithuania
Šermukšnių g. 3
Vilnius
LT-01106
Tel. +370 5 271 74 47
Faks. +370 5 262 18 26

LUXEMBOURG

Ministère des affaires étrangères et de l'immigration
Direction des relations économiques internationales
5, rue Notre-Dame
L-2240 Luxembourg
Tel. (352) 478 2346
Fax (352) 22 20 48

Ministère des finances
3, rue de la Congrégation
L-1352 Luxembourg
Tel. (352) 478 2712
Fax (352) 47 52 41

HUNGARY

Országos Rendőrfőkapitányság
1139 Budapest, Teve u. 4-6.
Magyarország
Tel./fax: +36-1-443-5554

Pénzügyminisztérium
1051 Budapest, József nádor tér 2-4.
Magyarország
Postafiók: 1369 Pf.: 481.
Tel.: +36-1-318-2066, +36-1-327-2100
Fax: +36-1-318-2570, +36-1-327-2749

MALTA

Bord ta' Sorveljanza dwar is-Sanzjonijiet
Ministeru ta' l-Affarijiet Barranin
Palazzo Parisio
Triq il-Merkanti
Valletta CMR 02
Tel: +356 21 24 28 53
Fax: +356 21 25 15 20

NETHERLANDS

De Minister van Financiën
De Directie Financiële Markten/Afdeling Integriteit
Postbus 20201
2500 EE DEN HAAG
Fax: (31-70) 342 79 84
Tel: (31-70) 342 89 97

AUSTRIA

Österreichische Nationalbank
Otto Wagner Platz 3
A-1090 Wien
Tel.: (+43-1) 404 20-0
Fax: (+43-1) 404 20-7399

POLAND

Main authority:
Ministerstwo Finansów
Generalny Inspektor Informacji Finansowej (GIIF)
ul. Świętokrzyska 12
00-916 Warszawa
Polska
Tel. (+48-22) 694 59 70
Fax (+48-22) 694 54 50

Coordinating authority:
Ministerstwo Spraw Zagranicznych
Departament Prawno-Traktatowy
al. J. Ch. Szucha 23
00-580 Warszawa
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Fax (+48-22) 523 8329

PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo do Rilvas
P-1350-179 Lisboa
Tel.: (351) 21 394 67 02
Fax: (351) 21 394 60 73.

Ministério das Finanças
Direcção-Geral dos Assuntos Europeus e Relações Internacionais
Avenida Infante D. Henrique n.º 1, C, 2.º
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Tel.: (351) 218 82 33 90/8
Fax: (351) 218 82 33 99

SLOVENIA

Ministry of Foreign Affairs
Prešernova 25
SI-1000 Ljubljana
Tel. (386-1) 478 20 00
Faks (386-1) 478 23 41

Ministry of the Economy
Kotnikova 5
SI-1000 Ljubljana
Tel. (386-1) 478 33 11
Faks (386-1) 433 10 31

Ministry of Defence
Kardeljeva pl. 25
SI-1000 Ljubljana
Tel. (386-1) 471 22 11
Faks (386-1) 431 81 64

SLOVAKIA

Ministerstvo zahraničných vecí Slovenskej republiky
Hlboká cesta 2
833 36 Bratislava
Tel.: (421-2) 59 78 11 11
Fax: (421-2) 59 78 36 49

Ministerstvo financií Slovenskej republiky
Štefanovičova 5
P. O. BOX 82
817 82 Bratislava
Tel.: (421-2) 59 58 11 11
Fax: (421-2) 52 49 80 42

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
FI-00161 Helsinki/Helsingfors
P./Tfn (358-9) 16 00 5
Faksi/Fax (358-9) 16 05 57 07

SWEDEN

Articles 3, 4 and 5:
Försäkringskassan
S-103 51 Stockholm
Tfn (46-8) 786 90 00
Fax (46-8) 411 27 89

Articles 7 and 8:
Finansinspektionen
Box 6750
S-113 85 Stockholm

Tfn (46-8) 787 80 00
Fax (46-8) 24 13 35

UNITED KINGDOM

HM Treasury
Financial Systems and International Standards
1, Horse Guards Road
London SW1A 2HQ
United Kingdom
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Bank of England
Financial Sanctions Unit
Threadneedle Street
London EC2R 8AH
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Tel. +44 (0) 20 7601 4607
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EUROPEAN COMMUNITY

European Commission
DG External Relations
Directorate A: Common Foreign and Security Policy (CFSP) and
European Security and Defence Policy (ESDP): Commission Coordi-
nation and contribution
Unit A 2: Legal and institutional matters, CFSP Joint Actions, Sanctions,
Kimberley Process
Tel. (32 2) 295 55 85
Fax (32 2) 296 75 63

COMMISSION REGULATION (EC) No 561/2005**of 13 April 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 14 April 2005.

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

Done at Brussels, 13 April 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 13 April 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	99,7
	096	105,7
	204	56,3
	212	146,4
	624	104,1
	999	102,4
0707 00 05	052	138,6
	204	55,1
	999	96,9
0709 10 00	220	79,0
	999	79,0
0709 90 70	052	99,2
	096	75,1
	204	39,0
	999	71,1
0805 10 20	052	52,1
	204	47,0
	212	51,2
	220	46,7
	624	56,5
	999	50,7
0805 50 10	052	57,8
	220	69,6
	624	70,4
	999	65,9
0808 10 80	388	88,9
	400	111,5
	404	90,4
	508	64,5
	512	73,7
	524	72,3
	528	68,2
	720	67,7
	804	113,4
	999	83,4
0808 20 50	388	74,5
	512	82,9
	528	58,6
	999	72,0

⁽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 562/2005**of 5 April 2005****laying down rules for the implementation of Council Regulation (EC) No 1255/1999 as regards communications between the Member States and the Commission in the milk and milk products sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Article 40 thereof,

Whereas:

(1) Commission Regulation (EC) No 1498/1999 of 8 July 1999 laying down rules for the implementation of Council Regulation (EEC) No 804/68 as regards communications between the Member States and the Commission in the milk and milk products sector⁽²⁾, has been substantially amended several times. Regulation (EC) No 1255/1999 and all the regulations laying down rules for the implementation thereof have introduced a number of amendments. For the sake of clarity, Regulation (EC) No 1498/1999 should therefore be repealed and replaced by a new Regulation.

(2) Appraisal of the production and market situation in the milk and milk products sector necessitates a regular exchange of information on the operation of the intervention measures provided for in Regulation (EC) No 1255/1999, particularly with regard to changes in stocks of the products concerned, held by intervention agencies and in private storage.

(3) Aid for skimmed milk processed into casein and refunds can be fixed only on the basis of information on changes in prices both on the internal market and in international trade.

(4) The accurate and regular monitoring of trade flows to assess the effect of refunds requires information on exports of products for which refunds are fixed, particularly the quantities awarded under tendering procedures.

(5) The implementation of the Agreement on Agriculture concluded under the Uruguay Round of multilateral trade negotiations (hereinafter referred to as 'the Agreement on Agriculture'), approved by Council Decision 94/800/EC⁽³⁾ requires a wide range of detailed information to be provided on imports and exports, in particular with regard to licence applications and the way licences are used, in order to ensure compliance with undertakings under the Agreement on Agriculture. Rapid information on export trends is needed in order to make maximum use of those undertakings. Under that Agreement, food aid exports are not subject to the constraints applying to subsidised exports. It should be provided that communications relating to export licence applications must accordingly specify which licence applications cover food aid supplies.

(6) Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products⁽⁴⁾ lays down special rules for the export of certain milk products to Canada, the United States and the Dominican Republic. Provision should be made for the relevant information to be communicated.

(7) Regulation (EC) No 174/1999 introduces specific arrangements for the grant of refunds on ingredients of Community origin in processed cheese manufactured under the inward processing arrangements. Provision should be made for the relevant information to be communicated.

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

⁽²⁾ OJ L 174, 9.7.1999, p. 3. Regulation as last amended by Regulation (EC) No 1681/2001 (OJ L 227, 23.8.2001, p. 36).

⁽³⁾ OJ L 336, 23.12.1994, p. 1.

⁽⁴⁾ OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

(8) Under Article 5 of Regulation (EC) No 174/1999, in certain cases, export licences can be valid for exportation of a product with a code other than that entered in box 16 of the licence. Provision should be made for the relevant information to be communicated.

(9) Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas⁽¹⁾, provides for certain import quotas to be administered by means of IMA 1 certificates issued by the authorities of third countries. The Member States inform the Commission of the quantity of products for which import licences are issued on the basis of IMA 1 certificates. Experience has shown that such notification is not always sufficient to allow such imports to be monitored closely at each stage. Provision should be made for additional information to be communicated.

(10) Experience gained over the years in processing the information received by the Commission has shown that it is sometimes communicated on an excessively frequent basis. Therefore, the frequency of some communications has been reduced.

(11) It is essential to be able to compare price quotations for products, particularly for the purposes of calculating refunds and aid amounts. It is also necessary to know how plausible these price quotations are, by weighting the data.

(12) Means of communication have evolved considerably in recent years. Account should be taken of that evolution to make communications more rapid, more efficient and more secure.

(13) 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:

CHAPTER I

STOCKS AND INTERVENTION

Article 1

1. In the case of intervention measures taken under Article 6(1) of Regulation (EC) No 1255/1999, Member States shall communicate the following information to the Commission not later than the 10th of each month for the previous month:

- (a) the quantities of butter in storage at the end of the month concerned and the quantities entering and leaving storage during that month, using the model in Annex I, Part A, to this Regulation;
- (b) a breakdown of the quantities of butter leaving storage during the month concerned, according to the regulations by which they are covered, using the model in Annex I, Part B, to this Regulation;
- (c) a breakdown by age of the quantities of butter in storage at the end of the month concerned, using the model in Annex I, Part C, to this Regulation.

2. In the case of intervention measures taken under Article 6(3) of Regulation (EC) No 1255/1999, Member States shall communicate the following information to the Commission not later than the 10th of each month for the previous month, using the model in Annex II to this Regulation:

- (a) the quantities of butter and cream converted into butter equivalent entering and leaving storage during the month concerned.
- (b) the total quantity of butter and cream converted into butter equivalent in storage at the end of the month concerned.

Article 2

In the case of intervention measures taken under Article 7(1) of Regulation (EC) No 1255/1999, Member States shall communicate, not later than the 10th of each month for the previous month:

⁽¹⁾ OJ L 341, 22.12.2001, p. 29. Regulation as last amended by Regulation (EC) No 810/2004 (OJ L 149, 30.4.2004, p. 138).

- (a) the quantities of skimmed-milk powder in storage at the end of the month concerned and the quantities entering and leaving storage during that month, using the model in Annex III, Part A, to this Regulation;
- (b) a breakdown of the quantities of skimmed-milk powder leaving storage during the month concerned, using the model in Annex III, Part B, to this Regulation;
- (c) a breakdown by age of the quantities of skimmed-milk powder in storage at the end of the month concerned, using the model in Annex III, Part C, to this Regulation.

Article 3

In the case of intervention measures taken under Articles 8 and 9 of Regulation (EC) No 1255/1999, Member States shall communicate, not later than the 10th of each month for the previous month, using the model in Annex IV to this Regulation:

- (a) the quantities of cheese entering and leaving storage during the month concerned, broken down by categories of cheese;
- (b) the quantities of cheese in storage at the end of the month concerned, broken down by categories of cheese.

Article 4

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

- (a) 'quantities entering' means quantities physically placed in storage, whether or not taken over by the intervention agency;
- (b) 'quantities leaving' means quantities which have been removed or, if taken over by the purchaser before removal, quantities taken over.

CHAPTER II

MEASURES RELATING TO AID FOR SKIMMED MILK AND SKIMMED-MILK POWDER

Article 5

1. In the case of aid granted under Article 11(1) of Regulation (EC) No 1255/1999 for skimmed milk and skimmed-milk powder used in feeding stuffs, Member States shall communicate the following information to the Commission, not later than the 20th of each month for the previous month, using the model in Annex V to this Regulation:

- (a) the quantities of skimmed milk used in the manufacture of compound feeding stuffs covered by aid applications submitted during the month concerned;
- (b) the quantities of denatured skimmed-milk powder covered by aid applications submitted during the month concerned;
- (c) the quantities of skimmed-milk powder used in the manufacture of compound feeding stuffs covered by aid applications submitted during the month concerned.

2. In the case of aid granted under Article 12 of Regulation (EC) No 1255/1999 for skimmed milk processed into casein, Member States shall communicate to the Commission, not later than the 20th of each month, using the model in Annex V to this Regulation, the quantities of skimmed milk covered by aid applications submitted during the previous month. Such quantities shall be broken down according to the quality of the casein or caseinates produced.

CHAPTER III

PRICES

Article 6

1. Member States shall communicate to the Commission not later than each Wednesday 11 a.m. (Brussels time) the ex-factory prices applied in their territory in the previous week for products listed in Annex VI. Member States shall communicate prices reported by operators for dairy products, except for cheeses, where national production represents 2 % or more of the Community production, or where its production is considered as representative at national level by the competent national authority. For cheeses, Member States shall communicate prices by type of cheese, representing 8 % or more of the total national cheese production.

2. Member States shall communicate to the Commission no later than one month after the end of the previous month the prices of raw milk paid to milk producers in their territory.

The prices shall be expressed as weighted averages established in the form of sample surveys by the Member State authority.

3. Member States shall take the necessary steps to ensure that their communications on the prices applied in the Community are representative, accurate and complete. To this end, the Member States shall notify the Commission annually by 31 May at the latest a report following the standard questionnaire in Annex XII.

4. The Member States shall take the measures necessary to ensure that the economic operators concerned provide them with the information required within the relevant time limits.

5. For the purpose of this Article 'ex-factory price' means the price at which the product is purchased from the enterprise, excluding taxes (VAT) and any other cost (transport, loading, handling, storage, pallets, insurance, etc.). The price is expressed as weighted average established in the form of sample surveys by the Member State authority.

CHAPTER IV

TRADE

SECTION 1

IMPORTS

Article 7

Member States shall communicate the following information to the Commission:

1. not later than one month following the end of the quota year for the previous quota year, the quantities of products covered by import licences issued under the quotas referred to in Article 5 of Regulation (EC) No 2535/2001, broken down by CN code and by country of origin code;
2. not later than 10 January and 10 July for the six previous months, the quantities of products covered by import licences issued under the quotas referred to in Article 24 of Regulation (EC) No 2535/2001, broken down by CN code and by country of origin code;
3. not later than the 10th of each month for the previous month, the quantities of products covered by import licences subject to the application of non-preferential duties as referred to in the Common Customs Tariff, broken down by CN code and by country of origin code;
4. not later than the 10th of each month for the previous month, the quantities of products, covered by import licences issued for imports under Article 1 of Council Regulation (EC) No 2007/2000⁽¹⁾ and under Article 10 of the Interim Agreement between the Community and Lebanon approved by Council Decision 2002/761/EC⁽²⁾ broken down by CN code and by country of origin code;
5. not later than the 10th of each month for the previous month, the quantities of products, covered by import

licences issued under the quotas referred to in Article 20 of Regulation (EC) No 2535/2001, broken down by CN code and by country of origin code;

6. once a year, not later than three months after the end of each quota period, the unused quantities of licences issued within the framework of import quotas referred to in Regulation (EC) No 2535/2001, broken down by quota number, CN code and country of origin code.

Where applicable, Member States shall inform the Commission that no licences have been issued for the relevant reference periods.

Article 8

By 31 March at the latest in respect of the previous year, using the model in Annex VII, Member States shall communicate the following data to the Commission, broken down by CN code, concerning the import licences issued on presentation of an IMA 1 certificate, in accordance with Chapter III of Title 2 of Regulation (EC) No 2535/2001, specifying the IMA 1 certificate numbers:

- (a) the quantity of products covered by the certificate and the date of issue of the import licences;
- b) the quantity of products in respect of which the security has been released.

SECTION 2

EXPORTS

Article 9

1. Member States shall communicate the following information to the Commission by 6 p.m. on each working day:

- (a) the quantities, broken down by code of the export refund nomenclature for milk products and by destination code, covered by applications submitted that day for licences:
 - (i) as referred to in Article 1 of Regulation (EC) No 174/1999, with the exception of those referred to in Article 17 of that Regulation,
 - (ii) as referred to in Article 17 of Regulation (EC) No 174/1999;
- (b) where appropriate, that no applications referred to in point (a) have been submitted on that day;

⁽¹⁾ OJ L 240, 23.9.2000, p. 1.

⁽²⁾ OJ L 262, 30.9.2002, p. 1.

(c) the quantities, broken down by application and by code of the export refund nomenclature for milk products and by destination code, covered by applications submitted on that day for provisional licences referred to in Article 8 of Regulation (EC) No 174/1999, indicating:

(i) the closing date for submitting tenders, accompanied by a copy of the document confirming the invitation to tender for the quantities applied for,

(ii) the quantity of products covered by the invitation to tender or, in the case of an invitation to tender opened by the armed forces in accordance with Article 36(1)(c) of Commission Regulation (EC) No 800/1999⁽¹⁾ not specifying the quantity, the approximate quantity broken down as specified;

(d) the quantities, broken down by code of the export refund nomenclature for milk products and by destination code, for which the provisional licences referred to in Article 8 of Regulation (EC) No 174/1999 were definitively issued or cancelled that day, indicating the body issuing the invitation to tender, the date of the provisional licence and the quantity it covers, using the model in Annex VIII Part A, to this Regulation;

(e) where appropriate, the revised quantity of products covered by the invitation to tender referred to in point (c), using the model in Annex VIII Part A, to this Regulation;

(f) the quantities, broken down by country and by code of the export refund nomenclature for milk products, covered by definitive licences with a refund issued under Articles 20 and 20a of Regulation (EC) No 174/1999, using the model in Annex VIII, Part B, to this Regulation.

2. As regards the communication referred to in paragraph 1 (c)(i), where more applications have been submitted for the same invitation to tender, one communication per Member State will suffice.

3. Member States shall not communicate on a daily basis the quantities for which export licence applications have been submitted under the second subparagraph of Article 1(1) and Articles 18, 20 and 20a of Regulation (EC) No 174/1999 where no refund has been applied for, or where they are for supplies of food aid within the meaning of Article 10(4) of

the Agreement on Agriculture concluded under the Uruguay Round.

Article 10

Member States shall communicate to the Commission on Monday each week for the previous week the quantities, broken down by code of the export refund nomenclature for milk products, covered by applications for the licences referred to in the second subparagraph of Article 1(1) of Regulation (EC) No 174/1999, without a refund, using the model in Annex VIII, Part C, to this Regulation.

Article 11

Member States shall communicate the following information to the Commission before the 16th of each month for the previous month:

(a) the quantities, broken down by code of the export refund nomenclature for milk products, covered by licence applications cancelled under point (b) of the first subparagraph of Article 10(3) of Regulation (EC) No 174/1999, indicating the refund rate, using the model in Annex IX, Part A, to this Regulation;

(b) the quantities, broken down by code of the export refund nomenclature for milk products, not exported after expiry of the period of validity of the relevant licences, and the relevant refund rate, using the model in Annex IX, Part B, to this Regulation;

(c) the quantities, broken down by code of the export refund nomenclature for milk products and by destination code, covered by export licence applications for supplies of food aid in accordance with Article 10(4) of the Agreement on Agriculture concluded under the Uruguay Round, using the model in Annex IX, Part C, to this Regulation;

(d) the quantities of milk products, broken down by CN code and by country of origin code, which are not in one of the situations referred to in Article 23(2) of the Treaty and are imported for use in the manufacture of products falling within CN code 0406 30, in accordance with the third indent of Article 11(6) of Regulation (EC) No 800/1999 and for which the authorisation referred to in Article 17(1) of Regulation (EC) No 174/1999 has been granted, using the model in Annex IX, Part D, to this Regulation;

⁽¹⁾ OJ L 102, 17.4.1999, p. 11.

- (e) the quantities broken down by CN code or, where appropriate, by code of the export refund nomenclature for milk products, for which definitive licences have been issued and where no refund is applied for, as referred to in Articles 18 and 20 of Regulation (EC) No 174/1999, using the model in Annex IX, Part E, to this Regulation.

Article 12

Member States shall communicate to the Commission before the 16th of each month (n) for month n-4, using the model in Annex X, Part A, the quantities, broken down by CN code and destination code, for which the formalities for export without a refund have been completed.

Article 13

Member States shall communicate the following information to the Commission before 16 July for the previous GATT year:

- (a) the quantities for which application of Article 5(3) of Regulation (EC) No 174/1999 has been accepted and in so far as it results in a difference in the export refund granted, indicating the refund rate and the code of the export refund nomenclature for milk products entered in box 16 of the export licence issued and the code of the export refund nomenclature for the product actually exported, using the model in Annex X, Part B, to this Regulation.
- (b) the quantities, broken down by code of the export refund nomenclature for milk products, to which Article 18(3) of Regulation (EC) No 800/1999 has been applied, in so far as the refund rate actually applied is different from that indicated on the licence, and the refund for the destination indicated on the licence and that actually applied, using the model in Annex X, Part C, to this Regulation.

CHAPTER V

GENERAL AND FINAL PROVISIONS

Article 14

Member States shall communicate to the Commission the information required under this Regulation using the means of communication provided for in Annex XI.

Article 15

The Commission shall keep available for the Member States the data transmitted by them.

Article 16

Regulation (EC) No 1498/1999 is repealed.

Regulation (EC) No 1498/1999 shall continue to apply to transmission of data relating to the period before the application of this Regulation.

References made to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XIII.

Article 17

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

It shall apply from 1 July 2005. However, Article 6(3) shall apply from 31 May 2005.

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

Done at Brussels, 5 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

A. Application of Article 1(1)(a) of Regulation (EC) No 562/2005

 COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

PUBLIC STORAGE OF BUTTER

Member State:

Month:

Level of the physical stock at the end of the month (tonnes):

Summary of the current year*(in tonnes)*

Month	In	Out	Quantity in stock at end of the month
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

B. Application of Article 1(1)(b) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

PUBLIC STORAGE OF BUTTER

Member State:

Month:

Breakdown of quantities leaving storage

(in tonnes)

Regulation		Quantités
(EC) No 2771/1999		
(EC) No 2571/97	Formula A	
	Formula B	
(EEC) No 3149/92		
....		
....		
Rejections		
Losses		
Total quantity		

C. Application of Article 1(1)(c) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

PUBLIC STORAGE OF BUTTER

Member State:

Month:

Breakdown by age

(in tonnes)

[illegible]

ANNEX II

Application of Article 1(2) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

PRIVATE STORAGE OF BUTTER

Member State:

Month:

Physical stocks at the and of the month (tonnes):

Summary of the current year — Butter

(in tonnes)

Month	In	Out	Quantity in storage at end of month
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

Summary of the current year — Cream

(in tonnes of butter equivalent)

Month	In	Out	Quantity in storage at end of month
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

ANNEX III

A. Application of Article 2(a) of Regulation (EC) No 562/2005

 COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

PRIVATE STORAGE OF SKIMMED-MILK POWDER

Member State:

Month:

Physical stocks at the and of the month (tonnes):

Summary of the current year

(in tonnes)

Month	In	Out	Quantity in storage at end of the month
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

B. Application of Article 2(b) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

PUBLIC STORAGE OF SKIMMED-MILK POWDER

Member State:

Month:

Breakdown of quantities leaving storage*(in tonnes)*

Regulation	Quantity
(EC) No 214/2001	
(EEC) No 3149/92	
(EC) No 2799/1999	
...	
...	
Rejections	
Losses	
Total leaving storage	

C. Application of Article 2(c) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

PUBLIC STORAGE OF SKIMMED-MILK POWDER

Member State:

Month:

Breakdown by age

(in tonnes)

[illegible]

ANNEX IV

Application of Article 3 of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

PRIVATE STORAGE OF CHEESES

Member State:

Year:

Month:

Type of cheese:

(in tonnes)

Month	In	Out	Quantity in storage at end of the month
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

ANNEX VI

List of products referred to in Article 6(1) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT			
Product	CN code	Representative weight ⁽¹⁾	Remarks ⁽²⁾
1. Whey powder	0404 10 02	25 kg	
2. Skimmed-milk powder of intervention quality	0402 10 19 INTV	25 kg	
3. Skimmed-milk powder for animal feed	0402 10 19 ANIM	20 t	
4. Whole milk powder	0402 21 19	25 kg	
5. Unsweetened condensed milk	0402 91 19	0,5 kg	
6. Sweetened condensed milk	0402 99 19	0,5 kg	
7. Butter	0405 10 19	25 kg	
8. Butter oil	0405 90 10	200 kg	
9. Cheeses ⁽³⁾	⁽³⁾		
10. Lactose	1702 19 00 LACT	25 kg (bags)	
11. Casein	3501 10	25 kg (bags)	
12. Caseinates	3501 90 90	25 kg	

⁽¹⁾ If a price corresponds to other weight of product than laid down in the Annex, Member State shall provide a price equivalent to standard weight.

⁽²⁾ Indicate where the method used differs from the method communicated to the Commission by the questionnaire in Annex XII.

⁽³⁾ Member States shall communicate price information of cheese types representing 8 % or more of their national production.

ANNEX VII

Application of Article 8 of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

IMPORT LICENCES ISSUED ON PRESENTATION OF AN IMA 1 CERTIFICATE

Member State: Calendar year:

Quota number:

Quota quantity:

Country of origin:

[illegible]

ANNEX VIII

A. Application of Article 9(1)(d) and (e) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

PROVISIONAL LICENCES REFERRED TO IN ARTICLE 8 OF REGULATION (EC) No 174/1999

Member State:

Date of issue or cancellation:

Article 9(1)(d) — Provisional licences definitively issued or cancelled

[illegible]

Article 9(1)(e) — Tender quantity revised

[illegible]

C. Application of Article 10 of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

REQUESTS FOR EXPORT LICENCES WITHOUT REFUND

Member State:

Week from: to

[illegible]

ANNEX IX

A. Application of Article 11(a) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

EXPORT LICENCES CANCELLED

Member State:

Year:

Month:

[illegible]

B. Application of Article 11(b) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

QUANTITIES NOT EXPORTED AFTER EXPIRY OF THE VALIDITY PERIOD OF THE RELEVANT LICENCES

Member State:

Year: Month:

[illegible]

C. Application of Article 11(c) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

EXPORT LICENCES APPLICATIONS FOR SUPPLIES OF FOOD AID

Member State:

Year: Month:

[illegible]

D. Application of Article 11(d) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

MILK PRODUCTS IMPORTED FOR USE IN THE MANUFACTURE OF PRODUCTS FALLING WITHIN CN CODE 0406 30

Member State:

Year: Month:

[illegible]

E. Application of Article 11(e) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

QUANTITIES COVERED BY EXPORT LICENCES AND WHERE NO REFUND IS APPLIED FOR (CANADA AND USA)

Member State:

Year: Month:

Article 18 of Regulation (EC) No 174/1999 (Canada)

[illegible]

Article 20 of Regulation (EC) No 174/1999 (USA)

[illegible]

ANNEX X

A. Application of Article 12 of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

QUANTITIES FOR WHICH THE FORMALITIES FOR EXPORT WITHOUT A REFUND HAVE BEEN COMPLETED

Member State:

Year: Month:

[illegible]

B. Application of Article 13(a) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

EXPORT LICENCES — CHANGE OF PRODUCT CODE

Member State:

GATT year from: to:

[illegible]

C. Application of Article 13(b) of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

EXPORT LICENCES — DESTINATION CHANGE RESULTING IN A CHANGE IN THE REFUND

Member State:

GATT year from: to:

[illegible]

ANNEX XI

Application of Article 14 of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT	
Relevant part of Regulation	Type of communications
All articles in Chapter I	E-mail : AGRI-INTERV-DAIRY@cec.eu.int
All articles in Chapter II	E-mail : AGRI-AID-DAIRY@cec.eu.int
Article 6, paragraph 1	IDES
Article 6, paragraph 3 and 4	E-mail : AGRI-PRICE-EU-DAIRY@cec.eu.int
Article 7, paragraph 1	
— licences issued under Article 5(a) of Regulation (EC) No 2535/2001	IDES: code 7
— licences issued under Article 5(b) of Regulation (EC) No 2535/2001	IDES: code 5
— licences issued under other paragraphs of Article 5 of Regulation (EC) No 2535/2001	IDES: code 6
Article 7, paragraph 2	IDES: code 6
Article 7, paragraph 3	IDES: code 8
Article 7, paragraph 4	IDES: code 6
Article 7, paragraph 5 and 6	E-mail : AGRI-IMP-DAIRY@cec.eu.int
Article 8	E-mail : AGRI-IMP-DAIRY@cec.eu.int
Article 9, paragraph 1(a)(i)	IDES: code 1
Article 9, paragraph 1(a)(ii)	IDES: code 9
Article 9, paragraph 1(c)(i)	Fax : (32-2) 295 33 10
Article 9, paragraph 1(c)(ii)	IDES: code 2
Rest relevant part of Article 9	E-mail : AGRI-EXP-DAIRY@cec.eu.int
Article 10	E-mail : AGRI-EXP-DAIRY@cec.eu.int
Article 11	E-mail : AGRI-EXP-DAIRY@cec.eu.int
Article 12	E-mail : AGRI-EXP-DAIRY@cec.eu.int
Article 13	E-mail : AGRI-EXP-DAIRY@cec.eu.int

ANNEX XII

Application of Article 6 of Regulation (EC) No 562/2005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI — ANIMAL PRODUCTS UNIT

QUESTIONNAIRE**Annual report on the price methodological information for raw milk and dairy products used for price communications between the Member States and the Commission** (Article 6)

1	Organisation and structure of the market: general overview of the market structure for the product in question
2	Product definition: composition (fat content, dry matter content, water content in the non-fatty matter), quality class, age or maturing stage, presentation and packing conditions (e.g. in bulk, in 25 kg sacks), other characteristics
3	Place and procedure of recording: (a) the body responsible for price statistics (address, fax, e-mail), (b) the number of recording points and the geographical area or region to which the prices apply, (c) the survey method (e.g. direct survey of the first buyers). If prices are established by a marketing board, an indication should be given as to whether they are based on opinion or fact. If secondary material is used, the sources should be stated (e.g. use of market reports), (d) statistical processing of prices, including conversion factors used to convert the weight of product into the representative weight, laid down in Annex VI
4	Representativeness: the share of the products recorded (e.g. in sales)
5	Other relevant aspects

ANNEX XIII

Correlation Table

Regulation (EC) No 1498/1999	Present Regulation
Article 1(2) (a) and (b)	Article 1(2) (a)
Article 1(2) (c)	Article 1(2) (b)
Article 2	Article 2
Article 3(a)	—
Article 3(b)	Article 3(a)
Article 3(c)	Article 3(a)
Article 3(d)	Article 3(b)
Article 4	Article 4
Article 5(1)(a) (i)	—
Article 5(1)(a)(ii)	—
Article 5(1)(a)(iii)	Article 5(1)(a)
Article 5(1)(b)	—
Article 5(2)(a)	Article 5(1)(b)
Article 5(2)(b)	Article 5(1)(c)
Article 5(2)(c)	—
Article 5(3)	Article 5(2)
Article 6(1) (a) and (b)	Article 6(1)
Article 6(2)	Article 6(3)
Article 7(1), (2), (3), (4) and (6)	Article 7(1)
Article 7(5)	Article 7(3)
Article 7(7)	Article 7(4)
Article 7a	—
Article 8	Article 8
Article 9(1)(a)	Article 9(1) (a) and (b)
Article 9(1)(b)	Article 9(1)(c)(i)
—	Article 9(1)(c)(ii)
Article 9(1)(c)	Article 9(1)(d)
Article 9(1)(d)	Article 9(1)(e)
Article 9(2)(a)	Article 11(a)
Article 9(2)(b) and (c)	Article 11(b)
Article 9(2)(d)	Article 9(1)(f)
Article 9(2)(e)	Article 11(c)
Article 9(2)(f)	Article 11(d)
Article 9(2)(g)	Article 13(a)
Article 9(3)(a)	Article 12
Article 9(3)(b)	Article 13(b)
Article 9(4)	Article 11(e)
Article 9(5)	Article 14
Article 10	—

COMMISSION REGULATION (EC) No 563/2005**of 13 April 2005****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas:

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 April 2005.

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

Done at Brussels, 13 April 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

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

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

⁽⁴⁾ OJ L 145, 29.6.1995, p. 47. Regulation as last amended by Regulation (EC) No 236/2005 (OJ L 46, 16.2.2005, p. 38).

ANNEX

to the Commission Regulation of 13 April 2005 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

‘ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as “65 % chickens”, or otherwise presented, frozen	81,8	11	01
		101,8	5	03
0207 14 10	Boneless cuts of fowl of the species <i>Gallus domesticus</i> , frozen	148,2	56	01
		192,7	34	02
		176,5	42	03
		269,0	9	04
0207 14 70	Other cuts of chicken, frozen	138,0	54	01
		160,0	43	03
0207 27 10	Boneless cuts of turkey, frozen	181,0	38	01
		242,4	16	04
1602 32 11	Preparations of uncooked fowl of the species <i>Gallus domesticus</i>	154,2	47	01
		173,0	38	03

⁽¹⁾ Origin of imports:

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

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/2005 OF THE ACP-EC COUNCIL OF MINISTERS

of 8 March 2005

concerning the adoption of the Rules of Procedure of the ACP-EC Council of Ministers

(2005/297/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, in particular Article 15(5) thereof,

Whereas:

(1) By Decision No 1/2001 of 30 January 2001 the ACP-EC Committee of Ambassadors adopted the Rules of Procedure of the ACP-EC Council of Ministers by delegation of powers.

(2) Certain amendments are necessary to take account of the accession of new Member States to the European Union.

(3) At the 29th session of the ACP-EC Council of Ministers, held in Gaborone, Botswana on 6 May 2004, the decision was taken to amend the Rules of Procedure accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Dates and locations of meetings

1. As provided in Article 15(1) of the ACP-EC Partnership Agreement, hereinafter referred to as the 'ACP-EC Agreement', the ACP-EC Council of Ministers, hereinafter referred to as 'the Council', shall normally meet once a year, and whenever necessary at the request of one of the parties.

2. The Council shall be convened by its President. The dates of its meetings shall be fixed by common agreement between the parties.

3. The Council shall meet either where the meetings of the Council of the European Union are usually held or at the seat of the Secretariat of the ACP Group of States or in a city of one of the ACP States, in accordance with the decision taken by the Council.

Article 2

Agenda of meetings

1. The provisional agenda for every meeting shall be drawn up by the President. It shall be communicated to the other members of the Council at least 30 days before the beginning of the meeting. The provisional agenda shall consist of those items in respect of which a request for inclusion is received by the President at least 30 days before the beginning of the meeting.

The items to appear on the provisional agenda shall be those for which documentation has been transmitted to the Secretariat of the Council in time to be forwarded to the members of the Council and to the members of the ACP-EC Committee of Ambassadors, hereinafter referred to as the 'Committee', at least 21 days before the beginning of the meeting.

2. The agenda shall be adopted by the Council at the beginning of each meeting. In urgent cases the Council may decide, at the request of the ACP States or of the Community, to include on the agenda items for which the time limits laid down in paragraph 1 have not been observed.

3. The provisional agenda may be divided into Part A, Part B and Part C.

Items entered in Part A shall be those which can be approved by the Council without discussion.

Items entered in Part B are those matters which need to be discussed by the Council before they are approved.

Items entered in Part C shall be discussed in an informal exchange of views.

Article 3

Proceedings

1. In accordance with Article 15(3) of the ACP-EC Agreement, the Council of Ministers shall take its decisions by common agreement of the Parties.

2. The proceedings of the Council shall be valid only if at least half the members of the Council of the European Union, one member of the Commission of the European Communities (hereinafter referred to as 'the Commission') and two-thirds of the members representing the Governments of the ACP States are present.

3. All members of the Council unable to attend may be represented. In this case they shall inform the President and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.

4. The members of the Council may be accompanied by advisers to assist them.

5. The composition of each delegation shall be communicated to the President before the beginning of each session.

6. A representative of the European Investment Bank, hereinafter referred to as 'the Bank' shall be present at sessions of the Council when matters from the areas which concern the Bank are on the agenda.

Article 4

Written procedures

The Council may decide to take decisions by correspondence on urgent matters. Approval for this procedure may be obtained during a Council meeting or within the Committee.

At the same time as this procedure is decided upon, a time limit may be fixed within which replies must be given. On the expiry of this time limit, the President of the Council shall decide, on the basis of a report from the two secretaries of the Council, whether, in view of the replies received, common agreement may be considered to have been reached.

Article 5

Committees and Working Parties

The Council may set up committees or working parties to carry out work it considers necessary, and in particular to prepare its proceedings where appropriate on areas of cooperation or specific aspects of the Partnership.

Supervision of the work of these committees and working parties may be delegated to the Committee.

Article 6

Ministerial subgroups

Without prejudice to the provisions of Article 5, the Council may, in the course of its meetings, delegate the preparation of its proceedings and conclusions on specific items on the agenda to subgroups of ministers composed on a parity basis.

Article 7

Ministerial Committees

1. In accordance with Article 83 of the ACP-EC Agreement, the ACP-EC Development Finance Cooperation Committee is hereby set up. The Council shall adopt the Rules of Procedure for this Committee.

2. The Council shall examine trade policy issues and reports by the Joint ACP-EC Ministerial Trade Committee set up by Article 38 of the ACP-EC Agreement.

Article 8

States attending with observer status

1. Representatives of signatory States to the ACP-EC Agreement, which, on the date of entry into force of the Agreement have not yet completed the procedures referred to in Article 93(1) and (2) thereof, may attend Council sessions as observers. They may in this case be authorised to take part in Council debates.

2. The same rule shall apply to the countries referred to in Article 93(6) of the ACP-EC Agreement.

3. The Council may authorise representatives of a country applying for accession to the ACP-EC Agreement to take part in the proceedings of the Council as observers.

Article 9

Confidentiality and official publications

1. Unless otherwise decided, meetings of the Council shall not be public. Access to meetings of the Council shall require a pass.

2. Without prejudice to such other provisions as may apply, the deliberations of the Council shall be covered by the obligation of professional secrecy unless the Council decides otherwise.

3. Each party may decide to publish the decisions, resolutions, recommendations and opinions of the Council in their respective official publications.

Article 10

Dialogue with non-governmental actors

1. The Council may invite economic and social representatives of civil society in the ACP and European Union States to take part in an exchange of views on the margins of its ordinary meetings for the purpose of informing them and hearing their opinions and suggestions on items on the agenda.

2. Exchanges of views with representatives of civil society shall be organised by the Council Secretariat. It may delegate this task, in agreement with the Commission, to representative organisations of civil society. In particular, the Council Secretariat may delegate work in connection with exchanges of views with economic and social representatives of ACP and EU civil society to the Economic and Social Committee of the European Communities.

3. The items on the agenda to be discussed with non-governmental actors shall be decided by the President, acting on a proposal from the Council Secretariat. They shall be communicated to the other members of the Council at the same time as the provisional agenda for each session.

Article 11

Regional and sub-regional organisations

ACP regional and sub-regional organisations may be represented at meetings of the Council and the Committee as observers, subject to prior agreement by the Council.

Article 12

Communications and minutes of meetings

1. All communications provided for in these Rules of Procedure shall be transmitted through the Secretariat of the Council to the representatives of the ACP States, the Secretariat of the ACP Group of States, the Permanent Representatives of the Member States, the General Secretariat of the Council of the European Union and the Commission.

Such communications shall also be sent to the President of the Bank when they concern the Bank.

2. Minutes shall be kept of each meeting, noting in particular the decisions taken by the Council.

After their approval by the Council, the minutes shall be signed by the President-in-Office and by the two secretaries of the Council and shall be kept in the archives of the Council. A copy of the minutes shall be forwarded to the recipients referred to in paragraph 1.

Article 13

Documentation

Unless decided otherwise, the Council shall conduct its deliberations on the basis of documents drafted in the official languages of the parties.

Article 14

Form of acts

1. Decisions, resolutions, recommendations and opinions within the meaning of Article 15(3) of the ACP-EC Agreement shall be divided into articles.

They shall be concluded with the formula 'Done at ...', '(date)', the date being the date of their adoption by the Council.

2. Decisions within the meaning of Article 15(3) of the ACP-EC Agreement shall be entitled 'Decision', followed by a serial number, date of adoption and a description of their subject.

Decisions shall specify the date on which they are to enter into force. They shall incorporate the following sentence: 'The ACP States, the Community and its Member States shall be required, each for its own part, to take the necessary steps to implement this Decision'.

3. Resolutions, declarations, recommendations and opinions within the meaning of Article 15(3) of the ACP-EC Agreement shall be entitled 'Resolution', 'Declaration', 'Recommendation' or 'Opinion', followed by a serial number, date of adoption and a description of their subject.

4. Acts adopted by the Council shall be signed by the President and shall be kept in the archives of the Council.

These acts shall be transmitted, through the two secretaries of the Council, to the recipients referred to in Article 12(1).

Article 15

Presidency

The Office of President of the Council shall be held alternately as follows:

- from 1 April to 30 September by a member of the Government of an ACP State,
- from 1 October to 31 March by a member of the Council of the European Union.

Article 16

The Committee

1. The Council may delegate some of its powers to the Committee in accordance with Article 15(4) of the ACP-EC Agreement.
2. The conditions under which the Committee meets shall be laid down in its Rules of Procedure.
3. The Committee shall be responsible for preparing the meetings of the Council and for carrying out any mandate which the Council may entrust to it.

Article 17

Participation in the Joint Parliamentary Assembly

When the Council attends meetings of the Joint Parliamentary Assembly it shall be represented by its President.

Should the President be unable to attend, he shall designate the member who is to take his place.

Article 18

Consistency in Community policies and impact on the implementation of the ACP-EC Agreement

1. When the ACP States request consultations pursuant to Article 12 of the ACP-EC Agreement, such consultations shall be held promptly, as a general rule within 15 days of the request.
2. The body responsible may be the Council, the Committee, one of the two Ministerial Committees referred to in Article 7, or an ad hoc Working Party.

Article 19

Secretariat

The Secretariat of the Council and of the Committee, shall be run jointly by two secretaries.

These two secretaries shall be appointed after joint consultation, one by the ACP States and the other by the Community.

The secretaries shall perform their duties in complete independence with a view solely to the interests of the Agreement and shall neither seek nor take instructions from any Government, organisation or authority other than the Council and the Committee.

Correspondence intended for the Council shall be sent to the President thereof at the seat of the Council Secretariat.

Article 20

The present Decision annuls and replaces Decision No 1/2001 of 30 January 2001 of the ACP-EC Committee of Ambassadors concerning the adoption of the Rules of Procedure of the ACP-EC Council of Ministers.

Done at Brussels, 8 March 2005.

For the ACP-EC Council of Ministers
The President
J. ASSELBORN

DECISION No 2/2005 OF THE ACP-EC COUNCIL OF MINISTERS
of 8 March 2005
concerning the Rules of Procedure of the Joint ACP-EC Ministerial Trade Committee
(2005/298/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Commission, in order to draw up recommendations on the specific areas referred to in Article 12(1).

Having regard to the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States, of the one part, and, the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000 (hereinafter referred to as the Agreement), and in particular Article 38(3) thereof,

Whereas:

- (1) Article 38(1) of the Agreement sets up a Joint Ministerial Trade Committee.
- (2) By Decision No 4/2001 of 24 April 2001 the ACP-EC Committee of Ambassadors adopted the Rules of Procedure of that Committee by delegation of powers.
- (3) Certain amendments are necessary to take account of the accession of new Member States to the European Union.
- (4) At the 29th session of the ACP-EC Council of Ministers, held in Gaborone, Botswana, on 6 May 2004, the decision was taken to amend the Rules of Procedure accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Composition

1. The Joint Ministerial Trade Committee (hereafter referred to as the Trade Committee), shall be composed, on the one hand, of a minister from each Member State of the European Community and a member of the Commission of the European Communities and, on the other hand, on a parity basis, of ministers from the ACP States.
2. Each party shall communicate the names of its representatives to the Secretariat of the Trade Committee.
3. The Trade Committee may decide to set up a number of smaller groups, composed of an equal number of ACP and EC members of the Committee including a member of the

Article 2

Chairmanship

The Trade Committee shall be chaired alternately, for a period of six months, by the member of the Commission of the European Communities on behalf of the European Community, and by a representative of the ACP States. The first Chairman shall be a representative of the ACP States.

Article 3

Meetings

1. The Trade Committee shall meet at least once a year or more frequently at the request of either party.
2. The Trade Committee shall meet either where the meetings of the Council of the European Union are usually held or at the seat of the Secretariat of the ACP Group of States, or in a city of one of the ACP States, in accordance with the decision taken by the Trade Committee.
3. The meetings of the Trade Committee shall be convened by its Chairman.
4. The proceedings of the Trade Committee shall be valid only if a majority of the representatives of the Member States of the European Community, a member of the Commission of the European Communities and a majority of the representatives of the ACP States who are Committee members are present.

Article 4

Representation

1. The members of the Trade Committee may be represented if they are prevented from attending a meeting.
2. A member wishing to be so represented must notify the Chairman of the name of his representative before the meeting.

3. The representative of a member of the Trade Committee shall exercise all the rights of that member.

Article 5

Delegations

1. The members of the Trade Committee may be accompanied by officials responsible for trade matters.

2. Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each party.

3. The Trade Committee may, by agreement between the parties, invite non-members to attend its meetings.

4. Representatives of regional or sub-regional organisations of the ACP engaged in an economic integration process may attend the meeting as observers, subject to prior approval by the Trade Committee.

Article 6

Secretariat

The Secretariat of the ACP-EC Council of Ministers shall act as Secretariat of the Trade Committee.

Article 7

Documents

The Secretariat of the ACP-EC Council of Ministers shall be responsible for the establishment of all the documents necessary for the meetings of the Trade Committee.

When the deliberations of the Trade Committee are based on written documents, such documents shall be numbered and circulated as documents of the Trade Committee by its Secretariat.

Article 8

Correspondence

1. All correspondence addressed to the Trade Committee or to the Chairman thereof shall be forwarded to the Secretariat of the Trade Committee.

2. The Secretariat shall see to it that correspondence is forwarded to its addressees, and, in the case of documents referred to in Article 7, to other members of the Trade Committee. Correspondence circulated shall be sent to the Secretariat-General of the Commission of the European Communities, the Permanent Representations of the Member States of the European Union and the diplomatic missions of the representatives of the ACP States.

Article 9

Publicity

Unless otherwise decided, Trade Committee meetings shall not be public.

Article 10

Agenda for meetings

1. The Chairman shall draw up a provisional agenda for each meeting. The Secretariat of the Trade Committee shall forward it to the addressees not later than 15 days before the beginning of the meeting.

2. The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion in the agenda from either party not later than 21 days before the beginning of the meeting. The ACP-EC Subcommittee on Trade Cooperation may also present a request that items be included on the agenda. In this case, the Co-Chairmen of the said Subcommittee shall be invited to take part in the meeting.

3. In agreement with the parties, the time limits laid down may be shortened in order to take account of the requirements of a particular case.

4. The agenda shall be adopted by the Trade Committee at the beginning of each meeting.

Article 11

Minutes

1. Draft minutes of each meeting shall be drawn up as soon as possible jointly by the Secretariat.

2. As a general rule, the minutes shall show, in respect of each item on the agenda:

(a) the documentation submitted to the Trade Committee;

(b) statements the entry of which has been requested by a member of the Trade Committee;

(c) the recommendations made, the statements agreed upon and the conclusions adopted on specific items.

3. The minutes shall include a list of members of the Trade Committee or their representatives who took part in the meeting.

4. The draft minutes shall be submitted to the Trade Committee for approval at its next meeting. The draft minutes may also be agreed in writing by the two parties. When the minutes have been approved, two equally authentic copies thereof shall be signed by the Secretariat and filed by the parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 8.

*Article 12***Recommendations**

1. The Trade Committee shall make recommendations on all trade issues, including issues relating to multilateral trade negotiations, economic partnership agreements, cooperation in international forums and commodity issues, by mutual agreement between the parties.
 2. Between meetings, the Trade Committee may make recommendations by written procedure if both parties so agree. A written procedure shall consist of an exchange of notes between the two co-secretaries of the Secretariat, acting in agreement with the parties.
 3. Recommendations of the Trade Committee shall be entitled 'recommendation', followed by a serial number, the date of their adoption and a description of their subject.
 4. Recommendations of the Trade Committee shall be authenticated by the Secretariat and by the Chairman.
 5. Recommendations shall be forwarded to each of the addressees referred to in Article 8 as documents of the Trade Committee.
 6. The Trade Committee shall make appropriate periodic reports to the ACP-EC Council of Ministers.
-

*Article 13***Languages**

Unless decided otherwise, the Trade Committee shall conduct its deliberations on the basis of documents drafted in the official languages of the parties.

*Article 14***Expenses**

Paragraph 1 of Protocol 1 to the Agreement, on the operating expenditure of the Joint Institutions, shall also apply to costs incurred by the Trade Committee.

Article 15

The present Decision annuls and replaces Decision No 4/2001 of 24 April 2001 of the ACP-EC Committee of Ambassadors concerning the adoption of the Rules of Procedure of the Joint ACP-EC Ministerial Trade Committee.

Done at Brussels, 8 March 2005.

For the ACP-EC Council of Ministers
The President
J. ASSELBORN

DECISION No 3/2005 OF THE ACP-EC COUNCIL OF MINISTERS**of 8 March 2005****concerning the adoption of the Rules of Procedure of the ACP-EC Committee of Ambassadors**

(2005/299/EC)

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, in particular Article 16(3) thereof,

Whereas:

- (1) By Decision No 2/2001 of 30 January 2001, the ACP-EC Committee of Ambassadors adopted its Rules of Procedure.
- (2) Certain amendments are necessary to take account of the accession of new Member States to the European Union.
- (3) At the 29th session of the ACP-EC Council of Ministers, held in Gaborone, Botswana on 6 May 2004, the decision was taken to amend the Rules of Procedure accordingly,

HAS DECIDED AS FOLLOWS:

*Article 1***Dates and locations of meetings**

1. As provided in Article 16(2) of the ACP-EC Partnership Agreement (hereinafter referred to as the ACP-EC Agreement), the ACP-EC Committee of Ambassadors (hereinafter referred to as 'the Committee'), shall meet regularly, in particular to prepare meetings of the ACP-EC Council of Ministers (hereinafter referred to as 'the Council'), and whenever it proves necessary, at the request of one of the parties.
2. The Committee shall be convened by its Chair. The dates of its meetings shall be fixed by common agreement between the parties.
3. The Committee shall meet at the seat of the Council of the European Union or at the seat of the Secretariat of the ACP Group of States. It may, however, meet in a city of an ACP State if a special decision is taken to this effect.

*Article 2***The Committee's functions**

1. In accordance with Article 16(2) of the ACP-EC Agreement, the Committee shall assist the Council in carrying out its tasks and shall carry out any mandate which the Council

may entrust to it. In this context, it shall monitor implementation of the ACP-EC Agreement and progress towards achieving the objectives set therein.

2. The Committee shall report to the Council, in particular on matters in which competence has been delegated.

3. It shall also submit to the Council any resolutions, recommendations or opinions that it considers necessary or appropriate.

*Article 3***Agenda of meetings**

1. The provisional agenda for every meeting shall be drawn up by the Chair. It shall be communicated to the other members of the Committee at least eight days before the date of the meeting.

The provisional agenda shall include those items in respect of which the Chair has received a request for inclusion 10 days before the date of the meeting. The only items to be included on the provisional agenda shall be those for which documentation has been submitted to the Secretariat of the Council in time to be forwarded to the members of the Committee at least eight days before the date of the meeting.

2. The agenda shall be adopted by the Committee at the beginning of each meeting. In urgent cases the Committee may decide, at the request of the ACP States or of the Community, to include on the agenda items in respect of which the time limits laid down in paragraph 1 have not been observed.

*Article 4***Proceedings**

1. The Committee shall act by common agreement between the Community on the one part and the ACP States on the other.

2. The proceedings of the Committee shall be valid only if at least half of the permanent representatives of the Member States of the Community, one representative of the Commission of the European Communities (hereinafter referred to as the Commission), and half the members of the ACP Committee of Ambassadors are present.

3. All members of the Committee unable to attend may be represented. In this case they shall inform the Chair and shall indicate the person or delegation authorised to represent them. The representative shall exercise all the rights of the member unable to attend.

4. Committee members may be accompanied by advisers.

5. A representative of the European Investment Bank (hereinafter referred to as 'the Bank'), shall be present at Committee meetings when matters concerning it are on the agenda.

Article 5

Written procedures, official publications and form of acts

Articles 4, 9(3) and 14 of the Rules of Procedure of the ACP-EC Council shall apply to the acts adopted by the Committee.

Article 6

States attending with observer status

1. Representatives of signatory States to the ACP-EC Agreement which, on the date of its entry into force, have not yet completed the procedures referred to in Article 93(1) and (2) thereof, may attend Committee meetings as observers. They may in this case be authorised to take part in the Committee's debates.

2. The same rule shall apply to the countries referred to in Article 93(6) of the ACP-EC Agreement.

3. The Committee may authorise representatives of a country applying for accession to the ACP-EC Agreement to take part in the proceedings of the Committee as observers.

Article 7

Confidentiality

1. Unless otherwise decided, meetings of the Committee shall not be public.

2. Without prejudice to such other provisions as may apply, the Committee's deliberations shall be covered by the obligation of professional secrecy unless the Committee decides otherwise.

Article 8

Communications and minutes of meetings

1. All communications provided for in these Rules of Procedure shall be forwarded through the Secretariat of the

Council to the representatives of the ACP States, the Secretariat of the ACP Group of States, the Permanent Representatives of the Member States, the General Secretariat of the Council of the European Union and the Commission.

Such communications shall also be sent to the President of the Bank when they concern the Bank.

2. Minutes shall be kept of each meeting, noting in particular the decisions taken by the Committee.

After their approval by the Committee, the minutes shall be signed by the Chair of the Committee and the Secretaries of the Council and shall be kept in the Council archives. Copies of the minutes shall be sent to the recipients listed in paragraph 1.

Article 9

The Chair

The Office of Chair of the Committee shall be held alternately, for six months at a time, by a Permanent Representative of a Member State, designated by the Community, and by a Head of Mission representing an ACP State designated by the ACP States.

Article 10

Correspondence and documentation

1. Correspondence intended for the Committee shall be sent to its Chair at the seat of the Council Secretariat.

2. Unless decided otherwise, the Committee shall conduct its deliberations on the basis of documents drafted in the official languages of the parties.

Article 11

Committees, subcommittees and working parties

1. The Committee shall be assisted by:

- (i) the Customs Cooperation Committee set up by Article 37 of Protocol No 1 to Annex V to the ACP-EC Agreement;
- (ii) the permanent joint group on bananas provided for in Article 3 of Protocol 5 to Annex V to the ACP-EC Agreement;
- (iii) the Subcommittee on Trade Cooperation;
- (iv) the Subcommittee on Sugar;

(v) the joint working party on rice referred to in paragraph 5 of Declaration XXIV of the Final Act to the ACP-EC Agreement;

(vi) the joint working party on rum referred to in paragraph 6 of Declaration XXV of the Final Act to the ACP-EC Agreement.

2. The Committee may set up other appropriate committees, subcommittees or working parties to carry out the work it considers necessary for the accomplishment of the tasks set out in Article 16(2) of the ACP-EC Agreement.

3. These committees, subcommittees and working parties shall submit reports on their work to the Committee.

Article 12

Composition of committees, subcommittees and working parties

1. With the exception of the Customs Cooperation Committee, the committees, subcommittees and working parties referred to in Article 11 shall comprise ACP ambassadors or their representatives, representatives of the Commission and representatives of the Member States.

2. A representative of the Bank shall attend committee, subcommittee and working party meetings where their agendas contain items concerning the Bank.

3. The members of these committees, subcommittees and working parties may be assisted in their tasks by experts.

Article 13

Chair of committees, subcommittees and working parties

1. The committees, subcommittees and working parties referred to in Article 11 shall be jointly chaired by an ACP Ambassador for the ACP States and a representative of the Commission or a representative of a Member State for the Community.

2. Without prejudice to paragraph 1 the Co-chairs may, in exceptional cases and by common agreement, be represented by any person they designate.

Article 14

Procedures for committee, subcommittee and working party meetings

The committees, subcommittees and working parties referred to in Article 11 shall meet at the request of one of the two parties after consultation between their Chairs and notice of seven days shall be given for such meetings, except in urgent cases.

Article 15

Rules of Procedure of committees, subcommittees and working parties

The committees, subcommittees and working parties referred to in Article 11 may establish their Rules of Procedure with the agreement of the Committee.

Article 16

Secretariat

1. Secretariat work and other work necessary for the operation of the Committee and of the committees, subcommittees and working parties referred to in Article 11 (drafting agendas and distributing the relevant documents) shall be carried out by the Council Secretariat.

2. As soon as possible after each meeting, the Secretariat shall draft minutes of the meetings of these committees, subcommittees and working parties.

The minutes shall be sent by the Secretariat of the Council to the representatives of the ACP States, the Secretariat of the ACP Group of States, the Permanent Representatives of the Member States, the General Secretariat of the Council of the European Union and the Commission.

Article 17

The present Decision annuls and replaces Decision No 2/2001 of 30 January 2001 of the ACP-EC Committee of Ambassadors concerning the adoption of its Rules of Procedure.

Done at Brussels, 8 March 2005.

For the ACP-EC Council of Ministers

The President

J. ASSELBORN

DECISION No 2/2005 OF THE ACP-EC COMMITTEE OF AMBASSADORS
of 8 March 2005
concerning the adoption of the Rules of Procedure of the ACP-EC Customs Cooperation Committee
(2005/300/EC)

THE ACP-EC COMMITTEE OF AMBASSADORS,

Article 2

Having regard to Decision No 2/1995 of the ACP-EC Council of Ministers on 8 June 1995 on the membership and rules of operation of the ACP-EC Customs Cooperation Committee,

The Committee's duties defined at Articles 37(1) to (6) and 38(8) to (10) of Protocol 1 of Annex V to the Partnership Agreement shall be as follows:

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000⁽¹⁾, hereinafter referred to as 'the Partnership Agreement' and in particular Article 37 of Protocol 1 of Annex V thereto,

(a) carrying out administrative cooperation with a view to the correct and uniform application of Protocol 1 of the Partnership Agreement and carrying out any other task in the customs field which may be entrusted to it;

Having regard to the Rules of Procedure of the ACP-EC Committee of Ambassadors and in particular Article 15 thereof, referring to the establishment of the Rules of Procedure of committees, subcommittees and working parties that assist the Committee of Ambassadors,

(b) examining regularly the effect on the ACP States of the application of the rules of origin and recommending appropriate measures to the ACP-EC Council of Ministers;

Desirous of ensuring the fulfilment of the objectives set by the ACP States and the European Community in Title II of part Three of the Partnership Agreement,

(c) taking decisions on derogations from the rules of origin, under the conditions laid down in Article 38(9) and (10) of the Protocol 1 of Annex V to the Partnership Agreement;

Considering that effective customs cooperation between the ACP States and the European Community can contribute to the development of trade between the ACP States and the European Community,

(d) preparing the decisions of the ACP-EC Council of Ministers pursuant to Article 40 of Protocol 1 of Annex V to the Partnership Agreement.

Considering that the Committee's terms of reference are established by Articles 37 and 38 of Protocol 1 of Annex V of the Partnership Agreement,

Article 3

1. The Committee shall meet at least twice a year on dates to be mutually appointed by the ACP Group and the European Community, as a rule at least eight days before the meeting of the ACP-EC Committee of Ambassadors; extraordinary meetings may be convened when necessary.

HAS DECIDED AS FOLLOWS:

2. The Committee may, if necessary, set up ad hoc working parties to examine specific issues.

Article 1

1. The Customs Cooperation Committee set up by Article 37 of Protocol 1 of Annex V of the Partnership Agreement, hereinafter referred to as 'the Committee', shall be composed on the one hand of experts from the Member States of the European Community and of Commission officials responsible for customs questions, and on the other hand of experts representing the ACP States and of officials of regional groupings of the ACP States who are responsible for customs questions. The Committee may call upon appropriate expertise where necessary.

3. Meetings of the Committee shall be convened by its Chairman. Its proceedings shall be confidential unless decided otherwise.

2. Each Party shall notify the names of its representatives and of its co-chairman to the Secretariat of the ACP-EC Council of Ministers.

Article 4

The Chairmanship of the Committee shall be held alternately for six-month periods by the ACP Group and the European Community:

— from 1 April to 30 September by the ACP co-chairman,

— from 1 October to 31 March by the European Community co-chairman.

⁽¹⁾ OJ L 317, 15.12.2000, p. 1.

Article 5

1. A provisional agenda for each meeting shall be drawn up by the Chairman in consultation with the co-chairman and shall be adopted by the Committee at the start of each meeting.
2. Secretarial tasks and the other work required for the functioning of the Committee shall be carried out by the Secretariat of the ACP-EC Council of Ministers.
3. The Secretariat shall send out the notices convening the meeting, the agenda, the draft measures and any other working papers to the members of the Committee at least two weeks before the meeting.
4. After each meeting, the Secretariat shall produce a summary record for adoption at the next meeting of the Committee.

Article 6

The Committee's deliberations may be considered valid only if a majority of the representatives appointed by the ACP Group and one representative of the Commission are present.

Article 7

1. The Committee's decisions shall be adopted by agreement between, on the one hand, the ACP States, and, on the other hand, the European Community.
2. Where the Committee is unable to adopt a decision, it shall refer the matter to the ACP-EC Committee of Ambassadors.
3. In exceptional circumstances, the co-chairmen may decide to adopt decisions by written procedure, in particular as regards decisions adopted pursuant to Article 38 of Protocol 1 of Annex V to the Partnership Agreement.

Article 8

The Committee may, if it deems it advisable, arrange for experts to attend where the matters under discussion require specific expertise.

Notwithstanding the provisions of Article 1, any ACP State which is not a member of the Committee may attend as an observer, except where the Committee decides to meet in restricted session.

Article 9

The Committee shall submit its reports to the ACP-EC Committee of Ambassadors.

Article 10

The ACP States, on the one hand, and the Member States and the European Community, on the other hand, shall be bound, each as regards the matters that concern it, to take the necessary measures for the implementation of this Decision.

Article 11

This Decision shall come into effect on signature. It annuls and replaces Decision No 2/1995 of the ACP-EC Council of Ministers of 8 June 1995 on the membership and rules of operation of the ACP-EC Customs Cooperation Committee.

Done at Brussels, 8 March 2005.

For the ACP-EC Committee of Ambassadors
The Chairman
M. SCHOMMER

COMMISSION

COMMISSION DECISION

of 22 September 2004

on the State aid which the United Kingdom is planning to implement for Peugeot Citroën Automobiles UK Ltd

(notified under document number C(2004) 3349)

(Only the English text is authentic)

(Text with EEA relevance)

(2005/301/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

their comments. The Commission did not receive any comments from interested parties.

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

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

Having called on interested parties to submit their comments pursuant to the provisions cited above⁽¹⁾,

- (4) After requesting an extension of the deadline to submit comments on 25 July 2003, the United Kingdom submitted its comments to the opening of the procedure on 5 September 2003. A meeting between the Commission, the United Kingdom and the beneficiary took place in Brussels on 17 October 2003, after which the Commission addressed a new request for information to the United Kingdom on 20 October 2003. The information was provided by the United Kingdom on 19 February and 4 May 2004.

Whereas:

II. DESCRIPTION OF THE MEASURE AND ITS RECIPIENT

I. PROCEDURE

- (1) By letter dated 16 December 2002, the United Kingdom notified the Commission of a plan to grant regional aid to Peugeot Citroën Automobiles UK Ltd (hereafter PCA UK). The Commission requested further information on 7 February 2003, which was provided by the UK by letter dated 7 March 2003.
- (2) By letter dated 30 April 2003, the Commission informed the United Kingdom that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty as it found that doubts were raised as to the compatibility of the aid with the common market.
- (3) The Commission Decision to initiate the procedure was published in the *Official Journal of the European Union*⁽²⁾. The Commission called on interested parties to submit

- (5) The planned aid would be granted to PCA UK, a subsidiary of the French group PSA Peugeot Citroën (hereafter PSA). PSA designs, manufactures and sells motor vehicles. In 2003, PSA sold 3 286 100 vehicles worldwide, achieving a turnover of EUR 54,238 billion, and an operating margin of EUR 2,195 billion.

The project

- (6) The notified project concerns the investment necessary for the production of a new model that will replace the current Peugeot 206 and derivatives.
- (7) The current capacity at the Ryton plant is 183 500 vehicles/year. The current 206 model will be phased out from 2008, with the introduction of a new model that will use a new platform. Capacity at the plant is foreseen to remain constant at 183 500 vehicles/year.

⁽¹⁾ OJ C 147, 24.6.2003, p. 2.

⁽²⁾ See footnote 1.

(8) The planned start of the notified project is 2005, and the planned completion date is 2010. According to the United Kingdom, the project involves the installation of new (paintshop, metal finish) or transformed (bodyshop retooling for the different platform, final assembly) lines for the production of the new model. Infrastructure works will include improved environmental, working and safety conditions, and a new car park for finished vehicles. According to the United Kingdom, total required investment will amount to GBP 187,760 million in nominal terms.

(9) According to the United Kingdom, the project is mobile, and PSA is considering the alternative site of Trnava, in Slovakia, for the project. PSA announced in January 2003 that Trnava has been chosen as the location for a greenfield investment. The new Trnava plant will start production in 2008, and will produce 300 000 small cars/year of the same type as the new model that will replace the Peugeot 206. According to the United Kingdom, PSA is considering whether to expand projected capacity at Trnava, while phasing out production at Ryton.

Legal basis, investment and aid amounts

(10) The project takes place at the existing PSA plant in Ryton, in the West Midlands region. Ryton-on-Dunsmore is an Article 87(3)(c) area, whose regional ceiling is 10 % net grant equivalent for the 2000 to 2006 period.

(11) The notified aid is granted under the approved Regional Selective Assistance scheme⁽³⁾ with the legal basis in Section 7 of Industrial Development Act 1982.

(12) The proposed aid takes the form of a direct grant, and would be paid over the 2005 to 2010 period. It amounts to nominal GBP 19,100 million gross grant equivalent, with an actualised value of GBP 14,411 million gross grant equivalent (base year 2002, discount rate 6,01 %). Eligible investments amount to GBP 187,760 million in nominal values and to GBP 146,837 million in actualised values. Therefore, the aid intensity notified by the United Kingdom is 9,81 % gross grant equivalent.

(13) No other Community aid or financing has been allocated to the project.

III. GROUNDS FOR INITIATING THE PROCEDURE

(14) In its decision of 30 April 2003 to initiate the procedure laid down in Article 88(2) of the Treaty⁽⁴⁾, the

Commission expressed doubts on the necessity and proportionality of the proposed aid. In order to allay these doubts, the Commission asked for additional clarifications and documents.

(15) Regarding the necessity of the aid, the Commission doubted that Trnava had been considered as a viable alternative to Ryton for the project in question. It requested additional circumstantial evidence, e.g. the location study, to show that the project is actually mobile within the meaning of the car framework.

(16) Regarding the proportionality of the aid, the Commission expressed doubts on:

— the exact calculation of the eligible costs,

— the inclusion of investment in vendor tooling within the eligible costs,

— the justification for the higher investment costs for land, buildings, machinery and equipment in Ryton with respect to Trnava,

— the justification for lower operating costs for components and materials in Trnava,

— the exact calculation of redundancy costs in Ryton.

(17) Finally, the Commission expressed doubts on the calculation of capacity variations put forward by the United Kingdom in the context of the determination of the 'top-up'.

IV. COMMENTS FROM THE UNITED KINGDOM

(18) The United Kingdom submitted its comments on the opening of the procedure on 5 September 2003, and additional information on 19 February and 4 May 2004.

(19) On the necessity of the aid, the United Kingdom reaffirmed that the project is mobile. To that end, the United Kingdom provided documentary evidence showing that Trnava is a viable technical alternative to Ryton for the project.

(20) The United Kingdom also provided additional information on the doubts expressed by the Commission in the opening of procedure as regards the proportionality of the aid.

⁽³⁾ Commission Decision of 25 April 2001 not to raise objections on the case N 731/00 (OJ C 211, 28.7.2001, p. 48).

⁽⁴⁾ See footnote 1.

- (21) By letter of 5 September 2003, the United Kingdom submitted a new cost-benefit analysis (CBA) that differed from the one initially notified in many important aspects, including higher investment costs in Trnava for machinery and equipment, but lower operating costs in Ryton for labour, and lower operating costs in Trnava for energy and water as well as for inward and outward transport. Some of the changes regarded items for which the Commission did not express doubts in the opening of procedure.
- (22) With the letter of 19 February 2004, the United Kingdom submitted a new version of the CBA, which was broadly in line with the one of September 2003, with some exceptions (for instance, the figures on labour costs in Ryton and outward transport costs in Trnava were changed back to the initially notified ones). The United Kingdom clarified the items on which the Commission had expressed doubts in the opening of the procedure and the items that were modified after the opening of the procedure. By letter of 4 May 2004, the United Kingdom communicated to the Commission that the project may not commence until the very end of 2004 or the beginning of 2005. The CBA of February 2004 was amended accordingly, with 2005 as the first year of the investment.
- (23) Regarding the cost of land in Trnava, the United Kingdom claimed that no cost should be included, as the project could be carried out within the existing confines of the site. Indicatively, the project would require 30 hectares of land, whose cost is GBP 0,512 million in actualised values.
- (24) Regarding the investment costs for buildings, machinery and equipment, the United Kingdom adapted the CBA of February 2004 to take into account the Commission's remarks. While the originally notified CBA only took into account the costs strictly necessary in Trnava in order to accommodate the project, the modified version also takes into account the share of the overall fixed and common costs that can be imputed to the project. As a consequence, the Trnava alternative results more expensive than the transformation of the Ryton plant.
- (25) Regarding the investment costs for vendor tooling, the United Kingdom affirmed that they have not been considered as eligible costs and they have not been included in the CBA of February 2004, as they will be necessary under both scenarios and therefore would not affect the handicap for Ryton.
- (26) Regarding the operating costs for components and materials, the United Kingdom provided copies of PSA's internal planning document dated May 2003 that reports the component cost differentials between various production sites of the group. The principal difference between component costs at Ryton and Trnava arise from significantly lower hourly wage rates at Trnava, that translate in lower costs for locally sourced large components such as, for example, bumpers, fascias, seats, door boards and dashboards.
- (27) The United Kingdom also provided documents supporting a decrease in the operating costs foreseen in Trnava for energy and water, as well as for inward transport. Regarding the inward transport costs, the United Kingdom provided a copy of the update to the internal planning document for the Trnava site, version November 2003, in which the initial cost estimate is reduced to account for a higher estimated share of locally sourced components.
- (28) As regards the redundancy costs, the United Kingdom clarified that they had been taken into account, in the CBA of February 2004, as additional costs to the Trnava solution, similarly to the costs relating to the closure of the Ryton plant. The United Kingdom also provided more detail on the calculation of these costs. Conversely, the United Kingdom did not include any maintenance investment in Ryton in the CBA, as general maintenance investment would have to be carried out in both scenarios.
- (29) Finally, regarding the 'top-up', the United Kingdom reaffirmed that the +2 % factor should be applied to the regional handicap resulting from the CBA of February 2004, because no increase in production will occur as a consequence of the aided project.
- V. ASSESSMENT OF THE MEASURE**
- (30) The measure notified by the United Kingdom in favour of PCA UK constitutes State aid within the meaning of Article 87(1) of the Treaty. It would be financed by the State or through State resources. Furthermore, as it constitutes a significant proportion of the funding of the project, the aid is liable to distort competition in the Community by giving PCA UK an advantage over competitors not receiving aid. Lastly, there is extensive trade between Member States in the automobile market where PSA is a major player.

- (31) Article 87(2) of the Treaty lists certain types of aid that are compatible with the Treaty. In view of the nature and purpose of the aid, and the geographical location of the firm, subparagraphs (a), (b) and (c) of that Article are not applicable to the plan in question. Article 87(3) of the Treaty specifies other forms of aid, which may be regarded as compatible with the common market. The Commission notes that the project is located in the area of Ryton-on-Dunsmore, which qualifies for assistance under Article 87(3)(c) of the Treaty with a regional aid ceiling of 10 % net grant equivalent.
- (32) The aid in question is intended for PCA UK, which manufactures and assembles motor vehicles. The firm is therefore part of the motor vehicle industry within the meaning of the Community framework for State aid to the motor vehicle industry⁽⁵⁾ (hereinafter the car framework).
- (33) The car framework specifies at paragraph 2.2(a) that all aid which the public authorities plan to grant to an individual project under authorised aid schemes for a firm operating in the motor vehicle industry must, in accordance with Article 88(3) of the Treaty, be notified before being granted if either of the following thresholds is reached: (i) total cost of the project equalling EUR 50 million, (ii) total gross aid for the project, whether State aid or aid from Community instruments equalling EUR 5 million. Both the total cost of the project and the amount of aid exceed the notification thresholds. Thus, in notifying the regional aid proposed for PCA UK, the United Kingdom has complied with the requirements of Article 88(3) of the Treaty.
- (34) According to the car framework, the Commission is to ensure that the aid granted is both necessary for the realisation of the project and proportional to the gravity of the problems it intends to solve. Both tests, necessity and proportionality, must be satisfied if the Commission is to authorise State aid in the motor vehicle industry.
- (35) According to paragraph 3.2(a) of the car framework, in order to demonstrate the necessity for regional aid, the aid recipient must clearly prove that it has an economically viable alternative location for its project. If there were no other industrial site, whether new or in existence, capable of receiving the investment in question within the group, the undertaking would be compelled to carry out its project in the sole plant available, even in the absence of aid. Therefore, no regional aid may be authorised for a project that is not geographically mobile.
- (36) The Commission has assessed the documentation and information provided by the United Kingdom, and concluded that the layouts of the Trnava plant and documents relating to the site selection process and technical characteristics show that the plant has the possibility of hosting the project under scrutiny. Indeed, the production currently foreseen at the plant is of 55 cars/hour from 2006 onwards. However, the plant could produce up to 87 cars/hour through the implementation of a new production line of 32 cars/hour. There is sufficient land available for such an expansion within the current plant perimeter, and all infrastructural installations are already compatible with the higher production volumes.
- (37) Additionally, the Commission notes that, according to press reports, the Trnava plant is still being considered by the PSA group as a possible alternative to Ryton for the project under scrutiny.
- (38) Based on the information referred to in recitals 36 and 37, the Commission concludes that Trnava is effectively a viable alternative to Ryton for the project under consideration.
- (39) The Commission has also verified that the project involves the complete dismantling of the old production lines, and the installation of completely new machinery and equipment in an overall production structure that is clearly different from the previous one. The project qualifies therefore as a transformation under the car framework.
- (40) The Commission therefore concludes that the project is mobile and can therefore be considered eligible for regional aid, since the aid is necessary to attract the investment to the assisted region.
- (41) According paragraph 3.2(b) of the car framework, eligible costs are defined by the regional scheme applicable in the assisted region concerned. Having analysed the additional information provided by the United Kingdom on the calculation of the eligible costs and on the vendor tooling investments, the Commission has verified that the costs amounting to GBP 146,837 million in actualised values can be considered eligible for aid.
- (42) According to paragraph 3.2(c) of the car framework the Commission needs to ensure that the planned aid is in proportion to the regional problems it is intended to resolve. For that, a CBA is used.
- ⁽⁵⁾ OJ C 279, 15.9.1997, p. 1. The car framework expired on 31 December 2002, but still applies to State aid notified to the Commission before that date. See Communication of the Commission to Member States (OJ C 258, 9.9.2000, p. 6).

- (43) A CBA compares, concerning the mobile elements, the costs that an investor would bear in order to carry out the project in the region in question with those it would bear for an identical project in a different location. Through this comparison, the Commission determines the specific handicaps of the assisted region concerned. The Commission authorises regional aid within the limit of these regional handicaps.
- (44) In accordance with paragraph 3.2(c) of the car framework, the operating handicaps of Ryton, as compared to Trnava, are assessed over three years in the CBA since the project in question is not a greenfield site. The period covered in the final version of the CBA submitted by the United Kingdom is 2008 to 2010, that is three years from the beginning of production in compliance with paragraph 3.3 of Annex I to the car framework. Using 2002 as the reference year, the notified CBA indicates a net cost handicap of GBP 18,772 million for the location in Ryton in comparison with the location in Trnava. The resulting 'regional handicap ratio'⁽⁶⁾ of the project is 12,78 %.
- (45) The Commission has analysed the additional information and documents submitted by the United Kingdom after the decision to initiate the procedure laid down in Article 88(2) of the Treaty. Regarding the costs of land, the Commission does not accept the United Kingdom's argument that no such cost should be included in the CBA, as the project could be carried out within the existing confines of the Trnava site. The land in question has been recently purchased by PSA with the expressed aim to accommodate the project, should the final choice be for Trnava instead of Ryton. It must therefore be included in the costs related to the Trnava solution, that are consequently increased by GBP 0,512 million.
- (46) As regards the investment costs for buildings, machinery and equipment, and vendor tooling, the Commission can accept the figures presented in the CBA of February 2004, that show that the Ryton transformation would require an actualised GBP 4,522 million lower investment than the extension of Trnava.
- (47) Regarding the operating costs for components and materials, internal documents provided after the opening of procedure show that the Ryton plant suffers a cost disadvantage for the sourcing of selected components that are locally sourced and for which added value from local manpower is relevant. Conversely, no cost differences have been recorded in the CBA for components (e.g. engines or gearboxes) that are sourced worldwide from the same supplier. Having analysed the new information, the Commission concludes that the figures relative to this item can be accepted for the purposes of the CBA.
- (48) Similarly, the new information provided is sufficient to demonstrate that the updates in the CBA of February 2004 as regards energy and water, inward transport costs as well as redundancy costs is based on documentary evidence and reflects acceptable estimates of the evolution of such costs during the period covered by the CBA.
- (49) The CBA resulting from the Commission analysis differs only marginally from the one submitted by the United Kingdom after the opening of proceedings, while the differences with the one initially notified are more important. According to the Commission, the CBA indicates a net cost handicap for Ryton of GBP 18,260 million at 2002 values⁽⁷⁾ (compared to GBP 18,772 million according to the United Kingdom). The resulting regional handicap ratio of the project is 12,44 %⁽⁸⁾ (compared to 12,78 % according to the United Kingdom).
- (50) Finally, the Commission in its analysis considers the question of a 'top up', which takes into account the expansion or reduction in capacity for the motor vehicle producer in question during the investment period. An increase in the regional handicap ratio resulting from the CBA is authorised on condition that the beneficiary of the aid does not increase the capacity problems facing the motor vehicle industry. Conversely, the regional handicap ratio resulting from the CBA is reduced if the aid beneficiary potentially aggravates the overcapacity problem of the industry.

⁽⁶⁾
$$\frac{\text{Net cost handicap}}{\text{Eligible investment}} = \frac{18,772}{146,837} = 12,78 \% \text{ (see recital 11 above).}$$

⁽⁷⁾ Original net cost handicap as presented by UK (GBP 18,772 million) — costs of land in Trnava (GBP 0,512 million) (see recital 44 above) = GBP 18,260 million.

⁽⁸⁾
$$\frac{\text{New net cost handicap}}{\text{Eligible investment}} = \frac{\text{GBP } 18,26 \text{ million}}{\text{GBP } 146,837 \text{ million}} = 12,44 \%$$

- (51) The Commission does not accept the argument by the United Kingdom that the change in capacity should be calculated only looking at the project under scrutiny and not at PSA's European production capacity. According to the car framework, the CBA compares identical projects, which means among other things projects for the production of the same number of vehicles. Therefore it is true but irrelevant that the project under scrutiny would not influence PSA's overall production capacity. However, as it is clearly stated in paragraph 3.2(d) of the car framework, the aim of the top-up analysis is to capture the effects on competition of the investment project looking at variations in production capacity in the group concerned. To this end, the Commission has consistently compared total European production capacity of the motor vehicle producer in question before and after the project. According to the documents provided, PSA's capacity will be considerably expanded with the new facilities in operation at Kolin (200 000 cars/year for PSA) and in Trnava (300 000 units), while no corresponding capacity cuts at other European plants are foreseen. Consequently, the regional handicap ratio resulting from the CBA will be reduced by 2 % (high impact on competition for an investment project in an 87(3)(c) region, resulting in a final ratio of 10,44 %.

VI. CONCLUSION

- (52) The aid intensity of the project (9,81 % gross grant equivalent) is less than both the disadvantage identified by the cost-benefit/top up analysis (10,44 %) and the

regional aid ceiling (10 % net grant equivalent). The regional aid that the United Kingdom plans to grant for PCA UK therefore fulfils the criteria to be considered compatible with the common market under Article 87(3)(c) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The State aid which the United Kingdom is planning to implement for Peugeot Citroën Automobiles UK Ltd in Ryton, amounting to nominal GBP 19,100 million gross grant equivalent, with an actualised value of GBP 14,411 million gross grant equivalent (base year 2002, discount rate 6,01 %) for an eligible investments of GBP 187,760 million in nominal values (GBP 146,837 million in actualised values) is compatible with the common market within the meaning of Article 87(3)(c) of the Treaty.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 22 September 2004.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 31 March 2005

amending Decision 97/467/EC as regards the inclusion of one establishment in Croatia in provisional lists of third country establishments from which Member States are authorised to import ratite meat

(notified under document number C(2005) 985)

(Text with EEA relevance)

(2005/302/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, and in particular Article 2(4) thereof,

Whereas:

- (1) Commission Decision 97/467/EC of 7 July 1997 drawing up provisional lists of third country establishments from which the Member States authorise imports of rabbit meat and farmed game meat⁽²⁾ sets out provisional lists of establishments in third countries from which the Member States are authorised to import farmed game meat, rabbit meat and ratite meat.
- (2) Croatia has provided the name of one establishment producing ratite meat for which the responsible authorities certify that the establishment complies with Community rules.
- (3) Accordingly, that establishment should be included in the lists set out in Decision 97/467/EC.
- (4) As on-the-spot inspections of the concerned establishment have not yet been carried out, imports from it should not be eligible for reduced physical checks pursuant to Council Directive 97/78/EC of

18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽³⁾.

- (5) Decision 97/467/EC should therefore be amended accordingly.
- (6) 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

Annex II to Decision 97/467/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 21 April 2005.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 31 March 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 243, 11.10.1995, p. 17. Decision as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33); Corrigendum in OJ L 195, 2.6.2004, p. 12.

⁽²⁾ OJ L 199, 26.7.1997, p. 57. Decision as last amended by Decision 2004/591/EC (OJ L 263, 10.8.2004, p. 21).

⁽³⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1); Corrigendum in OJ L 191, 28.5.2004, p. 1.

ANNEX

The following text is added to Annex II:

País: Croacia/Země: Chorvatsko/Land: Kroatien/Land: Kroatien/Riik: Horvaatia/Χώρα: Κροατία/Country: Croatia/Pays: Croatie/Paese: Croazia/Valsts: Horvātija/Šalis: Kroatija/Ország: Horvátország/Pajjiž: Il-Kroazja/Land: Kroatie/Państwo: Chorwacja/País: Croácia/Krajina: Chorvatsko/Država: Hrvatska/Maa: Kroatia/Land: Kroatien

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