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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 608/2005
of 20 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 21 April 2005.

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

Done at Brussels, 20 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 20 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	111,8
	204	89,4
	212	125,1
	624	101,8
	999	107,0
0707 00 05	052	140,5
	204	62,7
	999	101,6
0709 90 70	052	101,8
	204	35,5
	999	68,7
0805 10 20	052	45,4
	204	43,4
	212	57,5
	220	48,5
	400	53,7
	624	53,6
	999	50,4
0805 50 10	052	54,2
	220	69,6
	388	70,6
	400	63,8
	528	58,4
	624	58,7
	999	62,6
0808 10 80	388	91,5
	400	137,1
	404	127,3
	508	71,3
	512	70,1
	524	60,5
	528	80,3
	720	76,5
	804	107,8
	999	91,4
0808 20 50	388	71,3
	512	61,8
	528	62,5
	720	32,9
	999	57,1

⁽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 609/2005**of 19 April 2005****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 ⁽²⁾ laying down provisions for the implementation of Regulation (EEC) No 2913/92, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 April 2005.

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

Done at Brussels, 19 April 2005.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 (OJ L 311, 12.12.2000, p. 17).

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

ANNEX

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.10	New potatoes 0701 90 50	26,07	15,19	784,54	194,29	407,87	6 458,32
		90,01	18,14	11,20	107,99	6 247,69	1 023,06
		239,26	17,78				
1.30	Onions (other than seed) 0703 10 19	35,97	20,96	1 082,44	268,06	562,75	8 910,63
		124,18	25,03	15,45	148,99	8 620,02	1 411,53
		330,12	24,53				
1.40	Garlic 0703 20 00	136,13	79,34	4 096,97	1 014,59	2 129,97	33 726,26
		470,03	94,73	58,48	563,92	32 626,33	5 342,57
		1 249,47	92,84				
1.50	Leeks ex 0703 90 00	62,17	36,23	1 871,07	463,36	972,75	15 402,62
		214,66	43,26	26,71	257,54	14 900,28	2 439,92
		570,63	42,40				
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	53,54	31,20	1 611,34	399,04	837,72	13 264,53
		184,86	37,26	23,00	221,79	12 831,93	2 101,23
		491,42	36,51				
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
1.100	Chinese cabbage ex 0704 90 90	104,01	60,62	3 130,28	775,20	1 627,40	25 768,48
		359,13	72,38	44,68	430,86	24 928,08	4 081,98
		954,66	70,93				
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	32,28	18,81	971,50	240,59	505,07	7 997,37
		111,46	22,46	13,87	133,72	7 736,55	1 266,86
		296,28	22,01				
1.140	Radishes ex 0706 90 90	90,76	52,89	2 731,51	676,44	1 420,09	22 485,79
		313,38	63,16	38,99	375,97	21 752,45	3 561,97
		833,04	61,90				
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	389,44	226,97	11 720,71	2 902,57	6 093,47	96 484,75
		1 344,67	271,01	167,31	1 613,27	93 338,04	15 284,12
		3 574,51	265,60				

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.170	Beans:						
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	153,55 530,19 1 409,39	89,49 106,86 104,72	4 621,35 65,97	1 144,45 636,10	2 402,59 36 802,17	38 042,88 6 026,36
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	255,23 881,26 2 342,63	148,75 177,61 174,07	7 681,40 109,65	1 902,25 1 057,29	3 993,48 61 170,97	63 233,23 10 016,76
1.180	Broad beans ex 0708 90 00	—	—	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—	—	—
1.200	Asparagus:						
1.200.1	— green ex 0709 20 00	430,98 1 488,09 3 955,76	251,18 299,92 293,93	12 970,80 185,15	3 212,14 1 785,34	6 743,38 103 293,14	106 775,47 16 914,27
1.200.2	— other ex 0709 20 00	498,15 1 720,00 4 572,23	290,32 346,66 339,74	14 992,21 214,00	3 712,73 2 063,57	7 794,29 119 390,68	123 415,70 19 550,24
1.210	Aubergines (eggplants) 0709 30 00	135,81 468,91 1 246,50	79,15 94,51 92,62	4 087,23 58,34	1 012,18 562,58	2 124,91 32 548,72	33 646,04 5 329,86
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	101,76 351,34 933,96	59,30 70,81 69,40	3 062,42 43,71	758,39 421,52	1 592,12 24 387,67	25 209,85 3 993,48
1.230	Chantarelles 0709 59 10	926,44 3 198,81 8 503,33	539,93 644,71 631,83	27 882,14 398,00	6 904,85 3 837,78	14 495,64 222 039,87	229 525,51 36 359,06
1.240	Sweet peppers 0709 60 10	142,11 490,67 1 304,33	82,82 98,89 96,92	4 276,86 61,05	1 059,14 588,68	2 223,49 34 058,81	35 207,03 5 577,14
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	111,77 385,93 1 025,91	65,14 77,78 76,23	3 363,94 48,02	833,06 463,02	1 748,88 26 788,80	27 691,93 4 386,67
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	82,31 284,21 755,51	47,97 57,28 56,14	2 477,29 35,36	613,49 340,98	1 287,92 19 727,93	20 393,02 3 230,45

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.40	Avocados, fresh ex 0804 40 00	99,19 342,48 910,41	57,81 69,03 67,65	2 985,19 42,61	739,26 410,89	1 551,97 23 772,60	24 574,05 3 892,77
2.50	Guavas and mangoes, fresh ex 0804 50	—	—	—	—	—	—
2.60	Sweet oranges, fresh:						
2.60.1	— Sanguines and semi-sanguines 0805 10 10	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:						
2.70.1	— Clementines ex 0805 20 10	106,21 366,72 974,85	61,90 73,91 72,44	3 196,50 45,63	791,59 439,97	1 661,83 25 455,35	26 313,53 4 168,32
2.70.2	— Monreales and satsumas ex 0805 20 30	93,75 323,72 860,52	54,64 65,24 63,94	2 821,63 40,28	698,76 388,38	1 466,94 22 470,12	23 227,65 3 679,49
2.70.3	— Mandarines and wilkins ex 0805 20 50	75,81 261,74 695,79	44,18 52,75 51,70	2 281,47 32,57	564,99 314,03	1 186,11 18 168,54	18 781,06 2 975,10
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	50,34 173,81 462,05	29,34 35,03 34,33	1 515,04 21,63	375,19 208,53	787,65 12 065,06	12 471,81 1 975,66
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	61,70 213,04 566,32	35,96 42,94 42,08	1 856,94 26,51	459,86 255,59	965,40 14 787,73	15 286,27 2 421,49
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	68,14 235,28 625,44	39,71 47,42 46,47	2 050,79 29,27	507,87 282,28	1 066,18 16 331,50	16 882,08 2 674,29
2.90.2	— pink ex 0805 40 00	82,63 285,30 758,40	48,16 57,50 56,35	2 486,75 35,50	615,83 342,28	1 292,84 19 803,31	20 470,94 3 242,79

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.100	Table grapes 0806 10 10	147,65 509,80 1 355,20	86,05 102,75 100,70	4 443,65 63,43	1 100,44 611,64	2 310,21 35 387,06	36 580,06 5 794,64
2.110	Water melons 0807 11 00	52,74 182,11 484,10	30,74 36,70 35,97	1 587,35 22,66	393,10 218,49	825,25 12 640,91	13 067,08 2 069,95
2.120	Melons (other than water melons):						
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	53,45 184,57 490,63	31,15 37,20 36,46	1 608,75 22,96	398,40 221,43	836,37 12 811,30	13 243,20 2 097,85
2.120.2	— Other ex 0807 19 00	92,32 318,77 847,37	53,81 64,25 62,96	2 778,51 39,66	688,08 382,44	1 444,52 22 126,72	22 872,68 3 623,25
2.140	Pears						
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	70,70 244,11 648,92	41,20 49,20 48,22	2 127,79 30,37	526,93 292,87	1 106,21 16 944,67	17 515,92 2 774,69
2.140.2	— Other ex 0808 20 50	70,72 244,19 649,12	41,22 49,22 48,23	2 128,43 30,38	527,09 292,96	1 106,55 16 949,82	17 521,25 2 775,54
2.150	Apricots 0809 10 00	705,36 2 435,47 6 474,15	411,08 490,86 481,06	21 228,51 303,02	5 257,12 2 921,95	11 036,49 169 053,63	174 752,94 27 682,56
2.160	Cherries 0809 20 95 0809 20 05	610,83 2 109,07 5 606,50	355,99 425,08 416,59	18 383,54 262,41	4 552,58 2 530,36	9 557,41 146 397,63	151 333,13 23 972,63
2.170	Peaches 0809 30 90	138,02 476,54 1 266,79	80,44 96,05 94,13	4 153,75 59,29	1 028,65 571,73	2 159,49 33 078,44	34 193,61 5 416,60
2.180	Nectarines ex 0809 30 10	103,78 358,34 952,56	60,48 72,22 70,78	3 123,43 44,58	773,50 429,92	1 623,84 24 873,46	25 712,02 4 073,03
2.190	Plums 0809 40 05	107,32 370,56 985,06	62,55 74,69 73,19	3 229,98 46,11	799,89 444,58	1 679,23 25 722,01	26 589,17 4 211,98
2.200	Strawberries 0810 10 00	103,01 355,67 945,46	60,03 71,68 70,25	3 100,15 44,25	767,73 426,71	1 611,73 24 688,07	25 520,38 4 042,68

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.205	Raspberries 0810 20 10	304,95	177,72	9 177,78	2 272,82	4 771,43	75 551,36
		1 052,93	212,21	131,01	1 263,26	73 087,37	11 968,07
		2 798,98	207,98				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 455,44	848,23	43 802,92	10 847,54	22 772,69	360 585,26
		5 025,34	1 012,84	625,26	6 029,16	348 825,30	57 120,20
		13 358,76	992,61				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	64,65	37,68	1 945,71	481,84	1 011,55	16 017,04
		223,22	44,99	27,77	267,81	15 494,67	2 537,25
		593,39	44,09				
2.230	Pomegranates ex 0810 90 95	313,82	182,89	9 444,73	2 338,93	4 910,22	77 748,90
		1 083,56	218,39	134,82	1 300,00	75 213,24	12 316,18
		2 880,40	214,03				
2.240	Khakis (including sharon fruit) ex 0810 90 95	204,88	119,41	6 166,15	1 527,01	3 205,72	50 759,69
		707,42	142,58	88,02	848,73	49 104,24	8 040,83
		1 880,52	139,73				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

COMMISSION REGULATION (EC) No 610/2005**of 20 April 2005****amending Regulation (EC) No 462/2005 opening a standing invitation to tender for the export of barley held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 6 thereof,

Article 5(4) of Regulation (EC) No 462/2005 is hereby replaced by the following:

Whereas:

‘4. Tenders must be lodged with the German intervention agency:

(1) Commission Regulation (EC) No 462/2005⁽²⁾ has opened a standing invitation to tender for the export of barley held by the German intervention agency.

Bundesanstalt für Landwirtschaft und Ernährung (BLE)
Deichmannsaue 29
D-53179 Bonn
Fax: (49-228) 68 45 39 85
(49-228) 68 45 32 76’.

(2) Article 5(4) thereof states the address where the tenders must be lodged with the German intervention agency. As a result of an internal reorganisation within the German administrative authorities, this address must be amended.

Article 2

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

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

This Regulation shall apply from 9.00 (Brussels time) on 28 April 2005.

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

Done at Brussels, 20 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 75, 22.3.2005, p. 27.

COMMISSION REGULATION (EC) No 611/2005**of 20 April 2005****amending Regulation (EC) No 823/2000 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia)****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 479/92 of 25 February 1992 on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) ⁽¹⁾, and in particular Article 1 thereof,

Having published a draft of this Regulation ⁽²⁾,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas:

- (1) Commission Regulation (EC) No 823/2000 ⁽³⁾ grants a general exemption to liner shipping consortia from the prohibition contained in Article 81(1) of the Treaty, subject to certain conditions.
- (2) Regulation (EC) No 823/2000 will expire on 25 April 2005. On the basis of the Commission's experience in applying that Regulation, it appears that the justifications for a block exemption for consortia are still valid. The application of Regulation (EC) No 823/2000 should therefore be extended for a further five years.
- (3) However, in some respects the provisions of Regulation (EC) No 823/2000 are not sufficiently attuned to current practice applied in the industry. It is therefore appropriate to introduce some minor amendments in order to make Regulation (EC) No 823/2000 more suitable

for its purpose, pending the outcome of the review of Council Regulation (EEC) No 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport ⁽⁴⁾, following which more substantial amendments may prove necessary.

- (4) In particular, Regulation (EC) No 823/2000 provides that consortium agreements must give member companies the right to withdraw from the consortium without financial or other penalty, subject to certain conditions concerning the period of notice to be given. Practice has shown that it is unclear how this provision is to be interpreted in the event that the date of entry into force of the consortium agreement is earlier than the date the service actually starts, for example, when vessels are unavailable, or still under construction. Specific provision should therefore be made for that situation.
- (5) It is justifiable for consortia to seek security for new investments committed to an existing service. Therefore, the possibility for the parties to a consortium agreement to enter into a 'non-withdrawal' clause should also apply where the parties to an existing consortium agreement have agreed to make substantial new investments and the costs of such new investments justify a new 'non-withdrawal' clause.
- (6) Regulation (EC) No 823/2000 provides that the exemption is subject to compliance with certain conditions, including the existence of effective price competition between the members of the conference within which the consortium operates due to the fact that the members are expressly authorised by the conference agreement to apply independent rate action to any freight rate provided for in the conference tariff. It has been brought to the Commission's attention that independent rate action can no longer be considered as a common general market practice. Instead, individual confidential contracts are now more important on various trades. Such confidential contracts may also bring about effective competition between liner conference members. The existence of individual confidential contracts should therefore also be regarded as an indicator of effective price competition between the members of the conference.

⁽¹⁾ OJ L 55, 29.2.1992, p. 3. Regulation as last amended by Regulation (EC) No 1/2003 (OJ L 1, 4.1.2003, p. 1).

⁽²⁾ OJ C 319, 23.12.2004, p. 2.

⁽³⁾ OJ L 100, 20.4.2000, p. 24. Regulation as last amended by Regulation (EC) No 463/2004 (OJ L 77, 13.3.2004, p. 23).

⁽⁴⁾ OJ L 378, 31.12.1986, p. 4. Regulation as last amended by Regulation (EC) No 1/2003.

- (7) Regulation (EC) No 823/2000 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 823/2000 is amended as follows:

1. In Article 2 the following points 6 and 7 are added:

‘6. “commencement of the service” means the date on which the first vessel sails on the service or, when there has been substantial new investment, the date on which the first vessel sails under the conditions directly arising from that substantial new investment;

7. “substantial new investment” means investment which results in the building, purchase or long-term charter of vessels, which are specifically designed, required and substantial for the operation of the service and which constitutes at least half of the total investment made by the consortium members in relation to the maritime transport service offered by the consortium.’;

2. In Article 5 point (a) is replaced by the following:

‘(a) there is effective price competition between the members of the conference within which the consortium operates, due to the fact that the members are expressly authorised by the conference agreement, whether by virtue of a statutory obligation or otherwise, to apply independent rate action to any freight rate provided for in the conference tariff and/or to enter into individual confidential contracts; or’;

3. In Article 8 point (b) is replaced by the following:

‘(b) the consortium agreement must give member companies the right to withdraw from the consortium without

financial or other penalty such as, in particular, an obligation to cease all transport activity in the trade or trades in question, whether or not coupled with the condition that such activity may be resumed only after a certain period has elapsed. This right shall be subject to a maximum notice period of six months which may be given after an initial period of 18 months starting from the date of entry into force of the consortium agreement or the agreement to make a substantial new investment in the joint maritime service. If the date of entry into force of the agreement is earlier than the date of commencement of the service, the initial period shall not be more than 24 months starting from the date of entry into force of the consortium agreement or the date of entry into force of the agreement to make a substantial new investment in the joint maritime service.

However, in the case of a highly integrated consortium which has a net revenue pool and/or high level of investment due to the purchase or charter by its members of vessels specifically for the purpose of setting up the consortium, the maximum notice period shall be six months, which may be given after an initial period of 30 months starting from the date of entry into force of the consortium agreement or the agreement to make a substantial new investment in the joint maritime service. If the date of entry into force of the agreement is earlier than the date of commencement of the service, the initial period shall not be more than 36 months starting from the date of entry into force of the consortium agreement or the date of entry into force of the agreement to make a substantial new investment in the joint maritime service.’;

4. In the second paragraph of Article 14, the date ‘25 April 2005’ is replaced by ‘25 April 2010’.

Article 2

This Regulation shall enter into force on 26 April 2005.

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

Done at Brussels, 20 April 2005.

For the Commission

Neelie KROES

Member of the Commission

COMMISSION REGULATION (EC) No 612/2005
of 20 April 2005
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72⁽²⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate,

to take account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 April 2005.

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

Done at Brussels, 20 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

⁽²⁾ OJ L 78, 31.3.1972, p. 1. Regulation as last amended by Regulation (EEC) No 2962/77 (OJ L 348, 30.12.1977, p. 53).

ANNEX

to the Commission Regulation of 20 April 2005 fixing the export refunds on olive oil

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	0,00

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 April 2005

on emergency measures regarding the non-authorised genetically modified organism Bt10 in maize products

(notified under document number C(2005) 1257)

(Text with EEA relevance)

(2005/317/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, and in particular Article 53(1) thereof,

Whereas:

- (1) Articles 4(2) and 16(2) of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed⁽²⁾ provide that no genetically modified food or feed shall be placed on the Community market unless it is covered by an authorisation granted in accordance with that Regulation. Articles 4(3) and 16(3) of the same Regulation lay down that no genetically modified food and feed shall be authorised unless it has been adequately and sufficiently demonstrated that it does not have adverse effects on human health, animal health or the environment and that it does not mislead the consumer or the user, and differ from the food or feed it is intended to replace to such an extent that its normal consumption would be nutritionally disadvantageous for humans or animals.
- (2) On 22 March 2005, the authorities of the United States of America (the US authorities) informed the Commission that maize products contaminated with the genetically modified maize called Bt10 (the

contaminated products), which have not been authorised for placing on the market in the Community, were likely to have been exported to the Community since 2001 and to continue to be exported. In addition, these authorities informed the Commission that those products were not authorised for placing on the market in the United States of America either.

- (3) Without prejudice to the control obligations of the Member States, the measures to be adopted further to the likely imports of contaminated products should be subject to a comprehensive and common approach allowing rapid and effective action to be taken and avoiding disparities between Member States in the treatment of the situation.
- (4) Article 53 of Regulation (EC) No 178/2002 provides for the possibility to adopt appropriate Community emergency measures for food and feed imported from a third country in order to protect human health, animal health or the environment, where the risk can not be contained satisfactorily by means of measures taken by the Member States concerned.
- (5) Although the contamination of products was reported by Syngenta, which is the company that developed the genetically modified maize Bt10, to the US authorities in December 2004, no data enabling a safety assessment of the genetically modified maize Bt10 by the European Food Safety Authority (the Authority) according to the standards laid down in Regulation (EC) No 1829/2003 were provided by Syngenta or the US authorities. According to the Authority⁽³⁾, in the absence of this information, the safety of Bt10 has yet to be confirmed.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

⁽²⁾ OJ L 268, 18.10.2003, p. 1.

⁽³⁾ Statement of the European Food Safety Authority issued on 12 April 2005.

- (6) Considering the absence of sufficient data enabling a safety assessment of the genetically modified maize Bt10 in order to achieve the high level of health protection chosen in the Community, and the presumption of risk on products not authorised according to Regulation (EC) No 1829/2003, which takes into account the precautionary principle laid down in Article 7 of Regulation (EC) No 178/2002, it is appropriate to take emergency measures in order to prevent the placing on the market in the Community of the contaminated products.
- (7) According to the general requirements laid down in Regulation (EC) No 178/2002, food and feed business operators have primary legal responsibility for ensuring that foods or feeds within the businesses under their control satisfy the requirements of food law and for verifying that such requirements are met. The duty to prove the absence of placing on the market of the contaminated products should therefore rely on the operator responsible for the first placing on the market. To this end, the emergency measures should require that consignments of specific products originating from the United States of America may be placed on the market only if an analytical report demonstrating that the products are not contaminated with the genetically modified maize Bt10 is provided. The analytical report should be issued by an accredited laboratory according to internationally recognised standards.
- (8) In order to facilitate controls, all genetically modified food and feed placed on the market should be subject to a validated method of detection. Syngenta has been requested to provide the method for the event-specific detection of the genetically modified maize Bt10 as well as control samples. Consequently, the Community reference laboratory referred to in Article 32 of Regulation (EC) No 1829/2003 (the CRL) has been asked to validate the detection method for this product on the basis of data provided by Syngenta. The detection method is made available by Syngenta and can also be found at the following address: <http://gmo-crl.jrc.it>
- (9) Considering that the measures provided for in this Decision must be proportionate and no more restrictive of trade than is required, only products considered as likely to be contaminated with genetically modified maize Bt10 should be covered. According to the information received from the US authorities, neither genetically modified maize grain nor any product derived therefrom are imported from the United States of America to the Community, with the exception of corn gluten feed and brewers grains for feed use. Accordingly, the latter products should be the subject of the said measures.
- (10) Despite requests made by the Commission, the US authorities were not in a position to provide any guarantee on the absence of Bt10 in corn gluten feed and brewers grains containing or produced from genetically modified organisms, which are imported in the Community, considering the lack of segregation or traceability measures in the United States of America on these products.
- (11) With regard to food products, according to the information made available to the Commission, no genetically modified maize imported from the United States of America is used in the production of food in the Community. Member States should however monitor whether genetically modified maize food products are present on the market and whether these have been contaminated by Bt10. On the basis of the information provided by Member States, the Commission will consider the need of any appropriate measure.
- (12) These measures should be evaluated after six months in order to assess whether they are still necessary.
- (13) 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*
- Scope**
- This Decision applies to the following products originating from the United States of America:
- corn gluten feed containing or produced from genetically modified maize within CN code 2309 90 20,
 - brewers grains containing or produced from genetically modified maize within CN code 2303 30 00.
- Article 2*
- Conditions for first placing on the market**
1. Member States shall allow the first placing on the market of the products referred to in Article 1 only where an original analytical report based on a suitable and validated method for the event-specific detection of genetically modified maize Bt10 and issued by an accredited laboratory accompanying the consignment demonstrates that the product does not contain Bt10 maize or feed produced from Bt10 maize.
- If a consignment of products referred to in Article 1 is split, a certified copy of the analytical report provided for in paragraph 1 shall accompany each part of the split consignment.

2. In the absence of such an analytical report, the operator established in the Community who is responsible for the first placing on the market of the product shall have the products referred to in Article 1 tested to demonstrate that they do not contain Bt10 maize or feed produced from Bt10 maize. Pending availability of the analytical report, the consignment shall not be placed on the market of the Community.

3. Member States shall inform the Commission of positive (unfavourable) results through the Rapid Alert System for food and feed.

Article 3

Other control measures

Member States shall take appropriate measures, including random sampling and analysis, concerning the products referred to in Article 1 already on the market in order to verify the absence of Bt10 maize or feed produced from Bt10 maize. They shall inform the Commission of positive (unfavourable) results through the Rapid Alert System for food and feed.

Article 4

Contaminated consignments

Member States shall take the necessary measures to ensure that the products referred to in Article 1 that are found to contain

Bt10 maize or feed produced from Bt10 maize are not placed on the market.

Article 5

Recovery of costs

Member States shall ensure that the costs incurred in the implementation of Articles 2 and 4 are borne by the operators responsible for the first placing on the market.

Article 6

Review of the measure

This Decision shall be reviewed by 31 October 2005 at the latest.

Article 7

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 18 April 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

DECISION No 2/2005 OF THE EC-SWITZERLAND JOINT COMMITTEE

of 17 March 2005

amending Protocol No 3 of the Agreement between the European Economic Community and the Swiss Confederation concerning the definition of the concept of 'originating products' and methods of administrative cooperation

(2005/318/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Swiss Confederation, signed in Brussels on 22 July 1972 (hereinafter referred to as the Agreement),

Having regard to Protocol No 3 concerning the definition of the concept of originating products and methods of administrative cooperation (hereinafter referred to as Protocol No 3), and in particular Article 38 thereof,

Whereas:

- (1) The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (hereinafter referred to as new Member States), acceded to the European Union on 1 May 2004.
- (2) The trade between the new Member States and the Swiss Confederation (hereinafter referred to as Switzerland), is covered upon accession by the Agreement and the application of the trade agreements concluded between Switzerland and the new Member States concerned is discontinued.
- (3) After accession of the new Member States, goods originating in these countries imported into Switzerland in the framework of the Agreement are to be treated as of Community origin.
- (4) The accession of the new Member States requires some technical amendments to the text of Protocol No 3, as well as transitional measures, to ensure the transition process and guarantee legal security.
- (5) Annex IV No 5 of the 2003 Act of Accession provides similar transitional measures and procedures,

HAS DECIDED AS FOLLOWS:

Section I

Technical amendments to the text of the Protocol

Article 1

Rules of origin

Protocol No 3 is hereby amended as follows:

1. in Articles 3(1) and 4(1), the reference to the new Member States shall be deleted;

2. Article 18(4) shall be replaced by the following:

'4. Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

ES "EXPEDIDO A POSTERIORI"
 CS "VYSTAVENO DODATEČNĚ"
 DA "UDSTEDT EFTERFØLGENDE"
 DE "NACHTRÄGLICH AUSGESTELLT"
 ET "TAGANTJÄRELE VÄLJA ANTUD"
 EL "ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ"
 EN "ISSUED RETROSPECTIVELY"
 FR "DÉLIVRÉ A POSTERIORI"
 IT "RILASCIATO A POSTERIORI"
 LV "IZSNIEGTS RETROSPEKTĪVI"
 LT "RETROSPEKTYVUSIS IŠDAVIMAS"
 HU "KIADVA VISSZAMENŐLEGES HATÁLLYAL"
 MT "MAHRUĠ RETROSPETTIVAMENT"
 NL "AFGEGEVEN A POSTERIORI"
 PL "WYSTAWIONE RETROSPEKTYWNIĘ"
 PT "EMITIDO A POSTERIORI"
 SL "IZDANO NAKNADNO"
 SK "VYSTAVENÉ DODATOČNE"
 FI "ANNETTU JÄLKIKÄTEEN"
 SV "UTFÄRDAT I EFTERHAND".

3. Article 19(2) shall be replaced by the following:

'2. The duplicate issued in this way must be endorsed with one of the following words:

ES "DUPLICADO"
 CS "DUPLIKÁT"
 DA "DUPLIKAT"
 DE "DUPLIKAT"
 ET "DUPLIKAAT"
 EL "ΑΝΤΙΓΡΑΦΟ"
 EN "DUPLICATE"
 FR "DUPLICATA"
 IT "DUPLICATO"
 LV "DUBLIKĀTS"
 LT "DUBLIKATAS"
 HU "MÁSODLAT"
 MT "DUPLIKAT"
 NL "DUPLICAAT"
 PL "DUPLIKAT"

PT “SEGUNDA VIA”
 SL “DVOJNIK”
 SK “DUPLIKÁT”
 FI “KAKSOISKAPPALE”
 SV “DUPLIKAT”.

4. Annex IV shall be replaced by the following:

‘ANNEX IV

The invoice declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

Spanish version

El exportador de los productos incluidos en el presente documento [autorización aduanera n.º ...⁽¹⁾] declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ...⁽²⁾.

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ...⁽¹⁾) prohlašuje, že kromě zřetelně označených, mají tyto výrobky preferenční původ v ...⁽²⁾.

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ...⁽¹⁾), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ...⁽²⁾.

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ...⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte ...⁽²⁾ Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolliametikiinnitus nr. ...⁽¹⁾) deklareerib, et need tooted on ...⁽²⁾ sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο [άδεια τελωνείου υπ' αριθ. ...⁽¹⁾] δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησηακής καταγωγής ...⁽²⁾.

English version

The exporter of the products covered by this document (customs authorization No ...⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of ...⁽²⁾ preferential origin.

French version

L'exportateur des produits couverts par le présent document [autorisation douanière n.º ...⁽¹⁾] déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ...⁽²⁾.

Italian version

L'esportatore delle merci contemplate nel presente documento [autorizzazione doganale n. ...⁽¹⁾] dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ...⁽²⁾.

Latvian version

Eksportētājs produktiem, kuri ietverti šajā dokumentā (muitas pilnvara Nr. ...⁽¹⁾), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir priekšrocību izcelsme no ...⁽²⁾.

Lithuanian version

Šiame dokumente išvardytų prekių eksportuotojas (muitinės liudijimo Nr. ...⁽¹⁾) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra ...⁽²⁾ preferencinės kilmės prekės.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ...⁽¹⁾) kijelentem, hogy eltérő jelzés hiányában az áruk kedvezményes ...⁽²⁾ származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. ...⁽¹⁾) jiddikjara li, hlief fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali ...⁽²⁾.

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ...⁽¹⁾), verklaart dat, behoudens uitdrukkelijk andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn ...⁽²⁾.

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ...⁽¹⁾) oświadcza, że – jeśli wyraźnie nie określono inaczej – produkty te mają ...⁽²⁾ pochodzenie preferencyjne.

Portuguese version

O exportador dos produtos cobertos pelo presente documento [autorização aduaneira n.º ...⁽¹⁾], declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ...⁽²⁾.

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št. ...⁽¹⁾) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ...⁽²⁾ poreklo.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia ...⁽¹⁾) vyhlasuje, že okrem zreteľne označených majú tieto výrobky preferenčný pôvod v ...⁽²⁾.

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ...⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperä tuotteita ...⁽²⁾.

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr ...⁽¹⁾) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung⁽²⁾.

.....⁽³⁾
(Place and date)

.....⁽⁴⁾
(Signature of the exporter, in addition the name of the person signing the declaration has to be indicated in clear script)

⁽¹⁾ When the invoice declaration is made out by an approved exporter, the authorisation number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

⁽²⁾ Origin of products to be indicated. When the invoice declaration relates in whole or in part, to products originating in Ceuta and Mellila, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

⁽³⁾ These indications may be omitted if the information is contained on the document itself.

⁽⁴⁾ In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.

Section II**Transitional provisions****Article 2****Proof of origin and administrative cooperation**

1. Proofs of origin properly issued by either Switzerland or a new Member State in the framework of preferential agreements or autonomous arrangements applied between them shall be accepted in the respective countries, provided that:

- (a) the acquisition of such origin confers preferential tariff treatment on the basis of the preferential tariff measures contained in the Agreement;
- (b) the proof of origin and the transport documents were issued no later than the day before the date of accession;
- (c) the proof of origin is submitted to the customs authorities within the period of four months from the date of accession.

Where goods were declared for importation in either Switzerland or a new Member State, prior to the date of accession, under preferential agreements or autonomous arrangements applied between Switzerland and that new Member State at that time, proof of origin issued retrospectively under those agreements or arrangements may also be accepted provided that it is submitted to the customs authorities within the period of four months from the date of accession.

2. Switzerland and the new Member States are authorised to retain the authorisations with which the status of 'approved exporters' has been granted in the framework of preferential agreements or autonomous arrangements applied between them, provided that:

- (a) such a provision is also provided for in the agreement concluded prior to the date of accession between Switzerland and the Community; and
- (b) the approved exporters apply the rules of origin in force under that agreement.

These authorisations shall be replaced no later than one year after the date of accession, by new authorisations issued under the conditions of the Agreement.

3. Requests for subsequent verification of proof of origin issued under the preferential agreements or autonomous arrangements referred to in paragraphs 1 and 2 shall be accepted by the competent customs authorities of either Switzerland or the Member States for a period of three years after the issue of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin submitted to those authorities in support of an import declaration.

Article 3**Goods in transit**

1. The provisions of the Agreement may be applied to goods exported from either Switzerland to one of the new Member States or from one of the new Member States to Switzerland, which comply with the provisions of Protocol No 3 and that on the date of accession are either in transit or in temporary storage, in a customs warehouse or in a free zone in Switzerland or in that new Member State.

2. Preferential treatment may be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months of the date of accession, of a proof of origin issued retrospectively by the customs authorities of the exporting country.

Article 4

This decision shall enter into force on the day of its adoption.

It shall apply from 1 May 2004.

Done at Brussels, 17 March 2005.

For the Joint Committee
The Chairman
Richard WRIGHT