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Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 699/2005 of 4 May 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

Commission Regulation (EC) No 700/2005 of 4 May 2005 on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements 3

Commission Regulation (EC) No 701/2005 of 4 May 2005 determining to what extent applications lodged in April 2005 for the right to import bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds can be met 5

★ **Commission Regulation (EC) No 702/2005 of 3 May 2005 establishing unit values for the determination of the customs value of certain perishable goods 6**

★ **Commission Regulation (EC) No 703/2005 of 4 May 2005 fixing the compensatory aid for bananas produced and marketed in the Community in 2004 and the unit value of the advances for 2005 12**

★ **Commission Regulation (EC) No 704/2005 of 4 May 2005 amending the specification for a designation of origin in the Annex to Regulation (EC) No 1107/96 (Mel de Barroso) (PDO) 14**

★ **Commission Regulation (EC) No 705/2005 of 4 May 2005 amending or repealing certain regulations on the classification of goods in the Combined Nomenclature 18**

Commission Regulation (EC) No 706/2005 of 4 May 2005 suspending the buying-in of butter in certain Member States 25

Commission

2005/360/EC:

- ★ **Commission Decision of 26 April 2005 establishing ecological criteria and the related assessment and verification requirements for the award of the Community eco-label to lubricants** (notified under document number C(2005) 1372) ⁽¹⁾ 26

2005/361/EC:

- ★ **Commission Decision of 29 April 2005 amending Decision 1999/659/EC fixing an indicative allocation by Member State of the allocations under the European Agricultural Guidance and Guarantee Fund Guarantee Section for rural development measures for the period 2000 to 2006** (notified under document number C(2005) 1320) 35

2005/362/EC:

- ★ **Commission Decision of 2 May 2005 approving the plan for the eradication of African swine fever in feral pigs in Sardinia, Italy** (notified under document number C(2005) 1255) ⁽¹⁾ 37

2005/363/EC:

- ★ **Commission Decision of 2 May 2005 concerning animal health protection measures against African swine fever in Sardinia, Italy** (notified under document number C(2005) 1321) ⁽¹⁾ 39

Acts adopted under Title V of the Treaty on European Union

- ★ **Council Decision 2005/364/CFSP of 12 April 2005 concerning the conclusion of the Agreement between the European Union and Romania on security procedures for the exchange of classified information** 47

Agreement between Romania and the European Union on security procedures for the exchange of classified information 48

- ★ **Council Decision 2005/365/CFSP of 14 April 2005 concerning the conclusion of the Agreement between the European Union and the Republic of Bulgaria on security procedures for the exchange of classified information** 52

Agreement between the Republic of Bulgaria and the European Union on the security procedure for the exchange of classified information 53

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 699/2005**of 4 May 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 5 May 2005.

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

Done at Brussels, 4 May 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 4 May 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	117,8
	204	93,3
	212	124,2
	999	111,8
0707 00 05	052	146,6
	204	63,3
	999	105,0
0709 90 70	052	68,4
	204	125,1
	624	50,3
	999	81,3
0805 10 20	052	42,2
	204	46,5
	212	72,0
	220	46,2
	388	71,6
	400	42,8
	624	55,1
0805 50 10	999	53,8
	052	49,0
	388	65,9
	400	57,3
	528	64,0
	624	75,2
0808 10 80	999	62,3
	388	92,4
	400	127,1
	404	129,5
	508	71,2
	512	70,0
	524	84,1
	528	68,1
	720	104,0
	804	90,8
	999	93,0

⁽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 700/2005**of 4 May 2005****on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽²⁾,

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96 ⁽³⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1159/2003 stipulates how the delivery obligations at zero duty of products of CN code 1701, expressed in white sugar equivalent, are to be determined for imports originating in signatory countries to the ACP Protocol and the Agreement with India.
- (2) Article 16 of Regulation (EC) No 1159/2003 stipulates how the zero duty tariff quotas for products of CN code 1701 11 10, expressed in white sugar equivalent, are to be determined for imports originating in signatory

countries to the ACP Protocol and the Agreement with India.

- (3) Article 22 of Regulation (EC) No 1159/2003 opens tariff quotas at a duty of EUR 98 per tonne for products of CN code 1701 11 10 for imports originating in Brazil, Cuba and other third countries.
- (4) In the week of 25 to 29 April 2005 applications were presented to the competent authorities in line with Article 5(1) of Regulation (EC) No 1159/2003 for import licences for a total quantity exceeding a country's delivery obligation quantity of ACP-India preferential sugar determined pursuant to Article 9 of that Regulation.
- (5) In these circumstances the Commission must set reduction coefficients to be used so that licences are issued for quantities scaled down in proportion to the total available and must indicate that the limit in question has been reached,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of import licence applications presented from 25 to 29 April 2005 in line with Article 5(1) of Regulation (EC) No 1159/2003 licences shall be issued for the quantities indicated in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 5 May 2005.

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

Done at Brussels, 4 May 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 2).

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 162, 1.7.2003, p. 25. Regulation as last amended by Regulation (EC) No 568/2005 (OJ L 97, 15.4.2005, p. 9).

ANNEX

ACP-INDIA preferential sugar**Title II of Regulation (EC) No 1159/2003****2004/05 marketing year**

Country	Week of 25.-29.4.2005: percentage of requested quantity to be granted	Limit
Barbados	100	reached
Belize	0	
Congo	100	reached
Fiji	76,9560	
Guyana	100	reached
India	100	
Côte d'Ivoire	100	reached
Jamaica	100	
Kenya	100	reached
Madagascar	100	
Malawi	24,6811	reached
Mauritius	100	
Mozambique	0	reached
Saint Kitts and Nevis	100	
Swaziland	100	reached
Tanzania	100	
Trinidad and Tobago	100	reached
Zambia	100	
Zimbabwe	0	reached

Special preferential sugar**Title III of Regulation (EC) No 1159/2003****2004/05 marketing year**

Country	Week of 25.-29.4.2005: percentage of requested quantity to be granted	Limit
India	0	reached
ACP	100	

CXL concessions sugar**Title IV of Regulation (EC) No 1159/2003****2004/05 marketing year**

Country	Week of 25.-29.4.2005: percentage of requested quantity to be granted	Limit
Brazil	0	reached
Cuba	0	reached
Other third countries	0	reached

COMMISSION REGULATION (EC) No 701/2005**of 4 May 2005****determining to what extent applications lodged in April 2005 for the right to import bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds can be met**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1081/1999 of 26 May 1999 opening and providing for the administration of tariff quotas for imports of bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds, repealing Regulation (EC) No 1012/98 and amending Regulation (EC) No 1143/98 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 9(1) of Regulation (EC) No 1081/1999 provides for a further allocation of quantities not covered by import licence applications at 15 March 2005.
- (2) Article 1 of Commission Regulation (EC) No 553/2005 of 11 April 2005 providing for a further allocation of

import rights under Regulation (EC) No 1081/1999 for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds ⁽³⁾ lays down the quantities of bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds that may be imported under special conditions until 30 June 2005.

- (3) The quantities for which import rights have been requested are such that applications may be accepted in full,

HAS ADOPTED THIS REGULATION:

Article 1

Each application for the right to import, lodged in accordance with Article 9 of Regulation (EC) No 1081/1999, shall be granted in full for serial number 09.0003.

Article 2

This Regulation shall enter into force on 5 May 2005.

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

Done at Brussels, 4 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 131, 27.5.1999, p. 15. Regulation as last amended by Regulation (EC) No 1096/2001 (OJ L 150, 6.6.2001, p. 33).

⁽³⁾ OJ L 93, 12.4.2005, p. 31.

COMMISSION REGULATION (EC) No 702/2005**of 3 May 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 6 May 2005.

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

Done at Brussels, 3 May 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	38,20	22,22	1 164,94	284,41	597,64	9 644,90
		131,88	26,59	16,40	163,15	9 151,02	1 506,26
		350,66	25,88				
1.30	Onions (other than seed) 0703 10 19	33,97	19,76	1 035,90	252,90	531,44	8 576,50
		117,27	23,64	14,58	145,08	8 137,33	1 339,41
		311,82	23,01				
1.40	Garlic 0703 20 00	144,30	83,95	4 400,94	1 074,44	2 257,77	36 436,64
		498,23	100,45	61,95	616,37	34 570,87	5 690,38
		1 324,73	97,76				
1.50	Leeks ex 0703 90 00	62,17	36,17	1 896,12	462,92	972,75	15 698,55
		214,66	43,28	26,69	265,56	14 894,69	2 451,67
		570,75	42,12				
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	53,56	31,16	1 633,53	398,81	838,03	13 524,44
		184,93	37,28	22,99	228,78	12 831,90	2 112,14
		491,71	36,29				
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	60,51	3 172,20	774,46	1 627,40	26 263,57
		359,13	72,40	44,65	444,28	24 918,72	4 101,63
		954,86	70,47				
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	31,39	18,26	957,36	233,73	491,15	7 926,29
		108,38	21,85	13,48	134,08	7 520,42	1 237,86
		288,18	21,27				
1.140	Radishes ex 0706 90 90	49,34	28,71	1 504,82	367,39	772,00	12 458,84
		170,36	34,35	21,18	210,76	11 820,88	1 945,72
		452,97	33,43				
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	391,58	227,82	11 942,71	2 915,68	6 126,68	98 877,16
		1 352,04	272,58	168,10	1 672,62	93 814,07	15 441,85
		3 594,87	265,29				

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	155,51 536,95 1 427,66	90,48 108,25 105,36	4 742,91 66,76	1 157,93 664,26	2 433,21 37 257,16	39 267,91 6 132,55
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	227,58 785,79 2 089,30	132,41 158,42 154,19	6 940,96 97,70	1 694,56 972,11	3 560,85 54 523,62	57 466,23 8 974,62
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	410,09 1 415,95 3 764,80	238,59 285,46 277,83	12 507,23 176,05	3 053,50 1 751,68	6 416,46 98 248,55	103 550,97 16 171,77
1.200.2	— other ex 0709 20 00	417,26 1 440,72 3 830,66	242,76 290,45 282,69	12 726,02 179,13	3 106,92 1 782,33	6 528,70 99 967,17	105 362,35 16 454,65
1.210	Aubergines (eggplants) 0709 30 00	126,31 436,11 1 159,57	73,49 87,92 85,57	3 852,26 54,22	940,49 539,52	1 976,28 30 260,77	31 893,93 4 980,94
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	132,97 459,13 1 220,75	77,36 92,56 90,09	4 055,53 57,09	990,11 567,99	2 080,57 31 857,55	33 576,89 5 243,77
1.230	Chantarelles 0709 59 10	926,44 3 198,81 8 505,18	539,00 644,89 627,66	28 255,49 397,72	6 898,27 3 957,29	14 495,64 221 956,50	233 935,36 36 534,16
1.240	Sweet peppers 0709 60 10	120,79 417,08 1 108,94	70,28 84,08 81,84	3 684,08 51,86	899,43 515,97	1 890,01 28 939,71	30 501,57 4 763,49
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	97,95 338,22 899,28	56,99 68,19 66,36	2 987,53 42,05	729,37 418,41	1 532,66 23 468,06	24 734,62 3 862,86
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	80,14 276,70 735,71	46,62 55,78 54,29	2 444,14 34,40	596,71 342,31	1 253,89 19 199,53	20 235,72 3 160,25

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	115,39 398,42 1 059,35	67,13 80,32 78,18	3 519,31 49,54	859,20 492,89	1 805,48 27 645,40	29 137,41 4 550,45
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	112,11 387,09 1 029,23	65,23 78,04 75,95	3 419,24 48,13	834,77 478,88	1 754,14 26 859,31	28 308,90 4 421,06
2.70.2	— Monreales and satsumas ex 0805 20 30	84,79 292,75 778,38	49,33 59,02 57,44	2 585,90 36,40	631,32 362,17	1 326,62 20 313,13	21 409,41 3 343,55
2.70.3	— Mandarines and wilkins ex 0805 20 50	46,68 161,16 428,50	27,16 32,49 31,62	1 423,54 20,04	347,54 199,37	730,31 11 182,42	11 785,93 1 840,63
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	44,97 155,26 412,82	26,16 31,30 30,47	1 371,45 19,30	334,83 192,08	703,58 10 773,24	11 354,67 1 773,28
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	66,28 228,84 608,46	38,56 46,14 44,90	2 021,39 28,45	493,50 283,10	1 037,01 15 878,69	16 735,66 2 613,64
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	75,60 261,04 694,07	43,99 52,63 51,22	2 305,81 32,46	562,94 322,94	1 182,93 18 112,92	19 090,46 2 981,40
2.90.2	— pink ex 0805 40 00	84,72 292,52 777,76	49,29 58,97 57,40	2 583,84 36,37	630,82 361,88	1 325,56 20 296,93	21 392,34 3 340,89

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	149,95 517,76 1 376,64	87,24 104,38 101,59	4 573,40 64,37	1 116,55 640,52	2 346,25 35 925,60	37 864,48 5 913,37
2.110	Water melons 0807 11 00	69,80 241,01 640,80	40,61 48,59 47,29	2 128,83 29,97	519,73 298,15	1 092,13 16 722,68	17 625,20 2 752,56
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	49,82 172,03 457,40	28,99 34,68 33,76	1 519,56 21,39	370,98 212,82	779,57 11 936,67	12 580,88 1 964,78
2.120.2	— Other ex 0807 19 00	108,37 374,18 994,90	63,05 75,44 73,42	3 305,20 46,52	806,93 462,91	1 695,63 25 963,45	27 364,69 4 273,60
2.140	Pears						
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	29,44 101,65 270,27	17,13 20,49 19,95	897,89 12,64	219,21 125,75	460,64 7 053,24	7 433,89 1 160,97
2.140.2	— Other ex 0808 20 50	75,61 261,08 694,18	43,99 52,64 51,23	2 306,16 32,46	563,02 322,99	1 183,11 18 115,65	19 093,34 2 981,85
2.150	Apricots 0809 10 00	705,36 2 435,47 6 475,56	410,38 491,00 477,88	21 512,77 302,81	5 252,11 3 012,95	11 036,49 168 990,15	178 110,45 27 815,87
2.160	Cherries 0809 20 95 0809 20 05	610,83 2 109,07 5 607,72	355,38 425,20 413,84	18 629,70 262,23	4 548,24 2 609,16	9 557,41 146 342,65	154 240,68 24 088,08
2.170	Peaches 0809 30 90	190,68 658,40 1 750,58	110,94 132,74 129,19	5 815,68 81,86	1 419,84 814,51	2 983,56 45 684,17	48 149,72 7 519,64
2.180	Nectarines ex 0809 30 10	153,99 531,71 1 413,73	89,59 107,19 104,33	4 696,62 66,11	1 146,63 657,78	2 409,46 36 893,55	38 884,67 6 072,70
2.190	Plums 0809 40 05	144,66 499,48 1 328,05	84,16 100,70 98,01	4 411,98 62,10	1 077,14 617,91	2 263,43 34 657,59	36 528,05 5 704,66
2.200	Strawberries 0810 10 00	103,01 355,67 945,68	59,93 71,71 69,79	3 141,70 44,22	767,01 440,01	1 611,76 24 679,14	26 011,06 4 062,20

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	177,42	9 300,67	2 270,66	4 771,43	77 002,92
		1 052,93	212,28	130,92	1 302,59	73 059,92	12 025,70
		2 799,59	206,60				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 455,44	846,77	44 389,46	10 837,21	22 772,69	367 513,15
		5 025,34	1 013,13	624,82	6 216,91	348 694,32	57 395,28
		13 361,67	986,06				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	97,37	56,65	2 969,69	725,02	1 523,51	24 586,90
		336,20	67,78	41,80	415,92	23 327,90	3 839,79
		893,91	65,97				
2.230	Pomegranates ex 0810 90 95	269,47	156,78	8 218,66	2 006,50	4 216,34	68 044,65
		930,44	187,58	115,68	1 151,05	64 560,37	10 626,67
		2 473,90	182,57				
2.240	Khakis (including sharon fruit) ex 0810 90 95	202,69	117,92	6 181,81	1 509,22	3 171,39	51 180,97
		699,84	141,09	87,01	865,79	48 560,21	7 993,04
		1 860,79	137,32				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

COMMISSION REGULATION (EC) No 703/2005**of 4 May 2005****fixing the compensatory aid for bananas produced and marketed in the Community in 2004 and the unit value of the advances for 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, and in particular the first subparagraph of Article 12(6) and Article 14 thereof,

Whereas:

- (1) Under Article 12(3) of Regulation (EEC) No 404/93, compensatory aid to Community producers for any loss of income is calculated on the basis of the difference between the flat-rate reference income and the average production income from bananas produced and marketed in the Community during the year in question.
- (2) Article 2(2) of Commission Regulation (EEC) No 1858/93 of 9 July 1993 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the aid scheme to compensate for loss of income from marketing in the banana sector ⁽²⁾ fixes the flat-rate reference income at EUR 64,03 per 100 kilograms net weight of green bananas ex-packing shed.
- (3) In 2004, the average production income, calculated on the basis of the average of the prices for bananas marketed outside the producer regions at the stage of delivery at first port of unloading (goods not unloaded), on the one hand, and the selling prices on local markets for bananas marketed in their producer region, on the other, less the flat-rate amounts laid down in Article 3(2) of Regulation (EEC) No 1858/93, was less than the flat-rate reference income fixed for 2004. The compensatory aid to be granted in respect of 2004 should be fixed accordingly.
- (4) Under the second subparagraph of Article 12(6) of Regulation (EEC) No 404/93, supplementary aid is granted in one or more producer regions where the average income from production is significantly lower than the average for the Community.
- (5) The annual average production income from the marketing of bananas produced in Martinique and Guadeloupe has proved to be significantly lower than the Community average during 2004. As a result, supplementary aid should be granted in the producer regions of Martinique and Guadeloupe. In view of the data for 2004, which point to very difficult production and marketing conditions, supplementary aid covering 75 % of the difference between the average income in the Community and the average income recorded on selling products in these two regions should be fixed.
- (6) The unit amount of the advances and the amount of the relevant security are established, in accordance with Article 4(2) and (3) of Regulation (EEC) No 1858/93, on the basis of the aid fixed for the preceding year.
- (7) Given that not all the necessary data were available, it has not hitherto been possible to determine the compensatory aid for 2004. Provision should be made for the balance of the aid for 2004 and of the advances for bananas marketed during January and February 2005 to be paid within two months of the entry into force of this Regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Bananas,

HAS ADOPTED THIS REGULATION:

Article 1

1. The compensatory aid provided for in Article 12 of Regulation (EEC) No 404/93 for fresh bananas falling within CN code ex 0803, excluding plantain bananas, produced and marketed in the Community in 2004 shall be EUR 28,1 per 100 kilograms.

⁽¹⁾ OJ L 47, 25.2.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2587/2001 (OJ L 345, 29.12.2001, p. 13).

⁽²⁾ OJ L 170, 13.7.1993, p. 5. Regulation as last amended by Commission Regulation (EC) No 471/2001 (OJ L 67, 9.3.2001, p. 52).

2. The aid fixed in paragraph 1 shall be increased by EUR 7,82 per 100 kilograms for bananas produced in Martinique and by EUR 8,18 per 100 kilograms for bananas produced in Guadeloupe.

Article 2

The advance for bananas marketed from January to December 2005 shall amount to EUR 19,67 per 100 kilograms. The relevant security shall be EUR 9,84 per 100 kilograms.

Article 3

Notwithstanding Article 10 of Regulation (EEC) No 1858/93, the competent authorities of the Member States shall pay the balance of the compensatory aid to be granted in respect of 2004 and the advance for bananas marketed during January and February 2005 within two months of the entry into force of this Regulation, after the verifications provided for in Article 10 of Regulation (EEC) No 1858/93.

Article 4

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

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

Done at Brussels, 4 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 704/2005**of 4 May 2005****amending the specification for a designation of origin in the Annex to Regulation (EC) No 1107/96
(Mel de Barroso) (PDO)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 9, Article 6(3) and the second indent of Article 6(4) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Regulation (EEC) No 2081/92, the request by Portugal for amendments of the specification for the protected designation of origin *Mel de Barroso*, registered by Commission Regulation (EC) No 1107/96 ⁽²⁾, was published in the *Official Journal of the European Union* ⁽³⁾.
- (2) No statement of objection within the meaning of Article 7 of Regulation (EEC) No 2081/92 has been sent to the

Commission and consequently these amendments must be registered and published in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The specification for the designation of origin '*Mel de Barroso*' is hereby amended in accordance with Annex I to this Regulation.

Article 2

A summary of the main points of the specification is given in Annex II to this Regulation.

Article 3

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

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

Done at Brussels, 4 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 148, 21.6.1996, p. 1. Regulation as last amended by Regulation (EC) No 1345/2004 (OJ L 249, 23.7.2004, p. 14).

⁽³⁾ OJ C 262, 31.10.2003, p. 16 (*Mel de Barroso*).

ANNEX I

PORTUGAL

Mel de Barroso

Amendment made:

— Specification heading:

- ☐ name
- ☐ description
- ☒ geographical area
- ☐ proof of origin
- ☐ method of production
- ☐ link
- ☐ labelling
- ☐ national requirements

— Amendment(s):

Extending the geographical production area to include the municipalities of Chaves and Vila Pouca de Aguiar and the *freguesias* (parishes) of Jou and Valongo de Milhais, in the municipality of Murça.

In relation to the current geographical area, the abovementioned areas have the same soils, enjoy the same weather conditions, produce a honey with the same characteristics and apply the same methods of production, with guaranteed traceability.

ANNEX II

Council Regulation (EEC) No 2081/92

MEL DE BARROSO

(EC No: PT/0229/24.1.1994)

PDO (X) PGI ()

This summary has been drawn up for information purposes only. For full details, in particular the producers of the PDO or PGI concerned, please consult the complete version of the product specification obtainable at national level or from the European Commission ⁽¹⁾.

1. Responsible department in the Member State

Name: Instituto de Desenvolvimento Rural e Hidráulica

Address: Av. Afonso Costa, 3
P-1949-002 Lisbon

Tel.: (351-21) 844 22 00

Fax: (351-21) 844 22 02

E-mail: idrha@idrha.min-agricultura.pt

2. Applicant group

2.1. *Name:* Capolib — Cooperative Agrícola de Boticas, CRL

2.2. *Address:* Av. do Eiró
P-5460 Boticas

Tel.: (351-276) 41 81 70

Fax: (351-276) 41 57 34

E-mail: capolib@mail.telepac.pt

2.3. *Composition:* producer/processor (X) other ()

3. Type of product

Class 1.4: Other products of animal origin — honey.

4. Specification

(summary of requirements under Article 4(2))

4.1. Name

Mel de Barroso

4.2. Description

Honey produced by the native bee *Apis mellifera* (sp. iberica) from the nectar of the predominantly ericaceous flowers making up the region's melliferous flora.

4.3. Geographical area

Within the limits of the municipalities of Boticas, Chaves, Montalegre and Vila Pouca de Aguiar and the *freguesias* (parishes) of Jou and Valongo de Milhais in the municipality of Murça (district of Vila Real).

⁽¹⁾ European Commission — Directorate-General for Agriculture — Agricultural product quality policy — B-1049 Brussels.

4.4. *Proof of origin*

Established by custom, in particular physical references, both written and oral, the region's production potential, and the incidence of honey and bees in coats of arms and place names in the region.

4.5. *Method of production*

The honey may only be extracted in approved extraction plants, and extraction and decanting must take place in the area of production. Since Barroso honey is a miscible product, to prevent any break in the traceability and inspection chain, packaging may only be carried out by authorised operators, within the geographical area of origin, to guarantee the quality and authenticity of the product and not mislead the consumer. Production, extraction and packaging may only take place in the defined geographical area. Barroso honey may be marketed in liquid or crystallised form or in honeycombs (provided that they are completely covered and do not contain any broods). It must be packed in containers made of safe, inert material suitable for food, the type and labelling of which must have been approved by the producer group.

4.6. *Link*

Barroso honey is produced in the highest regions of Barroso. It has specific characteristics as a result of the predominantly heathland vegetation.

4.7. *Inspection body*

Name: TRADIÇÃO E QUALIDADE — Associação Interprofissional para os Produtos Agro-Alimentares de Trás-os-Montes

Address: Av. 25 de Abril 273, S/L
P-5370 Mirandela

Tel.: (351-278) 26 14 10

Fax: (351-278) 26 14 10

E-mail: tradicao-qualidade@clix.pt

4.8. *Labelling*

MEL DE BARROSO — Denominação de Origem Protegida

4.9. *National requirements*

—

COMMISSION REGULATION (EC) No 705/2005**of 4 May 2005****amending or repealing certain regulations on the classification of goods in the Combined Nomenclature**

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

The codes contained in the Regulations enumerated in Annex I to this Regulation are replaced by the codes of the Combined Nomenclature as shown in that Annex.

Article 2

Whereas:

1. In the table annexed to Commission Regulation (EEC) No 3491/88 ⁽²⁾, point 2 is deleted.

(1) Certain Commission Regulations concerning the classification of goods, adopted in order to ensure the uniform application of the Combined Nomenclature established by Regulation (EEC) No 2658/87, refer to codes which no longer exist. They should therefore be updated by way of amendments which take into account the appropriate codes in force.

2. In the table annexed to Commission Regulation (EC) No 883/94 ⁽³⁾, point 1 is deleted.

(2) Other Regulations have become redundant owing to changes to the descriptions of products and their related codes in the Harmonised System or in the Combined Nomenclature. They should therefore be repealed.

3. In the table annexed to Commission Regulation (EC) No 710/2000 ⁽⁴⁾, point 2 is deleted.

Article 3

The Commission Regulations listed in Annex II to this Regulation are repealed.

Article 4

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

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

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

Done at Brussels, 4 May 2005.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 493/2005 (OJ L 82, 31.3.2005, p. 1).

⁽²⁾ OJ L 306, 11.11.1988, p. 18. Regulation as amended by Regulation (EC) No 936/1999 (OJ L 117, 5.5.1999, p. 9).

⁽³⁾ OJ L 103, 22.4.1994, p. 7. Regulation as amended by Regulation (EC) No 936/1999.

⁽⁴⁾ OJ L 84, 5.4.2000, p. 8.

ANNEX I

No	Commission Regulation	Replace	By CN Code
(1)	(2)	(3)	(4)
1	(EEC) No 731/93 (OJ L 75, 30.3.1993, p. 7)	0106 00 90	0106 90 00
2	(EEC) No 1669/77 (OJ L 186, 26.7.1977, p. 23), as amended by Regulation (EEC) No 2723/90 ⁽¹⁾	0207 41 10 0207 42 10 0207 43 11 0207 43 15	0207 14 10 0207 27 10 0207 36 11 0207 36 15
3	Point 1 of the table annexed to Regulation (EEC) No 3491/88 (OJ L 306, 11.11.1988, p. 18), as amended by Regulation (EC) No 936/1999 ⁽²⁾	0304 90 20 or 0304 90 21 or 0304 90 27	0304 90 22
4	(EEC) No 288/84 (OJ L 33, 4.2.1984, p. 1)	07.01 H	0709 90 90
5	Point 2 of the table annexed to Regulation (EC) No 1196/97 (OJ L 170, 28.6.1997, p. 13)	0711 90 40	0711 51 00
6	(EEC) No 847/71 (OJ L 92, 24.4.1971, p. 26), as amended by Regulation (EEC) No 2723/90	1212 91 90	1212 91 20
7	Point 1 of the table annexed to Regulation (EEC) No 314/90 (OJ L 35, 7.2.1990, p. 9)	1602 39 30	1602 32 30
8	Point 2 of the table annexed to Regulation (EEC) No 964/91 (OJ L 100, 20.4.1991, p. 14), as last amended by Regulation (EEC) No 3411/91 ⁽³⁾	2003 10 10	2003 10 20
9	Point 2 of the table annexed to Regulation (EEC) No 316/91 (OJ L 37, 9.2.1991, p. 25), as amended by Regulation (EC) No 936/1999	2008 19 59	2008 19 91
10	Point 2 of the table annexed to Regulation (EC) No 627/2003 (OJ L 90, 8.4.2003, p. 34)	2008 99 68	2008 99 67
11	Point 1 of the table annexed to Regulation (EEC) No 3565/88 (OJ L 311, 17.11.1988, p. 25)	2106 90 91	2106 90 92
12	Point 3 of the table annexed to Regulation (EEC) No 1533/92 (OJ L 162, 16.6.1992, p. 5)	2106 90 99	2106 90 98
13	(EEC) No 1676/89 (OJ L 164, 15.6.1989, p. 7)	2206 00 93	2206 00 59
14	Point 1 of the table annexed to Regulation (EEC) No 2084/91 (OJ L 193, 17.7.1991, p. 16), as amended by Regulation (EC) No 936/1999	2309 90 93	2309 90 95
15	(EEC) No 200/82 (OJ L 21, 29.1.1982, p. 20), as last amended by Regulation (EC) No 936/1999	2309 90 93	2309 90 99
16	Point 2 of the table annexed to Regulation (EEC) No 509/92 (OJ L 55, 29.2.1992, p. 80), as amended by Regulation (EC) No 936/1999	2309 90 97	2309 90 99
17	Point 4 of the table annexed to Regulation (EEC) No 1533/92 (OJ L 162, 16.6.1992, p. 5), as amended by Regulation (EC) No 936/1999	2309 90 97	2309 90 99
18	Point 2 of the table annexed to Regulation (EC) No 2696/95 (OJ L 280, 23.11.1995, p. 17)	2309 90 93	2309 90 99
19	(EC) No 2354/2000 (OJ L 272, 25.10.2000, p. 10)	2309 90 97	2309 90 99
20	Point 1 of Regulation (EEC) No 2257/87 (OJ L 208, 30.7.1987, p. 8), as amended by Regulation (EEC) No 2080/91 ⁽⁴⁾	2707 50 91 2707 50 99	2707 50 90

(1)	(2)	(3)	(4)
21	Point 2 of Regulation (EEC) No 2257/87 (OJ L 208, 30.7.1987, p. 8), as amended by Regulation (EEC) No 2080/91	2707 50 91 2707 50 99	2707 50 90
22	Point 4 of the table annexed to Regulation (EEC) No 314/90 (OJ L 35, 7.2.1990, p. 9)	2710 00 59	2710 19 29
23	(EEC) No 2585/86 (OJ L 232, 19.8.1986, p. 5), as last amended by Regulation (EC) No 936/1999	2710 00 66, 2710 00 67 or 2710 00 68	2710 19 41, 2710 19 45 or 2710 19 49
24	(EEC) No 313/90 (OJ L 35, 7.2.1990, p. 7), as amended by Regulation (EC) No 936/1999	2710 00 66, 2710 00 67 or 2710 00 68	2710 19 41, 2710 19 45 or 2710 19 49
25	Item 2 of the table annexed of Regulation (EEC) No 1260/89 (OJ L 126, 9.5.1989, p. 12)	2930 90 90	2930 90 70
26	Point 2 of the table annexed to Regulation (EEC) No 1825/93 (OJ L 167, 9.7.1993, p. 8)	2940 00 90	2940 00 00
27	(EEC) No 2053/83 (OJ L 202, 26.7.1983, p. 5), as amended by Regulation (EC) No 2695/95 (5)	3203 00 19	3203 00 10
28	Point 5 of the table annexed to Regulation (EEC) No 2084/91 (OJ L 193, 17.7.1991, p. 16)	3823 90 91	3824 90 64
29	(EEC) No 3402/82 (OJ L 357, 18.12.1982, p. 16), as last amended by Regulation (EC) No 936/1999	3824 90 95	3824 90 99
30	Point 6 of the table annexed to Regulation (EEC) No 2275/88 (OJ L 200, 26.7.1988, p. 10), as amended by Regulation (EC) No 936/1999	3824 90 95	3824 90 99
31	Point 7 of the table annexed to Regulation (EEC) No 2275/88 (OJ L 200, 26.7.1988, p. 10), as amended by Regulation (EC) No 936/1999	3824 90 95	3824 90 99
32	Point 8 of the table annexed to Regulation (EEC) No 2275/88 (OJ L 200, 26.7.1988, p. 10), as amended by Regulation (EC) No 936/1999	3824 90 95	3824 90 99
33	Point 3 of the table annexed to Regulation (EEC) No 3491/88 (OJ L 306, 11.11.1988, p. 18), as amended by Regulation (EC) No 936/1999	3824 90 95	3824 90 99
34	Point 1 of the table annexed to Regulation (EEC) No 542/90 (OJ L 56, 3.3.1990, p. 5), as amended by Regulation (EC) No 936/1999	3824 90 95	3824 90 99
35	Point 6 of the table annexed to Regulation (EEC) No 2084/91 (OJ L 193, 17.7.1991, p. 16), as amended by Regulation (EC) No 936/1999	3824 90 95	3824 90 99
36	Point 6 of Regulation (EEC) No 1533/92 (OJ L 162, 16.6.1992, p. 5), as amended by Regulation (EC) No 936/1999	3824 90 95	3824 90 99
37	(EEC) No 2933/92 (OJ L 293, 9.10.1992, p. 8), as amended by Regulation (EC) No 936/1999	3824 90 95	3824 90 99
38	Point 2 of the table annexed to Regulation (EC) No 691/96 (OJ L 97, 18.4.1996, p. 13), as amended by Regulation (EC) No 936/1999	3824 90 95	3824 90 99
39	Point 3 of Regulation (EC) No 691/96 (OJ L 97, 18.4.1996, p. 13), as amended by Regulation (EC) No 936/1999	3824 90 95	3824 90 99

(1)	(2)	(3)	(4)
40	Point 6 of the table annexed to Regulation (EC) No 1264/98 (OJ L 175, 19.6.1998, p. 4)	3824 90 95	3824 90 99
41	Point 7 of the table annexed to Regulation (EC) No 1264/98 (OJ L 175, 19.6.1998, p. 4)	3824 90 95	3824 90 99
42	Point 8 of the table annexed to Regulation (EC) No 169/1999 (OJ L 19, 26.1.1999, p. 6)	3824 90 95	3824 90 99
43	Point 2 of the table annexed to Regulation (EC) No 1694/2001 (OJ L 229, 25.8.2001, p. 3)	3824 90 95	3824 90 99
44	Item 3 of the table annexed of Regulation (EEC) No 1260/89 (OJ L 126, 9.5.1989, p. 12), as amended by Regulation (EC) No 936/1999	3911 90 99	3911 90 19
45	Point 3 of the table annexed to Regulation (EEC) No 1214/91 (OJ L 116, 9.5.1991, p. 44)	3913 90 90	3913 90 00
46	Point 2 of the table annexed to Regulation (EEC) No 597/92 (OJ L 64, 10.3.1992, p. 13)	3913 90 80	3913 90 00
47	Point 6 of the table annexed to Regulation (EEC) No 314/90 (OJ L 35, 7.2.1990, p. 9)	3921 19 90	3921 19 00
48	(EC) No 201/98 (OJ L 21, 28.1.1998, p. 3)	3921 19 90	3921 19 00
49	Point 1 of the table annexed to Regulation (EC) No 1509/97 (OJ L 204, 31.7.1997, p. 8)	4411 19 00	4411 19 90
50	Point 2 of Regulation (EEC) No 2141/89 (OJ L 205, 18.7.1989, p. 22)	4810 12 00	4810 14 80 or 4810 19 90
51	(EEC) No 3557/81 (OJ L 356, 11.12.1981, p. 26), as amended by Regulation (EEC) No 2080/91	4811 39 00	4811 59 00
52	(EEC) No 2174/93 (OJ L 195, 4.8.1993, p. 20)	5509 22 10	5509 22 00
53	Point 1 of the table annexed to Regulation (EEC) No 1796/91 (OJ L 160, 25.6.1991, p. 40)	6002 43 31	6005 31 90
54	Point 3 of the table annexed to Regulation (EEC) No 1796/91 (OJ L 160, 25.6.1991, p. 40)	6002 43 31	6005 31 90
55	Point 2 of the table annexed to Regulation (EEC) No 1796/91 (OJ L 160, 25.6.1991, p. 40)	6002 49 00	6005 90 00
56	Point 1 of the table annexed to Regulation (EEC) No 1611/93 (OJ L 155, 26.6.1993, p. 9)	6002 91 00 6002 92 10 6002 93 31 6002 93 99 6002 99 00	6006 10 00 6006 21 00 6006 31 90 6006 41 00 6006 90 00
57	Point 2(b) of the table annexed to Regulation (EEC) No 893/93 (OJ L 93, 17.4.1993, p. 5)	6104 62 10	6104 62 00
58	Point 5(b) of the table annexed to Regulation (EC) No 1054/97 (OJ L 154, 12.6.1997, p. 14)	6104 62 10	6104 62 00
59	Point 6(b) of the table annexed to Regulation (EC) No 1054/97 (OJ L 154, 12.6.1997, p. 14)	6104 62 10	6104 62 00
60	Point (b) of the table annexed to Regulation (EC) No 2049/2002 (OJ L 316, 20.11.2002, p. 15)	6104 62 90	6104 62 00
61	Point 1 of the table annexed to Regulation (EC) No 2855/2000 (OJ L 332, 28.12.2000, p. 41)	6104 63 90	6104 63 00

(1)	(2)	(3)	(4)
62	Point 1 of the table annexed to Regulation (EEC) No 1176/91 (OJ L 114, 7.5.1991, p. 27)	6108 31 90	6108 31 00
63	Point 2 of the table annexed to Regulation (EEC) No 1176/91 (OJ L 114, 7.5.1991, p. 27)	6108 31 90	6108 31 00
64	Point 2 of the table annexed to Regulation (EEC) No 1911/92 (OJ L 192, 11.7.1992, p. 23)	6108 31 90	6108 31 00
65	Point 7 of the table annexed to Regulation (EC) No 1966/94 (OJ L 198, 30.7.1994, p. 103)	6302 31 90	6302 31 00
66	Point 1 of the table annexed to Regulation (EEC) No 546/91 (OJ L 60, 7.3.1991, p. 12)	6302 51 90	6302 51 00
67	(EEC) No 1592/71 (OJ L 166, 24.7.1971, p. 39), as amended by Regulation (EEC) No 2080/91	6807 10 11	6807 10 10
68	Point 6 of Regulation (EEC) No 810/83 (OJ L 90, 8.4.1983, p. 11), as last amended by Regulation (EC) No 936/1999	7326 90 97	7326 90 98
69	Point 3 of the table annexed to Regulation (EC) No 1165/95 (OJ L 117, 24.5.1995, p. 15), as amended by Regulation (EC) No 936/1999	8471 80 10	8471 80 00
70	Point 1 of the table annexed to Regulation (EEC) No 48/90 (OJ L 8, 11.1.1990, p. 16), as amended by Regulation (EC) No 936/1999	8524 91 10	8524 91 00
71	(EC) No 1718/98 (OJ L 215, 1.8.1998, p. 56)	8527 39 91	8527 39 20
72	Point 4 of the table annexed to Regulation (EC) No 701/1999 (OJ L 89, 1.4.1999, p. 23)	8528 12 93	8528 12 94
73	Point 5 of the table annexed to Regulation (EC) No 701/1999 (OJ L 89, 1.4.1999, p. 23)	8528 12 93	8528 12 94
74	Point 5(a) of the table annexed to Regulation (EC) No 1638/94 (OJ L 172, 7.7.1994, p. 5), amended by Regulation (EC) No 936/1999	5829 90 88	8529 90 40
75	Point 5(b) of the table annexed to Regulation (EC) No 1638/94 (OJ L 172, 7.7.1994, p. 5), amended by Regulation (EC) No 936/1999	5829 90 88	8529 90 40
76	(EEC) No 1936/84 (OJ L 180, 7.7.1984, p. 12), as last amended by Regulation (EC) No 936/1999	8542 13 60, 8542 14 40 or 8542 19 66	8542 21 50 or 8542 21 85
77	Point 3 of the table annexed to Regulation (EEC) No 396/92 (OJ L 44, 20.2.1992, p. 9)	8704 10 19	8704 10 10
78	Point 4 of the table annexed to Regulation (EEC) No 442/91 (OJ L 52, 27.2.1991, p. 11)	9503 90 31	9503 90 32
79	Point 4 of the table annexed to Regulation (EEC) No 2087/92 (OJ L 208, 24.7.1992, p. 24)	9503 90 31	9503 90 32

(1) OJ L 261, 25.9.1990, p. 24.

(2) OJ L 117, 5.5.1999, p. 9.

(3) OJ L 321, 23.11.1991, p. 23.

(4) OJ L 193, 17.7.1991, p. 6.

(5) OJ L 280, 23.11.1995, p. 15.

ANNEX II

No	Commission Regulation
(1)	(2)
1	(EEC) No 955/69 (OJ L 124, 24.5.1969, p. 20)
2	(EEC) No 1484/70 (OJ L 163, 25.7.1970, p. 19)
3	(EEC) No 2606/70 (OJ L 278, 23.12.1970, p. 19)
4	(EEC) No 2607/70 (OJ L 278, 23.12.1970, p. 21)
5	(EEC) No 1487/73 (OJ L 149, 6.6.1973, p. 15)
6	(EEC) No 482/74 (OJ L 57, 28.2.1974, p. 23)
7	(EEC) No 565/75 (OJ L 60, 6.3.1975, p. 7)
8	(EEC) No 2811/77 (OJ L 322, 17.12.1977, p. 20)
9	(EEC) No 251/78 (OJ L 38, 8.2.1978, p. 6)
10	(EEC) No 885/79 (OJ L 111, 4.5.1979, p. 19)
11	(EEC) No 2282/79 (OJ L 262, 18.10.1979, p. 23)
12	(EEC) No 308/80 (OJ L 35, 12.2.1980, p. 7)
13	(EEC) No 479/80 (OJ L 56, 29.2.1980, p. 13)
14	(EEC) No 2418/80 (OJ L 249, 20.9.1980, p. 17)
15	(EEC) No 299/81 (OJ L 33, 5.2.1981, p. 17)
16	(EEC) No 333/81 (OJ L 37, 10.2.1981, p. 11)
17	(EEC) No 550/81 (OJ L 56, 3.3.1981, p. 19)
18	(EEC) No 3555/81 (OJ L 356, 11.12.1981, p. 24), as amended by Regulation (EEC) No 2723/90
19	(EEC) No 3559/81 (OJ L 356, 11.12.1981, p. 29)
20	(EEC) No 1978/82 (OJ L 214, 22.7.1982, p. 11), as amended by Regulation (EEC) No 2723/90
21	(EEC) No 2496/82 (OJ L 267, 16.9.1982, p. 11)
22	(EEC) No 2497/82 (OJ L 267, 16.9.1982, p. 12)
23	(EEC) No 2738/82 (OJ L 290, 14.10.1982, p. 11)
24	(EEC) No 524/83 (OJ L 61, 8.3.1983, p. 5)
25	(EEC) No 1535/83 (OJ L 155, 14.6.1983, p. 6)
26	(EEC) No 2055/83 (OJ L 202, 26.7.1983, p. 9)
27	(EEC) No 2056/83 (OJ L 202, 26.7.1983, p. 11)
28	(EEC) No 2333/83 (OJ L 224, 17.8.1983, p. 13)
29	(EEC) No 3529/83 (OJ L 352, 15.12.1983, p. 32)
30	(EEC) No 555/84 (OJ L 61, 2.3.1984, p. 18)
31	(EEC) No 1219/84 (OJ L 117, 3.5.1984, p. 18)
32	(EEC) No 1935/84 (OJ L 180, 7.7.1984, p. 10)
33	(EEC) No 3518/84 (OJ L 328, 15.12.1984, p. 10)
34	(EEC) No 3317/85 (OJ L 317, 28.11.1985, p. 12)

(1)	(2)
35	(EEC) No 244/86 (OJ L 30, 5.2.1986, p. 8)
36	(EEC) No 315/86 (OJ L 39, 14.2.1986, p. 15)
37	(EEC) No 1202/86 (OJ L 108, 25.4.1986, p. 19)
38	(EEC) No 1203/86 (OJ L 108, 25.4.1986, p. 20)
39	(EEC) No 277/87 (OJ L 28, 30.1.1987, p. 8)
40	(EEC) No 1324/87 (OJ L 125, 14.5.1987, p. 22)
41	(EEC) No 1464/87 (OJ L 138, 28.5.1987, p. 38), as last amended by Regulation (EC) No 936/1999
42	(EEC) No 3791/87 (OJ L 356, 18.12.1987, p. 30)
43	(EEC) No 3844/87 (OJ L 361, 22.12.1987, p. 25)
44	(EC) No 2383/96 (OJ L 326, 17.12.1996, p. 1)

COMMISSION REGULATION (EC) No 706/2005
of 4 May 2005
suspending the buying-in of butter in certain Member States

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⁾,

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, and in particular Article 2 thereof,

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

- (2) Commission Regulation (EC) No 626/2005 ⁽³⁾ establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by the United Kingdom pursuant to Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 626/2005 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Denmark, Cyprus, Hungary, Malta, Greece, Luxembourg, the Netherlands, Austria, Slovenia and Finland.

Article 2

Regulation (EC) No 626/2005 is hereby repealed.

Article 3

This Regulation shall enter into force on 5 May 2005.

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

Done at Brussels, 4 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

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

⁽³⁾ OJ L 104, 23.4.2005, p. 3.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 April 2005

establishing ecological criteria and the related assessment and verification requirements for the award of the Community eco-label to lubricants

(notified under document number C(2005) 1372)

(Text with EEA relevance)

(2005/360/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme⁽¹⁾, and in particular the second subparagraph of Article 6(1) thereof,

After consulting the European Union Eco-Labeling Board,

Whereas:

- (1) Under Regulation (EC) No 1980/2000, the Community eco-label may be awarded to a product possessing characteristics which enable it to contribute significantly to improvements in relation to key environmental aspects.
- (2) Regulation (EC) No 1980/2000 provides that specific eco-label criteria, drawn up on the basis of the criteria drafted by the European Union Eco-Labeling Board, are to be established according to product groups.
- (3) Since the use of lubricants may be hazardous for the environment, due to, for example, their aquatic toxicity or their bioaccumulation, appropriate ecological criteria should be laid down.
- (4) The environmental impact may be considered negligible in the case of substances contained in lubricants which, when applied, change their chemical nature and no longer need to be classified according to Directive 1999/45/EC of the European Parliament and of the

Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations⁽²⁾. The criteria for eco labels should therefore not apply to those substances where less than 0,1 % of the substance in the treated part remains in the form as observed before application.

- (5) The ecological criteria and the related assessment and verification requirements should be valid for a period of four years.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Committee instituted by Article 17 of Regulation (EC) No 1980/2000,

HAS ADOPTED THIS DECISION:

Article 1

The product group 'lubricants' shall comprise hydraulic oils, greases, chainsaw oils, two stroke oils, concrete release agents and other total loss lubricants, for use by consumers and professional users.

Article 2

1. For the purpose of this Decision, the following definitions shall apply:

- (a) 'lubricant' means a preparation consisting of base fluids and additives;

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

⁽²⁾ OJ L 200, 30.7.1999, p. 1. Directive as last amended by Council Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

- (b) 'base fluid' means a lubricating fluid whose flow, ageing, lubricity and anti-wear properties, as well as its properties regarding contaminant suspension, have not been improved by the inclusion of additives;
- (c) 'thickener' means a substance in the base fluid used to thicken or modify the rheology of a lubricating fluid or grease;
- (d) 'main component' means any substance accounting for more than 5 % by weight of the lubricant;
- (e) 'additive' means a substance whose primary functions are the improvement of the flow, ageing, lubricity, anti-wear properties or of contaminant suspension;
- (f) 'grease' means a solid to semi-solid preparation which consists of a thickening agent in a liquid lubricant.

2. In the case of greases, other ingredients imparting special properties may be included.

Article 3

In order to be awarded the Community eco-label for lubricants under Regulation (EC) No 1980/2000, a lubricant must fall within the product group 'lubricants' and must comply with the criteria set out in the Annex to this Decision.

The criteria shall apply to the freshly manufactured product at the time of delivery.

Where criteria are formulated in terms of constituent substances, those criteria shall apply to any substance which has been deliberately added and which constitutes more than 0,1 % of the product's content, as measured both before and after any chemical reaction has taken place between the substances mixed to provide the lubricant preparation.

The criteria shall not, however, apply to a substance which, on application, changes its chemical nature so as no longer to warrant classification according to Directive 1999/45/EC, and of which less than 0,1 % in the treated part remains in its pre-application form.

Article 4

The ecological criteria for the product group 'lubricants', and the related assessment and verification requirements, shall be valid until 31 May 2009.

Article 5

For administrative purposes, the code number assigned to the product group 'lubricants' shall be '27'.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 26 April 2005.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

FRAMEWORK

The aims of the criteria

These criteria aim in particular at promoting those products that:

- are of reduced harm to the water and soil during use, and
- lead to reduced CO₂ emissions.

Assessment and verification requirements

The specific assessment and verification requirements are indicated within each criterion.

Where the applicant is required to provide declarations, documentation, analyses, test reports, or other evidence to show compliance with the criteria to the competent body, it is understood that these may originate from the applicant and/or his supplier(s) and/or their supplier(s), etc., as appropriate. The supplier of the additive, additive package or base fluid may provide the relevant information directly to the competent body.

Where appropriate, test methods other than those indicated for each criterion may be used if the competent body assessing the application accepts their equivalence.

Where appropriate, competent bodies may require supporting documentation and may carry out independent verifications.

The competent bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or EN ISO 14001, when assessing applications and monitoring compliance with the criteria

(NB: it is not required to implement such management schemes.)

CRITERIA

1. R-phrases indicating environmental and human health hazards

The product shall not have been assigned any R-phrase at the time of applying for the eco label, indicating environmental and human health hazards according to Directive 1999/45/EC. The following R-phrases are considered relevant for this product group:

R 20, R 21, R 22, R 23, R 24, R 25, R 26, R 27, R 28, R 33, R 34, R 35, R 36, R 37, R 38, R 39, R 40, R 41, R 42, R 43, R 45, R 46, R 48, R 49, R 50, R 51, R 52, R 53, R 59, R 60, R 61, R 62, R 63, R 64, R 65, R 66, R 67, R 68, and combinations thereof.

Assessment and verification of criterion 1

Conformity with criterion 1 shall be stated in writing and signed by the applicant company.

All main components included in the product shall be unambiguously stated, giving their names and where applicable, their Einecs or Elincs number and the concentrations in which they are used.

The producer of the product shall provide the competent body with:

- a product safety data sheet (meeting the requirements of Commission Directive 91/155/EEC ⁽¹⁾).
- safety data sheets of applicant suppliers (meeting the requirements of Directive 91/155/EEC and Council Directive 67/548/EEC ⁽²⁾) for each main component.

⁽¹⁾ OJ L 76, 22.3.1991, p. 35.

⁽²⁾ OJ L 196, 16.8.1967, p. 1.

Sufficient data shall be available to allow for the evaluation of the environmental hazards (indicated by the R-phrases: R 50, R 50/53, R 51/53, R 52, R 52/53, R 53), of the product in accordance with Directives 91/155/EEC and 1999/45/EC.

The evaluation of a product for hazards to the environment shall be performed by the conventional method as indicated in Annex III to Directive 1999/45/EC. However, as defined by part C of Annex III to that Directive, the results of testing the preparation (either the product preparation or the additive package) as such can be used to modify the classification concerning the aquatic toxicity that would have been obtained using the conventional method.

2. Additional aquatic toxicity requirements

The applicant shall demonstrate compliance by meeting the requirements of either criterion 2.1 or criterion 2.2.

Criterion 2.1. Requirements for the preparation and main components

Data are required on the aquatic toxicity of:

- the preparation, and
- the main components.

The critical concentration for the aquatic toxicity of each main component shall be at least 100 mg/l. The test shall be carried out on algae and daphnia (OECD 201 and 202).

For hydraulic oils the critical concentration for the aquatic toxicity shall be at least 100 mg/l.

For greases, chainsaw oils, concrete release agents and other total loss lubricants the critical concentration for the aquatic toxicity shall be at least 1 000 mg/l.

Greases may be evaluated by providing data for the preparation and the main components only if the thickener shows ultimate biodegradation (see criterion 3) or inherent biodegradation according to:

- a biodegradation > 70 % in the OECD 302 C test for inherent biodegradation or equivalent test methods, or
- a biodegradation > 20 % but < 60 % after 28 days in the OECD 301 tests based on oxygen depletion or carbon dioxide generation, or
- biodegradation > 60 % in ISO 14593 (CO₂ headspace test).

The test on the preparation shall be carried out on all three groups of species (OECD 201, 202, and 203).

Table 1 summarises the requirements for the different product subgroups according to criterion 2.1.

Table 1

Aquatic toxicity requirements for the different product subgroups — Data requirements for the preparation and main components

Criterion 2.1	Hydraulic fluids	Greases (*)	Chainsaw oils, concrete release agents and other total loss lubricants	Two-stroke oils
<i>Aquatic toxicity for the fully formulated product in all three of the acute toxicity tests OECD 201, 202 and 203</i>	≥ 100 mg/l	≥ 1 000 mg/l	≥ 1 000 mg/l	≥ 1 000 mg/l
<i>Aquatic toxicity for each individual main component in OECD 201 and 202</i>	≥ 100 mg/l	≥ 100 mg/l	≥ 100 mg/l	≥ 100 mg/l

(*) Greases can be evaluated in this way only if the thickener shows a biodegradation > 70 % in the OECD 302 C or equivalent test methods or biodegradation > 20 % but < 60 % after 28 days in OECD tests based on oxygen depletion or carbon dioxide generation.

Assessment and verification of criterion 2.1

Reports shall be submitted to the competent body including the data on the aquatic toxicity of the preparation and all main components by making use of either existing material from registrations or new tests, allowing compliance to be demonstrated with the requirements set out in table 1.

The aquatic toxicity of the preparation shall be determined according to the OECD 201, 202 and 203 or equivalent methods.

The aquatic toxicity of each individual main component shall be determined according to the OECD 201 and 202 or equivalent methods.

Criterion 2.2. Requirements for each constituent substance

Aquatic toxicity data shall be provided for each constituent substance intentionally added in the product. One or more substances exhibiting a certain degree of aquatic toxicity are allowed in the lubricant for a cumulative mass concentration as indicated in Table 2.

Table 2

Aquatic toxicity requirements for the different product subgroups — Data requirements for each constituent substance

Criterion 2.2	Cumulative mass concentration of substances present in			
Aquatic toxicity	Hydraulic fluids	Greases	Chainsaw oils, concrete release agents and other total loss lubricants	Two-stroke oils
10 mg/l < Acute toxicity (*) ≤ 100 mg/l or 1 mg/l < NOEC ≤ 10 mg/l	≤ 20	≤ 25	≤ 5	≤ 25
1 mg/l < Acute toxicity (*) ≤ 10 mg/l or 0,1 mg/l < NOEC ≤ 1 mg/l	≤ 5	≤ 1	≤ 0,5	≤ 1
Acute toxicity (*) < 1 mg/l or NOEC ≤ 0,1 mg/l	≤ 1	≤ 0,1	≤ 0,1	≤ 0,1

(*) EC50/LC50/IC50.

Assessment and verification of criterion 2.2

Reports shall be submitted to the competent body including the data on the aquatic toxicity of each constituent substance by making use of either existing material from registrations or new tests, demonstrating compliance with the requirements set out in Table 2.

The aquatic toxicity of each constituent substance shall be determined according to the OECD 201 and 202 or equivalent methods.

Assessment and verification of both criteria 2.1 and 2.2

In the case of slightly soluble components (< 10 mg/l) the method of the water accommodated fraction (WAF) can be used in the aquatic toxicity determination. The established loading level, sometimes referred to as LL50 and related to the lethal loading, may be used directly in the classification criteria. The preparation of a water accommodated fraction shall follow the recommendations set out according to one of the following guidelines; ECETOC Technical Report No 20 (1986), Annex III to OECD 1992 301 or the ISO Guidance document ISO 10634, or ASTM D6081-98 (Standard practice for Aquatic Toxicity Testing for Lubricants: Sample Preparation and Results Interpretation or equivalent methods).

The acute aquatic toxicity study on algae and daphnia (OECD 201 and 202) does not need to be conducted when:

- the substance is unlikely to cross biological membranes $MM > 800$ or molecular diameter $> 1,5 \text{ nm}$ ($> 15 \text{ Å}$),
- or the substance is highly insoluble in water (water solubility $< 10 \text{ µg/l}$),

as such substances are not regarded as toxic for algae and daphnia in the aquatic system.

Similarly, the acute aquatic toxicity study on daphnia (OECD 202) does not need to be considered when a long-term toxicity study on Daphnia's according to OECD 211 or equivalent one is available.

The water solubility of substances shall be determined where appropriate according to OECD 105 (or equivalent tests).

If chronic toxicity data are available (results of OECD 210 and 211 tests or equivalent methods), these may be used instead of acute aquatic toxicity data. Absence of chronic toxicity data shall be stated in writing and signed by the applicant.

3. Biodegradability and bioaccumulative potential

The product shall not contain substances that are both:

- non-biodegradable,
- and
- (potentially) bioaccumulative.

However, the product may contain one or more substances with a certain degree of degradability and potential or actual bioaccumulation up to a cumulative mass concentration as indicated in Table 3.

Table 3

Requirements for biodegradability and bioaccumulative potential

Biodegradation	Cumulative mass concentration of substances is			
	Hydraulic fluids	Greases	Chainsaw oils, concrete release agents and other total loss lubricants	Two-stroke oils
<i>Non-biodegradable (*)</i>	≤ 5	≤ 10	≤ 5	≤ 10
<i>Inherently aerobically biodegradable</i>	≤ 5	≤ 20	≤ 5	≤ 20
<i>Ultimately aerobically biodegradable</i>	≥ 90	≥ 75	≥ 90	≥ 75

(*) NB: substances that are both non-biodegradable and bioaccumulative substances are not permitted.

Assessment and verification of criterion 3

Conformity shall be demonstrated by providing the following information:

- reports including the data on the biodegradability of each constituent substance if this is not adequately shown on the safety data sheets provided for each substance,
- reports including the data on the bioaccumulative potential of each constituent substance:
 - for non-biodegradable substances, and
 - for toxic and very toxic substances that are readily biodegradable (for classification purposes).

The biodegradability shall be determined for each constituent substance in the product separately by test methods specified below (or equivalent tests).

A substance is considered **ultimately biodegradable** (aerobic) if:

1. In a 28-day biodegradation study according to OECD 301 A-F or equivalent tests the following levels of biodegradation are achieved:
 - in OECD 301 tests based upon dissolved organic carbon ≥ 70 %,
 - in OECD 301 tests based upon oxygen depletion or carbonic dioxide generation ≥ 60 % of the theoretical maxima.

2. The BOD₅/ThOD or BOD₅/COD ratio is larger than 0,5.

In the OECD test the 10-day window principle will not necessarily apply. If the substance reaches the biodegradation pass level within 28 days but not within the 10-day time-window, a slower degradation rate is assumed.

A substance is considered **inherently biodegradable** if it shows:

- a biodegradation > 70 % in the OECD 302 C test for inherent biodegradation or equivalent test method, or
- a biodegradation > 20 % but < 60 % after 28 days in the OECD 301 tests based on oxygen depletion or carbon dioxide generation, or
- biodegradation ≥ 60 % in ISO 14593 (CO₂ headspace test).

A substance whose primary function is thickening shall be considered inherently aerobically biodegradable if it shows a biodegradation higher than 20 % in the OECD 302 C for inherent biodegradation or equivalent test methods. All of the aquatic toxicity requirements shall then apply also to the degradation products, which have been scientifically proven to be derivatives of the thickener, after exposure to the aquatic environment.

A substance is non-biodegradable if it fails the criteria for ultimate and inherent biodegradability.

A substance does not bioaccumulate if its MM > 800 or has a molecular diameter > 1,5 nm (> 15 Å).

A substance with MM < 800 or molecular diameter < 1,5 nm (< 15 Å) does not bioaccumulate if:

- the octanol-water partition coefficient log K_{ow} < 3 or > 7, or
- the measured BCF is ≤ 100. Since most substances used in lubricants are quite hydrophobic the BCF-value should be based on the lipid weight content and care must be shown to ensure a sufficient exposure time.

Test methods

The tests to be applied for the determination of ready biodegradability are the OECD 301 A-F series, or ISO and ASTM equivalents or the BOD₅/(ThOD or COD) ratio. The BOD₅/(ThOD or COD) ratio can only be used if no data based on the OECD 301 or any other equivalent test methods are available. The BOD₅ shall be assessed according to C.5 (Commission Directive 92/69/EEC ⁽¹⁾) or equivalent methods while the COD according to C.6 (Directive 92/69/EEC) or equivalent methods. For the determination of the inherent biodegradability the OECD 302 C or equivalent test methods are to be applied.

The applicant may also use read-across data to estimate the biodegradability of a substance. 'Read-across' for the assessment of the biodegradability of a substance shall be acceptable if the reference substance differs by only one functional group or fragment from the substance applied in the product. If the reference substance is readily or inherently biodegradable and the functional group has a positive effect on the aerobic biodegradation then the applied substance may also be regarded as readily or inherently biodegradable. Functional groups or fragments with a positive effect on the biodegradation are: aliphatic and aromatic alcohol [-OH], aliphatic and aromatic acid [-C(=O)-OH], aldehyde [-CHO], Ester [-C(=O)-O-C], amide [-C(=O)-N or -C(=S)-N]. Adequate and reliable documentation of the study on the reference substance should be provided. In case of a comparison with a fragment, not included here above, adequate and reliable documentation of the studies should be provided on the positive effect of the functional group on the biodegradation of structurally similar substances.

The log octanol/water partition coefficient (log K_{ow}) shall be assessed according to OECD 107, 117 or the draft 123 or any other equivalent test method. The bioconcentration factor (BCF) shall be assessed according to OECD 305.

Log K_{ow} values are applicable to organic chemicals only. To assess the bioaccumulation potential of non-organic compounds, some surfactants, and some organo-metallic compounds, BCF measurements shall be carried out.

⁽¹⁾ OJ L 383, 29.12.1992, p. 113.

If the test cannot be performed (e.g. the substance has a high surface activity or does not dissolve in water or in octanol), a calculated value for $\log K_{ow}$ as well as details of the calculation method shall be provided.

The following calculation methods are allowed for the $\log K_{ow}$: CLOGP for a $\log K_{ow}$ between 0 and 9, LOGKOW (KOWWIN) for a $\log K_{ow}$ between -4 and 8, AUTOLOGP for a $\log K_{ow}$ greater than 5 as laid down in Commission Regulation (EC) No 1488/94 ⁽¹⁾, which is supported by a technical guidance document (TGD).

4. Exclusion of specific substances

Substances appearing in the Community list of priority substances in the field of water policy and the OSPAR List of Chemicals for Priority Action, both referred to the version applicable in December 2004, shall not be intentionally added as an ingredient in a product eligible for the Community eco-label.

Organic halogen compounds and nitrite compounds shall not be intentionally added as an ingredient in a product eligible for the Community eco-label.

Metals or metallic compounds shall not be intentionally added as an ingredient in a product eligible for the Community eco-label with the exception of sodium, potassium, magnesium and calcium. In the case of thickeners, also lithium and/or aluminium compounds may be used up to concentrations limited by the other criteria included in this Annex.

Assessment and verification of criterion 4

Conformance with these requirements shall be stated in writing and signed by the applicant.

5. Renewable raw materials

The formulated product shall have a carbon content derived from renewable raw materials that shall be:

- $\geq 50\%$ (m/m) for hydraulic oils,
- $\geq 45\%$ (m/m) for greases,
- $\geq 70\%$ (m/m) for chainsaw oils, concrete release agents and other total loss lubricants,
- $\geq 50\%$ (m/m) for two-stroke oils.

Carbon content derived from renewable raw material means the mass percentage of component A $\times$ [number of C-atoms in component A, which are derived from (vegetable) oils or (animal) fats divided by the total number of C-atoms in component A] plus mass percentage of component B $\times$ [number of C-atoms in component B, which are derived from (vegetable) oils or (animal) fats divided by the total number of C-atoms in component B] plus the mass percentage of component C $\times$ [number of C-atoms in component C], and so on.

Assessment and verification of criterion 5

The applicant shall provide the competent body with a declaration of compliance with this criterion.

6. Technical performance

Hydraulic fluids shall at least meet the technical performance criteria laid down in ISO 15380, Tables 2 to 5.

Greases shall be 'fit for purpose'.

Chainsaw oils shall at least meet the technical performance criteria laid down in the RAL UZ 48 of the Blue Angel.

Concrete release agents and other total loss lubricants shall be fit for purpose.

Two-stroke oils shall at least meet the technical performance criteria laid down in 'NMMA Certification for two-stroke cycle gasoline engine lubricants' of NMMA TC-W3.

⁽¹⁾ OJ L 161, 29.6.1994, p. 3.

Assessment and verification of criterion 6

The applicant shall provide the competent body with a declaration of compliance with this criterion, together with related documentation.

7. Information appearing on the eco-label

Box 2 of the eco-label shall contain the following text: 'reduced harm for water and soil during use; reduced CO₂ emissions'.

Assessment and verification of criterion 7

The applicant shall provide the competent body with a sample of the product packaging showing the label, together with a declaration of compliance with this criterion.

COMMISSION DECISION

of 29 April 2005

amending Decision 1999/659/EC fixing an indicative allocation by Member State of the allocations under the European Agricultural Guidance and Guarantee Fund Guarantee Section for rural development measures for the period 2000 to 2006

(notified under document number C(2005) 1320)

(Only the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish texts are authentic)

(2005/361/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ⁽¹⁾, and in particular Article 46(2) thereof,

Whereas:

- (1) By Decision 1999/659/EC ⁽²⁾, the Commission determined the initial allocations to the Member States for rural development measures part-financed by the EAGGF Guarantee Section for the period 2000 to 2006.
- (2) In accordance with Article 46(3) of Regulation (EC) No 1257/1999, initial allocations shall be adjusted on the basis of actual expenditure and revised expenditure forecasts submitted by the Member States taking into account programmes objectives.
- (3) In accordance with Article 57(2) of Commission Regulation (EC) No 817/2004 of 29 April 2004 laying down detailed rules for the application of the Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽³⁾, the Commission shall adapt the initial allocations per Member State fixed by Decision 1999/659/EC within two months of the adoption of the budget for the financial year concerned.

- (4) The adaptation of the initial allocations has to take into account the financial execution realised by Member States in the years 2000-2004 and the revised forecasts for 2005 and 2006, submitted before 1 October 2004.

- (5) Decision 1999/659/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 1999/659/EC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 29 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 80. Regulation as last amended by Regulation (EC) No 2223/2004 (OJ L 379, 24.12.2004, p. 1).

⁽²⁾ OJ L 259, 6.10.1999, p. 27. Decision as last amended by Decision 2004/592/EC (OJ L 263, 10.8.2004, p. 24).

⁽³⁾ OJ L 153, 30.4.2004, p. 30.

ANNEX
‘ANNEX
Support for rural development EAGGF Guarantee (2000-2006)

	(million EUR)						Total period (revised allocations)	Total envelope "Berlin"					
	2000	2001	2002	2003	2004 (*)	2006 (***)							
	Realised expenditure					Initial allocation	Forecast	Revised allocation	Initial allocation	Forecast	Revised allocation		
Belgium	25,9	31,7	47,9	46,2	48,9	55,7	55,2	55,2	56,9	54,3	54,3	310,1	379,0
Denmark	34,2	35,4	49,7	45,9	44,3	52,2	53,6	53,0	62,0	63,9	63,9	326,4	348,8
Germany	683,0	708,1	730,6	799,1	799,9	794,2	852,9	806,6	808,7	848,0	781,3	5 308,6	5 308,6
Greece	146,8	75,5	160,3	136,4	125,6	148,6	175,5	150,9	159,9	178,1	178,1	973,6	993,4
Spain	395,3	539,8	448,5	500,1	512,1	520,9	535,2	529,1	494,2	542,6	542,6	3 467,5	3 481,0
France	474,1	609,5	678,5	832,3	839,2	862,4	909,8	875,9	1 075,0	1 105,3	1 105,3	5 414,8	5 763,4
Ireland	344,4	326,6	333,0	341,0	350,1	356,5	356,5	356,5	338,6	338,6	337,3	2 388,9	2 388,9
Italy	755,6	658,7	649,9	655,4	635,3	673,3	683,4	683,4	412,8	805,2	474,0	4 512,3	4 512,3
Luxembourg	6,7	9,6	12,8	16,8	16,2	13,6	14,7	13,8	13,9	13,9	13,9	89,8	91,0
Netherlands	59,8	54,8	48,9	69,4	67,7	62,2	69,5	63,2	61,0	48,5	48,5	412,3	417,0
Austria	459,0	453,2	440,4	458,1	468,7	478,7	478,7	478,7	450,4	450,6	450,0	3 208,1	3 208,1
Portugal	132,1	197,8	167,7	153,1	193,3	226,3	226,3	226,3	231,4	254,1	254,1	1 324,4	1 516,8
Finland	332,5	326,7	320,1	337,0	329,7	328,2	340,9	333,4	223,4	320,6	219,9	2 199,3	2 199,3
Sweden	175,6	150,8	163,1	165,8	163,8	169,1	170,6	170,6	138,5	157,7	140,2	1 129,9	1 129,9
United Kingdom	151,2	180,5	162,3	148,7	154,2	168,2	162,4	162,4	183,2	188,6	188,6	1 147,9	1 168,0
not yet allocated					0,0			0,0			167,8		
Total	4 176,2	4 358,7	4 413,7	4 705,3	4 749,0	4 910,1	5 085,2	4 959,0	4 709,9	5 370,0	5 019,8	32 213,9	32 905,5
(a) budget appropriations	(**) 4 184	4 495	4 595	4 698	4 803			4 910					
(b) carry-over	0	0	99	49,3	41,2			49,0					
(a) + (b)	4 184	4 495	4 694	4 747,3	4 844,2			4 959,0					
Financial perspectives 1b	4 386	4 495	4 595	4 698	4 803			4 910			5 020		
(*) Expenditure data 2004 before financial clearance of accounts. (**) After transfer of EUR 100 million from 1a) to 1b) at the end of the financial year. (***) Amounts for 2006 do not include modulation.													

(*) Expenditure data 2004 before financial clearance of accounts.

(**) After transfer of EUR 100 million from 1a) to 1b) at the end of the financial year.

(***) Amounts for 2006 do not include modulation.

COMMISSION DECISION

of 2 May 2005

approving the plan for the eradication of African swine fever in feral pigs in Sardinia, Italy

(notified under document number C(2005) 1255)

(Only the Italian text is authentic)

(Text with EEA relevance)

(2005/362/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever⁽¹⁾ and in particular Article 16(1) thereof,

Whereas:

- (1) African swine fever is present in feral pigs in the province of Nuoro, Sardinia, Italy.
- (2) In 2004 a serious recrudescence of the disease has occurred in Sardinia. Italy has in relation with this recrudescence reviewed the measures so far taken to eradicate the disease, in the frame work of Directive 2002/60/EC.
- (3) In relation to this recrudescence, the Commission has reviewed the measures adopted at Community level in relation to African swine fever in Sardinia and has adopted Commission Decision 2005/363/EC of 2 May 2005 concerning animal health protection measures against African swine fever in Sardinia, Italy⁽²⁾.
- (4) Pursuant to Directive 2002/60/EC, Italy has submitted for approval a plan for the eradication of African swine fever in feral pigs in the region of Sardinia, that also includes measures to prevent spread of disease in domestic pigs.
- (5) The plan submitted identifies zones in Sardinia which pose a different level of risk in relation to African swine fever and where different disease surveillance and control measures should be introduced.

(6) The plan for the eradication of African swine fever in feral pigs, as submitted by Italy, has been examined and found to comply with Directive 2002/60/EC.

(7) For the sake of transparency it is appropriate to set out in this Decision the geographical areas where the eradication plan is to be implemented.

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

HAS ADOPTED THIS DECISION:

Article 1

The plan submitted by Italy for the eradication of African swine fever in feral pigs in the area as set out in the Annex is approved.

Article 2

Italy shall immediately take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 2 May 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 192, 20.7.2002, p. 27. Directive as amended by the 2003 Act of Accession.

⁽²⁾ See page 38 of this Official Journal.

ANNEX

Areas where the eradication plan is to be implemented in the region of Sardinia, Italy**A. *Infected zone***

The territory of the zone named Montarbu in the province of Nuoro located on part of the territory of the municipalities of Arzana, Gairo, Osini, Seui and Ussassai.

B. *High risk area*

- (a) The whole territory of the province of Nuoro excluding the area as referred to in point A.
- (b) In the province of Sassari, the territory of the municipalities of Ala' dei Sardi, Anela, Banari, Benetutti, Bessude, Bonnanaro, Bono, Bonorva, Borutta, Bottidda, Budduso', Bultei, Burgos, Cheremule, Cossoine, Esporlatu, Giave, Illorai, Ittireddu, Mores, Nughedu di San Nicolo', Nule, Pattada, Siligo, Thiesi and Torralba.

C. *Surveillance zone*

The territory of the region of Sardinia excluding the areas as referred to in points A and B.

COMMISSION DECISION

of 2 May 2005

concerning animal health protection measures against African swine fever in Sardinia, Italy

(notified under document number C(2005) 1321)

(Text with EEA relevance)

(2005/363/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽³⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Decision 2003/514/EC of 10 July 2003 concerning health protection measures against African swine fever in Sardinia, Italy ⁽⁴⁾ was adopted in response to the presence of African swine fever in the province of Nuoro, Sardinia, Italy.
- (2) In 2004, a serious recrudescence of African swine fever occurred in Sardinia. African swine fever must still be considered an endemic disease in the domestic and feral pig population of the province of Nuoro. Some outbreaks of that disease in domestic pigs have, however, also been notified in other provinces of Sardinia.
- (3) The disease situation is liable to endanger the pig herds in other regions of Italy and in other Member States, in view of trade in live pigs, pig semen, ova and embryos and pig meat, pig meat products and other products containing pig meat.

- (4) Italy has taken measures to combat African swine fever in Sardinia within the framework of Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever ⁽⁵⁾.
- (5) Italy has reviewed the measures taken so far to combat the disease in the light of the recrudescence of the disease in 2004.
- (6) Commission Decision 2005/362/EC of 2 May 2005 approving the plan for the eradication of African swine fever in feral pigs in Sardinia, Italy ⁽⁶⁾ was adopted in order to approve the plan for the eradication of African swine fever in feral pigs submitted by Italy.
- (7) In the light of the current epidemiological situation, it is appropriate to apply further Community measures to the whole territory of Sardinia as regards the movement of live pigs and pig semen, ova and embryos and the dispatch of pig meat, pig meat products and products containing pig meat.
- (8) It is appropriate to provide for certain derogations from the measures provided for in this Decision for pig meat originating from pigs which have entered Sardinia as pigs for slaughter in accordance with Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽⁷⁾ or Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽⁸⁾ or Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC ⁽⁹⁾ or that satisfies certain requirements of this Decision.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33).

⁽²⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁴⁾ OJ L 178, 17.7.2003, p. 28.

⁽⁵⁾ OJ L 192, 20.7.2002, p. 27. Directive as amended by the 2003 Act of Accession.

⁽⁶⁾ See page 36 of this Official Journal.

⁽⁷⁾ OJ L 21, 29.7.1964, p. 1977/64. Directive as last amended by Regulation (EC) No 1/2005 (OJ L 3, 5.1.2005, p. 1).

⁽⁸⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽⁹⁾ OJ L 139, 30.4.2004, p. 321.

- (9) It is also appropriate to provide for certain derogations for pig meat products and other products containing pig meat obtained from meat that entered Sardinia as fresh pig meat in accordance with Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat ⁽¹⁾ or in accordance with Directive 2002/99/EC or that comply with Council Directive 77/99/EEC of 21 December 1976 on health problems affecting the production and marketing of meat products and certain other products of animal origin ⁽²⁾ or that satisfy certain requirements of this Decision.
- (10) In order to ensure that pig meat, pig meat products and other products containing pig meat, not fulfilling certain animal health requirements are not dispatched from Sardinia and to ensure the traceability of such pig meat and products, the pig meat should be specially marked. These special marks must be such that they cannot be confused with the oval stamp for pig meat provided for in point 50 of Chapter XI of Annex I to Directive 64/433/EEC, or after its date of application the health mark in accordance with Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽³⁾, and with the oval stamp for pig meat products and other products containing pig meat provided for in point 4 of Chapter VI of Annex B to Directive 77/99/EEC, or after its date of application the identification mark in accordance with Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽⁴⁾.
- (11) Decision 2003/514/EC should therefore be repealed.
- (12) 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

Subject matter and scope

This Decision lays down animal health rules on:

- (a) the movement of live pigs, pig semen, ova and embryos and the dispatch of pig meat, pig meat products and any other products containing pig meat originating from Sardinia; and

⁽¹⁾ OJ L 121, 29.7.1964, p. 2012/64. Directive as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 26, 31.1.1977, p. 85. Directive as last amended by the 2003 Act of Accession.

⁽³⁾ OJ L 139, 30.4.2004, p. 206. Regulation as amended by Regulation (EC) No 882/2004 (OJ L 165, 30.4.2004, p. 1).

⁽⁴⁾ OJ L 139, 30.4.2004, p. 55.

- (b) the marking of pig meat, pig meat products or any other products containing pig meat in Sardinia.

Article 2

Definitions

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

- (a) 'pig' as defined in Article 2(a) of Directive 2002/60/EC;
- (b) 'pig meat' means all parts of pigs which are suitable for human consumption;
- (c) 'pig meat products' means processed products resulting from the processing of pig meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;
- (d) 'other products containing pig meat' means products for human consumption containing pig meat or pig meat products.

Article 3

Prohibition on the movement of live pigs, pig semen, ova and embryos and on the dispatch of pig meat, pig meat products and any other products containing pig meat from Sardinia

Italy shall prohibit the following:

- (a) the movement of live pigs from Sardinia;
- (b) the movement of pig semen, ova and embryos from Sardinia; and
- (c) the dispatch of pig meat, pig meat products and any other products containing pig meat from Sardinia.

Article 4

Special marking of pig meat, pig meat products and any other products containing pig meat in Sardinia

Italy shall ensure that the pig meat, pig meat products and any other products containing pig meat originating from pigs slaughtered in Sardinia are marked with a special health or identification mark which cannot be confused with the Community stamp and shall, in particular, not be oval.

*Article 5***Derogation from Articles 3 and 4 as regards pig meat**

1. By way of derogation from Article 3(c), Italy may authorise the dispatch of pig meat from Sardinia to areas outside Sardinia if the conditions provided for in paragraphs 2 to 5 of this Article are fulfilled.

2. The pig meat must originate:

(a) either from pigs:

(i) which have entered Sardinia as pigs for slaughter in accordance with Directive 64/432/EEC or Directive 72/462/EEC or Directive 2004/68/EC; and

(ii) which comply with the conditions set out in Annex II(A);

(b) or from pigs:

(i) which have been kept for at least four months before the date of transport to the slaughterhouse on the holding of origin in Sardinia which must be located outside the areas listed in Annex I; and

(ii) which comply with the conditions set out in Annex II.

3. The pig meat shall be produced, stored and processed in establishments:

(a) which are approved for that purpose by the competent authority; and

(b) in which the pig meat is produced, stored or processed separately from other meat not complying with paragraph 2.

4. By way of derogation from Article 4 of this Decision, the pig meat must be marked with the oval stamp provided for in point 50 of Chapter XI of Annex I to Directive 64/433/EEC or, after its date of application, with the health mark in accordance with Regulation (EC) No 854/2004.

5. The pig meat shall be:

(a) subjected to veterinary certification in accordance with Article 5 of Directive 2002/99/EC; and

(b) be accompanied when leaving Sardinia by the intra trade certificate laid down in Commission Regulation (EC) No 599/2004⁽¹⁾ completed with the specific sanitary requirement set out in Annex III to this Decision.

*Article 6***Derogation from Articles 3 and 4 as regards pig meat products and any other products containing pig meat**

1. By way of derogation from point (c) of Article 3, Italy may authorise the dispatch of pig meat products and any other products containing pig meat from Sardinia to areas outside Sardinia if the conditions provided for in paragraphs 2 to 5 of this Article are fulfilled.

2. The products must either:

(a) be obtained from meat that has entered Sardinia as fresh pig meat in accordance with Directive 64/433/EEC or Directive 2002/99/EC; or

(b) be obtained from pig meat that complies with Article 5 of this Decision; or

(c) comply with Article 4(1) of Directive 2002/99/EC and have undergone a treatment that is effectively recognised to eliminate the African swine fever virus as set out in Annex III to that Directive

3. The products shall be produced, stored and processed in establishments:

(a) which are approved for that purpose by the competent authority; and

(b) in which only products complying with paragraph 2 are produced, stored or processed.

4. By way of derogation from Article 4, the products must be marked with the oval stamp provided for in point 4 of Chapter VI of Annex B to Directive 77/99/EEC or, after its date of application, with the identification mark in accordance with Regulation (EC) No 853/2004.

5. The products shall be:

(a) subjected to the veterinary certification in accordance with Article 5 of Directive 2002/99/EC; and

⁽¹⁾ OJ L 94, 31.3.2004, p. 44.

(b) be accompanied when leaving Sardinia by the intra trade certificate laid down by Regulation (EC) No 599/2004 completed with the specific sanitary requirement set out in Annex IV to this Decision.

Article 7

Communication to the Commission and the other Member States

Italy shall communicate to the Commission and the other Member States, every six months from the date of Decision, the following:

- (a) the updated list of the approved establishments referred to in Articles 5(3) and 6(3); and
- (b) the list of all consignments of pig meat, pig meat products and any other products containing pig meat that have been certified as provided for in Articles 5(4) and 6(4); and

(c) any relevant information on the application of this Decision.

Article 8

Repeal

Decision 2003/514/EC is repealed.

Article 9

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 2 May 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

Areas of Sardinia as referred to in point (b)(i) of Article 5(2)

- (a) In the province of Nuoro: the whole territory.
 - (b) In the province of Sassari: the territory of the municipalities of Ala' dei Sardi, Anela, Banari, Benetutti, Bessude, Bonnanaro, Bono, Bonorva, Borutta, Bottidda, Budduso', Bultei, Burgos, Cheremule, Cossoine, Esporlatu, Giave, Illorai, Ittireddu, Mores, Nughedu di San Nicolo', Nule, Pattada, Siligo, Thiesi and Torralba.
-

ANNEX II

Conditions as referred to in Article 5(2)

Section A

General provisions for pigs referred to Article 5(2)(a) and (b)

On arrival at the slaughterhouse, the pigs referred to in Article 5(2)(a) and (b) are kept and slaughtered separately from other pigs, not complying with the provisions of Article 5(2) so that any direct or indirect contact is prevented.

Section B

Specific provisions for pigs referred to in Article 5(2)(b)

1. The holding of origin of the pigs referred to in Article 5(2)(b) shall comply with the following:
 - (a) be located at least 10 km distant from any outbreak of African swine fever which has occurred in the three months prior to the date of transport to the slaughterhouse of the pigs referred to in Article 5(2)(b);
 - (b) be located in a province where a plan for the surveillance and prevention of African swine fever is in place under the supervision of the competent authority and where monitoring and prevention measures have been regularly applied accordingly;
 - (c) no pigs have been introduced into the holding during the 30 days prior to the date of transport to the slaughterhouse of the pigs referred to in Article 5(2)(b);
 - (d) be approved by the competent veterinary authority for the purpose in this point.
2. The pigs referred to in Article 5(2)(b) shall be transported from the holding of origin referred to in point 1 of this Section to a slaughterhouse subject to the following conditions:
 - (a) an official veterinarian has carried out the following:
 - (i) the checking and sampling procedures set out in Chapter IV, D of the Annex to Commission Decision 2003/422/EC ⁽¹⁾; the derogation on the sampling of the pigs set out in point 6 of that Chapter IV, D shall apply *mutatis mutandis*; and
 - (ii) a check of the register and the pig identification marks provided for in Articles 4 and 5 of Council Directive 92/102/EEC ⁽²⁾;
 - (b) the checking and sampling procedures referred to in point (a) have shown no evidence of African swine fever and the check referred to in that point shows compliance with Articles 4 and 5 of Directive 92/102/EEC;
 - (c) the vehicles used for the transport of the pigs referred to in Article 5(2)(b) were cleansed and disinfected in accordance with Article 12 of Directive 2002/60/EC and sealed by the competent authority prior to the transport;
 - (d) the competent authority responsible for the slaughterhouse is informed of the intention to send the pigs referred to in Article 5(2)(b) and that authority notifies the competent authority responsible for the holding of origin of their arrival.
3. During *ante* and *post mortem* inspection carried out at the slaughterhouse, the competent authority takes into account any signs of the presence of African swine fever.

⁽¹⁾ OJ L 143, 11.6.2003, p. 35.

⁽²⁾ OJ L 355, 5.12.1992, p. 32.

EUROPEAN COMMUNITY

Fresh meat restricted area

Part II: Certification	II. Health information	II.a. Certificate reference number	II.b. Local reference number								
	I, the undersigned official veterinarian, certify that the meat described above Animal health attestation: was obtained in a slaughterhouse situated in a restricted region or area of (name), due to (name of the disease) according to the Decision (number) and conforms to the requirement of Article(s) of this Decision.										
	Official veterinarian or official inspector <table border="0"> <tr> <td>Name (in capitals)</td> <td>Qualification and title</td> </tr> <tr> <td>Local Veterinary Unit</td> <td>No of the related LVU</td> </tr> <tr> <td>Date</td> <td>Signature</td> </tr> <tr> <td>Stamp</td> <td></td> </tr> </table>			Name (in capitals)	Qualification and title	Local Veterinary Unit	No of the related LVU	Date	Signature	Stamp	
Name (in capitals)	Qualification and title										
Local Veterinary Unit	No of the related LVU										
Date	Signature										
Stamp											

ANNEX IV

to Commission Decision 2005/000/EC

EUROPEAN COMMUNITY

Meat products restricted area

Part II: Certification	II. Health information	II.a. Certificate reference number	II.b. Local reference number								
	I, the undersigned official veterinarian, certify that the meat described above Animal health attestation: were obtained in an establishment situated in a restricted region or area of (name), due to (name of the disease) according to the Decision (number) and conforms to the requirement of Article(s) of this Decision.										
	Official veterinarian or official inspector <table border="0"> <tr> <td>Name (in capitals)</td> <td>Qualification and title</td> </tr> <tr> <td>Local Veterinary Unit</td> <td>No of the related LVU</td> </tr> <tr> <td>Date</td> <td>Signature</td> </tr> <tr> <td>Stamp</td> <td></td> </tr> </table>			Name (in capitals)	Qualification and title	Local Veterinary Unit	No of the related LVU	Date	Signature	Stamp	
Name (in capitals)	Qualification and title										
Local Veterinary Unit	No of the related LVU										
Date	Signature										
Stamp											

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

COUNCIL DECISION 2005/364/CFSP
of 12 April 2005
concerning the conclusion of the Agreement between the European Union and Romania on security
procedures for the exchange of classified information

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Treaty on European Union, and in particular Articles 24 and 38 thereof,

The Agreement between the European Union and Romania on security procedures for the exchange of classified information is hereby approved on behalf of the European Union.

Having regard to the recommendation from the Presidency,

The text of the Agreement is attached to this Decision.

Whereas:

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the European Union.

(1) At its meeting on 27 and 28 November 2003, the Council decided to authorise the Presidency, assisted by the Secretary-General/High Representative (SG/HR), to open negotiations in accordance with Articles 24 and 38 of the Treaty on European Union with certain third States, in order for the European Union to conclude with each of them an Agreement on security procedures for the exchange of classified information.

Article 3

This Decision shall take effect on the date of its adoption.

(2) Following this authorisation to open negotiations, the Presidency, assisted by the SG/HR, negotiated an Agreement with Romania on security procedures for the exchange of classified information.

Article 4

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

Done at Luxembourg, 12 April 2005.

(3) The Agreement should be approved,

For the Council
The President
J.-C. JUNCKER

AGREEMENT**between Romania and the European Union on security procedures for the exchange of classified information**

ROMANIA,

of the one part, and

THE EUROPEAN UNION, hereinafter the EU, represented by the Presidency of the Council of the European Union

of the other part,

hereinafter referred to as the Parties,

CONSIDERING THAT Romania and the EU share the objectives to strengthen their own security in all ways and to provide their citizens with a high level of safety within an area of security;

CONSIDERING THAT Romania and the EU agree that consultations and cooperation should be developed between them on questions of common interest relating to security;

CONSIDERING THAT, in this context, a permanent need therefore exists to exchange classified information between Romania and the EU;

RECOGNISING THAT full and effective consultation and cooperation may require access to Romania and EU classified information and material, as well as the exchange of classified information and related material between Romania and the EU;

CONSCIOUS THAT such access to, and exchange of, classified information and related material require appropriate security measures,

HAVE AGREED AS FOLLOWS:

Article 1

In order to fulfil the objectives of strengthening the security of each of the Parties in all ways, this Agreement shall apply to classified information or material in any form either provided or exchanged between the Parties.

Article 2

For the purposes of this Agreement, classified information shall mean any information (namely, knowledge that can be communicated in any form) or material determined to require protection against unauthorised disclosure and which has been so designated by a security classification (hereinafter classified information).

Article 3

For the purposes of this Agreement, 'EU' shall mean the Council of the European Union (hereinafter the Council), the Secretary General/High Representative and the General Secretariat of the Council, and the Commission of the European Communities (hereinafter the European Commission).

Article 4

Each Party shall:

- (a) protect and safeguard classified information subject to this Agreement provided or exchanged by the other Party;
- (b) ensure that classified information subject to this Agreement provided or exchanged keeps the security classification given to it by the providing Party. The receiving Party shall protect and safeguard the classified information according to the provisions set out in its own security regulations for information or material holding an equivalent security classification, as specified in the security arrangements to be established pursuant to Articles 11 and 12;
- (c) not use such classified information subject to this Agreement for purposes other than those established by the originator and those for which the information is provided or exchanged;

(d) not disclose such classified information subject to this Agreement to third parties, or to any EU institution or entity not mentioned in Article 3, without the prior consent of the originator.

Article 5

1. Classified information may be disclosed or released, in accordance with the principle of originator control, by one Party, 'the providing Party', to the other Party, 'the receiving Party'.

2. For release to recipients other than the Parties to this Agreement, a decision on disclosure or release of classified information shall be made by the receiving Party following the consent of the providing Party, in accordance with the principle of originator control as defined in its security regulations.

3. In implementing paragraphs 1 and 2, no generic release shall be possible unless procedures are established and agreed between the Parties regarding certain categories of information, relevant to their operational requirements.

Article 6

Each of the Parties, and entities thereof as defined in Article 3, shall have a security organisation and security programmes, based upon such basic principles and minimum standards of security which shall be implemented in the security systems of the Parties to be established pursuant to Articles 11 and 12, to ensure that an equivalent level of protection is applied to classified information subject to this Agreement.

Article 7

1. The Parties shall ensure that all persons who, in the conduct of their official duties require access, or whose duties or functions may afford access, to classified information provided or exchanged under this Agreement are appropriately security cleared before they are granted access to such information.

2. The security clearance procedures shall be designed to determine whether an individual can, taking into account his or her loyalty, trustworthiness and reliability, have access to classified information.

Article 8

The Parties shall provide mutual assistance with regard to security of classified information subject to this Agreement

and matters of common security interest. Reciprocal security consultations and inspections shall be conducted by the authorities as defined in Article 11 to assess the effectiveness of the Security Arrangements within their respective responsibility to be established pursuant to Articles 11 and 12.

Article 9

1. For the purpose of this Agreement:

(a) as regards the EU:

all correspondence shall be sent to the Council at the following address:

Council of the European Union
Chief Registry Officer
Rue de la Loi/Wetstraat, 175
B-1048 Brussels.

All correspondence shall be forwarded by the Chief Registry Officer of the Council to the Member States and to the European Commission subject to paragraph 2;

(b) as regards Romania:

all correspondence shall be sent, where appropriate via the Mission of Romania to the European Union, to Oficiul Registrului National al Informatiilor Secrete de Stat (ORNISS) at the following address:

Guvernul Romaniei
Oficiul Registrului National al Informatiilor Secrete de Stat (ORNISS)
Str. Mures nr. 4, Sector 1
Bucuresti
Romania.

2. Exceptionally, correspondence from one Party which is only accessible to specific competent officials, organs or services of that Party may, for operational reasons, be addressed and only be accessible to specific competent officials, organs or services of the other Party specifically designated as recipients, taking into account their competencies and according to the need to know principle. As far as the EU is concerned, this correspondence shall be transmitted through the Chief Registry Officer of the Council.

Article 10

The Government of Romania and the Secretaries-General of the Council and of the European Commission shall oversee the implementation of this Agreement.

Article 11

In order to implement this Agreement:

1. Oficiul Registrului National al Informatiilor Secrete de Stat (ORNISS), under the direction and on behalf of the Government of Romania, acting in the name of the Government of Romania and under its authority, shall be responsible for developing Security Arrangements for the protection and safeguarding of classified information provided to Romania under this Agreement;
2. The General Secretariat of the Council Security Office, under the direction and on behalf of the Secretary General of the Council, acting in the name of the Council and under its authority shall be responsible for developing security arrangements for the protection and safeguarding of classified information provided to the EU under this Agreement;
3. The European Commission Security Directorate, acting in the name of the European Commission and under its authority, shall be responsible for developing security arrangements for the protection of classified information provided or exchanged under this Agreement within the European Commission and its premises.

Article 12

The security arrangements to be established pursuant to Article 11 in agreement between the three Offices concerned will lay down the standards of the reciprocal security protection for classified information subject to this Agreement. For the EU, these standards shall be subject to approval by the Council Security Committee.

Article 13

The authorities defined in Article 11 shall establish procedures to be followed in the case of proven or suspected compromise of classified information subject to this Agreement.

Article 14

Prior to the provision of classified information subject to this Agreement between the Parties, the responsible security autho-

rities defined in Article 11 must agree that the receiving Party is able to protect and safeguard the information subject to this Agreement in a way consistent with the arrangements to be established pursuant to Articles 11 and 12.

Article 15

This Agreement shall in no way prevent the Parties from concluding other Agreements relating to the provision or exchange of classified information subject to this Agreement provided that they do not conflict with the provisions of this Agreement.

Article 16

All differences between the EU and Romania arising out of the interpretation or application of this Agreement shall be dealt with by negotiation between the Parties.

Article 17

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.

2. This Agreement may be reviewed for consideration of possible amendments at the request of either Party.

3. Any amendment to this Agreement shall only be made in writing and by common agreement of the Parties. It shall enter into force upon mutual notification as provided under paragraph 1.

Article 18

This Agreement may be denounced by one Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party, but shall not affect obligations already contracted under the provisions of this Agreement. In particular, all classified information provided or exchanged pursuant to this Agreement shall continue to be protected in accordance with the provisions set forth herein.

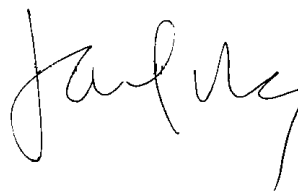
IN WITNESS WHEREOF the undersigned, respectively duly authorised, have signed this Agreement.

Done at Brussels, this day of 22 April 2005 in two copies each in the English language.

For Romania

A handwritten signature in black ink, appearing to be 'C. Cioloș', written in a cursive style.

For the European Union

A handwritten signature in black ink, appearing to be 'J. Durão', written in a cursive style.

COUNCIL DECISION 2005/365/CFSP**of 14 April 2005****concerning the conclusion of the Agreement between the European Union and the Republic of Bulgaria on security procedures for the exchange of classified information**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Treaty on European Union, and in particular Articles 24 and 38 thereof,

The Agreement between the European Union and the Republic of Bulgaria on security procedures for the exchange of classified information is hereby approved on behalf of the European Union.

Having regard to the recommendation from the Presidency,

The text of the Agreement is attached to this Decision.

Whereas:

Article 2

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

- (1) At its meeting on 27 and 28 November 2003, the Council decided to authorise the Presidency, assisted by the Secretary-General/High Representative (SG/HR), to open negotiations in accordance with Articles 24 and 38 of the Treaty on European Union with certain third States, in order for the European Union to conclude with each of them an Agreement on security procedures for the exchange of classified information.

Article 3

This Decision shall take effect on the date of its adoption.

- (2) Following this authorisation to open negotiations, the Presidency, assisted by the SG/HR, negotiated an Agreement with the Republic of Bulgaria on security procedures for the exchange of classified information.

Article 4

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

Done at Luxembourg, 14 April 2005.

- (3) The Agreement should be approved,

For the Council

The President

L. FRIEDEN

AGREEMENT**between the Republic of Bulgaria and the European Union on the security procedure for the exchange of classified information**

THE REPUBLIC OF BULGARIA,

of the one part, and

THE EUROPEAN UNION, hereafter the 'EU', represented by the Presidency of the Council of the European Union,

of the other part,

hereinafter referred to as 'the Parties',

CONSIDERING THAT the Republic of Bulgaria and the EU share the objectives to strengthen their own security in all ways and to provide their citizens with a high level of safety within an area of security;

CONSIDERING THAT the Republic of Bulgaria and the EU agree that consultations and cooperation should be developed between them on questions of common interest relating to security;

CONSIDERING THAT, in this context, a permanent need therefore exists to exchange classified information between the Republic of Bulgaria and the EU;

RECOGNISING THAT full and effective consultation and cooperation may require access to the Republic of Bulgaria and EU classified information and material, as well as the exchange of classified information and related material between the Republic of Bulgaria and the EU;

CONSCIOUS THAT such access to, and exchange of, classified information and related material requires appropriate security measures,

HAVE AGREED AS FOLLOWS:

Article 1

In order to fulfill the objectives of strengthening the security of each of the Parties in all ways, this Agreement shall apply to classified information or material in any form either provided or exchanged between the Parties.

Article 2

For the purposes of this Agreement, classified information shall mean any information (namely, knowledge that can be communicated in any form) or material determined to require protection against unauthorised disclosure and which has been so designated by a security classification given to it by either party to this Agreement (hereinafter classified information).

Article 3

For the purposes of this Agreement, 'EU' shall mean the Council of the European Union (hereinafter the Council), the Secretary General/High Representative and the General Secretariat of the Council, and the Commission of the European Communities (hereinafter the European Commission).

Article 4

Each Party shall:

- (a) protect and safeguard classified information subject to this Agreement provided or exchanged by the other Party;
- (b) ensure that classified information subject to this Agreement provided or exchanged keeps the security classification given to it by the providing Party. The receiving Party shall protect and safeguard the classified information according to the provisions set out in its own security regulations for information or material holding an equivalent security classification, as specified in the security arrangements to be established pursuant to Articles 11 and 12;
- (c) not use such classified information subject to this Agreement for purposes other than those established by the originator and those for which the information is provided or exchanged;

- (d) not disclose such classified information subject to this Agreement to third parties, or to any EU institution or entity not mentioned in Article 3, without the prior consent of the originator.

Article 5

1. Classified information may be disclosed or released, in accordance with the principle of originator control, by one Party, 'the providing Party', to the other Party, 'the receiving Party'.
2. For release to recipients other than the Parties to this Agreement, a decision on disclosure or release of classified information shall be made by the receiving Party following the consent of the providing Party, in accordance with the principle of originator control as defined in its security regulations.
3. In implementing paragraphs 1 and 2, no generic release shall be possible unless procedures are established and agreed between the Parties regarding certain categories of information, relevant to their operational requirements.

Article 6

Each of the Parties, and entities thereof as defined in Article 3, shall have a security organisation and security programmes, based upon such basic principles and minimum standards of security which shall be implemented in the security systems of the Parties to be established pursuant to Articles 11 and 12, to ensure that an equivalent level of protection is applied to classified information subject to this Agreement.

Article 7

1. The Parties shall ensure that all persons who, in the conduct of their official duties require access, or whose duties or functions may afford access, to classified information provided or exchanged under this Agreement are appropriately security cleared before they are granted access to such information.
2. The security clearance procedures shall be designed to determine whether an individual can, taking into account his or her loyalty, trustworthiness and reliability, have access to classified information.

Article 8

The Parties shall provide mutual assistance with regard to security of classified information subject to this Agreement and matters of common security interest. Reciprocal security consultations and inspections shall be conducted by the authorities as defined in Article 11 to assess the effectiveness of the Security Arrangements within their respective responsibility to be established pursuant to Articles 11 and 12.

Article 9

1. For the purpose of this Agreement:

- (a) as regards the Republic of Bulgaria:

all correspondence shall be addressed via the Mission of the Republic of Bulgaria to the European Union, at the following address:

Mission of the Republic of Bulgaria to the European Union
Registry Officer
Rue d'Arlon, 108
B-1040 Brussels

to the Ministry of Foreign Affairs which shall forward all necessary information to the Central Registry at the State Commission on Information Security for the purpose of registration

- (b) as regards the EU:

all correspondence shall be sent to the Council at the following address:

Council of the European Union
Chief Registry Officer
Rue de la Loi/Wetstraat, 175
B-1048 Brussels.

All correspondence shall be forwarded by the Chief Registry Officer of the Council to the Member States and to the European Commission subject to paragraph 2.

2. Exceptionally, correspondence from one Party which is only accessible to specific competent officials, organs or services of that Party may, for operational reasons, be addressed and only be accessible to specific competent officials, organs or services of the other Party specifically designated as recipients, taking into account their competencies and according to the need to know principle. As far as the European Union is concerned, this correspondence shall be transmitted through the Chief Registry Officer of the Council.

Article 10

The State Commission on Information Security of the Republic of Bulgaria and the Secretaries-General of the Council and of the European Commission shall oversee the implementation of this Agreement.

Article 11

In order to implement this Agreement:

1. the State Commission on Security of Information of the Republic of Bulgaria, acting in the name of the Government of the Republic of Bulgaria and under its authority, shall be responsible for developing security arrangements for the protection and safeguarding of classified information provided to the Republic of Bulgaria under this Agreement;

2. The General Secretariat of the Council Security Office (hereinafter the GSC Security Office), under the direction and on behalf of the Secretary General of the Council, acting in the name of the Council and under its authority, shall be responsible for developing security arrangements for the protection and safeguarding of classified information provided to the EU under this Agreement.

3. The European Commission Security Directorate, acting in the name of the European Commission and under its authority, shall be responsible for developing security arrangements for the protection of classified information provided or exchanged under this Agreement within the European Commission and its premises.

Article 12

The security arrangements to be established pursuant to Article 11 in agreement between the three Offices concerned shall lay down the standards of the reciprocal security protection for classified information subject to this Agreement. For the EU, these standards shall be subject to approval by the Council Security Committee.

Article 13

The Authorities defined in Article 11 shall establish procedures to be followed in the case of proven or suspected compromise of classified information subject to this Agreement.

Article 14

Prior to the provision of classified information subject to this Agreement between the Parties, the responsible security authorities defined in Article 11 must agree that the receiving Party is able to protect and safeguard the information subject to this Agreement in a way consistent with the arrangements to be established pursuant to Articles 11 and 12.

Article 15

This Agreement in no way prevents the Parties from concluding other Agreements relating to the provision or exchange of classified information subject to this Agreement provided that they do not conflict with the provisions of this Agreement.

Article 16

All differences between the EU and the Republic of Bulgaria arising out of the interpretation or application of this Agreement shall be dealt with by negotiation between the Parties.

Article 17

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.

2. This Agreement may be reviewed for consideration of possible amendments at the request of either Party.

3. Any amendment to this Agreement shall only be made in writing and by common agreement of the Parties. It shall enter into force upon mutual notification as provided under paragraph 1.

Article 18

This Agreement may be denounced by one Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party, but shall not affect obligations already contracted under the provisions of this Agreement. In particular, all classified information provided or exchanged pursuant to this Agreement shall continue to be protected in accordance with the provisions set forth herein.

IN WITNESS WHEREOF the undersigned, respectively duly authorised, have signed this Agreement.

Done at Brussels, this twenty-fifth day of April 2005 in two copies each in the English language.

For the Republic of Bulgaria



For the European Union

